

# MONTEREY COUNTY PLANNING COMMISSION

JULY 11, 2018

AGENDA ITEM NO. 4



## Additional Correspondence

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REF100042/REF130043 Short-Term Rental Ordinances

**FOR ADDITIONAL INFORMATION CONTACT:**

Melanie Beretti, RMA Service Manager  
Monterey County Resource Management Agency  
1441 Schilling Place, 2nd Floor South, Salinas CA, 93901  
(831) 755-5285 or [berettim@co.monterey.ca.us](mailto:berettim@co.monterey.ca.us)

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to Planning Commission  
comment on Draft Ordinance

clerk of  
the Board

1. Many rules and regulations but no mention of who enforces or code enforcement.
2. Why wait to take a close look at traffic. Public Works has the figures for traffic and accidents at the mouth of the valley on Carmel Valley Road and the CHP has the traffic and accidents for Highway one from Rio Road to the Pebble Beach turn-off. You should also talk to the EMT,s and Emergency room personal to find out if traffic delays are making patients sicker or with greater disabilities.
3. If you are equating STR's with Visitor serving units, you should use the same traffic count for both. It is 8.2 car trips per unit on all weekdays.
4. Visitor serving units: A number are required to serve the handicapped. No such requirement exists for short term rentals. Why not?
5. In the study group for str's as Dave Potter set this up, we had agreed on limits for the number of short term rentals for anyone property. I do not see that limit anywhere in the draft. There was a home in Tehama offered as a short term rentals with 14 bedrooms. It seems as if all 14 bedrooms could be used under the draft!

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	REF 10042/RET 30143
DATE RECEIVED	7/11/18
SUBMITTED BY/VIA	public hearing
DISTRIBUTION TO/DATE	7/11/18
DATE OF HEARING	7/11/18

Margaret Robbins  
agenda item #4

(1)



RANCHO CANADA MARRIOTT LODGE PROJECT HAS ATTENTIVE AUDIENCE  
... Nick Lombardo tells group it will optimize top-of-the-line recreational facilities

(Herald photo by E)



OFF FOR A TOUR OF THE GOLF COURSE, NOT A GOLFER IN SIGHT

Ed Demars, county planning director, drives lead cart, accompanied by Robert Shuman Jr., zoning administrator

## Developer Resort Fie

By Margo Burke  
Herald Staff Writer

A no-holds-barred public meeting Thursday preceded a golf cart tour of areas proposed for the 376-room Rancho Canada Marriott resort hotel and complex in lower Carmel Valley.

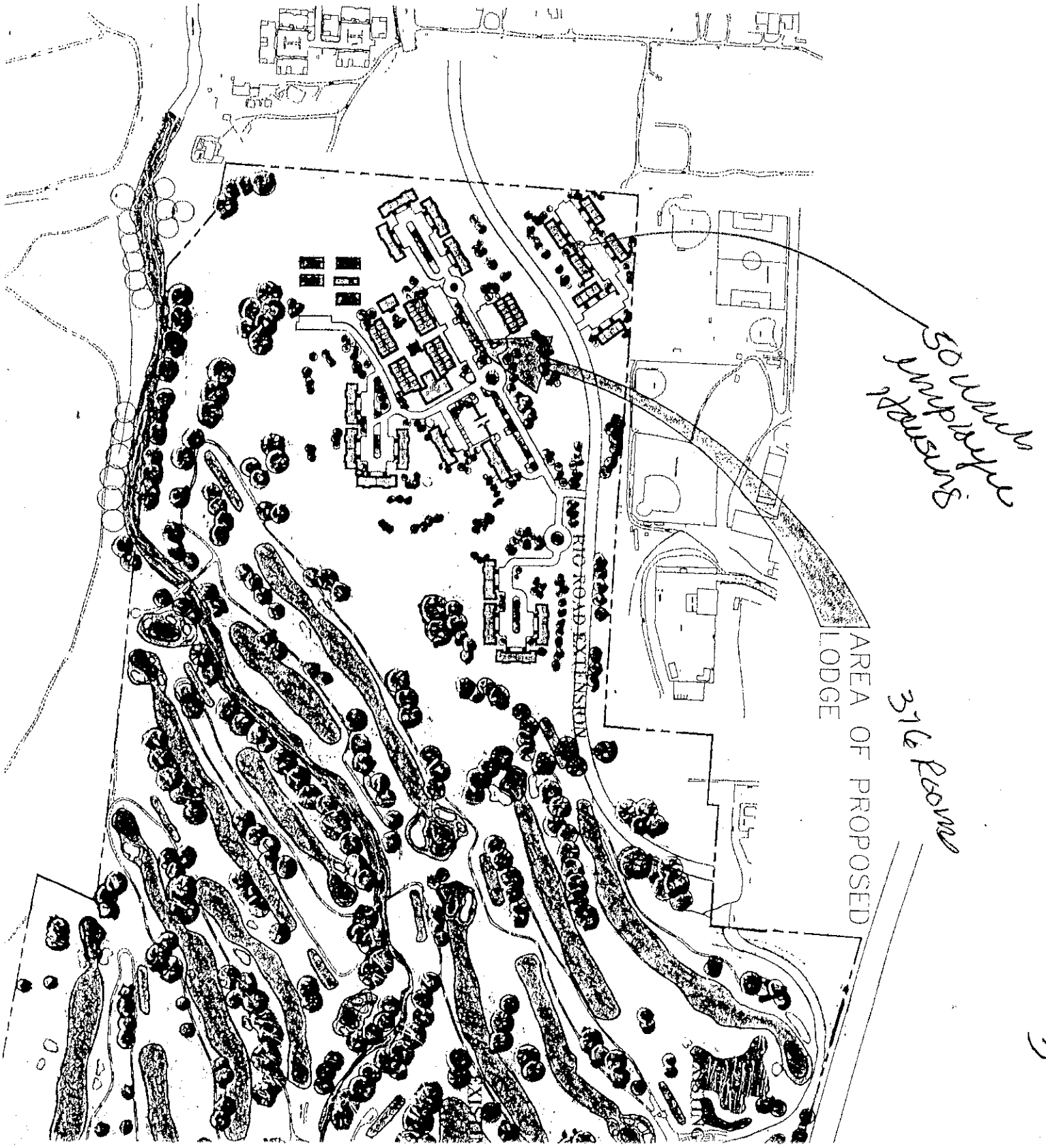
Nick Lombardo, president and developer of Rancho Canada Golf Club, opened by getting a "few things off chest," and then fielded questions, many of them critical, from some of the persons who attended. Most of them previously were opposed to the project.

Holding up a copy of The Herald which pictured members of the Old Carmel group soliciting anti-Marriott petition signatures, Lombardo said he was "personally upset," with the criticisms. He said that earlier in the day he had received several calls asking

Proposed Marriott hotel  
376-rooms



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*Sylvette Baird*  
26110 Rio Vista Dr.  
Carmel, CA. 93923

## Divided Board of Supervisors Passes Marriott EIR Report

SALINAS — A divided board of county supervisors gave approval to the environmental impact report for the proposed 376-room Rancho Canada Marriott resort hotel and lodge complex at a well-attended public hearing on Tuesday.

The vote was 3 to 2, with Supervisors Sam Farr and Dusan Petrovic voting no.

The swing vote this time, on the controversial Carmel Valley project, was Supervisor Michal Moore of Monterey.

### EIR Issue

Moore said that the issue was not approval of the project, but whether the EIR is adequate. Later, he said, it will be decided if the use of the 271-acre site is "appropriate use of the land."

His vote was joined by that of Supervisors Edwin Norris and Kenneth Blohm. Norris made no statement at the hearing, and Blohm remarked only that the EIR was a good and complete one.

Adamantly opposing EIR certification was Petrovic who said that the "area is so critical and the project so big" that the issues cannot be covered in one report.

### Project Approval

Norris told Petrovic that approval of the EIR does not mean approval of the project.

"Then why lead them (the developers) up the garden path?" Petrovic asked.

"These are businessmen using risk capital," Norris responded.

Farr said that he opposed approval of the EIR on the conflicting opinions of the amount of water needed for the project and because of the seismic hazard situation. Farr added, "We operate under law, not political whim."

Farr said that there are many questions about the proposed project that cannot be settled in the near future, and that he didn't know when all the answers could be given.

Dep. County Counsel Jose Ramos told the board that the EIR is an informational document, and that the issue to be decided is whether it is complete with

"all information reasonable at this time."

Petrovic insisted that it is difficult to separate the EIR from the project and that lower Carmel Valley could be likened to the mouth of a tunnel. The sensitive area would affect the whole valley, he said, and as in the case of a shipwreck "lifeboats can carry only so many."

The Tuesday hearing was closed to public discussion by supervisors after the previous session on Feb. 13.

But despite this, numerous valley residents journeyed to Salinas to attend the hearing.

### Called Victory

"This is a major victory for the developer," one remarked later. "I can't remember when EIR approval has been followed by the denial of a project."

Planning Director Edward DeMars said that the next step in the project will be consideration of the use permit which is tentatively slated for March 29 before the county Planning Commission.

That date, DeMars said, is the earliest the commission could schedule a hearing, but it does not mean that the developer is committed to proceed at that time.

### Principal Interests

Principal interests involved in the project include representatives of the Marriott Corporation in Bethesda, Md. and Rancho Canada de la Segunda, Inc. Participants in the latter are Nick Lombardo of the Rancho Canada Golf Club and stockholder Willard Branson, former 5th District Supervisor.

Plans detailed for the complex in the EIR call for 372 individual bedrooms with bath, and four presidential villas. The present golf course is to be modified from the 36-hole course to 27-holes, with the addition of 12 tennis courts and an informal spectator area.

In full operation, the resort hotel is expected to employ 350, a majority to be filled by the unemployed in the area, according to the developer (Other board action on page 5.).

*Carmel by the Sea  
Sued Warner - Wren*

*Herald, Wednesday, Feb. 15, 1978*

6/3/2018

XFINITY Connect RE\_ 175 unit hotel on Ranvho Canada Golf Course Printout

Richard Stott <rhstott@comcast.net>

6/2/2018 4:48 PM

6

**RE: 175 unit hotel on Ranvho Canada Golf Course**

To MARGARET E ROBBINS <mr\_robbins@comcast.net> • eric.sand@icloud.com

Hi Margaret,

This is all I could locate on the county web site. The address is

<https://aca.accela.com/Monterey/Map/CapDetail.aspx?Module=Planning&capID1=HIS02&capID2=00000&capID3=05480>

Dick

Project Location

0 NA

**Record Details**

Licensed Professional:

KELLY 8318837560  
2620 FIRST AVE  
MARINA CA 93933  
Phone:  
Planner

**Project Description:**

LOMBARDO LAND GROUP I LP  
COMBINED DEVELOPMENT PERMIT INCLUDING (1)  
PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT; (2)  
U  
PERMIT AND DESIGN APPROVAL FOR THE DEVELOPMENT OF  
175 HOTEL OR TIMESHARE UNITS AND 50 EMPLOYEE HOUSIN  
UNITS, GOLF COURSE CLUBHOUSE AND RESTAURANT, FOUR  
TENNIS CLUBHOUSE AND TENNIS COURTS, HEALTH CLUB, SP  
ADMINISTRATIVE OFFICES AND RECONFIGURATION OF  
WEST  
GOLF COURSE; AND (3) USE PERMIT FOR DEVELOPMENT  
WITHIN THE CARMEL RIVER FLOODWAY. THE PROPERTY IS  
LOCATED ON CARMEL VALLEY ROAD, CARMEL (ASSESSOR'S  
PARCEL NUMBERS 015-162-039-000, 015-162-017-000, 015-162-025  
000, 015-162-026-000, 015-162-037-000 AND 015-162-040-000), WES  
OF THE INTERSECTION OF CARMEL VALLEY ROAD AND VIA  
MALLORCA.

More Details

Margaret Robbins  
June 3, 2018  
Resubmitted  
7/10/18



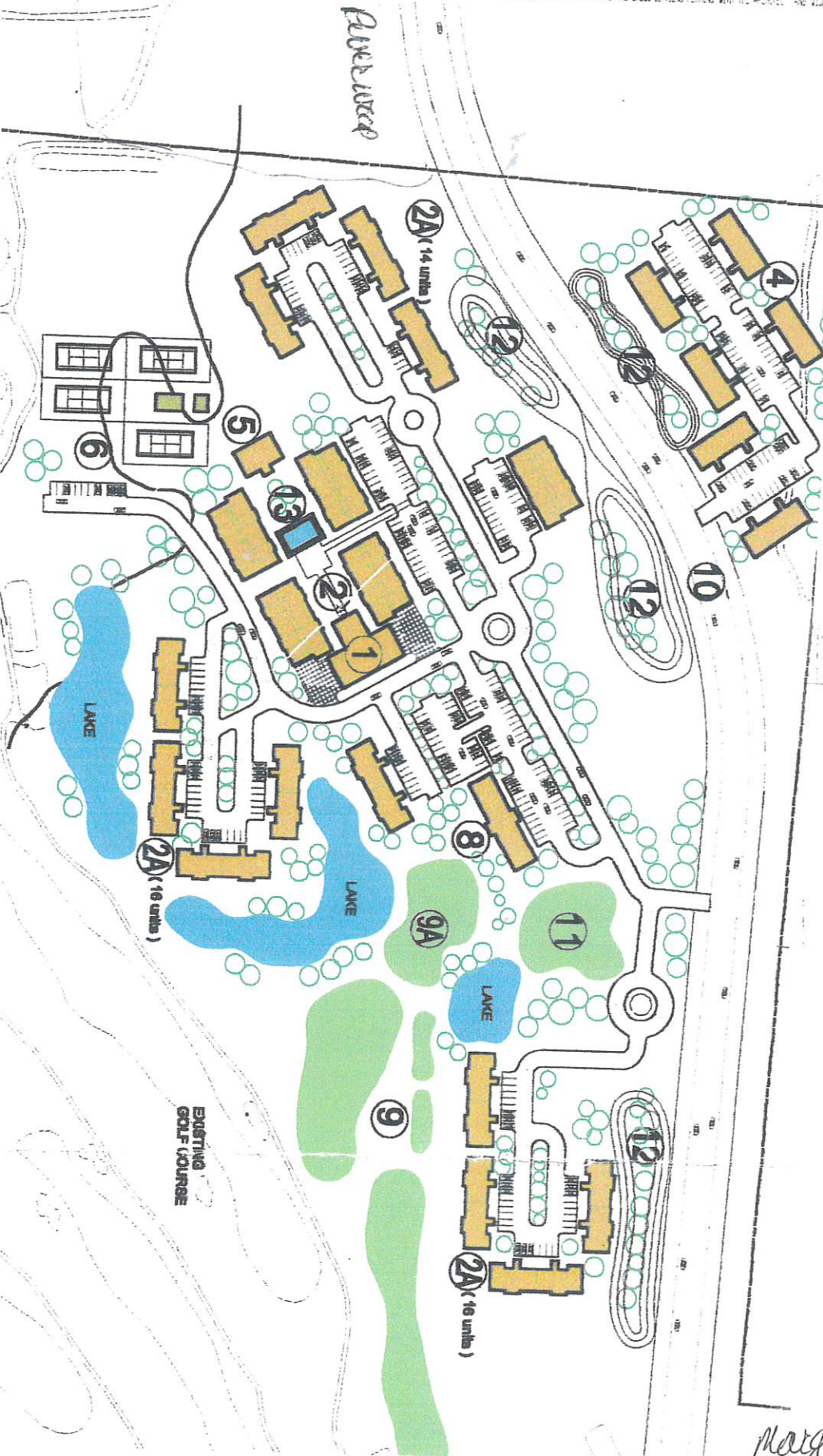
# RANCHO CAÑADA LODGE

## PLAN KEY

1. Porte-Cochers and Administration
2. 175 Hotel Units ( Including 50 Timeshare Units (2A))
3. Hotel Guest Parking
4. 50 Employee Housing Units and Parking

5. Health Club
6. Tennis Courts, Clubhouse and Parking
7. Golf Course Parking
8. Golf Clubhouse, Grill and Cart Storage
9. New Tees, (9A New Green)
10. Rio Road Extension (Right of Way) (elemental)
11. Putting Green
12. Landscape Berm
13. Swimming Pool

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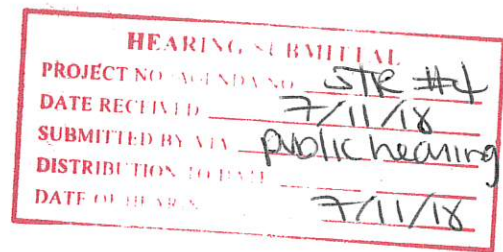




July 11, 2018

Monterey County Planning Commission

**RE: July 11, 2018, Workshop on Short Term Rentals**



Thank you Chairman Vandevere and members of the Planning Commission. My name is Kirk Gafill and I am speaking today on behalf of the Big Sur Local Coastal Plan Defense Committee.

The current staff report recognizes that the availability of housing for residents and workers is a critical constraint identified in the Big Sur Land Use Plan and that with the existing policies limiting the number of caretaker units, Short Term Rentals will likely have an impact on the long-term housing market and affordable housing in Big Sur.

“Home stays” are another type of Short Term Rental that are inconsistent with the current Big Sur Land Use Plan as they contribute to additional visitor serving activities with attendant impacts on Highway 1 traffic capacity and negative impacts on available housing and will further erode the viability of the local community.

The Big Sur Local Coastal Plan Defense Committee was formed to offer a voice to the local community and all others with an interest in the continued preservation of Big Sur on issues related to the Big Sur Local Coastal Plan (LCP). Its purpose is not restricted to the issue of Short Term Rentals, but rather advocates for the adherence to the LCP as the best way to preserve Big Sur and the goals embodied in the LCP.

While we understand that our position on Short Term Rentals, including “Home stays,” in the Big Sur Planning Area, may be interpreted as NIMBYism or inflexible, we believe that the existing adopted and certified restrictions and limitations found in the LCP provide for the critical balance of environmental protections, community viability, and visitor access to the Big Sur Coast.

The number of overnight visitor serving accommodations in Big Sur is already the largest as a proportion relative to the residential population within all communities in Monterey County and allowances for additional overnight accommodations already exist in the form Bed and Breakfast establishments that to date have not been utilized. We can see no basis for compromising on the protections of the Local Coastal Plan to add yet more overnight visitor serving accommodations, however named or described, with the resultant increases in traffic and negative impacts on residential housing.

Please keep in mind that the creation of the Big Sur Land Use Plan in the 1980’s, with its dramatic downzoning of residential properties and highly restrictive limits on number of visitor serving accommodations, represented a Grand Compromise of Big Sur area residential, business, and environmental interests to preserve the environment, local community and allow for visitor access to the area.

Clearly, times have changed and will continue to do so, but the importance of the values of the LCP have not and to the extent that they can be better served by updating and amending the current Plan, then that is the process that should be undertaken to address changes to the Plan.

We thus urge the Planning Commission to direct staff to exclude "Home stays" and "Low-frequency Short Term Rentals" from the Big Sur Planning Area in its drafting of a countywide Short Term Rental Ordinance.

Thank you.

Kirk Gafill  
Big Sur Local Coastal Plan Defense Committee  
Ph: 831.667.7326  
Email: kgafill@nepenthebigsur.com



*Ken Wray*

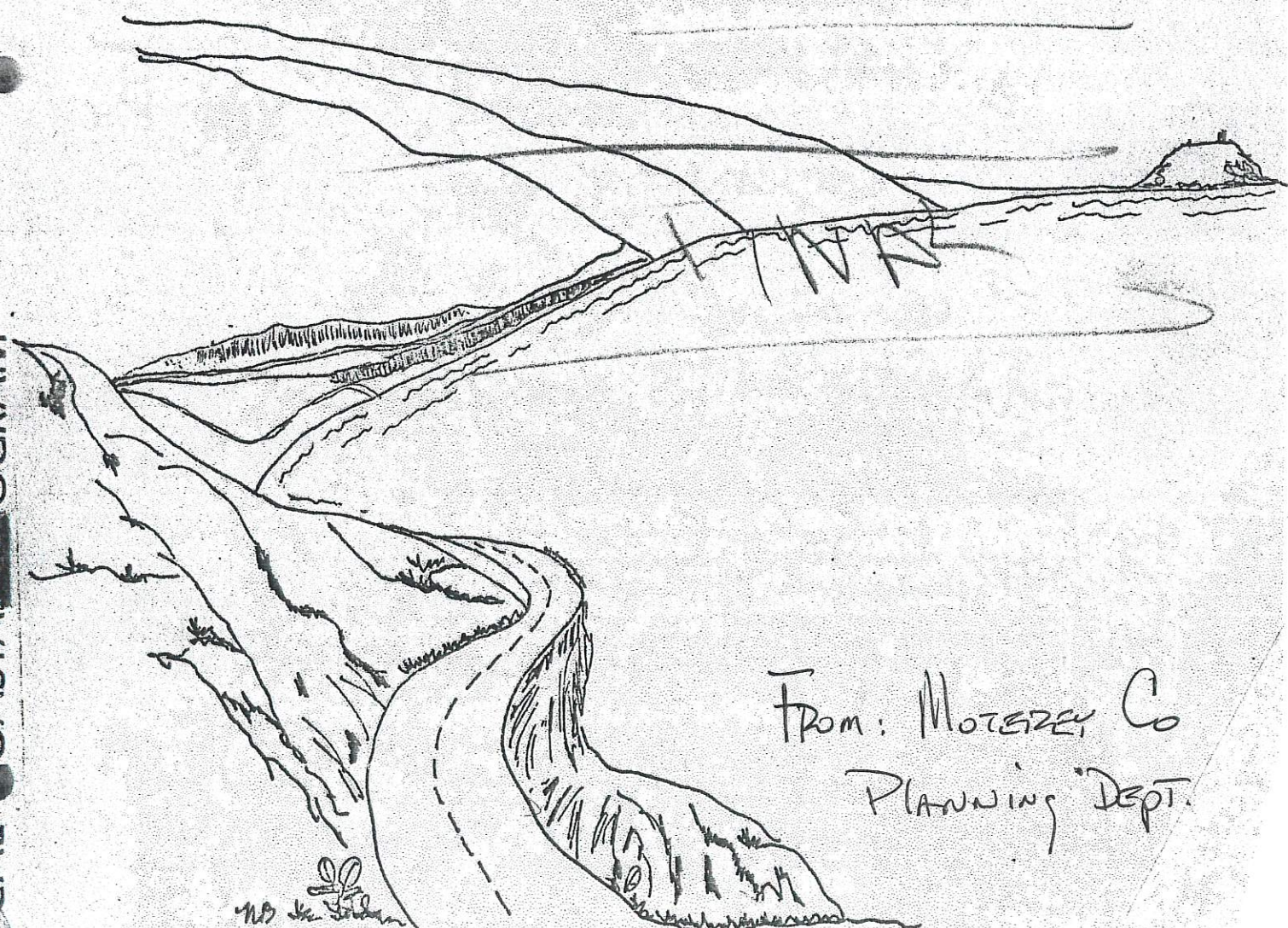
1979  
DRAFT

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	SR #4
DATE RECEIVED	
SUBMITTED BY/VIA	Public @ Hearing
DISTRIBUTION TO/DATE	
DATE OF HEARING	7/11/8

# EXCERPTS FROM: BIG SUR COAST TRANSPORTATION AND HIGHWAY ONE BACKGROUND REPORT

DRAFT COPY

CAL COASTAL PROGRAM



From: Monterey Co  
Planning Dept.

*MS de Sola*



## 1. INTRODUCTION

### 1.1 COASTAL ACT REQUIREMENTS

The prime transportation emphasis of the Coastal Act is to maintain the coast highway, State Highway Route 1, as a scenic two-lane road in rural areas, and to preserve highway capacity for priority uses.

Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

### 1.2 TRANSPORTATION ISSUES

The relationship of Highway One to future development of the Big Sur coast is a key issue as it is already near capacity during peak use periods. The ultimate capacity of the highway will, therefore, be a major constraint on the long range development of Big Sur itself. How the road capacity can be increased without damage to the intrinsic values of Big Sur and how the remaining capacity is to be allocated between visitor and local use represents a major issue of the revised plan.

A closely related issue is what can or should be done to ultimately regulate use levels of the highway between Carmel and Cambria, particularly as need to protect the priority uses of the Coastal Act. This appears necessary to insure that acceptable service levels are preserved so that the highway can meet its essential functions of serving as the sole transportation and emergency route up and down the coast, and in providing a safe, pleasurable scenic and recreational travel experience.

### 1.3 EXISTING TRANSPORTATION POLICIES

Policies addressing the preservation of Highway One as a scenic, rural highway are contained in the Monterey County Transportation Plan, the Monterey County Coast Master Plan, and the Scenic Highways Element of the Monterey County General Plan. In addition, Caltrans has a policy of maintaining

Highway One as a scenic two-lane highway with improvements limited to maintenance and alterations facilitating the safe orderly flow of traffic. Existing policies are adequate to maintain Highway One as a rural two-lane highway. Recommendations for preserving the scenic quality of land adjacent to Highway One are addressed in the Coastal Visual Resource and Special Communities Background Report.

Caltrans is in the process of constructing bicycle paths along the shoulder of Highway One between Carmel and the Big Sur Valley. This is a continuation of the Bicentennial Bike Route program along the Pacific Coast. Policies contained in the Monterey County Transportation Plan propose the separation of bicycle paths from the highway in scenic areas. However, in Big Sur a separate bicycle path would be difficult in most areas to construct and maintain. In addition, a separate bicycle path would probably conflict with resource protection objectives. Adequate programs should be adopted to provide safe bicycling conditions along designated bicycle routes.

The Monterey County Coast Master Plan addresses some of the issues of improving Highway One to decrease traffic congestion and increase capacity in the following policy:

"That turn out areas be developed wherever practicable. These areas should be used to the fullest extent possible to meet traffic demands before attempting to increase the width of the entire highway."

Additional policies need to be adopted to address remaining transportation issues and problems.

#### 1.4 BIG SUR SUBREGIONAL ANALYSIS: FINDINGS AND CONCLUSIONS

The California Coastal Commission conducted a study of development commitment, recreation, transportation, water supply, wastewater treatment, and natural resources for the Big Sur coast. The results were published in The Big Sur Coast: A Subregional Analysis of the Coastal Portion of Monterey and San Luis Obispo Counties, 1977, hereafter referred to as the Big Sur Subregional Analysis. The chapter on transportation provided data and findings that were used as a base to analyze circulation conditions and conflicts in Big Sur. The major findings and conclusions, shown below, were evaluated and where necessary revised in the preparation of this background report.

##### Major Findings of the Big Sur Subregional Analysis

1. "The automobile is the principal mode of transportation in the study area. Public transportation, bicycling, hiking, and equestrian modes are in use, but are insignificant in comparison to automobile use."
2. "On Route 1, traffic volumes rise sharply in the summer months. Summer-time average daily traffic volumes are nearly double the year round average. Moreover, weekend daily traffic volumes are consistently higher

than weekdays for all seasons. Sections of Route 1 near Garrapata Creek which carry significant recreational traffic already experience traffic volumes exceeding Level of Service D and dipping into an unacceptable Level of Service E for several hours on summer weekend days."

3. "Pleasure driving and day-use activities are recreational activities which account for the majority of recreational travel in the Big Sur area. Pleasure driving alone may represent two-thirds of recreational travel in the area; pleasure driving and day-use activities combined may account for a total of 90 percent."
4. "The State and Federal agencies which plan for recreation in the Big Sur area seem comfortable with the expectation that recreational demand for access to the Big Sur area may roughly double over the next 20 to 25 years. Should that materialize, the future recreational travel demand could easily consume all remaining summer weekend roadway capacity on key sections of Route 1, even if there were no additional residential development."
5. "If residential development even approached the scale contemplated by full buildout, the character of the area would be much different from what it is today, and neither the frequency nor the pattern of residential travel would necessarily resemble the present trip-making associated with residents of the current isolated and dispersed 512 dwelling units. The traffic implications of a dwelling unit occupied year round by a family whose household head commutes to Carmel or Monterey for employment differ radically from a dwelling unit which serves as a summer or weekend home."
6. "Based on the consideration of several plausible projections, the impact of full buildout on Route 1 has been estimated by assuming:  
--that, on the average, each dwelling unit contributes at least one vehicle round trip per summer Sunday to Route 1 (a very conservative estimate subject to further analysis).  
--that, these trips would be equally likely to head north as to head south on Route 1 to their future destinations.  
--that, if a single trip distance had to be selected as representative of all such trips, a distance of five miles (one way) might be a reasonable approximation."
7. "The critical section of Route 1 is the 30 mile segment leading south to Big Sur from Malpas Creek. For the planning purposes of this analysis only, a reasonable upper bound capacity value for this section of roadway was established at 10,000 vehicles per day. By comparison, present peak summer Sunday daily traffic is approximately 7,000 vehicles per day. These figures imply that Route 1 might accommodate additional traffic loads up to but not exceeding 3,000 additional vehicles per day on summer weekends."
8. "The relevant transportation planning issue is the competition between anticipated recreational growth and potential residential growth for the scarce remaining capacity on Route 1."

"Since the capacity of the existing highway cannot even support the projected recreational travel demand, no significant capacity appears to remain for future residential development, and future recreational use must be regulated as well."

#### Major Conclusions of the Big Sur Subregional Analysis

1. "Route 1 is not capable of supporting a full buildout population, and hence transportation is the key service constraint on the level of future development. Reasonable assumptions indicate that a maximum number of units which could be accommodated by the existing coast highway fall in the range of up to 8,100 units with considerably fewer units if their occupants generate more than one round trip on peak travel days. However, this much residential development would preclude the anticipated expansion of recreational use of the road and severely alter the visual character and social structure of the region. In fact, with no increased residential use of Route 1, only a small percentage of the anticipated increased recreational demand (33%) could be accommodated. Addressing such circumstances the Coastal Act of 1976 states, "Where existng . . . public works facilities can accommodate only a limited amount of new development, services to . . . public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development." Thus, a literal compliance with this policy would require a limit on residential development at its current level."
2. "Any new development in Big Sur should possibly be of a recreational nature. There is currently a deficiency of accommodations, support facilities (e.g., public rest rooms, information facilities), and non-motorized travel routes (bicycle paths, continuous hiking trail). Some of this development should accommodate persons of low income as specified in the Coastal Act."
3. "Monitoring traffic volumes should be a part of continuing implementation, coupled with a phased growth system for any future development. The remaining development budget could then be periodically adjusted based on actual traffic volumes."

DEC 1975

have many benefits. A management plan for the Carmel Valley watershed would be one major concern of the sub-regional plan.

**Recreational Opportunities.** Implementation of Coastal Plan policies establishing management areas along the shoreline and a coastal trail system will require special consideration in the Fort Ord-Sand City area, Pebble Beach, and south of Point Lobos. State acquisition of oceanfront meadows is underway, and will preserve a beautiful landscape from Carmel Point to Point Lobos. Another important recreation policy will seek to improve access to excellent diving areas such as Cannery Row and Carmel Bay in a manner consistent with resource protection and public safety.

**Special Study Area — Monterey Bay Dunes.** The Monterey Bay Dunes area is literally a sea of sand. Cattle, begonias,

rare dune plants, vernal ponds, commercial sand mines, Army rifle ranges, three sewage treatment plants, a hotel, a freeway, and residential developments share the sandy environment. A special study of this area is recommended to establish appropriate levels of residential and commercial development, public access and recreational use, and wastewater treatment.

The study will involve residents, local jurisdictions, and the U.S. Army in joint efforts to plan for the housing needs of Fort Ord, orderly community growth and concentration of development, effective management of water resources, avoidance of geologic hazards, and protection of the massive dunes and other natural features in the study area. Recommendations for protection of the scenic bay frontage, and for potential restoration of bay views from the freeway will be made.

SUB 5/11

## SUBREGION 8: BIG SUR COAST

[See Plan Maps 27 and 29-32]

The scenic Big Sur area is world-famous for its rugged beauty. Highway 1 from Carmel to San Simeon is a recreational area of national significance, visited each year by more than a million people. Existing conventional and wilderness camping facilities are used to capacity, and thousands of visitors are turned away every year.

**Scenic and Recreational Resources.** Grazing remains an important land use, and is a primary factor in the maintenance of vast scenic landscapes. Access to the shoreline is limited to a very few locations; there is no publicly owned access north of the Big Sur River. Thus, the most popular attraction is the recreational motoring experience, enhanced by brief stops at scenic vistas, restaurants, and craft galleries along the highway.

The U.S. Forest Service manages much of the back country, part of which is protected as the Ventana Wilderness. Between the ocean and Los Padres National Forest, the prime scenic corridor and day-use area of Highway 1, development conflicts are most acute. Although the existing Monterey County Coast Master Plan calls for the maintenance of scenic quality through "low-density" residential zoning, its 2½- to 10-acre minimums could permit as many as 10,000 residences to be built within a 100-square mile coastal watershed area. Water supplies may be inadequate for such growth.

Because of inadequate public facilities, the lack of a public information center, and no public agency with overall management authority, the recreational promise of the Big Sur coast is unfulfilled; problems of trespass, litter, vandalism, stream pollution, and overuse often go unchecked. Disastrous forest fires and mudslides in 1970 and 1972 underline the need for improved, unified resource protection. Nevertheless, because of outstanding scenic qualities, unspoiled beaches, old-growth redwood forests, and central location within a few hours drive of both the State's major population centers, the Big Sur coast represents one of the nation's best remaining preservation opportunities.

**Highway 1 Capacity Constraints.** In addition to possible water supply problems, however, the most obvious constraint on future development is the capacity of Highway 1. Expansion of the road would be very costly and cause severe environmental impacts, conflicting with Coastal Plan policies. Peak weekend traffic is already congested, causing competition between residential and recreational users. Virtually a closed system, the 90-mile stretch of Highway 1 along the Big Sur Coast must serve several major purposes, both in response to traditional demands and to meet Coastal Plan policies.

**Special Study Area — Carmel River to Cambria.** A special study of the Big Sur Coast, from Carmel River to Cambria, is required to resolve access issues, particularly the priorities between recreational and residential use of the remaining capacity of Highway 1, and to establish preservation measures for the scenic landscape. Participation by the U.S. Forest Service, Monterey and San Luis Obispo Counties, and coastal property owners will be essential.

The study should consider several options for achieving the objectives of the Coastal Plan: (1) improve service facilities within existing communities such as Big Sur Village and San Simeon Acres; (2) create alternative development patterns, particularly the clustering of permitted uses outside the viewshed; (3) reduce ultimate residential buildup through substantial acquisitions of land (or development rights) by State or Federal agencies; (4) initiate management actions, such as parking restrictions, to improve the quality of the recreational experience while protecting sensitive areas from overuse; (5) provide Yosemite-style public transportation, the use of which could be encouraged through a modest toll on private recreational vehicles; (6) convert the existing highway to a Big Sur State Parkway in order to provide a practical means of controlling automobile access, providing visitor information, improving fire protection, and funding acquisitions and improvements; and (7) create a system of reserves for management of sensitive areas such as the Malpas Beach-Soberanes Point area.



## McDougal, Melissa x5146

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**From:** kiphopkins@comcast.net  
**Sent:** Tuesday, July 10, 2018 6:38 PM  
**To:** 194-RMAComments  
**Subject:** Fwd: Community Position on Short Term Rental

Hello. I will try to be at that Salinas, Tuesday event. I finally finked on my neighbor, after his years on vrbo-dot-stupid-com!! I'm scared of him! I've looked out my window, about 14,000 times. His 'hotel' has driven me nuts! I almost hate life. My zone is a bit past C.V. Village, and up some hill. Well short of Cachagua Road. Feel free to contact me: email, or 659-4002.

Please fix Monterey County, Kip

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**From:** "Carmel Valley Association" <president@carmelvalleyassociation.org>  
**To:** kiphopkins@comcast.net  
**Sent:** Sunday, July 8, 2018 8:56:48 PM  
**Subject:** Community Position on Short Term Rental

Having trouble viewing this email? [Click here](#)



*Dear Kip Hopkins*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*RMAcomments@co.monterey.ca.us*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in Ewing v. City of Carmel-by-the-Sea, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:
  - Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;
  - Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.
  - Carmel Valley Master Plan
6. Effective and verifiable self-policing.
  - a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
  - b. Owners must provide multiple forms of proof they are year-round residents; and
  - c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.
  - d. Verification to be done by Monterey County.

e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.

11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.

12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

- a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;
- b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and



c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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Sent by [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org) in collaboration with



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**McDougal, Melissa x5146**

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**From:** Winona Stewart <winonas@sbcglobal.net>  
**Sent:** Tuesday, July 10, 2018 7:05 PM  
**To:** 194-RMAComments  
**Subject:** Short term rentals

We are in full agreement with this statement.

Sincerely,

Winona Stewart

Austin Keegan

2 Palou SE of Second Ave.

P. O. Box 7561

Carmel, CA 93921

## McDougal, Melissa x5146

---

**From:** Judith Mroczek <judithmroczek@hotmail.com>  
**Sent:** Tuesday, July 10, 2018 7:45 PM  
**To:** 194-RMAComments  
**Subject:** Fw: Community Position on Short Term Rental

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**From:** Carmel Valley Association <cvapresident@carmelvalleyassociation.ccsend.com> on behalf of Carmel Valley Association <president@carmelvalleyassociation.org>  
**Sent:** Monday, July 9, 2018 3:56 AM  
**To:** judithmroczek@hotmail.com  
**Subject:** Community Position on Short Term Rental

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*Dear Judith Mroczek*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such

permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is

a permanent year-round resident, and the home is his or her primary residence.

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- Carmel Valley Master Plan

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- a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
- b. Owners must provide multiple forms of proof they are year-round residents; and
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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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## McDougal, Melissa x5146

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**From:** Michelle Mosiman <michelle.mosiman@gmail.com>  
**Sent:** Tuesday, July 10, 2018 8:15 PM  
**To:** 194-RMAComments  
**Subject:** Alternative Lodging Accommodations

To whom it may concern,

I represent alternative lodging accommodations for Monterey, Santa Cruz and San Benito Counties.

I offer my home to travelers from other countries as well as those within 80 miles away. My home is in the country and offers an alternative setting to those wishing to be in a home environment with local culture and conversation. I can't express how delightful our guests have been and engaging. Hosting those from other areas offers both (guest and host) an opportunity to converse, educate and broaden each horizon.

Additionally, the price point is far more affordable than than your basic motel that **exorbitantly** increases rates during peak events and seasons. Please log into Expedia for the US Open in 2019!!

Thank you,  
Michelle Mosiman  
831-227-9112

## McDougal, Melissa x5146

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**From:** Inge von Roos <ingetraud1@gmail.com>  
**Sent:** Tuesday, July 10, 2018 8:32 PM  
**To:** 194-RMAComments  
**Subject:** Short Term Rental

Inge von Roos  
John Blum  
17255 Loggers Road North  
Los Gatos, California 95033

To whom it may concern:

My husband and I totally disagree with the Carmel Valley Association on short term rentals. We are owners of a house in Carmel Valley.

They say it affects affordable housing. There are hardly any short term rentals in Carmel Valley. They are a fraction of 1% of houses in the valley and thus do not affect housing costs.

They do not negate local zoning ordinances as they are still residences and are non-intrusive. We travel often and often stay in short term rentals all over the world. We treat them as our residence and really enjoy being able to cook our meals, etc. We love being part of a neighborhood even for a few days.

I do not believe the small number of short term rentals has any effect on the stability of neighborhoods. In our neighborhood (Southbank) I know of only two. Perhaps if there were blocks of them it would have an effect on the neighborhood, but this is not the case and never will be.

Water use in short term rentals is much less than in long term rentals. The houses are rented to the same number of persons, but are not rented every day. They are hardly rented in the winter and in the summer mostly on weekends. The same is true for traffic. It is much less.

I hope short term rentals will be allowed and not just home stays. I do agree with not allowing fires, not allowing large groups or events, and providing off street parking. The rest of the ordinance recommended by the Monterey County Hospitality Association is way too restrictive. Perhaps they hope making owners jump through hoops will discourage them.

Sincerely,

Inge von Roos and John Blum

Sent from my iPad

**From:** Walter Sleeth <wjsleeth@comcast.net>  
**Sent:** Tuesday, July 10, 2018 9:46 PM  
**To:** 194-RMAComments  
**Subject:** Monterey County Planning commission July 11 2018 Meeting: Submittal

## Submittal for the July 11, 2018

### Meeting of the Monterey County Planning Commission

My name is Walter Sleeth; I am not a resident of Monterey County, but greatly enjoy the sights and scenery of the County, particularly the South County area of Big Sur going on toward Ragged Point and Hearst Castle. I am writing you concerning the proposed regulation of 'short time residencies' (STRs); my wife and I try to regularly visit the area as a beautiful and peaceful haven. We certainly spend money in the area, which pleases us as the population of the area benefits. Please include this letter in the public comments of the above noted meeting concerning the possible regulation of STRs.

I am distressed by the seeming bias against STRs. The movement to implement regulation of one night or multi-night stays at 'airb&b' like rentals is anti-competitive and should not be enacted. It seems to be prompted by established inns, motels and hotels, which don't want to sacrifice profits to smaller new and entrepreneurial family ventures.

Even if the County government wishes to cater to large multi-state moneyed interests in the large metropolitan areas, although that is not a good idea, unincorporated areas of Monterey County should remain unregulated. In the South County and Big Sur area a number of residents run activities, including 'overnight' accommodations, which compliment your County's wonderful vacation activities and beauty. There is little or no infringement on other owners' enjoyment of their own properties. While these owners do reside on their properties, these properties are hardly "residential". There are two main unfair aspects to the proposed regulations. 1) It is very unfair to owners, who take their primary income from such STR rentals; and 2) It is unfair to visitors to lovely Monterey County, who wish to take accommodations, which are simple and part of the natural environment rather than the 'cookie-cutter' lodgings and motels strung along the major roads. Some residents' positions seem to have little evidence of why they are against the free enterprise of their neighbors, such freedoms are a long tradition of the area.

If more urbanized areas of the County prevail on you and the Supervisors to pass and enforce regulations to punish these local businesses, an exemption should be carved out for small family-run overnight stay activities, particularly in non-residential County areas, which can benefit from increased economic opportunity. Please don't regulate further than is necessary to the detriment of the South County and other non-residential area residents in Monterey County. Distinguishing their circumstances from the circumstances of residents in large metro areas is certainly something the regulations can accomplish.

Smaller more intimate places encourage the type of non-invasive tourism, which benefit the area and visitors from out of town, who enjoy

a 'natural' vacation or just a weekend away from home. Please don't push such vacationers into the sterile 'motel' environment.

Sincerely yours,

Walter Sleeth

227 Catalpa Drive

Atherton, CA. 94027

650-325-7595



## McDougal, Melissa x5146

---

**From:** Victoria Alexandra Stöcker <[victoria.a.stocker@gmail.com](mailto:victoria.a.stocker@gmail.com)>  
**Sent:** Tuesday, July 10, 2018 11:14 PM  
**To:** 194-RMAComments  
**Subject:** Big Sur Land Use Plan and STRs / Please acknowledge receipt

Dear Monterey County Resource Management Agency,

As a resident of Big Sur **and active seeker of new long term rental housing in Big Sur**, I hope to convey the following message:

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- **TRAFFIC.** Increased Traffic on private roads, many of which are dangerous for people who are unfamiliar with driving on dirt mountain roads.
- **HOUSING.** **Housing for the local community, which is already slim, would be greatly reduced**, in turn impacting staffing of local businesses and increases commuter traffic.
- **COMMUNITY.** The Big Sur community are the custodians of the land. Tourists are generally unfamiliar with how to care for the land, keep the wilderness clean of trash and feces, prevent wild fires, deal with poison oak, ticks, and handle rough winter driving conditions. The presence of a local community is absolutely critical in welcoming and caring for the ever growing number of tourists.
- **CULTURE.** The culture of Big Sur represents something iconic and beloved to people on a global scale. The great history of American authors, artists, photographers and philosophers who have been inspired by Big Sur speaks to this and continues to live on through our local culture today. Preserving this culture of Big Sur is as important as preserving the land itself.

In conclusion, allowing short term rentals in Big Sur would benefit certain land owners financially, while having a widespread negative effect on local traffic, fire safety, overall care of the land, work force, local business, and the continuation of Big Sur's beloved and historical culture.

Thank you for your consideration,

name: Victoria Stöcker  
email: [victoria.a.stocker@gmail.com](mailto:victoria.a.stocker@gmail.com)

**From:** [Beretti, Melanie x5285](#)  
**To:** [Maciel Pantoja, Yolanda](#); [McDougal, Melissa x5146](#)  
**Subject:** Fwd: Comments to Planning Commission-REF100042/REF130043 SHORT-TERM RENTAL ORDINANCES  
**Date:** Wednesday, July 11, 2018 8:09:06 AM

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Sent from my iPhone

Begin forwarded message:

**From:** "Mark Posson" <[marposs@att.net](mailto:marposs@att.net)>  
**Date:** July 11, 2018 at 6:27:14 AM PDT  
**To:** <[VandeverK@co.monterey.ca.us](mailto:VandeverK@co.monterey.ca.us)>, <[egonzalezsr56@gmail.com](mailto:egonzalezsr56@gmail.com)>, <[ambrizana1@gmail.com](mailto:ambrizana1@gmail.com)>, <[PadillaC1@co.monterey.ca.us](mailto:PadillaC1@co.monterey.ca.us)>, <[mendozaF1@co.monterey.ca.us](mailto:mendozaF1@co.monterey.ca.us)>, <[GetzelmanPC@co.monterey.ca.us](mailto:GetzelmanPC@co.monterey.ca.us)>, <[mduflock@gmail.com](mailto:mduflock@gmail.com)>, <[anydroberts@ymail.com](mailto:anydroberts@ymail.com)>, <[wizardj@co.monterey.ca.us](mailto:wizardj@co.monterey.ca.us)>, <[mvdiehl@mindspring.com](mailto:mvdiehl@mindspring.com)>  
**Cc:** <[berettim@co.monterey.ca.us](mailto:berettim@co.monterey.ca.us)>, <[battiatok@co.monterey.ca.us](mailto:battiatok@co.monterey.ca.us)>  
**Subject:** Comments to Planning Commission-REF100042/REF130043  
**SHORT-TERM RENTAL ORDINANCES**

Dear Commissioners:

I have the following comments based on the Staff Report concerning short-term rentals. My suggested approaches are applicable to Del Monte Forest and not the entire county. Del Monte Forest is a unique area and a unique mix of resident and commercial resort accommodations. There are adequate resort accommodations for those who wish to experience a short-term stay in Pebble Beach. Short term rentals are not necessary or desirable. However, if they are allowed, strong limitations and rigorous enforcement is necessary to preserve the residential character of the community.

### **Home Stay**

I suggest you adopt stronger controls than suggested by staff. Specifically,

- <!--[if !supportLists]-->• <!--[endif]-->Limit home stays to 24 times per year and not more than twice per month.
- <!--[if !supportLists]-->• <!--[endif]-->Require at least one bedroom be designated for occupancy of the home stay owner/operator and not more than two of the remaining bedrooms be eligible for home stay rental.

Home stays should be infrequent visits, not continual rentals by multiple tenants. If a person needs to rent a room for financial reasons, long-term room rental is

available to them.

### **Density Limits**

I suggest a low density limits to limit the number of STRs in a neighborhood. STR prohibition in the high-density residential areas [i.e. Country Club area] is highly desirable with allowance of the Estate areas near the resorts.

### **Visitor Serving Unit Caps**

STRs should be included in the visitor servicing unit caps.

### **Special Events**

No increase in density or allotments of STRs should be allowed during special events. I disagree with staff's assumption that 'many low and moderate income households use these forms of STRs as a supplemental income, in part, to afford housing' in Del Monte Forest. Some residence try to capitalize on the demand during special, large-scale events to collect high rent during these short periods; economic necessity is not the motivator. Noise and traffic increase for their neighbors and in many cases disrupt the peaceful use of one's property. STRs will not alleviate problems for the community, they will create them.

### **Enforcement**

Staff comments that additional enforcement resources may be required for several "Other Approaches". This should not be a deterrent to adopting sound policy. Rigorous enforcement and meaningful penalties for noncompliance are necessary to incentivize people to follow the rules. STRs can be easily hidden and penalties are necessary to deter bad behavior and preserve the integrity of our communities.

Please excuse the tardiness of my comments. I just became aware of the hearing yesterday.

Mark Posson  
3094 Bird Rock Rd.  
Pebble Beach, CA 93953  
[marposs@att.net](mailto:marposs@att.net)  
c 925.989.4320

**From:** [ClerkoftheBoard](#)  
**To:** [100-BoS Everyone](#); [Bauman, Lew x5113](#); [Girard, Leslie J. x5365](#); [McKee, Charles J](#)  
**Cc:** [Chiulos, Nick x5145](#); [Dugan, John x6654](#); [Harris, Lisa x4879](#); [Holm, Carl P. x5103](#); [McDougal, Melissa x5146](#); [Nickerson, Jacquelyn x5240](#); [Onciano, Jacqueline x5193](#); [Ruiz-Ignacio, Maegan x5508](#)  
**Subject:** Correspondence: Letter from Adrienne Berry, FW: Short term rentals in the coastal zone  
**Date:** Wednesday, July 11, 2018 9:31:39 AM

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Good Morning, All-

Please see below e-mail correspondence from the desk of Adrienne Berry.

Respectfully,

**Joel G. Pablo**

Senior Secretary

Clerk of the Board

168 W. Alisal St., 1st Floor

Salinas, CA 93901

Phone: (831) 755-5066

Fax: (831) 755-5888

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**From:** Adrienne [mailto:[yankeebeach@sbcglobal.net](mailto:yankeebeach@sbcglobal.net)]

**Sent:** Wednesday, July 11, 2018 12:03 AM

**To:** Beretti, Melanie x5285 <[BerettiM@co.monterey.ca.us](mailto:BerettiM@co.monterey.ca.us)>; Onciano, Jacqueline x5193 <[oncianoj@co.monterey.ca.us](mailto:oncianoj@co.monterey.ca.us)>; 100-District 5 (831) 647-7755 <[district5@co.monterey.ca.us](mailto:district5@co.monterey.ca.us)>; vandeverek@co.monterey.ca.us; diehl@co.monterey.ca.us; ClerkoftheBoard <[cob@co.monterey.ca.us](mailto:cob@co.monterey.ca.us)>

**Subject:** Short term rentals in the coastal zone

1. Focusing on Carmel Highlands

The land use plan states on page 92 “ Commercial land use in the Carmel Coastal Segment shall be restricted to those locations of proposed and existing visitor- serving accommodations shown on the land use map or described in the text.” Continuing later “ Maximun intensity for ... Recreation and Visitor-Serving sites...” 150 visitor units and 12 employee units for the Highlands Inn and 35 visitor units and 4 employee units for the Tickle Pink Inn.” No other provisions are made for visitor serving units in the land use plan. Unequivocally, by the plain text, the land use plan defines visitor serving units as commercial and limits them to the Highlands Inn and the Tickle Pink Inn.

The County defines what is meant by visitor serving unit by the obvious reference to the predominate business of the Highlands Inn, a place to stay for visitors. What else is a STR other than a visitor serving unit? Further, the County has acknowledged STR’s are commercial endeavors by proposing to require them to obtain a business license. No reasonable person will argue STR’s are not competitors to hotels, thus how can one claim they are not commercial enterprises? Whether you consider a STR a visitor serving unit and or a commercial enterprise, it is specially prohibited in Carmel Highlands and the County has a legal and moral obligation to follow the land use plan.

2.Affordable housing in Carmel Highlands is crucial as the Carmel Highlands area is the gateway to

Big Sur were many workers live to enable multiple family members to rent because one works in Big Sur and the other works in the greater Monterey peninsula. Also the numerous employees who work at the Highlands Inn and Tickle Pink Inn are in desperate need of affordable housing in a reasonable driving distance.

Please submit in the official County record.

Sincerely,

Adrienne Berry

Sent from my iPad

## McDougal, Melissa x5146

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**From:** Beretti, Melanie x5285  
**Sent:** Wednesday, July 11, 2018 12:42 AM  
**To:** McDougal, Melissa x5146; Maciel Pantoja, Yolanda  
**Subject:** FW: Final version of CVA letter on short-term rentals  
**Attachments:** short-term rentals July 2918.docx

**Melanie Beretti** | Special Programs Manager  
Office | 831-755-5285

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**From:** Sandra Schachter [mailto:schachtersj@comcast.net]  
**Sent:** Monday, July 9, 2018 10:42 AM  
**To:** egonzalezsr56@gmail.com; ambrizana1@gmail.com; padillac1@co.monterey.ca.us; Mendoza, Francisco Javier <MendozaF1@co.monterey.ca.us>; Getzelman, Paul C. <GetzelmanPC@co.monterey.ca.us>; mduflock@gmail.com; amydroberts@ymail.com; Wizard, Jonathan <WizardJ@co.monterey.ca.us>; vandeverek@co.monterey.ca.us; ClerkoftheBoard <cob@co.monterey.ca.us>; 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; 100-District 2 (831) 755-5022 <district2@co.monterey.ca.us>; 100-District 1 (831) 647-7991 <district1@co.monterey.ca.us>; 100-District 3 (831) 385-8333 <district3@co.monterey.ca.us>; 100-District 4 (831) 883-7570 <district4@co.monterey.ca.us>; Holm, Carl P. x5103 <HolmCP@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>  
**Cc:** Priscilla Walton <priswalton@sbcglobal.net>; Rich Fox <Foxrich@aol.com>  
**Subject:** Final version of CVA letter on short-term rentals

Dear Planning Commission, Supervisors, Carl Holm, John Dugan, Melanie Beretti

I am so sorry. I sent the unpolished draft of the CVA letter previously this morning. This is the final draft with CVA letterhead. Please disregard the previous one.

Thank you for considering our views.

Sandra Schachter, Secretary, CVA





Carmel Valley Association

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*preserving the beauty, resources, and rural character of the Valley since 1949*

**Date: July 9, 2018**

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved through previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also of a coalition of residents' associations and individuals from Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short-term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits, and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . “

The following factors are critical as you consider what kind of STR ordinance is needed.

MAIL P.O. Box 157, Carmel Valley, CA 93924

WEB [www.carmelvalleyassociation.org](http://www.carmelvalleyassociation.org) | EMAIL [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

- **Affordable Housing:** STRs and HomeStays encourage the conversion of long- term rentals to tourist use and reduce the supply of affordable, decent, safe, long- term housing for people of all income levels. Boston, San Francisco, Los Angeles, Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

- **STRs and Home Stays Negate Local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of de facto re-zoning residential areas into commercial visitor-serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings and increases the risk of significant disruption of quiet neighborhoods.

- **The Stability of Neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, “Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow — without engaging in the sort of activities that weld and strengthen a community.”

- **Increase in Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, increase overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

- **Increase in Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor- serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harm residents and the licensed visito- serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short- Term Rentals (STRs) be limited to “Home Stays.” “Home stays” are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC’s would be permitted. The owner would be required to be a permanent year-round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor-Serving Unit Limitations) as defined above with a strong enforcement system, close supervision, and accountability. We categorically oppose all non-hosted STR’S.

Specifically we recommend the following for an STR Ordinance:

1. Owner must be a natural person, or living trust for a natural person, who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC’s , or other forms of ownership are permitted.
3. The owner must be required to live in and be present on site during the STR/Home Stay rental period.
4. The “Home Stay” version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR’s (including “Home Stays) must, of course, be counted as Visitor-Serving Units (VSU’s). Each bedroom of a STR or Home Stay is counted as one VSU (just as for hotels) and must not exceed the remaining limits on the number

of new Visitor-Serving Units under their Land Use Plans for all areas, including

- Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;
- Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.
- Carmel Valley Master Plan

6. Effective and verifiable self-policing.

- a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
- b. Owners must provide multiple forms of proof they are year-round residents; and
- c. Owners must provide electronic evidence available over the internet that they physically reside at the STR during the home rental.
- d. Verification is to be done by Monterey County.
- e. Licenses for STRs/Home Stays are valid only as long as Monterey County provides the personnel and financial resources to enforce the ordinance.
- f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies the situation by providing required enforcement resources.
- g. The County must adopt pro-active enforcement, using Host Compliance or a similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed two per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with his or her family, a suitable number of bedrooms must be set aside for family members' use.
9. Rentals for 30 days or more are permitted but subject to TOT, if rented for 30 day periods or periods less than a standard one-year lease.
10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.
11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.
12. Fires must be limited to existing barbecue pits and fireplaces.
13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.
14. As a condition of approving any application for a STR/Home Stay, the applicant must provide a letter from the water supplier to that location stating that there is sufficient water for the maximum possible use of the property; also, the department responsible for leach field safety must state the leach field is adequately sized and properly maintained for the maximum possible use of the property.
15. STR/Home Stays must be completely subject to the rules and restrictions of private roads and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**



16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.
17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.
18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.
19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.
20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:
  - a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

- b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and
- c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President

Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

**Big Sur**

Ken Wright

Kirk Gafill

**From:** [Teri Schadeck](#)  
**To:** [194-RMAComments](#)  
**Subject:** Comments on Draft Short Term Rental Ordinance  
**Date:** Tuesday, July 10, 2018 4:24:56 PM

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Dear Monterey County Board of Supervisors and Planning Commissioners,

We are opposed to Short Term Rentals (STRs) in Monterey County and in particular to such rentals in Carmel Valley. Most STR property owners and operators in Monterey County have ignored the law and set up non-compliant STRs on their properties, reaping the financial benefits from their STRs while causing negative impacts such as increased traffic and noise on residents and neighbors. We strongly believe there should be no assumed entitlement on the part of these owners and operators to continue their illegal STR operations simply because they have done so in the past, nor should the County feel compelled to legalize STRs because they currently exist and/or because of any future TOT revenues the County might see. We urge Monterey County to enforce existing ordinances that prohibit STRs.

If the Board of Supervisors and Planning Commissioners are unwilling to enforce existing law, then we are generally in agreement with the position regarding the County's Draft STR Ordinance prepared by the Carmel Valley Association, Carmel Highlands and Mal Paso Associations and Big Sur residents attached below to this letter.

Should the County choose to approve STRs in Carmel Valley, we believe residents of Carmel Valley deserve the same or similar land use policy treatment recommended by staff to the Planning Commission for Big Sur and Del Monte Forest as reported in the Monterey Herald on July 10, 2018 – restrict STRs to home stays and low frequency STRs and prohibit commercial vacation rentals. Further, in the event the County chooses to approve any type of STRs, that should trigger full environmental review as that would constitute a significant change to the zoning ordinance.

In addition, Monterey County must view all short-term rentals (home-stays and non-owner occupied homes) in Carmel Valley as visitor-serving uses and count each bedroom rented for that use as a hotel room which must be taken into account when reviewing total visitor serving accommodations and current general plans restrictions for those uses throughout Carmel Valley.

We are 37-year home owners and residents of Carmel Valley.

Sincerely,

Teri Schadeck and Larry Seeman  
9544 Maple Court, Carmel, CA 93923



Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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(STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in Ewing v. City of Carmel-by-the-Sea, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

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Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.



## Carmel Valley Master Plan

### 6. Effective and verifiable self-policing.

- a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
- b. Owners must provide multiple forms of proof they are year-round residents; and
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the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

- a. A fine not exceeding four-hundred percent (400%) of the Advertised

Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and

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**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

**From:** [Debra Schadeck](#)  
**To:** [194-RMAComments](#)  
**Cc:** [Rich Hamilton](#)  
**Subject:** Comments on Draft Short Term Rental Ordinance  
**Date:** Tuesday, July 10, 2018 2:17:57 PM

---

Dear Monterey County Board of Supervisors and Planning Commissioners,

Please be advised we are generally in agreement with the position regarding the County's Draft STR Ordinance outlined below prepared by the Carmel Valley Association, Carmel Highlands and Mal Paso Associations and Big Sur residents. In addition, please note our objection and opposition to all home-stay and non-owner occupied STRs in Carmel Valley.

We are thirty-year home owners/residents of Carmel Valley. We purchased our single family residential zoned property in 1988 with the understanding that we would be protected from incompatible, visitor-serving uses, as those uses are not permitted. We do not desire any visitor serving uses to be allowed in our neighborhood and wish to retain the neighborhood's single family character for the use and enjoyment of permanent residents and long-term renters. We have personal experience with a non-owner occupied STR house on our street and do not appreciate the constant comings and goings of this property's unknown visitors in our neighborhood. We have experienced excessive party noise generated from visitors staying at this STR and misguided STR visitors finding our home and insisting our home is their accommodation. Additionally, we have experienced first-hand the significant increase in traffic on Carmel Valley Road, much of which is likely due to the increased number of STRs in Carmel Valley.

Should the County choose to approve STRs in Carmel Valley, we believe residents of Carmel Valley deserve the same or similar land use policy treatment recommended by staff to the Planning Commission for Big Sur and Del Monte Forest, as reported in the Monterey Herald this morning (July 10, 2018) - restrict STRs to home stays and low frequency STRs and prohibit commercial vacation rentals. Further, in the event the County chooses to approve any type of STRs, that should trigger full environmental review as that would constitute a significant change to the zoning ordinance.

Monterey County must view all short-term rentals (home-stays and non-owner occupied homes) in Carmel Valley as visitor-serving uses and count each bedroom rented for that use as a hotel room which must be taken into account when reviewing total visitor serving accommodations and current general plans restrictions for those uses throughout Carmel Valley.

Most STR property owners and operators in Carmel Valley and elsewhere in Monterey County have ignored the law and set up non-compliant STRs on their properties and have to-date reaped the financial benefits from their STR operations. We strongly believe there should be

no assumed entitlement on the part of these owners and operators to continue their STR operations simply because they've done so in the past, nor should the County feel compelled to legalize STRs because they currently exist and/or because of any future TOT revenues the County might see. Regardless of whether the County pursues collecting TOT associated with STRs in Carmel Valley, we urge the County to conduct an extensive cost benefit analysis related to STR enforcement costs prior to approving any ordinance that would allow for STRs.

Sincerely,

Debra Schadeck and Richard Hamilton  
17 Flight Road, Carmel Valley, CA 93924



Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

\* **Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

\* **STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

\***The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

\* **Increases Water Use.** STRs/Home Stays multiply the numbers of

individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas,



including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

6. Effective and verifiable self-policing.

a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;

b. Owners must provide multiple forms of proof they are year-round residents; and

c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.

d. Verification to be done by Monterey County.

e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in

other properties the owner may have in Monterey County.

11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.

12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in

equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

- a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;
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**Carmel Valley Association**

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Bob Danziger

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Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill



**From:** [Kirk Gafill](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fw: Consensus Community Position on Short Term Rental  
**Date:** Tuesday, July 10, 2018 1:09:46 PM

---

To whom it may concern,

As my name was included on the signature list of the Carmel Valley Association July 10, 2018, Consensus Letter on Short Term Rentals, I wish to clarify that both as an individual and as a representative of the Big Sur Local Coastal Plan Defense Committee, I do not believe that Homestays are consistent with the Big Sur Land Use Plan and thus should not be permitted in the Big Sur Planning Area.

Sincerely,

Kirk

Kirk Gafill  
General Manager

Nepenthe/Phoenix Corporation  
48510 Highway 1  
Big Sur, CA 93920  
Ph: 831.667.7326 - Direct  
Ph: 831.667.2345 - Main  
Fax: 831.667.2394

See live images of the Big Sur coast and the weather via our web cam at [www.nepenthe.com](http://www.nepenthe.com).

---

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Subject:** Community Position on Short Term Rental  
**Date:** July 8, 2018 at 8:56:48 PM PDT  
**To:** [bobdanziger@mac.com](mailto:bobdanziger@mac.com)  
**Reply-To:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

Having trouble viewing this email? [Click here](#)



*Dear Bob Danziger*

*Below is the combined position concerning short term rentals of CVA, Preserve Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

[RMComments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

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limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

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17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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**Carmel Valley Association**

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**Mal Paso Creek Property Association**

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Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Fam Lee](#)  
**To:** [194-RMAComments](#)  
**Subject:** Please confirm  
**Date:** Tuesday, July 10, 2018 12:38:43 PM

---

Dear Resource Management Agency,  
Please confirm the receipt of my original email, sent from this address on July 10, 2018, at 12:30 pm.

Thank you,  
Stephanie Lee

Sent from my iPad

**From:** [Tom O'Neal](#)  
**To:** [194-RMAComments](#)  
**Subject:** Comments regarding short term rentals from Tom O'Neal  
**Date:** Tuesday, July 10, 2018 12:33:30 PM

---

Dear Board of Supervisors,

My wife has lived in Carmel Valley Village since 1956. I have been there since 1985. We offer our legal guest apartment for Air B and B. We pay TOT taxes to the County, and income tax. We have found our guests to be lovely and respectful people who are eager to explore the Village (they walk from our house), Garland, Carmel, and Big Sur. We don't believe we take away from local hotels at all as our pricing does not undercut current rates, and there aren't enough local hotels to accommodate the area. We can undeniably say the amount of commerce brought to local markets, tasting rooms, shops, and business' from the short term rentals is noteworthy.

What will sustain local business' if short term rentals are restricted and what remains is traffic coming from the mouth of the Valley?

**Benefits to the Local area for short term rentals:**

Grocery stores, gas stations, restaurants, and all local business' benefit.  
We monitor and control noise and offer off street parking.  
Traffic mainly stays within Carmel Valley Village, and not on Valley Road. Most of our guests walk as we are walking distance to Village.  
We pay TOT Taxes.  
Air B and B and VRBO screen their clients, and we screen our guests.  
There are not enough hotels in our area to accommodate the visitors.

**What needs to be done regarding restrictions?**

Locals should not be penalized for a few off site irresponsible Short term rental hosts.

Form Guidelines for short term rentals such as:

- 1-A fine or penalty for more than 2-3 neighbors complaints
- 2- must reside on property
- 3-have specified parking arrangements
- 4-pay Occupancy Taxes
- 5-no underpricing of local hotels

Thank you for your consideration.

Tom O'Neal

88 Via Milpitas  
PO Box 1520  
Carmel Valley, CA 93924

831 574 8145  
[www.tgophoto.com](http://www.tgophoto.com)



**From:** [Fam Lee](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Tuesday, July 10, 2018 12:31:29 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the Land Use Plan in Big Sur. The plan mentions four areas in particular that would be negatively impacted:

- **Traffic (public access):** many roads in Big Sur are private roads, paid for and maintained by the property owners and residents. Allowing access to visitors who have no vested interest in the “rules of the road” can cause accidents and unsafe driving conditions. In addition, due to social media sharing, codes and access could be spread to the public in general, causing difficulties on private roads.
- **Housing:** STR take viable and scarce housing opportunities away from permanent residents. These residents provide most of the work force of our community, including medical, educational, and public safety workers. The housing in Big Sur is already limited, and allowing STRs further depletes the inventory for residents who need housing.
- **Community:** our community has changed over the last decades. Many properties have been purchased as second or third homes, rarely visited by the owners. Many of these absentee owners do little to support our community. The infrastructure of our community needs permanent residents, not visitors who want to stay for a few nights. STR do not encourage the kind of community support or involvement necessary to our area.
- **Culture:** Big Sur is unique in many ways, including its culture. It depends on tourism and its natural beauty. The local businesses are almost all tourist dependent, whether restaurant or lodging. STRs can threaten the livelihood of these businesses. In addition, permanent residents highly value their privacy and isolation. Some of have moved here specifically for these reasons. Yet, Big Sur’s tradition of community members coming together and supporting each other through difficult times is at the root of our culture. STRs damage the security of this lifestyle, with these visitors having no connection to the neighbors or others around them. During times of crisis (fires, mudslides, etc.) they become burdens rather than assets.

For these reasons, I urge the MCRMA to prohibit short term rentals in Big Sur.

Signed: Stephanie Lee  
E-mail address: famleeksms@yahoo.com  
Sent from my iPad

**From:** [Yerdua Mz](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Tuesday, July 10, 2018 10:35:15 AM

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----- Forwarded message -----

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Date:** Sun, Jul 8, 2018 at 8:56 PM  
**Subject:** Community Position on Short Term Rental  
**To:** [yerduamz@gmail.com](mailto:yerduamz@gmail.com)

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To all concerned I am in full support of the combined position statement below. I would add that I am concerned about visitors unfamiliar with the our environment and the ever present danger of wildfire, which is especially true from Big Sur north to Carmel Valley. Requiring homestay STRs at least offers the opportunity for homeowners to directly educate people about fire and other environmental concerns (water, septic systems, traffic, etc.). Thank you for your full consideration of this matter.

Audrey Morris  
5630 Carmel Valley Road  
Carmel, CA 93923



*Dear Audrey Morris*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

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**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in Ewing v. City of Carmel-by-the-Sea, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
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4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
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Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

6. Effective and verifiable self-policing.
  - a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
  - b. Owners must provide multiple forms of proof they are year-round residents; and
  - c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.
  - d. Verification to be done by Monterey County.
  - e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

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13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and

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Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Inga Dorosz](#)  
**To:** [194-RMAComments](#); [Battiato, Kate x6560](#)  
**Subject:** STRs  
**Date:** Tuesday, July 10, 2018 10:04:09 AM

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Dear Planning Commission,

As a resident of unincorporated southern Monterey County and being stuck behind the slide, I've been watching the STR debate from afar. MudCreek had a severe economic impact on our community that is not being addressed by the county. STRs in remote areas offer much needed jobs and sources of income in the community and allow for an alternative experience. To put restrictions on one of the only viable sources of income with ensure that only the wealthy remain. Because of the slide we have already lost a number of people and the public school's population dropped in half.

Part of the Big Sur Land Use Plan is the preservation of local culture and character.

*The special cultural characteristics of the Big Sur Coast should also be recognized as a primary resource. Man's presence along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience.*

That local culture thrived and vernacular architecture was established outside the bounds of county regulation. If the special cultural characteristics are to be recognized as a primary resource then rentals should be allowed unregulated. Big Sur has a very long history of small scale un permitted development and short term unregulated rentals or homestays (it wasn't called Airbnb but people came and went, trading money, services, objects, etc) which has led people to experience the wilderness and allow locals the economic means to live here.

"Even though a path to permitted STRs exists", as the Board Report states, that path is paved only for those with money. We have little county services here other than highway 1 and the school which is absolutely wonderful. We have no access to electricity, no public water, no sewer line and our road is private and privately maintained. By ignoring this part of the county and enacting these priorities and enforcements, the county will be hurting the most vulnerable members of our society and local culture. Only the wealthy can adhere to the proposed regulations of home stays that the county is proposing.

*Land use planning and management policies should be directed towards maintenance and restoration of Big Sur's remaining rural and wilderness character. Without compromising its character or depleting its resources, the area should be accessible to as many as can be accommodated.*

Family run STRs allow for an alternative experience that is in line with the rural and wild character of Big Sur and its resources. The ability to have STRs allows the people who have carried on Big Sur's character (pioneering attitude of independence and resourcefulness; creativity and the arts) to stay here. Family run accommodations "enhance the visitor experience" but the regulations proposed would make it impossible for most family run businesses to operate. Places are remote here and on rugged terrain; it would be an economic burden for some to meet the regulations in the proposal that I saw.

If more urbanized areas of the County prevail on the Supervisors to pass and enforce regulations to punish these new businesses, an exemption should be carved out for small family-run over-night stay activities, particularly in County areas, which can benefit from increased economic opportunity. Please exercise your influence to benefit the South County residents in Monterey County.

Thank you!  
Inga Dorosz  
[ingador@gmail.com](mailto:ingador@gmail.com)  
8059275291



**From:** [Danielle Martin](#)  
**To:** [MendezJ@co.monterey.ca.us](#); [ambriza1@co.monterey.ca.us](#); [hertl1@co.monterey.ca.us](#); [rochesterd@co.monterey.ca.us](#); [duflockm1@co.monterey.ca.us](#); [vandeverek@co.monterey.ca.us](#); [mvdiehl@mindspring.com](#); [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](#); [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Tuesday, July 10, 2018 9:47:35 AM

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Dear Board of Supervisors, Planning Commission Members, and Monterey County staff:

How can this discussion have gone on so long? Has the county been 'blind-sided' into unconscious paralysis?

There has been existing law on short-term rental procedures - as in NOT '30-days' or less - and somehow county 'spine' has been missing-in-action for YEARS - !

PLEASE complete this process and listen to the many, many residents that want to preserve a local life that supports a 'moderate' economy for locals versus turning this county into an extension of 'investment' opportunity for any and all 'out-of-area' \$\$\$ - !

I agree with the Carmel Valley Association's careful words - and - I do support 'owner-occupied' short-term rentals with the constraints and considerations listed below. I especially agree with these sections of the CVA position - that if MC does not have adequate funding or staff then there should be no STR/Home Stay permitted licenses:

"e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources."

Thank you,

Danielle Martin

----- Forwarded Message -----

**Subject:**Community Position on Short Term Rental  
**Date:**Sun, 8 Jul 2018 23:56:49 -0400 (EDT)  
**From:**Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Reply-To:**[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)  
**To:**[danielle.martin@sbcglobal.net](mailto:danielle.martin@sbcglobal.net)

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*Dear Danielle Martin*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

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*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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Carmel Valley Master Plan

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STR during the Home Rental.

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd



**Preserve Carmel Highlands**  
**PreserveMontereyNeighborhoods.Community**

Bob Danziger  
Lorraine Oshea  
Gwyn De Amaral  
Michele Alway  
Adrienne Berry  
Glenn Berry  
Katie Coburn

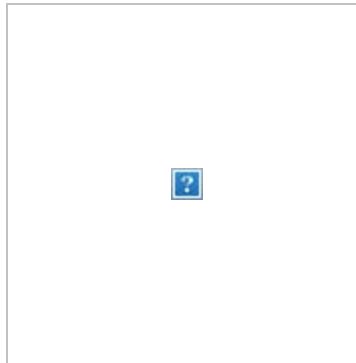
Big Sur  
Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [David Sleeth](#)  
**To:** [194-RMAComments](#); [Battiato, Kate x6560](#)  
**Subject:** STRs unincorporated Monterey County  
**Date:** Tuesday, July 10, 2018 9:41:34 AM

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To the Monterey County Planning Commission

I am writing this letter in regards to the Proposals relating to regulating STR's. Having spoken with a number of people regarding STR's both for and against I can recognize the need for some form of regulation, however I strongly believe that the approach being taken by the county towards STR's in un-incorporated parts of the county will do more harm than help.

The benefits of small STR's utilizing sites such as Air BNB or VRBO is that they are able to simplify processes and provide a tax benefit for our county. Such established sites provide a measure of protection for both the renter and the rentee. In remote locations especially along the southern stretch of Monterey counties coast line there is little to no economic opportunity, what does exist is in the tourist trade.

If one is not part of the three establishments providing room and board then local economic opportunity is practically non-existent. The County states that there is a clear path towards making oneself eligible for an income such as renting but in a community whose history has been that of those with the least making their way in a remote place without county services, the path to meeting the counties demands is essentially a path of forced gentrification. Those who have made their homes here for a long time have relied on supporting themselves by being able to offer a place for passing tourists to extend their visit here, no doubt an overall improvement for all the businesses along the coast as there really is no way such remote locations can compete with the established business along route one.

We are close with elderly people who have lived here for more then forty years and really on the ability to have an STR to continue to be an integral part of our community. When I consider their situation I consider some of the complaints I have heard from people who disagree with the concept of STR's. The most common complaint is that the STR takes long-term housing away from others who might want to live there. While I understand there is validity to the complaint from all those I have spoken to who do run STR's out here very few would be interested in long term renting given both the extreme reduction in what they can make, which based on the fees is still not very much, and also because as a small economically challenged location they recognize there are very few who could actually afford to pay even a reasonable long term rental amount.

For those wealthier owners the issue is of no concern the majority would choose not to rent their unoccupied spaces at all. The preference to have a caretaker a person with no legal protections and a person is at the ready to move out when the homeowner chooses to visit.

If part of the purpose of making STR's difficult is to ensure that there is long term rental housing, then the proposed regulations put the onus on those who can least afford it. Again regulation as a form of gentrification. Another complaint I have heard is that neighbors not renting are bothered by the noise and comings and goings of guests. In such a remote place I can understand most of us choose to be out here because we appreciate the solitude. However I have never been bothered at all by my neighbors guests, in fact on the rare occasions I have seen a guest perhaps taking a walk along our road I have enjoyed the encounter, it is a pleasant change from the stress of tourist traffic on highway one to getting a personal chance to see what a visitor to this part of the world is seeing. Of course perhaps the reason is the thoughtful self-imposed regulations my acquaintances impose of their own accord. They keep the number of guest to a minimum adequately suited to the space, they insure a minimum number of days and they are explicit about what their place is, a quite place, a retreat.

I have heard horror stories of houses being bought in Carmel valley being rented out to large groups of partiers and I understand how disruptive that can be, but again if there is an entity that can go around buying up houses in wealthy areas for the sole purpose of making temporary "frat houses" perhaps again the proposed regulations are looking to regulate in the wrong way.

In conclusion I can understand a need to regulate but the current approach threatens the livelihoods of many people who have little to no other way to make a reasonable living. The proposed path to come into compliance is

no less draconian and the overall approach sadly appears to be in step with the national politics of our country, regulate in favor of the rich and make it harder for the rest of us to survive. I hope all of you on the board can recognize this perspective and the fear that these regulations create for the less enfranchised of this county. Surely more intelligent ways of creating regulations could be found ones which will not do damage to the remote people and communities who are doing their best to do their best in a very beautiful place and doing it so independently.

Here is an article written about the Big Sur residents and how they have suffered during the slides.

<http://www.sanluisobispo.com/latest-news/article211703469.html>

Sincerely,  
David Sleeth  
805 927 5291  
[davidslth1@gmail.com](mailto:davidslth1@gmail.com)

**From:** [Maggie Case](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Tuesday, July 10, 2018 9:20:59 AM

---

To Whom it may concern:

I am in complete agreement with the statements set forth in the document below. I have lived in the Quail Lodge Golf Course community for 20 years and currently serve as a director on the Board of Homeowners at Quail, Inc.

Margaret (Maggie) Case

8011 River Pl

Carmel CA 93923

headcase2@comcast.net

----- Original Message -----

From: Carmel Valley Association <president@carmelvalleyassociation.org>

To: headcase2@comcast.net

Date: July 8, 2018 at 8:56 PM

Subject: Community Position on Short Term Rental

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*Dear Maggie Case*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents .*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*RMAcomments@co.monterey.ca.us*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal*

*Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
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4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

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Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

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  - b. Owners must provide multiple forms of proof they are year-round residents; and
  - c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.
  - d. Verification to be done by Monterey County.
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  - f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.
  - g. The County must adopt pro-active enforcement, using Host Compliance

or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.

11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.

12. Fires must be limited to existing barbecue pits and fireplaces.

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14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.



18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

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**Preserve Carmel Highlands**

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Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

**Adrienne Berry  
Glenn Berry  
Katie Coburn**

**Big Sur  
Ken Wright  
Kirk Gafill**

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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Sent by [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org) in collaboration with

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**From:** [elizabeth@turnerfoxproductions.com](mailto:elizabeth@turnerfoxproductions.com)  
**To:** [194-RMAComments](#)  
**Subject:** Short-Term Rental Ordinance  
**Date:** Tuesday, July 10, 2018 8:05:35 AM

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Date: July 10, 2018

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Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Elizabeth Turner Fox

Carmel Valley



**From:** [janiswp23@aol.com](mailto:janiswp23@aol.com)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Tuesday, July 10, 2018 5:50:10 AM

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Dear Sirs and Madams,

I am in agreement with the CVA position on STR's in Carmel Valley. I live at 11 Jet Lane in Carmel Valley, CA, 93924. Our home has been in the family since 1969 and hopefully will continue to be so next generation also. Please consider the reasonable STR restrictions as noted in this letter from CVA. Thank you for your time and consideration.

Sincerely,  
Janis Wilson-Pavlik  
Stephen Pavlik  
Allison Wilson

Sent from AOL Mobile Mail

On Sunday, July 8, 2018, Carmel Valley  
Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)> wrote:

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*Dear Janis Wilson-Pavlik*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

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**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.

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4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.

5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

6. Effective and verifiable self-policing.

a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;

b. Owners must provide multiple forms of proof they are year-round residents; and

c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.

d. Verification to be done by Monterey County.

e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.

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12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any

of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**  
**Preserve Monterey Neighborhoods. Community**

Bob Danziger  
Lorraine Oshea  
Gwyn De Amaral  
Michele Alway  
Adrienne Berry  
Glenn Berry  
Katie Coburn

Big Sur  
Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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[Constant Contact](#)



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**McDougal, Melissa x5146**

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**From:** Jeff Frey <jfrey419@gmail.com>  
**Sent:** Tuesday, July 10, 2018 3:58 AM  
**To:** 194-RMAComments  
**Subject:** Fwd: Community Position on Short Term Rental

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance**

**Dear Board of Supervisors and Planning Commission Members:**

**I am in complete agreement with the position of the CVA and others below on short term rentals. I am very concerned with the further degradation of parts of Monterey County due to visitor use, especially when it occurs in or affects residential areas. As a long term resident of both Big Sur and Carmel Valley, I have directly observed this issue in both areas. I strongly hope that decisions on this important issue will be in alignment with the CVA recommendations.**

**Thank you,**

**Jeff Frey**

**121 El Hemmorro Rd**

**Carmel Valley**

Sent from my iPad

Begin forwarded message:





Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

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"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the

negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

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- Carmel Valley Master Plan

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

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Lynne Boyd

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Bob Danziger  
Lorraine Oshea  
Gwyn De Amaral  
Michele Alway  
Adrienne Berry  
Glenn Berry  
Katie Coburn

Big Sur  
Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**McDougal, Melissa x5146**

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**From:** Heidi Hopkins <h2hopkins@gmail.com>  
**Sent:** Tuesday, July 10, 2018 2:35 AM  
**To:** 194-RMAComments  
**Subject:** Big Sur Land Use Plan and STRs

I am a long-time landowner in Big Sur who is strongly opposed to allowing Short Term Rentals on the Big Sur Coast. These commercial operations are inconsistent with the Big Sur Coast Land Use Plan and particularly detrimental to affordable housing, traffic circulation, community culture and local emergency resources (most importantly the local volunteer fire/medical responders). I can attest to the headaches they cause in our single-road ridge community, where neighborly trust, mutual aid and shared responsibility/liability are key to our neighborhood function.

STRs should not be allowed in the Big Sur planning area.

Thank you for considering my comments.

Heidi Hopkins  
50218 Partington Ridge  
Big Sur  
[h2hopkins@gmail.com](mailto:h2hopkins@gmail.com)



## McDougal, Melissa x5146

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**From:** Jessica Hartzell <jessicahartzell@gmail.com>  
**Sent:** Monday, July 09, 2018 10:34 PM  
**To:** 194-RMAComments  
**Subject:** Big Sur Land Use Plan and STRs / Please acknowledge receipt

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Big Sur is a rigorously protected landscape and community. Allowing STR degrades the public access available and lowers the quality of experience in this special place for all. The traffic patterns alone a major concern and should be enough to hold STUs back.

Further, the nearly non-existent stock of housing would be even more degraded by an STU market here. Big Sur needs long term community members, not just wealthy folks and their short term guests. I am in the process of launching a preschool to serve childcare needs that simply cannot be addressed by the public school (Apple Pie). It is nearly impossible to find housing for our teachers or pay them enough to live in Big Sur. Please take a stand for real community members and family support - we are doing our best but we need you to maintain the spirit of the land use plan and help us shape this place into a sustainable treasure for generations to come.

I am grateful for your work and thank you for your careful attention to this issue.

Sincerely,  
Jessica Hartzell  
jessicahartzell@gmail.com

## **McDougal, Melissa x5146**

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**From:** Weston Call <westoncall@gmail.com>  
**Sent:** Monday, July 09, 2018 10:22 PM  
**To:** 194-RMAComments  
**Subject:** Re: Big Sur STR\_Sur\_Transportation

Ok Done!

I hope! (can you confirm?)

Weston Call  
831-238-1203  
831-667-5075  
[www.surtransportation.com](http://www.surtransportation.com)

A book everyone should read: [Big Sur. The Making Of A Prized California Landscape by Shelly Alden Brooks](#)

On Jul 9, 2018, at 9:39 PM, Weston Call <[westoncall@gmail.com](mailto:westoncall@gmail.com)> wrote:

**My name is Weston Call I am am the owner of Sur Transportation.**

**We are working tirelessly to figure out a solution to the overcapacity of Big Sur. We need our employees to have local housing options. Its already tough enough but with a full fledged VRBO and Short Term Rental assault/ allowance, this would be the end to housing in Big Sur.**

**Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:**

- **Traffic (public access)**
- **Housing**
- **Community**
- **Culture**

**Please listen to the local community, as we know whats best for the region. This has been the case since Leon Panetta created the BISMAAC.**

**Weston Call**  
**831-238-1203**  
**831-667-5075**  
[www.surtransportation.com](http://www.surtransportation.com)

**A book everyone should read:**

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## McDougal, Melissa x5146

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**From:** Lynne Semeria <cvapresident@carmelvalleyassociation.ccsend.com> on behalf of Lynne Semeria <lssemeria@sbcglobal.net>  
**Sent:** Monday, July 09, 2018 5:53 PM  
**To:** 194-RMAComments  
**Subject:** FW: Community Position on Short Term Rental

Dear RMA,

[Subscribe Me!](#)

Lynne Semeria has forwarded this email to you with the following message: I am still adamantly opposed to STR's, but if the County is dead set on going against residents' wishes and zoning laws, the CVA document has the best rules and regulations I've seen, and should be adopted.

---

Please Note: You have **NOT** been added to any email lists. If you no longer wish to receive these messages, please contact [lssemeria@sbcglobal.net](mailto:lssemeria@sbcglobal.net).

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*Dear Lynne Semeria*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*RMAcomments@co.monterey.ca.us*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

- Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;
- Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.
- Carmel Valley Master Plan

6. Effective and verifiable self-policing.

- a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
- b. Owners must provide multiple forms of proof they are year-round residents; and
- c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.
- d. Verification to be done by Monterey County.
- e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.

11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.

12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**



16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and

c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

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**McDougal, Melissa x5146**

---

**From:** Eduardo Eizner <eeizner@yahoo.com>  
**Sent:** Monday, July 09, 2018 5:23 PM  
**To:** 194-RMAComments  
**Subject:** Big Sur Land Use Plan and STRs

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:Eduardo Eizner  
E-mail address: eeizner@yahoo.com

## McDougal, Melissa x5146

---

**From:** Doris B. Fabre <hdfabre@sbcglobal.net>  
**Sent:** Monday, July 09, 2018 5:05 PM  
**To:** 194-RMAComments  
**Subject:** Short Term Rentals in Carmel Valley

My name is Doris Fabre. Address is 331 El Caminito Road Carmel Valley. Phone: (831)238-3098.

I support the views and position of the Carmel Valley Association and truly hope that very clear and defined regulations will be put into place to safe guard what I consider a valuable and rare place to live! I do believe the quality of life is being challenged in many directions here in rural Carmel Valley. Air traffic, road traffic, short term rentals.

Just across the hill from where I reside full time, at the top of Country Club Drive, is a large house that does short term rentals. I do not know if they are licensed or not. But, I do know that the owner does not live there full time and that he stays at a friends house when he can rent his house out. Most weekends there is excessive noise and outdoor lights on late into the night.

We purchased our house, knowing that it is zoned residential.

I strongly believe that there must be safe guards and protections for property owners who live full time in their homes.

The idea that there are any short term rentals allowed in a residential neighborhood is absurd and unacceptable.

Potentially it affects property value and quality of life.

I have attended some of the short term rental public meetings and find them to be unproductive and offensive.

We pay an enormous amount of taxes for our residential property and expect it to be protected by the Carmel Valley Master Plan, not degraded by money seekers that only care about what goes into their pocket books.

Please consider my suggestion of disallowing short term rentals in areas designated rural.

Many thanks, Doris

## McDougal, Melissa x5146

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**From:** Kit (Office) <kitarmstrong@comcast.net>  
**Sent:** Monday, July 09, 2018 3:52 PM  
**To:** 194-RMAComments  
**Subject:** FW: Community Position on Short Term Rental  
**Attachments:** Concerns about draft County STR ordinance

Dear Board of Supervisors and County staff,

I have previously sent in several comments expressing my concerns about the approach currently being proposed by the County to deal with STRs. The most recent message, from last week, is attached to this email.

Below, please find a much more detailed message from the Carmel Valley Association, with the support of Carmel Highlands, Mal Paso and Big Sur residents. I fully agree with the concerns expressed in the CVA message, and strongly urge the County to adopt the approach, and associated language, being recommended in the CVA message.

Sincerely,

Kathleen (Kit) Armstrong  
26015 Dougherty Pl.  
Carmel, CA 93923

---

**From:** Carmel Valley Association [mailto:cvapresident@carmelvalleyassociation.ccsend.com] **On Behalf Of** Carmel Valley Association  
**Sent:** Sunday, July 08, 2018 8:57 PM  
**To:** pauhana7@comcast.net  
**Subject:** Community Position on Short Term Rental

-----  
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*Dear Kit Armstrong*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*RMAcomments@co.monterey.ca.us*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

\* **Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

\* **STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

\***The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in Ewing v. City of Carmel-by-the-Sea, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

\* **Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

\* **Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No

absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:
  - Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;
  - Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.
  - Carmel Valley Master Plan
6. Effective and verifiable self-policing.



- a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
- b. Owners must provide multiple forms of proof they are year-round residents; and
- c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.
- d. Verification to be done by Monterey County.
- e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.
- f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.
- g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

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11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.

12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the

applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

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day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and

c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**McDougal, Melissa x5146**

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**From:** Kit (Office) <kitarmstrong@comcast.net>  
**Sent:** Thursday, July 05, 2018 2:43 PM  
**To:** 194-RMAComments  
**Subject:** Concerns about draft County STR ordinance

Dear County officials,

Unfortunately, I am not physically able to attend the upcoming hearing on the draft STR ordinance on July 11. I have previously sent the county comments strongly opposing any STRs that are not associated with "home stays".

I am a renter in Carmel Valley, and have been since I arrived in this area over 15 years ago. In the past 15 years I have had to move house twice, in both cases because the owner wanted to convert their long-term rental house into an STR. Each time I have had to move, I have noticed that the supply of long-term rental houses had grown drastically smaller than the previous time I had to search for a rental home. Houses that 10 years ago were long-term rentals are now in the STRs, and very, very few new long-term rental houses have come onto the market over the past decade.

There is absolutely no question in my mind, based on my personal experience, that the growth of STRs has had a hugely negative impact on the supply of affordable rental properties in the Valley. After all, why would any homeowner with a primary property or an investment property be satisfied with \$3500 a month for a long-term rental when they can get the same amount in a single weekend multiple weekends a year?

I wish to express deep concern about the fact that the draft ordinance says absolutely nothing about the type, number, or location of STRs to be subject to licensing requirements. This approach absolutely abandons any protection of the interests of residents of the Valley, whether they are long-term renters in need of housing, or owners who are subjected to the considerable negative impacts of having what is essentially a hotel next to their property.

I know that it will be very challenging to come up with a meaningful ordinance with substantive limits on STRs. However, other jurisdictions have manage to fight their way to finding an approach suitable for their needs. The County needs to have the same courage and commitment to do right by its residents, both owners and long-term renters.

I am very comfortable with the approach of allowing residents of homes to do short-term rentals of portions of their primary residential homes when the owner is present. This does allow homeowners who may desperately need the rental income to be able to stay in their own homes, and who are willing and able to serves as both a host and a monitor of their guests.

What the County has absolutely no obligation to do, and absolutely should not do, is to reward investors and owners of second or third homes, and who do not live in their houses or are able to monitor the behavior of their renters, to essentially pay for their non-essential investments through STRs that have a very negative impact on the local community. There are plenty of hotel rooms on the Monterey Peninsula to house short term guests. Local residents who desperately need access to the very limited supply of affordable housing in Carmel Valley should not be asked or required to pay the costs of the burdens imposed by STRs that are not associated with home stays.

I therefore endorse all of the comments that the Carmel Valley Association has made regarding the development of a county ordinance and beg the county to bite the bullet and do something real and necessary to protect local residents by developing an STR ordinance with substance and strength to limit and control the out-of-control STR situation in the valley.

Sincerely,

Kathleen Armstrong  
26015 Dougherty Pl.  
Carmel, CA 93923

## McDougal, Melissa x5146

---

**From:** lee klinger <lee@suddenoaklife.org>  
**Sent:** Monday, July 09, 2018 3:23 PM  
**To:** 194-RMAComments  
**Subject:** Big Sur Land Use Plan and Short Term Rentals

Dear Monterey County Resource Management Agency,

I currently reside in Big Sur at 40970 Highway One, and have lived in Big Sur for over 13 years. In that time have experienced the negative effects of short term-rentals. After I lost my home in the 2013 Pfeiffer Ridge fire, I had a very difficult time finding housing, due in part to the many home that were being rented as short term rentals. In fact, the home I am in now was a short-term rental at the time and not available. Fortunately the owner was understanding and allowed me to rent long-term, a decision he is very happy about. However, my neighbors continue to rent short-term, and every week I see a new set of faces next door. I have no idea if each new visitor knows or cares about the severe fire hazard in this area.

Within the past year at least 4 vehicles have come off of Highway One very near my home. Fortunately I was there to help each time. In these cases there was no fire started by the vehicles, but that could easily happen. In the event of a fire, which will happen someday, I prefer to work with a long-term, local resident as a neighbor rather than a visitor from wherever.

Short-term rentals are a significant problem for Big Sur residents who need housing. Thank you for considering my input.  
Kind Regards,  
Lee

Lee Klinger, MA PhD  
Independent Scientist, Oak Care Specialist  
PO Box 664, Big Sur, CA 93920  
831-917-7070  
[lee@suddenoaklife.org](mailto:lee@suddenoaklife.org)  
[www.suddenoaklife.org](http://www.suddenoaklife.org)

**McDougal, Melissa x5146**

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**From:** sylvia laytin <slaytin94@gmail.com>  
**Sent:** Monday, July 09, 2018 2:55 PM  
**To:** 194-RMAComments  
**Subject:** Big Sur Land Use Plan and STR's

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:  
Sylvia Laytin  
Slaytin94@gmail.com  
Sent from my iPhone



## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Tuesday, July 10, 2018 10:34 AM  
**To:** McDougal, Melissa x5146; Maciel Pantoja, Yolanda  
**Subject:** Fwd: Please include for public comment

Sent from my iPhone

Begin forwarded message:

**From:** Califwayoflife <[califwayoflife@aol.com](mailto:califwayoflife@aol.com)>  
**Date:** July 7, 2018 at 1:05:43 PM PDT  
**To:** [berettim@co.monterey.ca.us](mailto:berettim@co.monterey.ca.us)  
**Subject:** Please include for public comment

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Allowing STRs is Forcing commercialization on low density residential zoned coastal areas. This illegal activity destroys neighborhoods.

Monterey County has more than enough Hotel accommodations on the peninsula , all at different price ranges. They are also ADA compliant (Commercially Zoned). Carmel Highlands has the Tickle Pink & the Highlands Inn.

We should not consider drafting any ordinances ,until we can effectively code enforce the existing illegal STR activity .

Thank you  
Gwyn De Amaral  
Carmel Highlands

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## McDougal, Melissa x5146

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**From:** Beretti, Melanie x5285  
**Sent:** Tuesday, July 10, 2018 10:33 AM  
**To:** McDougal, Melissa x5146; Maciel Pantoja, Yolanda  
**Subject:** Fwd: Letter on short-term renals  
**Attachments:** 6th Draft CVA STR Revised CONSENSUS POSITION.doc; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** Sandra Schachter <[schachtersj@comcast.net](mailto:schachtersj@comcast.net)>  
**Date:** July 9, 2018 at 9:15:42 AM PDT  
**To:** [egonzalezsr56@gmail.com](mailto:egonzalezsr56@gmail.com), [ambrizana1@gmail.com](mailto:ambrizana1@gmail.com), [padillac1@co.monterey.ca.us](mailto:padillac1@co.monterey.ca.us), [MendozaF1@co.monterey.ca.us](mailto:MendozaF1@co.monterey.ca.us), [getzelmanpc@co.monterey.ca.us](mailto:getzelmanpc@co.monterey.ca.us), [mduflock1@gmail.com](mailto:mduflock1@gmail.com), [amydroberts@ymail.com](mailto:amydroberts@ymail.com), [wizardj@co.monterey.ca.us](mailto:wizardj@co.monterey.ca.us), [vandeverek@co.monterey.ca.us](mailto:vandeverek@co.monterey.ca.us), [mvdiehl@mindspring.com](mailto:mvdiehl@mindspring.com), Carl Holm <[holmcp@co.monterey.ca.us](mailto:holmcp@co.monterey.ca.us)>, [duganj@co.monterey.ca.us](mailto:duganj@co.monterey.ca.us), [BerettiM@co.monterey.ca.us](mailto:BerettiM@co.monterey.ca.us), Clerk of the Board of Supervisors <[COB@co.monterey.ca.us](mailto:COB@co.monterey.ca.us)>, Mary Adams <[district5@co.monterey.ca.us](mailto:district5@co.monterey.ca.us)>, [district1@co.monterey.ca.us](mailto:district1@co.monterey.ca.us), [district2@co.monterey.ca.us](mailto:district2@co.monterey.ca.us), [district3@co.monterey.ca.us](mailto:district3@co.monterey.ca.us), [district4@co.monterey.ca.us](mailto:district4@co.monterey.ca.us)  
**Cc:** Priscilla Walton <[priswalton@sbcglobal.net](mailto:priswalton@sbcglobal.net)>, Rich Fox <[Foxrich@aol.com](mailto:Foxrich@aol.com)>  
**Subject:** Letter on short-term renals  
**Reply-To:** Sandra Schachter <[schachtersj@comcast.net](mailto:schachtersj@comcast.net)>

Dear Planning Commission, Board of Supervisors, Carl Holm, John Dugan, and Melanie Beretti

Attached is a letter of recommendations regarding the short-term rental ordinance from the president and vice president of the Carmel Valley Association and members of other concerned organizations.

Thank you for considering our views.

Sanda Schachter, Secretary, CV

**Date: July 10, 2018**

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also of a coalition of residents' associations and individuals from Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short-term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits, and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

- **Affordable Housing:** STRs and HomeStays encourage the conversion of long-term rentals to tourist use and reduce the supply of affordable, decent, safe, long-term housing for people of all income levels. Boston, San Francisco, Los Angeles, Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed

ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

- **STRs and Home Stays Negate Local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of de facto re-zoning residential areas into commercial visitor-serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings and increases the risk of significant disruption of quiet neighborhoods.

- **The Stability of Neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, “Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow — without engaging in the sort of activities that weld and strengthen a community.”

- **Increase in Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, increase overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

- **Increase in Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor-serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harm residents and the licensed visito- serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short-Term Rentals (STRs) be limited to “Home Stays.” “Home stays” are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC’s would be permitted. The

owner would be required to be a permanent year-round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor-Serving Unit Limitations) as defined above with a strong enforcement system, close supervision, and accountability. We categorically oppose all non-hosted STR'S.

Specifically we recommend the following for an STR Ordinance:

1. Owner must be a natural person, or living trust for a natural person, who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership are permitted.
3. The owner must be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stays) must, of course, be counted as Visitor-Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just as for hotels) and must not exceed the remaining limits on the number of new Visitor-Serving Units under their Land Use Plans for all areas, including
  - Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;
  - Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

- Carmel Valley Master Plan

6. Effective and verifiable self-policing.
  - a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
  - b. Owners must provide multiple forms of proof they are year-round residents; and
  - c. Owners must provide electronic evidence available over the internet that they physically reside at the STR during the home rental.
  - d. Verification is to be done by Monterey County.
  - e. Licenses for STRs/Home Stays are valid only as long as Monterey County provides the personnel and financial resources to enforce the ordinance.
  - f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies the situation by providing required enforcement resources.
  - g. The County must adopt pro-active enforcement, using Host Compliance or a similar service to locate violators, rather than relying on complaints from residents.
7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.
8. The total number of Home Stay guests cannot exceed two per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with his or her family, a suitable number of bedrooms must be set aside for family members' use.
9. Rentals for 30 days or more are permitted but subject to TOT, if rented for 30 day periods or periods less than a standard one-year lease.
10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.
11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.
12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.
14. As a condition of approving any application for a STR/Home Stay, the applicant must provide a letter from the water supplier to that location stating that there is sufficient water for the maximum possible use of the property; also, the department responsible for leach field safety must state the leach field is adequately sized and properly maintained for the maximum possible use of the property.
15. STR/Home Stays must be completely subject to the rules and restrictions of private roads and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

### **Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.
17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.
18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.
19. 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 shall be

subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

- a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;
- b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and
- c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President

Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**



**PreserveMontereyNeighborhoods.Community**

Bob Danziger  
Lorraine Oshea  
Gwyn De Amaral  
Michele Alway  
Adrienne Berry  
Glenn Berry  
Katie Coburn

**Big Sur**

Ken Wright  
Kirk Gafill



**Mal Paso Creek Property Association**  
73 Fern Canyon Road, Carmel CA 93923

Jun 26, 2018

Melanie Beretti, Special Programs Manager  
Monterey County Resource Management Agency  
168 West Alisal Street, 2nd Floor  
Salinas CA 93901-2438



Re: Addendum and New Comment for the Public Record to the Monterey County Planning Commission Regarding the Proposed Short-Term Rental Ordinance.

Dear Ms. Beretti and members of the Monterey County Planning Commission:

In reviewing the public record on STR workshops and Planning Commission meetings, I could not find a letter written on behalf of the Mal Paso Creek Property Association (MPCPA) that I thought that I submitted for the record at the Nov. 2016 STR Public Workshop. I had intended to read the letter into the record at the meeting; however, by the time that I was scheduled to speak, the comments had been limited 1 minute and constrained to only items not already raised by another speaker. I had thought that I left a copy of the letter at the side table for submission for the record. Perhaps it got misplaced or I forgot to leave it in the correct location. Enclosed is that letter (dated Nov. 8<sup>th</sup>, 2016). I request that it be added to the public record at this time.

In response to our last conversation at the Carmel Highlands LUAC meeting a few weeks ago, I've also enclosed a copy of the Carmel Highlands Wastewater Treatment Study. This is a County document and is also available online

at: <http://www.co.monterey.ca.us/home/showdocument?id=46532>

An earlier and shorter document entitled, Carmel Highlands Wastewater Management Plan is also available at:

<http://www.co.monterey.ca.us/home/showdocument?id=14904> .

I would additionally request that this document and the accompanying letter that details our environmental concerns in relation to the enclosed OWMS be submitted for the record as well. Thank you.

Best Regards,

Michael Emmett  
President, Mal Paso Creek Property Association

1. The first part of the document is a list of the names of the persons who have been appointed to the various offices of the city of New York.

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November 8, 2016

Melanie Beretti, Special Programs Manager  
Monterey County Resource Management Agency  
168 West Alisal Street, 2nd Floor  
Salinas CA 93901-2438

Re: Comment for the record to the Monterey County Planning Commission, Public Workshop regarding proposed Short Term Rental ordinance (REF130043 & REF100042).

Dear Ms. Beretti and members of the Monterey County Planning Commission:

Thank you for your attention and concern regarding the impact and issues related to Short Term Rentals (STR) in our community. The Mal Paso Creek Property Association is a voluntary association with a Board of Directors incorporated to express the voice of our fellow property owners, specifically with the stated mission to "protect, conserve and defend the single-family residential character of the Mal Paso Creek area." We are writing on behalf of the majority of our property owners, to request that the Planning Commission maintain the current prohibition on STR's in our neighborhood which lies within the Coastal Zone. The rationale for this prohibition includes the following:

1) The CC&R's associated with the purchase and transfer of property within our community prohibit property rentals of less than 30 days and generally forbid the use of homes and property for commercial purposes.

- Short Term Rentals would violate these deeded restrictions and degrade the residential character of our community.
- As stated above and similarly referenced in the letters submitted to the Planning Commission by the Pebble Beach Co. (Exhibit G) and the Del Monte Forest Property Owners (Exhibit H), MPCPA membership is a voluntary organization of homeowners. Membership is not mandatory and, therefore, there we have very limited abilities to effectively enforce these existing CC&R's.
- Should Monterey County decide to go forward with changing the STR prohibition in the Coastal Zone with a new ordinance; MPCPA, as well as all of the other property owners associations (CPOA, Carmel Highlands Association, DMFPO, etc.), must realistically rely on the County to respect and enforce these legal provisions and preserve the historic character and community values of these neighborhoods.
- Our community is already experiencing many of the negative impacts outlined below in association with the current illegal STR's operating in our neighborhood. Despite the County's efforts to enforce the current prohibitions, these property owners continue to choose to violate the laws and CC&R's. The MPCPA Board believes that there is no reason to expect that any restrictions or guidelines put forward under a new ordinance would be honored or adhered to given our current experiences.

2) Loss of Affordable Long-term or Mid-Term Housing in the Coastal area:

- Our area has become increasingly unaffordable for those low or medium income citizens seeking residences in the coastal zone. We have seen small subordinate units on properties, which may have provided low income or medium term residences for workers in our area, leave the long term rental market to be used instead as STR's. That has meant that units near the coast which could have been used for teachers, contract nurses, students, general workers and others are no longer available.

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- Medium and higher income properties have also left the long term rental market. Many of these properties have remained on the market for extended periods until purchased by trusts, investors building real-estate investment portfolios, foreign nationals, and others who seek to use these properties primarily as investments. The consequent price inflation makes them unaffordable as long-term rentals or primary home purchases for all except the highest income owners. Instead owners are offering them as high-end STR rental properties, often renting them to groups and/or for large special events.

### 3) Conversion of residential homes in favor of commercial activities:

- In the instances above, those properties have been lost to the community as residences, and have become commercial enterprises.
- Further, several of these properties have been purchased to be offered year round, or nearly year round as STR's with impact both on availability as long or medium term coastal residences as well as impact on the character of the neighborhoods in which they are located. Many of these homes are seldom if ever occupied by the purchasers. Consequently, the new owners have no personal stake in the community thus dwindling the available residents that would volunteer for services that keep a neighborhood together such as neighborhood watch, HOA Board positions, fire protection, disaster network and other community building organizations.

### 4) Environmental impacts:

- Those paying to stay in STR's often do not understand the fragile nature of our coastal environment or the safety risks associated with the hazardous conditions that exist along the coast.
- There have been no long term reviews of the impact of this STR activity on our sewage systems (primarily septic), water systems (public, private and community), and other utilities. Where small units may have had 1 or 2 residents, they are now full to the brim with visitors. And high end "vacation homes" which used to be used occasionally by their owners are now booked and frequented by visitors and groups.
- Many of the current illegal STR's are advertising available occupancy levels far beyond the design capacities of these water and septic systems. Our community has been under moratoriums of additional water connections, water rationing (mandatory and voluntary), new septic system construction and other development restrictions. Should these overcapacities continue under new ordinances, and there is no evidence to suggest that they would not, these activities risk potential harmful effects to the coastal environment and public safety risks to tourists and the surrounding neighbors.
- Even with reasonable restrictions applied to any new ordinance(s), the fragile and hazardous nature of the coastal and wildland areas of our communities are susceptible to severe damage of even a single adverse event such as a sewage spill (many of the current illegal and potentially permitted STR's operate septic systems directly adjacent to the National Marine Reserve), wildfires (there have been many illegal beach bonfires observed and reported at our local beaches and coves started by STR tenants) and other activities damaging to the protected but unsupervised coastal environment.
- The Mal Paso Creek area, the Carmel Highlands and the Big Sur Coast generally are all designated as "Very High Risk" and also as a "Very High Wildfire Severity Zone" for wildfires by the California Department of Forestry and Fire Protection (CALFIRE). As we have seen very recently and from past fires in the region, these wildfires produce tremendous and even tragic losses and damages to the environment. These environmental impacts last for years following an event - affecting ecosystems, watersheds, infrastructure, property and lives. Out of the area visitors are generally unaware of these risks and, unfortunately, often behave accordingly. The recent Soberanes fire is a prime example of this. The cause of which has been determined to be from an illegal campfire in a closed and unsupervised section of Garrapata State Park - immediately adjacent to our community.
- The coastal and inland areas of the Carmel Highlands are located within or adjacent to several protected natural resource areas including: The Monterey National Marine Sanctuary, The California Sea Otter Game



Refuge, Carmel Bay State Marine Conservation Area, Pt. Lobos State Marine Reserve, Pt. Lobos Marine Conservation Area. In addition, there are several protected preserves in the inland areas. It should be noted that the coastal areas inside our community are not designated as public access within our Carmel Area LUP and CIP due to hazardous access and ocean conditions and under provisions to limit natural resource damage as well as disturbances to residential property owners. Nevertheless, MPCPA members and residents have reported increased incidences of private property trespass and illegal activities - many associated with the tenants of these illegal STR's. Reported environmentally destructive and hazardous activities have included: climbing on and eroding coastal cliffs and bluffs, removal of specimens from tidepools and other protected areas, illegal camp or cooking fires, and disturbances to wildlife. None of these protected areas have been studied for the adverse environmental effects resulting from the changes in the Coastal LUP to allow for STR's and increased tourist activities.

- The environmental impacts are aggravated by infrastructure insufficiency. There has been an exponential rise in tourism along the coast that has impacted traffic on Highway 1. There are often miles long traffic backups, parking overflows at Pt. Lobo causing unsafe traffic conditions and safety risks to pedestrians and drivers, parked cars, and even limos, choking the narrow roads in the Highlands. Many of us are concerned about what might happen if we need to travel on Highway 1 in an emergency at a time when traffic is at a standstill in our neighborhoods and/or highways from Carmel River to Garrapata State Park. Highway 1 is the only ingress/egress, emergency and evacuation route for residents of the Big Sur Coast.

5) California Environmental Quality Act (CEQA) requirements and the need for a full Environmental Impact Report (EIR) and environmental and cultural resources review process:

- Given the above reported environmental damage already observed from the illegal STR operations and the potential for the same and additional adverse environmental impacts should the County chose to move forward with an ordinance permitting STR's within the Coastal Zone, MPCPA believes that there is sufficiently demonstrated evidence and/or potential that such an ordinance and the activities that it would permit *"...may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment."* As such, consideration of an ordinance permitting STR's in the Coastal Zone is sufficient to require a full environmental review process under the California Environmental Quality Act (CEQA).
- Furthermore, given these already observed and potential for increased environmental impacts, we don't believe that this process or potential new ordinance would qualify for a negative declaration or categorical exemption under CEQA.
- In addition to the stated and potential negative environment impacts, these Coastal Areas contain many protected cultural resource sites and sacred natural resources. Some of these are located within our community and on private property. The potential adverse impacts of additional tourist activities near to or at these sites also needs to be examined and analyzed for potential negative impacts.

6) Sufficient and reasonable access under current ordinances:

- We understand the desire to make our beautiful coastal environment available to visitors to our area, but believe, except for one or two peak periods each year, there are sufficiently available hotel rooms and time-shares available to handle the volume. There are two resort hotels actually operating inside our community: The Highlands Inn (Hyatt) and the Tickle Pink Inn. Additionally, there are other hotels and guest accommodations immediately adjacent to our community north and south. Our area has always had a strong tourist economy, and those tourists filled our hotels and commercial establishments before AirBnB, VRBO, etc. It is difficult to understand the need for any further tourist accommodations within our residential community, especially given the potential environmental risks and already overburdened infrastructure. In addition, judging by the advertised rental prices for the illegal STR's operating in our



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community, often going for over \$1,000 per night, we don't see how this activity is providing any additional "affordable" coastal access opportunities.

- Abundant coastal access is provided by the State and Regional parks that are within and completely surrounding our community. These include: Point Lobos State Reserve, Carmel State Beach, Garrapata State Park, and Palo Corona Regional Park. There are even plans for additional public recreational areas to be added in the future.
- Many in our neighborhood rented their homes for longer term rentals—often a year at a time, which is much preferable to high-turnover rental investments.
- Further, for those interested in sharing their properties with others, they may do so without permits for stays of 30-days or more. For those hosting short term visitors, the current Bed and Breakfast ordinance (20.64.100 and 21.64.100) provides them means to do so. (It is interesting that so few permits have been requested or approved.) These ordinances allow the residential character of our neighborhoods to be maintained, while opening properties to transients.

7) Preservation of the residential character of our communities:

In addition to the above, our members have expressed the following concerns if STRs are allowed to continue or proliferate in the Carmel Highlands:

- Loss of "neighborhood" residential character, by introducing "STR businesses" with high turn-over of transient traffic instead of neighbors
- Impact of increased volume of people on our fragile coastal ecosystem
- Safety concerns by introduction of transients unfamiliar with conditions, laws, and hazards of the area
- Increases in wear-and tear on our beach areas and increased costs to maintain easements and insure against liabilities on our common areas due to increased non-resident traffic
- Noise issues, litter, excessive parked vehicles.

In summary, on behalf of our property owners, MPCPA requests that the county not move to permit STR's in the Carmel Highlands and in the Coastal area. We believe that given the potential for adverse environmental damage as a consequence of changing current Coastal Plans and passing an ordinance permitting STR's within the Coastal Zone, a full Environmental Impact Report and accompanying public review process is necessary. We also request that no further consideration or action by the County be undertaken until a full Environmental and Cultural Resources analysis is conducted under the requirements of CEQA. Thank you for the opportunity to comment on this important matter that affects our members and the greater coastal community.

Sincerely,



Michael A. Emmett

President, Mal Paso Creek Property Association  
Box 73, Rural Route 1  
Carmel CA 93923

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**Mal Paso Creek Property Association**  
73 Fern Canyon Road, Carmel CA 93923

Jun 25, 2018

Melanie Beretti, Special Programs Manager  
Monterey County Resource Management Agency  
168 West Alisal Street, 2nd Floor  
Salinas CA 93901-2438

Re: Comment for the record to the Monterey County Planning Commission regarding proposed Short-Term Rental ordinance.

Dear Ms. Beretti and members of the Monterey County Planning Commission:

Attached with this letter is a copy of the Carmel Highlands Onsite Wastewater Management Study (OWMS) prepared for Monterey County in 2010. I ask that this document, along with this letter of comment, be submitted for the record of the Monterey County Planning Commission with reference to the proposed Short-Term Rental (STR) ordinance.

We are submitting this document as evidence of the need for further environment review before any changes in the laws, Coastal Plan, or County policies regarding the removal of the prohibition of Short Term Rentals and adoption of a new STR ordinance within the Monterey County Coastal Zone and particularly within the residential community of Carmel Highlands, including those areas within the Mal Paso Creek Property Association (MPCPA).

The MPCPA is a voluntary association of property owners established in 1968 representing approximately 225 households in the southern section of the Carmel Highlands including Otter Cove (Aurora Del Mar) and Victorine Ranch. We are a 501 (c)(3) non-profit corporation and our mission is to: "Protect, conserve and defend the single-family residential character of the Mal Paso Creek area."

The MPCPA has previously submitted letters expressing the position of the Board of Directors and the overwhelming sentiment of the MPCPA membership, that the current prohibition of rentals of under 30 days (short-term rentals) within Carmel Highlands and the Coastal Zone should continue. We have cited many public safety, quality of life, compliance with zoning, CC&Rs and Coastal LUP, along with environmental and cultural resource protection issues (see letter dated Nov. 8<sup>th</sup> 2016 and public testimony). With this submission, we would request that the Planning Commission closely consider specific environmental issues that the County has already acknowledged in other County documents (e.g. OWMS) with regards to the appropriateness of proceeding with any new ordinance allowing STRs in the Coastal Zone without a full environmental review of the potential harmful environmental effects of such a major change in land-use policy. We submit that such a far-reaching land-use change would require a full CEQA review including an EIR.

The OWMS is a lengthy document with its focus on recommendations for solutions to environmental and public health problems resulting from inadequate or unsuitable septic system conditions in the

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's views on the state of the Union and the progress of the war.

2. The second part of the document is a report from the Secretary of the War Department, dated January 10, 1862. It contains a detailed account of the military operations of the Army during the year 1861, and a statement of the resources of the War Department.

3. The third part of the document is a report from the Secretary of the Navy Department, dated January 10, 1862. It contains a detailed account of the operations of the Navy during the year 1861, and a statement of the resources of the Navy Department.

4. The fourth part of the document is a report from the Secretary of the Department of the Interior, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861, and a statement of the resources of the Department.

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9. The ninth part of the document is a report from the Secretary of the Department of the Interior, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861, and a statement of the resources of the Department.

Carmel Highlands. The complete report is available on the Monterey County's website at: <http://www.co.monterey.ca.us/home/showdocument?id=46532> . An earlier and shorter version is also available at: <http://www.co.monterey.ca.us/home/showdocument?id=14904> . As of this time no final choice of the recommended options or permanent solutions from this report have been implemented. Because it was not an issue at the time, this report does not directly address the consequences of adding new commercial rental properties to the Carmel Highlands. However, given the problems outlined in this report, lack of detailed information on the operational integrity of the existing wastewater treatment systems, adverse geological conditions, and the reported potential for environmental harm, it can be concluded or inferred from the presented facts that permitting STRs in the Carmel Highlands would exacerbate the current environmental problems and that further detailed study would be necessary to even understand the environmental impacts of allowing STR's in the fragile and protected areas of the Carmel Highlands and other Coastal Zone areas. Accordingly, the MPCPA respectfully submits that no regulatory change or new ordinance governing the operation of short-term rentals within Carmel Highlands or generally within the Coastal Zone can be considered by the County without a full CEQA review and EIR.

This Carmel Highlands OWMS is submitted as direct and inferred evidence that adopting a short-term rental ordinance within Carmel Highlands would could result in *significant environmental harm* with the potential for both short-term and long-term environmental, public health and infrastructure risks and impacts.

The accompanying report outlines many of the existing and potential problems. Below, we will highlight some findings and recommendations in the report that demonstrate the potential for negative environmental impacts by permitting STRs and dramatically changing land-use policies within the residentially zoned Carmel Highlands area. It should be noted that this is not an exhaustive list and experts experienced with the relevant environmental and public health knowledge should review, and perhaps re-evaluate the original OWMS, for more issues related to the potential environmental harm of adding STR's to the ongoing septic system issues within the Carmel Highlands and elsewhere in the Coastal Zone.

The following are some pertinent excerpts from the Carmel Highlands OWMS:

- Pg. 6, Par. 3: *Soil and geologic conditions in Cannel Highlands present moderate to severe constraints for OWTS...*
- Pg. 5, Par. 5: *All OWTS are currently regulated by the Monterey County Division of Environmental Health under the provisions of County Code Chapter 15.20. However, since development in Carmel Highlands dates back to the 1950s, OWTS have been installed over many years under differing regulatory requirements and industry practices that have evolved over the past 60 years. Some of the relevant statistics regarding OWTS in Carmel Highlands determined from County files include the following:*
  - *32% of the OWTS are more than 50 years old; about half are more than 30 years old.*
  - *71% of the OWTS have still use their original system; 29% have been repaired or modified*





- *There are an estimated 10 to 15 OWTS that discharge to the ocean rather than to an onsite disposal field.*
- *Pg. 6, Par. 4: Based on the age of the existing OWTS, it is reasonable to expect that in the foreseeable future as many as 30 to 50 percent of the OWTS in the study area will require significant upgrade and/or replacement.*
- *Pg. 7, Par. 3: A significant threat to ocean water quality is posed by the OWTS serving ocean-front homes. where there are estimated to be 10 to 15 systems that have direct discharges of effluent to the ocean. These discharges are not in compliance with either County Code, California Water Code, or the Federal Clean Water Act and pose a direct threat to beneficial uses of the ocean waters ...*
- *Pg. 7, Par. 4: Approximately 25 to 30 percent of the parcels in Carmel Highlands either border or are within 100 feet of one or the major streams or seasonal tributaries that drain through the area. Although no water quality data are available for local streams, wastewater contaminants, especially pathogens, reaching local streams could adversely impact recreational uses, especially in the lower reaches or the streams where they meet the ocean. An additional concern is the potential impact on groundwater quality and drinking water uses, via percolation and recharge of the bedrock aquifer along the stream channels.*
- *Pg. 11, Par. 2: Although the Carmel Highlands area does not have a documented high rate of overt failures of OWTS, information on the design, age, repair history, and septic tank pumping data indicate chronic operational difficulties, severe problems in specific areas, and a likelihood of significant repair or upgrade needs in the foreseeable future. Management of existing systems can be improved by (a) identifying and taking abatement action for the existing ocean discharge systems; (b) instituting a new septic tank pumper inspection/reporting program; (c) adopting performance evaluation and other requirements for system repairs and remodel projects; and (d) implementing a water quality monitoring program to provide baseline information and ongoing tracking of OWTS impacts on the environment.*
- *Pg. 102 Par. 7: Conduct environmental studies in connection with the feasibility analysis and conduct complete environmental review under CEQA of recommended sewerage facilities plan.*
- *Pg. 103, Par. 1: Implementation of the recommended sewerage facilities plan would be based upon the results of the engineering and environmental studies. This is anticipated to include the following.*
  - *CEQA Certification. Certification of the environmental document for the sewerage facilities plan by Monterey County, per CEQA.*

Most of these excerpts listed above are from the Introduction and Summary sections of the OWMS. Greater detail and other environmental and public health issues are found within the main body of the study.

These water and sewage pollution concerns along with other protected habitat, cultural resource and infrastructure/natural resource over-utilization impacts (see MPCPA's Nov. 8, 2016 letter) need to be properly reviewed before any new public land-use ordinance be put forward by the County. It is the





position of the MPCPA that there exists ample evidence for the potential of *significant environmental impacts*, now and into the future, from the passage of a new STR ordinance.

In addition to the direct evidence provided by the OWMS, there are additional *reasonable assumptions predicated upon facts* for additional environmental impacts. For example, Septic systems can fail for multiple reasons. Besides age and disrepair, systems can fail due to long-term overuse or instantaneous overuse beyond system design and/or capacity. Given the age, condition, changes in engineering and permit requirements over the years, and unknown construction factors cited in the OWMS and given the high occupancy rates (two persons per bedroom) being considered in the draft STR ordinance, it is reasonable to extrapolate that overuse on older existing septic systems are a very real environmental and public health risk. Additionally, within the Carmel Highlands, there has always been a fairly high number of non-resident property ownership. It has ranged between 20% - 30% over the years with most of these properties having historically been either very occasionally or seasonally used vacation properties for their owners. Therefore, for most of the year these properties used to sit vacant and did not have as significant of impacts on the environment or local infrastructure. Our observations are that these formerly low-use vacation homes are the very properties that we now see being utilized as illegal vacation rentals - therefore, causing a higher level of use than existed before with the consequent increased level of environmental impacts. Should a new STR ordinance be placed in effect, it is extremely likely that these higher levels of use would continue and increase as more low-use properties are converted to short term rentals.

This evidence should be sufficient to trigger a full CEQA review including requiring an EIR for these changes in land-use policies - especially within the Coastal Zone. We do not believe it possible and would not support any County claim that an STR ordinance could be adopted through a CEQA Negative Declaration or Mitigated Negative Declaration.

In conclusion, on behalf of our property owners, MPCPA requests that the county not move forward with a draft ordinance to allow STR's in the Carmel Highlands and in the coastal area. We believe that given the potential for adverse environmental impacts as a consequence of substantial changes in the current Coastal Plan, primary land use regulations and altering the basic residential character within the Coastal Zone, a full Environmental Impact Report and accompanying public review process is necessary and required under CEQA provisions. We also request that no further consideration or action by the County be undertaken towards a new STR ordinance until a full environmental and cultural resources analysis is conducted under the requirements of CEQA.

Thank you for the opportunity to comment on this important matter that affects our members and the greater coastal community.

Respectfully Yours,



Michael A. Emmett  
President, Mal Paso Creek Property Association  
Box 73, Rural Route 1  
Carmel CA 93923



# ***Carmel Highlands Onsite Wastewater Management Study***

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*Prepared for:*  
**Monterey County Health Department**

*Prepared by:*  
**Questa Engineering Corporation**

*In Association with:*  
**Todd Engineers  
Denise Duffy & Associates**

**December 2009**



# **Carmel Highlands Onsite Wastewater Management Study**

*Prepared for:*

**Monterey County Health Department**  
1270 Natividad Road  
Salinas, CA 93906  
(831) 755-4500

*Prepared by:*

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*In Association with:*

**Todd Engineers**  
**Denise Duffy & Associates**

Questa Project # 280123

**December 2009**

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# EXECUTIVE SUMMARY

## BACKGROUND AND INTRODUCTION

### **Project Area**

The Carmel Highlands study area is located about three miles south of Carmel and 18 miles north of Big Sur, California, along State Highway 1. The area is bounded by Point Lobos Ecological Reserve on the north and Malpaso Creek on the south. There are approximately 450 existing developed residential parcels, in addition to some commercial uses, including the Highlands Inn and Tickle Pink Inn. There are an estimated 105 undeveloped residential parcels in Carmel Highlands with potential for future development.

The Carmel Area Wastewater District (CAWD) provides sewer service for the Highlands Inn, the Tickle Pink Inn, and the Highlands Sanitary Association, which includes 14 residential parcels. Three other existing developed parcels in Carmel Highlands have been conditionally approved for annexation into CAWD and connection to the Highlands Sewer, but have yet to be connected. All other properties are served by individual onsite wastewater treatment systems (OWTS). The majority of these systems are conventional OWTS, consisting of a septic tank and rock-filled disposal trenches or seepage pits.

### **Onsite Wastewater Management Requirements**

In 1994, the Water Quality Control Plan, Central Coast Region ("Basin Plan") recommended that onsite wastewater management plans (OWMP) be prepared and implemented for urbanizing and high density areas, including applicable portions of the Carmel Highlands, to: *"... investigate and mitigate long-term cumulative impacts resulting from continued use of individual, alternative and community onsite wastewater systems"*. In light of the recent trend toward the installation of individual onsite domestic water wells, in March 2007 the Regional Water Quality Control Board (RWQCB) alerted the County to an immediate potential threat to public health, safety, and welfare posed by permitting additional OWTS on individual lots in the Carmel Highlands. Subsequently, the RWQCB directed the County to conduct an investigation of the Carmel Highlands area in order to prepare a sufficiently detailed wastewater management plan that addresses the capacity for additional OWTS and provides appropriate measures for long-term wastewater management in the area.

In response to the RWQCB directive, on October 2, 2007, the Monterey County Board of Supervisors adopted Interim Ordinance 5086, temporarily limiting new development in a specified area of the Carmel Highlands. The Ordinance prohibits any new development that has the potential to generate wastewater as well as the construction of individual water wells, with limited exceptions, until an OWMP is developed. The Board of Supervisors extended the duration of the interim ordinance twice with minor modifications (Ordinance Nos. 5093 and 5116), expired on October 2, 2009.

In January 2009, Monterey County authorized Questa Engineering Corporation (Questa) to conduct an onsite wastewater investigation and management study of the Carmel Highlands area as required by the RWQCB. The study by Questa and its sub-consultants, Todd Engineers and Denise Duffy & Associates, included an evaluation of soil and hydrogeologic conditions, local onsite wastewater treatment and disposal practices, development potential, existing and potential water quality impacts, measures to improve OWTS practices, sewerage alternatives, and recommendations for long-term wastewater management in the Carmel Highlands. The results and recommendations from the study are contained in this report.

## **ENVIRONMENTAL SETTING**

### ***Hydrology***

Regionally, the area includes five relatively small watersheds. From north to south, the watersheds include: Gibson Creek, Fern Canyon, Wildcat Creek, Yankee Point, and Malpaso Creek. Most of the watersheds extend about 1 to 1.5 miles inland, except Malpaso Creek, which extends about 3 miles to the east-southeast. Surface water flow is generally from east to west. Malpaso Creek is a perennial stream while Gibson, Fern Canyon, and Wildcat creeks are intermittent and flow during the rainy season and after significant rainfall events; however, stream flow measurements have not been collected for this area.

The topography of the area is rugged and generally steep. The Mediterranean-type climate provides an average annual rainfall of about 20 inches over the study area, with about 82 percent of the rainfall occurring from November through March.

### ***Geology***

The Study area is underlain by Mesozoic granitic basement rocks that form portions of the Santa Lucia Range. Most of the bedrock observed in road cuts and well drill cuttings appear to be either granite or quartz monzonite that has undergone differential weathering (i.e., weathering occurring at different rates due to rock composition or resistance to weathering). This commonly results in an uneven surface where the more resistant rock either stands higher or protrudes from an outcrop.

The coast along this portion of California is known as an emergent coastline, caused by ongoing tectonic uplift that has outpaced postglacial sea level rise. This has resulted in tectonic fracturing of the granites, producing both shear and extension fractures and jointing.

Also typical to such coastlines are the relatively young steep canyons bordering the ocean, such as Fern Canyon and Malpaso Creek, and marine terraces that are cut into seaward-facing hillslopes. These are ancient marine wave-cut benches or platforms that have been eroded by waves in the surf zone.

### ***Groundwater***

Groundwater in the study area is derived primarily from infiltrating rainfall. Water is held temporarily in the soils and weathered granite, providing storage for some subsequent percolation into the underlying bedrock. Groundwater flow systems generally mirror the surface water drainage system with surface water divides coinciding with groundwater divides. In general, groundwater flows westward into the ocean, and the water table appears to occur principally within the underlying unweathered fractured granite.

A relatively thin veneer of soil and unconsolidated alluvium occurs in many areas but is too thin and permeable to permanently store groundwater. Groundwater seeps through this zone but is removed by interflow along the soil-alluvium and weathered and unweathered bedrock contacts. Where the bedrock is highly decomposed, groundwater may seep below this contact or can be temporarily stored in the weathered granite leaking to the underlying fractured rock aquifer. Where the bedrock is less decomposed and presents a restriction to downward percolation, shallow seasonal perched groundwater conditions may develop.

### ***Soils***

Soils in the study area consist mainly of a relatively thin veneer of residual soil, largely derived from the underlying granitic rocks, with inclusions of deeper marine terrace deposits in a few distinct areas. Areas along

the immediate coastline consist of rock outcrops with virtually no soil mantle. Surface soils throughout most of the area tend to be fine-grained to coarse-grained sandy loams, with generally moderate to high permeability. Their main limitations for wastewater disposal are shallow depth (typically 2 to 4 feet) combined with steep slopes. Deeper soils (e.g., 5 feet or more) associated with marine terrace deposits occur along portions of Spindrift Road and the northern end of Yankee Point Drive. Farther south along Yankee Point Drive, the soil depth decreases and certain localized areas experience shallow seasonal groundwater conditions due to perching of water on the underlying weathered bedrock surface.

### ***Water Supply***

California American Water Company (Cal-Am) provides partial water supply service to the northern portion of the plan area and Carmel Riviera Mutual Water Company (CRMWC) provides water supply service in the southern portion of the study area. Cal-Am delivers water to Carmel Highlands from its wells located adjacent to the Carmel River and the Seaside Basin. However, Cal-Am has been under stringent judicial and state orders to reduce pumping from these sources and, therefore, has denied any new requests for water service in Carmel Highlands. The CRMWC is a private mutual water company that has been in service since the 1950s. The CRMWC serves most of Yankee Point and the lower Malpas Creek watersheds from a series of 17 low-yield water supply wells and surface water diversions from Malpas Creek. The CRMWC has sufficient water source capacity for all properties within their service area. However, for approximately the last ten years, Cal Am has been unable to honor existing "can and will serve" letters or approve new water connections due to pumping limitations. Due to these limitations on Cal-Am's service, owners of undeveloped lots have turned to the installation of individual onsite domestic water wells to enable lot development. There are presently 17 individual wells in Carmel Highlands.

### ***Wastewater Treatment and Disposal***

With the exception of Highlands Inn, 13 residential properties within the Highlands Sanitary Association, and Tickle Pink Inn (located in the Fern Canyon watershed), which are connected to the Carmel Area Wastewater District (CAWD) facilities, wastewater treatment and disposal is provided by individual onsite wastewater treatment systems (OWTS), commonly referred to as septic systems. The typical (conventional) OWTS includes a septic tank and gravity-fed disposal field, consisting of either a series of leaching trenches and/or gravel-filled seepage pits. There are fewer than 10 alternative or engineered designs that have been installed for repair and/or upgrade of existing OWTS. These systems may include supplemental treatment components (e.g., aerobic treatment unit or sand filter) and/or pumps and pressure distribution to enhance the dispersal of wastewater for better soil absorption.

Wastewater from Highland Inn, Tickle Pink Inn and Highlands Sanitary Association is conveyed to the CAWD regional wastewater treatment facility near the Carmel River via a 4-inch diameter sewer force main that parallels Highway 1, and a sanitary sewer lift station located near the two inns. These facilities were installed in 2004, with private financing, and are now part of the CAWD system. Prior to these, properties were served by two private sewage treatment plants that discharged treated water to the Pacific Ocean near the mouth of Wildcat Creek, and have since been decommissioned. Three other existing developed parcels in Carmel Highlands (APNs 241-071-002, 241-073-001, and 241-182-006) have also been conditionally approved for annexation into CAWD and connection to this sewer line, but have yet to be connected.

## EXISTING WASTEWATER PRACTICES

In California, all wastewater treatment and disposal systems, including individual septic systems, fall under the overall regulatory authority of the State Water Resources Control Board and the nine California Regional Water Quality Control Boards. Monterey County falls within the jurisdiction of the Central Coast Regional Water Quality Control Board (RWQCB). The RWQCB has adopted policies and requirements pertaining to onsite systems that are contained within the Water Quality Control Plan for the Central Coast Basin, more commonly referred to as the "Basin Plan". Under the terms of a Memorandum of Understanding with the RWQCB, the County of Monterey administers individual onsite wastewater disposal regulations in conformity with the Basin Plan, and those regulations are codified in Chapter 15.20 of the Monterey County Code.

### *System Siting and Design*

#### **Siting Factors**

The Monterey County Code sets forth specific requirements related to the use and permitting of onsite systems, including site evaluation methods, design and construction standards, system abandonment, septage disposal, inspections, prohibitions and enforcement. Key factors that affect the siting and functioning of OWTS include the following:

- **Soils.** Soil suitability is the single most critical aspect of onsite sewage disposal. It provides the medium for the dispersal and treatment of wastewater discharged through subsurface disposal systems. This is accomplished mainly through a combination of physical filtering, biological and chemical processes, and dilution.
- **Geology.** The geology of an area is important to the suitability and performance of onsite sewage disposal systems due to its influence on topography and landforms, the type and characteristics of soils that develop at the surface, the occurrence and movement of sub-surface water, and slope stability.
- **Percolation.** The percolation test is a commonly used method of evaluating hydraulic conductivity in soils and determining the suitability and proper sizing for an onsite sewage disposal system. Soil evaluation, if done thoroughly by properly qualified and experienced professionals, can be a valid substitute for percolation testing.
- **Groundwater.** Proximity to groundwater influences the effectiveness of the soil treatment zone, can be a conduit for groundwater or surface water contamination, and can also contribute to hydraulic failure of a disposal field, causing the effluent to backup and potentially rise to the surface.
- **Slope.** Slope stability, erosion hazards, and the potential for downslope seepage or breakout of effluent pose limitations on the steepness of the slope where onsite systems can be located.
- **Setbacks.** Minimum horizontal setback distances between onsite sewage disposal system components and various water and landscape features are established to provide suitable buffer area around the wastewater system.
- **Density Considerations and Cumulative Impacts.** High-density development using onsite systems can contribute to elevated nitrogen concentrations in the groundwater and/or a general rise or mounding of the water table, both of which are undesirable. Such problems are generally avoided by planning for sufficiently large lot sizes where onsite sewage disposal systems are used.

## **Conventional Systems**

Conventional onsite wastewater treatment systems consist of two major components: (1) a septic tank for collection, settling and digestion of sewage wastes from the building; and (2) a disposal system for dispersal and absorption of septic tank effluent into the soil or geologic strata. The septic tank provides primary treatment of wastewater by providing sufficient detention time for gravity separation of solids. Heavier solids settle, forming a sludge layer at the bottom of the tank while fats, oils, grease, lighter solids, and decomposing organic material float to the surface to form a scum layer. Two types of conventional disposal fields are approved for use in Monterey County: (1) leachfield and (2) seepage pit. A leachfield (also termed "drainfield" or "soil absorption field") consists of a series or network of perforated pipes installed in gravel-filled trenches. This is the preferred method of disposal in Monterey County. Seepage pits provide for discharge into the deep soils and geologic strata through vertical, rock-filled boreholes.

## **Alternative Systems**

Beginning in the 1970s, considerable attention has been given in the U.S. to the study and improvement of onsite sewage disposal system practices. This has led to the evolution of numerous "alternatives" to the conventional septic system. Monterey County does not currently have a local regulatory framework in place to approve alternative systems. Applications for alternative OWTS are currently processed and permitted by the RWQCB.

Alternative treatment technologies provide additional wastewater effluent treatment beyond that provided by a conventional onsite system. The primary types of alternative treatment technologies include sand filters, other packed bed filters and aerobic treatment units. Alternative dispersal systems provide additional options for system siting and design in constrained soil and geologic environments.

Alternative dispersal systems are typically oriented around two principles: (1) shallow dispersal to take advantage of the most aerobic and biologically active soil zone; and (2) uniform distribution of effluent to maximize soil contact and minimize the hydraulic/waste loading in a given area. The primary types of alternative disposal technologies include: pressure distribution leachfields, mound systems, at-grade systems, subsurface drip dispersal and evapotranspiration systems.

## **OWTS Usage in Carmel Highlands**

All OWTS are currently regulated by the Monterey County Division of Environmental Health under the provisions of County Code Chapter 15.20. However, since development in Carmel Highlands dates back to the 1950s, OWTS have been installed over many years under differing regulatory requirements and industry practices that have evolved over the past 60 years. Some of the relevant statistics regarding OWTS in Carmel Highlands determined from County files include the following:

- 32% of the OWTS are more than 50 years old; about half are more than 30 years old.
- 71% of the OWTS have still use their original system; 29% have been repaired or modified
- About 80% of the OWTS are conventional septic tank-leachfield systems; the remainder have a combination of seepage pits and leaching trenches.
- There are fewer than 15 OWTS with engineered design, including seven (7) utilizing alternative treatment systems.
- There are an estimated 10 to 15 OWTS that discharge to the ocean rather than to an onsite disposal field.



## **DEVELOPMENT POTENTIAL**

An analysis of development potential in the Carmel Highlands study area was completed by Denise Duffy & Associates. The analysis was based on current zoning, the Monterey County Assessor's GIS system's inventory of undeveloped, vacant legal lots of record, and a survey of aerial photography. This analysis did not attempt to evaluate the physical or environmental constraints on individual lots and, therefore, provides an estimate of the maximum theoretical potential for development. The analysis included a reasonable estimate of the potential for creation of new lots through the subdivision process, and also accounted for lots not likely to accommodate development based on past rejection by the County due to severe constraints for onsite sewage disposal.

Based on this, it is concluded that there is potential for the development up to a maximum of 105 residential parcels in the Carmel Highlands project area. In addition to the zoning analysis, a constraints analysis was completed to study key physical/environmental factors that could affect the ability of individual lots to accommodate new development, taking into account such factors as: coastline setbacks, stream setbacks, and steep slopes (greater than 30%). Steep slopes, and the associated constraints on development of a building and adequate wastewater disposal, are considered the limiting factors in site development. Based on the analysis, somewhere between 50 and 105 new single family dwelling units may be built in the Carmel Highlands project area in the future. To be conservative, the analysis of wastewater alternatives in this report utilizes the high end estimate of 105 future residential lots to project wastewater flows, facility requirements, and estimated costs.

## **PROBLEM ASSESSMENT RESULTS**

### ***Site Suitability for OWTS***

Soil and geologic conditions in Carmel Highlands present moderate to severe constraints for OWTS due to the characteristically shallow (2- to 4-feet deep) sandy loam surface soils overlying slowly permeable weathered (decomposed) granite bedrock, which transitions with depth to dense, fractured granitic rock. The conditions are further complicated by steep topography, as more than 60 percent of the area has slopes greater than 30%. Additionally, perched seasonal groundwater commonly forms at the contact between the surface soils and underlying decomposed granite, and has been responsible for wet season "flooding" and failure of OWTS in some localized areas, notably the south end of Yankee Point Drive, Corona Road and Mt. Devon areas.

### ***OWTS Design and Operational History***

The historical OWTS design practices in the area have relied on deep trench and seepage pits discharging into the decomposed granite, which is more slowly permeable than indicated by existing testing methods, resulting in less effective soil treatment, soil clogging and progressively faster decline in disposal field performance. Based on the age of the existing OWTS, it is reasonable to expect that in the foreseeable future as many as 30 to 50 percent of the OWTS in the study area will require significant upgrade and/or replacement. Information from septic tank pumping contractors indicates an unusually high rate of septic tank pumping, averaging about once every 12 to 18 months for each system in the area. This suggests that a significant amount of the septic tank pumping is being conducted in response to sluggish plumbing, backups or disposal field problems, rather than for maintenance cleaning of solids accumulation in the tanks.

## **Groundwater and Wells**

Groundwater occurs principally in the fractured granitic bedrock and is recharged mainly from local rainfall percolation. Domestic water wells tapping the bedrock aquifers are typically very deep, averaging about 450 feet, with annular well seals of 50 feet or more. Limited groundwater quality data available from the few existing wells in Carmel Highlands indicate elevated concentrations of some secondary drinking water constituents (minerals), which may be attributable to geologic conditions, sea water intrusion in one instance, and potentially mineral additions from OWTS discharges in the area. The limited data show no evidence of elevated groundwater-nitrate concentrations from OWTS, or exceedances of other primary drinking water standards.

## **Nitrate Loading Estimates**

Results of an area-wide nitrogen loading analysis for existing and future build-out conditions indicate rates of nitrogen loading from the combined contribution from OWTS and landscape fertilizers to be about 18 to 20 grams per day per acre, that are well within the general criterion of 40 grams per day per acre recognized in the Basin Plan. Nitrogen loading analysis for a localized area of concern (northern end of Yankee Point Drive) estimated groundwater nitrate-nitrogen concentrations to be above the drinking water limit of 10 mg-N/L, indicating that groundwater in this area is likely degraded for drinking water uses or will become so under build-out conditions, unless specific nitrogen management measures are implemented.

## **Ocean Water Impacts**

A significant threat to ocean water quality is posed by the OWTS serving ocean-front homes, where there are estimated to be 10 to 15 systems that have direct discharges of effluent to the ocean. Six such systems have been confirmed as of September 1, 2009, and the County's investigation efforts are ongoing. These discharges are not in compliance with either County Code, California Water Code, or the Federal Clean Water Act, pose a direct threat to beneficial uses of the ocean waters, and require an alternate sewage disposal solution. Additionally, effluent migration and discharge along the coastal bluffs is a significant concern due to the large number of developed ocean-front properties, typically thin soil mantle along the coastal bluffs, the age and undocumented location and condition of many older OWTS in this area, and evidence of high groundwater and seepage near and along the bluff faces, notably at the south end of Yankee Point Drive.

## **Coastal Stream Impacts**

Approximately 25 to 30 percent of the parcels in Carmel Highlands either border or are within 100 feet of one of the major streams or seasonal tributaries that drain through the area. Although no water quality data are available for local streams, wastewater contaminants, especially pathogens, reaching local streams could adversely impact recreational uses, especially in the lower reaches of the streams where they meet the ocean. An additional concern is the potential impact on groundwater quality and drinking water uses, via percolation and recharge of the bedrock aquifer along the stream channels.

## **WASTEWATER ALTERNATIVES ANALYSIS**

### **Alternatives**

An evaluation was made of various alternative means of providing treatment and disposal for existing and future development in Carmel Highlands.

#### **Alternative 1 - Conventional Systems**

This alternative evaluates the suitability of continuing to use conventional OWTS to serve new construction, remodels/additions, and repairs of existing systems in Carmel Highlands. Conventional OWTS are those systems using a septic tank for primary treatment with either leaching trenches and/or seepage pits for the disposal field. The siting, design and construction of conventional OWTS would be in accordance with the existing regulations and criteria contained in Monterey County Code Chapter 15.20 and in the Central Coast RWQCB's Basin Plan. The County Code and the Basin Plan both have flexibility to allow variation in OWTS designs, as needed to conform to site-specific conditions and constraints. Accordingly, recommendations are made under this alternative regarding various aspects of OWTS design that are judged to be most appropriate for the soil and geologic conditions in Carmel Highlands as determined through this study.

#### **Alternative 2 - Alternative Systems**

This alternative evaluates the applicability and use of various types of alternative treatment and disposal systems designed to overcome particular site constraints that are prevalent in Carmel Highlands. To date, alternative systems have been used only selectively and to a limited extent in the area, but there is increasing interest and a recognized need to consider their use on a more routine basis. Alternative systems generally fall into two categories: treatment systems and disposal systems. Alternative treatment systems provide additional wastewater effluent treatment beyond that provided by a conventional septic tank. Alternative disposal systems provide additional options for system siting and design in constrained soil and geologic environments. Alternative disposal systems are typically oriented around two principles: (1) shallow dispersal to take advantage of the most aerobic and biologically active soil zone; and (2) uniform distribution of effluent to maximize soil contact and minimize the hydraulic/waste loading in a given area. Some disposal alternatives also incorporate additional treatment media.

#### **Alternative 3 - Full Sewerage**

This alternative evaluates the feasibility of installing sanitary sewers and connection to the Carmel Area Wastewater District (CAWD) treatment plant in Carmel. The sewer system would involve three main components: (1) collection sewers; (2) main lift station; and (3) 6-inch diameter force main along Highway #1 to the treatment plant located near the Carmel River. Three different collection system options were developed for comparison and to identify the apparent best approach. The three basic collection system options studied were:

1. Conventional gravity sewers with neighborhood lift stations;
2. Conventional gravity sewers combined with some sections of pressure sewers; and
3. Small Diameter Effluent Sewers (SDES), including sections of STEP (septic tank effluent pump).

Each of the three basic sewer options would serve the entire Carmel Highlands area, and would be independent of the existing sewer system that serves the Highland's Inn, Highlands Sanitary Association and Tickle Pink Inn. The existing system for the two inns has a 4-inch diameter force main with limited capacity for additional connections. Sewer capacity for the entire area cannot be accommodated by this existing system.

#### **Alternative 4 - Hybrid Alternative**

The Hybrid Alternative presents a scenario in which in a combination of different wastewater solutions are implemented, matched to the different needs in the study area. The following assumptions have been made to formulate the specific elements and cost estimates for this alternative:

- **STEP Sewer.** 100 properties in the area west of Highway 1 will be served by a limited capacity STEP sewer system as described under the Sewer Alternative.
- **Status Quo.** 145 existing OWTS are satisfactory and will require no repair or upgrade in the foreseeable future.
- **Conventional Systems.** 145 new/existing repairs and upgrades will be constructed utilizing conventional OWTS.
- **Alternative Systems.** 150 new/existing repairs upgrades will be constructed utilizing alternative OWTS.

Alternative 4 was formulated and evaluated to consider the possibility of extending sewers to a portion of the lots in the study area, and to connect the flow from these lots to the existing 4-inch force main serving Highlands/Tickle Pink/Highlands Sanitary Association (Highlands Sewer). Preliminary analysis indicates there may be available capacity in this line to serve up to approximately 100 residential connections, depending on how the flows are hydraulically coordinated with the existing uses. This partial sewer option would be intended to provide service to the areas considered highest priority. Based on the results of the problem assessment, properties on the ocean side of Highway #1 appear to have the greatest need for a sewer alternative. Therefore, facilities for this option were developed assuming the connections would be in this geographic area. The system laid out for this area is a SDES/STEP system. Under this alternative, the remaining properties in Carmel Highlands would use a combination of conventional and alternative OWTS, as have previously been described in Alternatives 1 and 2.

#### **Comparative Summary**

A comparative review and analysis of the four project alternatives were made, according to the following factors:

- **Public Health and Water Quality Protection.** Project alternatives were evaluated with respect to their ability to provide wastewater management solutions for the protection of public health, water quality and beneficial uses. Alternatives were ranked based upon the estimated protection and benefit to public health as well as to surface water and groundwater resources in the study area.
- **Regulatory Compliance.** Project alternatives were evaluated with respect to their ability to meet public health and water quality standards and to bring wastewater disposal activities into compliance with accepted environmental and water quality standards.
- **Environmental Impacts.** Alternatives were reviewed and subjectively ranked in order of decreasing impacts on the natural environment. Key environmental issues included biology, geology and growth concerns.
- **Reliability.** Project alternatives were subjectively ranked in order of increasing reliability, which relates to the ability to consistently meet wastewater treatment and disposal objectives and have

adequate provisions for emergencies, malfunctions, extreme climatic conditions, or fluctuations in flow.

- **Resource Utilization.** Alternatives were ranked in order of decreasing demands on natural resources, principally energy requirements. Wastewater reuse was also considered as a positive resource utilization factor, which would apply where the wastewater is conveyed to the CAWD facility for water recycling.
- **Costs.** Alternatives were ranked by estimated present worth cost, which reflects the combination of capital (i.e., construction) and annual operation and maintenance (O&M) cost. The total estimated capital costs and O&M costs for the various alternatives are summarized in **Table E-1** below. Present worth value of annual O&M costs are computed using a 30-year service life, an assumed inflation rate of 2% per year, and an assumed interest rate of 5%. The Hybrid Alternative, by a small margin, is rated as the lowest cost alternative in this analysis.

The results of the comparative ranking are presented in **Table E-2**. Based on this comparative analysis, the rankings show the Hybrid Alternative to be the "apparent best alternative". It is also the lowest cost alternative to the present worth analysis. As noted in the discussion above, the Hybrid Alternative combines elements of each of the other three alternatives in a way that tends to mitigate some of the drawbacks of the other options.

**Table E-1. Present Worth Cost Comparison of Alternatives (\$)**

Cost Factor	1 Conventional OWTS & Management Program	2 Alternative OWTS & Management Program	3 Sewer Connection to CAWD (SDES/STEP)*	4 Hybrid Alternative OWTS & STEP Sewer
Capital Cost	13,950,000	18,810,000	22,422,750	17,622,500
Annual O&M Cost	140,000 (491,000)**	361,000 (712,000)**	372,220	274,650
Present Worth O&M Cost	2,744,000 (9,623,600)	7,075,600 (13,955,200)	7,295,500	5,383,140
Total Present Worth Cost	16,694,000 (23,573,600)	25,885,600 (32,765,200)	29,718,250	23,006,640
Cost Rank***	3	1	2	4

\* Note: Present worth cost estimate for Gravity Sewer Option #2 is only slightly higher at \$30,400,000

\*\*Includes an additional \$351,000 for holding tanks and sewage hauling for 15 oceanfront properties.

\*\*\*Lowest cost given highest ranking, 4.

**Table E-2. Comparative Rating of Alternatives\***

Cost Factor	1 Conventional OWTS & Management Program	2 Alternative OWTS & Management Program	3 Sewer Connection to CAWD	4 Hybrid w/Partial Sewer Connection to CAWD
Public Health and Water Quality	1	2	4	3
Regulatory Compliance	1	2	4	3
Environmental Impacts	2	3	1	4
Reliability	1	2	4	3
Resource Utilization**	4	3	1 + 1	2 + 1
Costs	3	1	2	4
<b>Total</b>	<b>12</b>	<b>13</b>	<b>17</b>	<b>20</b>

\* Highest points correspond to highest/best comparative rank.

\*\* Additional point added for water recycling.

## **POLICY AND PROGRAM RECOMMENDATIONS**

Key policy and program management recommendations from the Onsite Wastewater Management Study include the following:

### ***Management of Existing OWTS***

Although the Carmel Highlands area does not have a documented high rate of overt failures of OWTS, information on the design, age, repair history, and septic tank pumping data indicate chronic operational difficulties, severe problems in specific areas, and a likelihood of significant repair or upgrade needs in the foreseeable future. Management of existing systems can be improved by (a) identifying and taking abatement action for the existing ocean discharge systems; (b) instituting a new septic tank pumper inspection/reporting program; (c) adopting performance evaluation and other requirements for system repairs and remodel projects; and (d) implementing a water quality monitoring program to provide baseline information and ongoing tracking of OWTS impacts on the environment.

### ***Conventional OWTS***

Conventional OWTS can be effective in portions of Carmel Highlands. However, the historical practices that rely on deep trenches and seepage pits are not well suited to the soil and geologic conditions of the area. Measures to improve the siting and design of conventional OWTS are identified, including modification of soil percolation testing methods, emphasis on shallow trench design, and specific criteria for drainage mitigation.

## **Alternative OWTS**

Various OWTS alternative (also known as advanced or engineered) treatment and disposal technologies are available that offer a range of possibilities for addressing many of the difficult site conditions and onsite wastewater management problems for existing lots in Carmel Highlands. Alternative OWTS do not necessarily provide solutions for all parcels and conditions, but they can provide a substantial improvement over conventional OWTS and a viable solution for many situations, including, for example:

- **Steeply sloping sites**, through the use of subsurface drip dispersal which spreads the treated wastewater more evenly and less intensively over a larger land area, similar to irrigation systems.
- **Shallow soils** underlain by slowly permeable decomposed granite or perched groundwater, using supplemental treatment and shallow pressure distribution or drip dispersal methods to compensate for limited soil depth.
- **Areas requiring enhanced nitrogen removal**, which can be provided by a variety of available treatment systems (e.g., aerobic treatment units, textile filters).

Requirements for alternative systems would include: (a) modified siting and design criteria applicable to the use of alternative wastewater treatment and dispersal methods covering a broad range of acceptable technologies and associated requirements; (b) an operating permit program to ensure ongoing inspection, monitoring and maintenance of all new and repair OWTS; and (c) designation as a special "Nitrogen Management Area", the watershed area north end of Yankee Point Drive, where any new or repair/replacement OWTS would require the use of a supplemental treatment system having nitrogen removal capabilities.

Alternative systems are not recommended to be used as a basis for creation of new lots.

## **Public Sewerage**

Engineering feasibility and environmental studies for extension of a sanitary sewer system to serve high-risk and possibly other areas of Carmel Highlands are recommended. At a minimum, the sewerage study should consider a limited-capacity collection system (approximately 100 connections) to serve properties located on the west (ocean) side of Highway 1, targeting existing developed parcels with OWTS considered to be high risk or problem systems due to existing ocean discharges, surface failures, and faulty operation related to high groundwater or difficult site constraints in this area. The study should evaluate connecting the limited-capacity sewer system to the existing Highlands Sewer line, making use of available, unused hydraulic capacity in the line. The study should also consider possible expansion of sewer service to the remaining areas of Carmel Highlands, including whether a new standalone sewer trunk line between the Carmel Highlands and the CAWD facility in Carmel would be needed in order to have the capability of serving the entire Carmel Highlands area.

## **Domestic Water Wells**

Individual water wells, although limited in production capacity, can continue to be considered a viable water source for individual residential parcels, provided appropriate water quality testing and aquifer analysis is completed for each installation and the wells meet applicable setbacks to existing or proposed OWTS. Water quality testing and aquifer analysis is not required routinely in Monterey County and other areas of California for individual domestic water wells. However, the conditions in Carmel Highlands are unique due the high number and density of onsite wastewater systems, the relatively small lot sizes, the fractured granitic bedrock aquifer, the recent shift from the historical dependence on public water supplies to the use of individual water wells, and the relatively scant amount of groundwater data for the area. These factors pose significant

constraints for the siting of individual wells and the ability to replace a well in the future, should it ever be needed. It should also be noted that the presence of domestic water wells results in additional constraints for the siting of new or replacement OWTS components. Accordingly, a higher level of care should be taken in the siting and initial testing and validation of individual domestic water wells in Carmel Highlands study area. The data collected from these analyses will be beneficial for validating the adequacy of water supply for individual properties, as well as for identifying and assessing any water quality conditions or trends related to wastewater management practices. Amendments to the existing County well ordinance and source capacity test procedures are recommended.

### ***Program Administration***

Most of the proposed activities and management program outlined in this study should be administered by the County by ordinance and fees for service. This would be similar to the approach taken, on a countywide basis, in several other counties in Northern and Central California. Additionally, the proposed studies and implementation for public sewerage should be conducted in close coordination with the CAWD, which may ultimately be the responsible entity for managing any new or expanded sewer service in Carmel Highlands.

### ***Administrative Manual***

In addition to the proposed County Code amendments, the Board of Supervisors should develop an administrative manual (hereafter "Administrative Manual") to establish guidelines and procedures as needed to implement the various recommend County Code amendments. The proposed guidelines and procedures should be developed in consultation with appropriate practitioners, such as contractors, designers and geologists. The Administrative Manual may be amended or updated from time to time. The Board of Supervisors should conduct a public hearing prior to the adoption or any amendment of the Administrative Manual.

### ***Public Education***

The County should develop public education materials for distribution to the residents, onsite wastewater practitioners, well-drillers, and others involved with wastewater and water supply systems in Carmel Highlands. At a minimum this information should cover OWTS inspection, maintenance, monitoring and reporting guidelines, along with an explanation of pertinent regulatory requirements and owner obligations, as well as educational information and guidance addressing several topics which are simple, but important aspects of managing the long-term performance of OWTS: (a) low-flow plumbing fixtures; (b) garbage disposal units; (c) pharmaceuticals; and (d) water softeners.

### ***Staffing***

The staff of the Monterey County Environmental Health Division is suitably qualified to oversee the construction and operating permit elements, and to review and maintain the data and performance information on OWTS in the study area, as well as domestic water well information. The staff may require, from time-to-time, technical assistance from outside consultants to review specific issues or design questions on specific sites or in general. Continuing education in the field of onsite wastewater treatment systems and domestic water wells is recommended.

With respect to performance of the investigative, design and operation, maintenance and monitoring activities, this should be carried out utilizing the existing professionals and technicians in the private sector who currently provide these services. Specifically, the routine inspection of existing OWTS is proposed to be conducted by septic tank pumpers during regular septic tank servicing.



# 1. BACKGROUND AND INTRODUCTION

## BACKGROUND

The Carmel Highlands study area is located about three miles south of Carmel and 18 miles north of Big Sur, California along State Highway 1. The area is bounded by Point Lobos State Reserve on the north and Malpaso Creek on the south (**Figure 1-1**). The coastal waters of the Point Lobos State Reserve are designated by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS). Carmel Highlands lies within the Carmel Area Local Coastal Program Land Use Plan area and consists of properties with the zoning designation low density residential. There are approximately 450 existing developed residential parcels plus some commercial uses, including the Highlands Inn and Tickle Pink Inn. There are an estimated 105 undeveloped residential parcels in Carmel Highlands with potential for future development.

The Carmel Highlands area was originally developed with domestic water service to be provided by a public water utility. Currently, California American Water Company (Cal Am) provides water service in the northern two-thirds of the area and the Carmel Riviera Mutual Water Company serves the remaining properties in the southern one-third. The Carmel Area Wastewater District (CAWD) provides sewer service for the Highlands Inn, the Tickle Pink Inn, and the Highlands Sanitary Association, which includes 14 residential parcels. Three other existing developed parcels in Carmel Highlands have been conditionally approved for annexation into CAWD and connection to the Highlands Sewer, but have yet to be connected. All other properties are served by individual onsite wastewater treatment systems (OWTS). The majority of these systems are conventional OWTS, consisting of a septic tank and rock filled disposal trenches or seepage pits.

The Carmel Riviera Mutual Water Company has sufficient water source capacity and is capable of honoring existing "can and will serve" letters for properties within their service area. However, for approximately the last ten years, Cal Am has been unable to honor existing "can and will serve" letters or approve new water connections due to pumping limitations imposed by State Water Resources Control Board Order No. WR 95-10. Cal Am's water supply capacity will be further restricted by the recent court decision in the Seaside Groundwater Basin Adjudication, which reduces Cal Am's allocation of groundwater from the Seaside Basin (Monterey County Superior Court, Statement of Decision, March 22, 2006 ). Still, many lots remain undeveloped due to lack of a water source. As a result, property owners who had anticipated public water service began constructing individual, permitted onsite wells to enable development. Concerns regarding the potential for well contamination by OWTS effluent have risen as the number of wells has increased in proportion to the already high density of OWTS. This is further complicated by the fact that the Carmel Highlands geology is dominated by granitic bedrock, which presents difficulties for the safe use and effectiveness of OWTS.

In 1994, the Water Quality Control Plan, Central Coast Region ("Basin Plan") recommended that onsite wastewater management plans (OWMP) be prepared and implemented for urbanizing and high density areas, including applicable portions of the Carmel Highlands, to: "... investigate and mitigate long-term cumulative impacts resulting from continued use of individual, alternative and community onsite wastewater systems" (paragraphs VIII.D.2.b and VIII.D.3.g.14). In letters dated March 7, 2007 and May 7, 2007, the Regional Water Quality Control Board (RWQCB) alerted the County to an immediate potential threat to public health, safety, and welfare posed by permitting additional OWTS on individual lots in the Carmel Highlands. Subsequently, the County was directed by the RWQCB to conduct an investigation of the Carmel Highlands area in order to prepare a sufficiently detailed wastewater management plan that addresses the capacity for additional OWTS and provides appropriate measures for long-term wastewater management in the area. Under the terms of a Memorandum of Understanding with the RWQCB, the County of Monterey administers

individual onsite wastewater disposal regulations in conformity with the Basin Plan, and those regulations are codified at Chapter 15.20 of the Monterey County Code.

As pointed out in communications from the RWQCB, potential threat to public health and water quality posed by certain types of new development and new well construction in the Carmel Highlands Area results from a variety of factors, including the following:

1. A high density of small lots, under one acre in size, with an existing or a potential individual sewage disposal system.
2. The growing well densities in an area of high-density individual sewage disposal systems.
3. The fractured granitic geology of the Carmel Highlands.
4. Filtering of wastewater effluent through fractures is minimal.
5. The sole source of recharge of groundwater found in the fractures of the specified area of the Carmel Highlands is precipitation, which percolates through the subsurface. Therefore, any effluent from a wastewater disposal system introduced into the subsurface may also find its way into the groundwater.
6. A high density of individual wastewater disposal systems disposing sewage effluent into this environment has the potential to result in surfacing effluent and potential impacts to existing domestic water supply wells in the area.
7. The need for an area-wide study to determine the appropriate setbacks from individual sewage disposal systems to wells, given the geological constraints of this area, that would be sufficiently protective of public health and water quality in the Carmel Highlands Area.

In response to the RWQCB directive, on October 2, 2007 the Monterey County Board of Supervisors adopted Interim Ordinance 5086, temporarily limiting new development in a specified area of the Carmel Highlands. The Ordinance prohibits any new development that has the potential to generate wastewater as well as the construction of individual water wells, with limited exceptions, until an OWMP is developed. The Board of Supervisors extended the duration of the interim ordinance twice with minor modifications (Ordinance Nos. 5093 and 5116), and it will expire on October 2, 2009.

In January 2009 Monterey County authorized Questa Engineering Corporation (Questa) to conduct an onsite wastewater investigation and management study of the Carmel Highlands area as required by the RWQCB. The study by Questa and its sub-consultants, Todd Engineers and Denise Duffy & Associates, included an evaluation of soil and hydrogeologic conditions, local onsite wastewater treatment and disposal practices, development potential, existing and potential water quality impacts, measures to improve OWTS practices, sewerage alternatives and recommendations for long-term wastewater management in the Carmel Highlands. The results and recommendations from the study are contained in this report.

## PURPOSE AND SCOPE OF ONSITE WASTEWATER INVESTIGATION AND MANAGEMENT STUDY

In accordance with the Request for Proposal issued by Monterey County, the onsite wastewater investigation and management study (Study) presented in this report was undertaken to meet the following objectives:

- Evaluate existing onsite wastewater systems
- Evaluate local geology and hydrogeology
- Identify potential impacts to beneficial uses of water
- Identify parameters of a groundwater and surface water quality monitoring program
- Determine if conventional OWTS and/or alternative OWTS are appropriate, or if not, consider connection to a regional sewer system
- Propose design requirements for new conventional and/or alternative OWTS
- Provide recommendations for inspection, monitoring, maintenance and repair of existing OWTS
- Evaluate new private domestic wells as sources of supply
- Provide recommended policies for siting (e.g., setbacks), design, and construction of new wells.

The results of this Study provide supporting information for development of the proposed Carmel Highlands Onsite Wastewater Management Plan (OWMP) a separate document prepared by Questa (September 2009) which sets forth specific recommended code changes, policies and implementation activities to meet the requirements of the RWQCB. Together, this Study and the OWMP provide recommended improvements in methods of wastewater treatment and disposal in light of local physical conditions and the current use of domestic wells for water supply, and support the goal of Monterey County to allow development in accordance with the Carmel Area Local Coastal Program Land Use Plan while preventing degradation of groundwater and surface water quality and protecting public health, safety, and welfare.

## REPORT ORGANIZATION

The Study was conducted and this report was prepared following the outline detailed in the request for proposal and the contract Scope of Services. Following the **Executive Summary** and **Background and Introduction (Section 1)**, the report contains the following major sections:

- **Section 2** of the report presents a general overview of the **Environmental Setting**, including watershed hydrology, geologic setting, hydrogeology, soils, and water and wastewater services of the Carmel Highlands area, which form the environmental setting for the review of OWTS and domestic water well conditions and impacts.
- **Section 3** discusses **Existing Wastewater Practices**, including a review of the regulatory framework, OWTS design and siting requirements, and an inventory and background regarding OWTS usage in the project area.
- **Section 4** presents an assessment of **Development Potential** in the Carmel Highlands, including an estimate of the maximum number of residential lots that could potentially be developed along with some of the constraints that could limit development.

- **Section 5** presents a **Problem Assessment**, providing a review of various findings and factors related to OWTS performance and siting constraints, including geologic and soil suitability, overall number and density of septic systems, age and type of systems, proximity and risks to surface waters and groundwaters, and evidence of water quality impacts from water well data.
- **Section 6** presents descriptive information, feasibility review and costs of **Wastewater Management Alternatives**, including (1) use of Conventional OWTS per existing Codes; (2) use of Alternative OWTS designed to overcome particular site constraints in the study area; (3) Full Sewer Connection to the CAWD wastewater treatment plant in Carmel; and (4) a Hybrid Alternative, combining Alternatives 1 and 2 with a limited-capacity sewer for the high risk properties in the study area.
- **Section 7** presents an **Alternatives Analysis**, providing a comparative review of the various approaches, and identification of an Apparent Best Alternative.
- **Section 8** presents **Policy and Program Recommendations** for wastewater management and domestic water well use in Carmel Highlands.
- References and various appendices are included at the end of the document to complete the report.

## AUTHORIZATION

The work was conducted by Questa Engineering Corporation under a service agreement with Monterey County issued on February 9, 2009. Sub-consultants to Questa were: (a) Todd Engineers for hydrogeology and groundwater issues; and (b) Denise Duffy & Associates for environmental analysis and planning issues.

## 2. ENVIRONMENTAL SETTING

Carmel Highlands is located about three miles south of Carmel and 18 miles north of Big Sur, California along State Highway 1. The area is bounded by Point Lobos State reserve on the north and Malpaso Creek on the south. **Figure 2-1** shows the location of Carmel Highlands and associated watersheds. The regional study area is bounded on the east by the Santa Lucia Range and on the west by the Pacific Ocean.

The specific focus of this study is the western-most portions of the watersheds along and adjacent to Highway 1, where residential and some commercial development has occurred dating back to the 1950s. The boundaries of the project Study Area are shown in **Figure 2-2**. Highway 1 divides the area into a western portion and eastern portion.

### WATERSHED HYDROLOGY

Regionally, the area includes five relatively small watersheds (**Figure 2-1**). From north to south the watersheds include: Gibson Creek (602 acres), Fern Canyon (410 acres), Wildcat Creek (518 acres), Yankee Point (499 acres), and Malpaso Creek (2,144 acres). Most of the watersheds extend about 1 to 1.5 miles inland, except Malpaso Creek, which extends about 3 miles to the east-southeast.

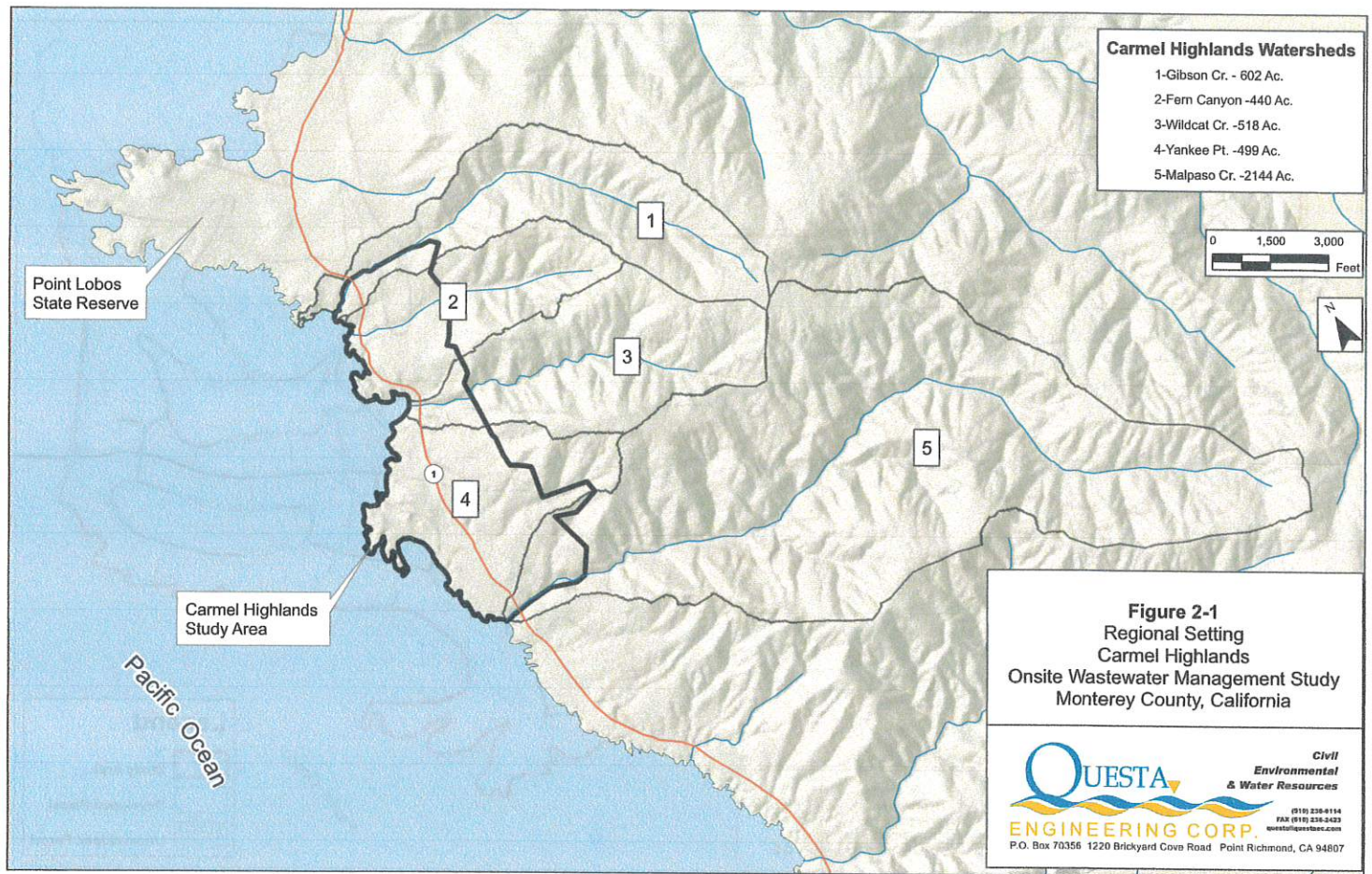
The area's topography ranges from sea level with steep cliffs along the coast to 2,644 feet above mean sea level in the upper reaches of Malpaso Creek. Gibson, Wildcat, and Malpaso creeks share a common boundary, while Fern Canyon and Yankee Point are small drainages tucked within and between the western portions of the other drainage basins. Surface water flow is generally from east to west, but stream flow measurements have not been collected for this area. Malpaso Creek is a perennial stream while Gibson, Fern Canyon, Wildcat creeks are intermittent and flow during the rainy season and after significant rainfall events. All stream segments shown in blue in **Figure 2-2** have been judged from field inspections to have characteristics that would qualify them as a "watercourse" as defined in the Basin Plan by the Regional Water Board and in Monterey County Code Chapter 15.20.

Yankee Point is the only watershed without a well-defined surface water channel. This broad and relatively flat, triangular-shaped or inter-basin watershed contains most of the current development, about 60 percent of the existing homes.

Carmel Highlands has been developed with a mix of permanent residences and seasonal homes overlooking the Pacific Ocean and the rugged coastline. Highway 1 serves as a major access corridor with development occurring on both sides of the Highway (**Figure 2-2**). Development on the east side extends less than 0.5 miles east of the Highway. The Mediterranean-type climate provides an average annual rainfall of about 20 inches over the study area with about 82 percent of the rainfall occurring from November through March.

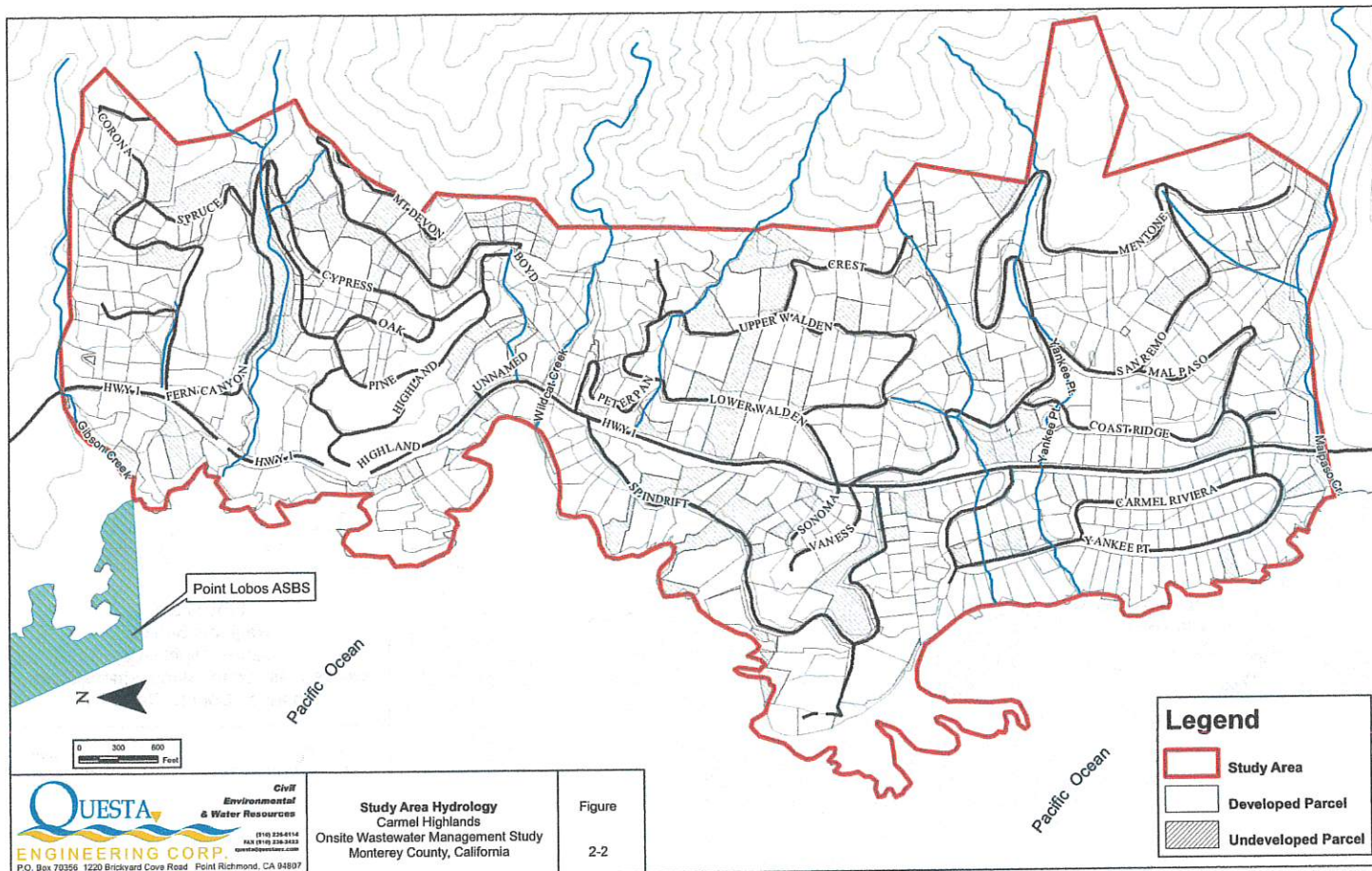
The coastal waters of the Pacific Ocean bordering Carmel Highlands are notable for their scenic value and support multiple beneficial uses that include contact and non-contact water recreation, marine habitat, shellfish harvesting, commercial and sport fishing, and wildlife habitat. Additionally, the study area immediately abuts the southern boundary of the Point Lobos State Reserve and its 9.4 miles of rocky coastline which are designated by the State Water Board as an Area of Special Biological Significance (ASBS). The Point Lobos ASBS covers 691 acres of marine habitat, and contains the Point Lobos State Marine Reserve.

The purpose of the ASBS designation is to protect the specified area from undesirable changes in natural water quality. The designation is based on the presence of certain species or biological communities that, because of their value or fragility, deserve special protection and maintenance of natural water quality conditions to the



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**Study Area Hydrology**  
Carmel Highlands  
Onsite Wastewater Management Study  
Monterey County, California

Figure  
2-2

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extent practicable (SWRCB, 1970). The regulations pertaining to ASBSs cover elevated temperature wastes, point-source sewage and industrial process wastes discharges, and non-point source waste discharges, such as storm water runoff and onsite wastewater systems. In their implementation of protections for ASBS, the RWQCBs give high priority to areas tributary to ASBSs. Because the shoreline of Carmel Highlands immediately borders the southerly boundary of the Point Lobos ASBS (at the mouth of Gibson Creek), the northerly portion of Carmel Highlands, including the lands within the Gibson Creek watershed, would be considered tributary to the ASBS.

## **GEOLOGIC SETTING**

### ***Regional and Local Geology***

The watershed area is underlain by Mesozoic granitic basement rocks that form portions of the Santa Lucia Range. These granite plutons intrude the core of the Salinian Block metamorphic rocks and range in composition from granite to quartz monzonite (adamellite), granodiorite, tonalite, and/or diorite (Jenkins and Strand, 1958; Norris and Webb, 1976; and Harden, 2004). However, most of the bedrock observed in road cuts and well drill cuttings appear to be either granite or quartz monzonite that has undergone differential weathering (i.e., weathering occurring at different rates due to rock composition or resistance to weathering). This commonly results in an uneven surface where the more resistant rock either stands higher or protrudes from an outcrop (Bates and Jackson, 1987).

### ***Faults, Fractures and Uplift***

The Salinian Block has been tectonically shifted northwestward by the San Andreas Fault, King City-Rinconada, and offshore San Gregorio-Sur-Hosgri Faults (Jennings, 1985). Other genetically related faults north and south of the project area have also contributed to the tectonic activity, such as the Blue Rock Fault and the Palo Colorado Fault (Jenkins and Strand, 1958). These are predominantly right lateral strike slip faults, having a vertical component causing regional uplift. The coast or shoreline along this portion of California is known as an emergent coastline, caused by ongoing tectonic uplift that has outpaced postglacial sea level rise. This has resulted in tectonic fracturing of the granites producing both shear and extension fractures and jointing. The fractured nature of the granite is readily observed in outcrops throughout the study area.

Also typical to such coastlines are the relatively young steep canyons bordering the ocean such as Fern Canyon and Malpaso Creek and marine terraces that are cut into seaward-facing hillslopes. These are ancient marine wave-cut benches or platforms that have been eroded by waves in the surf zone. They commonly contain terrace deposits or raised beaches composed of weathered granite and beach sand (Harden, 2004). Carmel Highlands has poorly developed wave-cut benches; the best examples are in the vicinity of Yankee Point.

## **HYDROGEOLOGY**

### ***Groundwater Flow and Occurrence***

Groundwater in the study area is derived primarily from infiltrating rainfall. Water is held temporarily in the soils and weathered granite, providing storage for some subsequent percolation into the underlying bedrock. Groundwater flow systems generally mirror the surface water drainage system with surface water divides coinciding with groundwater divides.



In general, groundwater flows from high potential (high elevation) to low potential (low elevation), flowing westward into the ocean. The groundwater table subtly mimics the topography with recharge occurring beneath ridges and discharge occurring along creeks and sea cliffs. This conceptual model is consistent with well data in the area and is illustrated on two cross sections generated for this study (**Figures 2-3 and 2-4**). Cross Section A-A' on **Figure 2-3** extends generally east to west from the upland Yankee Point watershed boundary to the ocean. Cross Section B-B' on **Figure 2-4** extends north-south across the study area.

Cross sections are based, in part, on data from project area wells including the total depth, subsurface geology, and initial depths to water recorded in wells. The surface of the water table is interpreted on each cross section (blue solid/dashed line) and illustrates the regional depth to water and relationship with the ocean. A surficial zone of varying thickness is interpreted on the cross sections consisting of loose material composed of decomposed (weathered) granite, soils, and/or other alluvial sediments. In general, the water table appears to occur within the underlying unweathered fractured granite.

Groundwater flows at rates of feet per day rather than at rates of feet per second common to surface water (creek) flow. Because of this slow movement, groundwater is in contact with bedrock for long periods of time, allowing for dissolution of minerals and elevated concentrations of total dissolved solids (TDS).

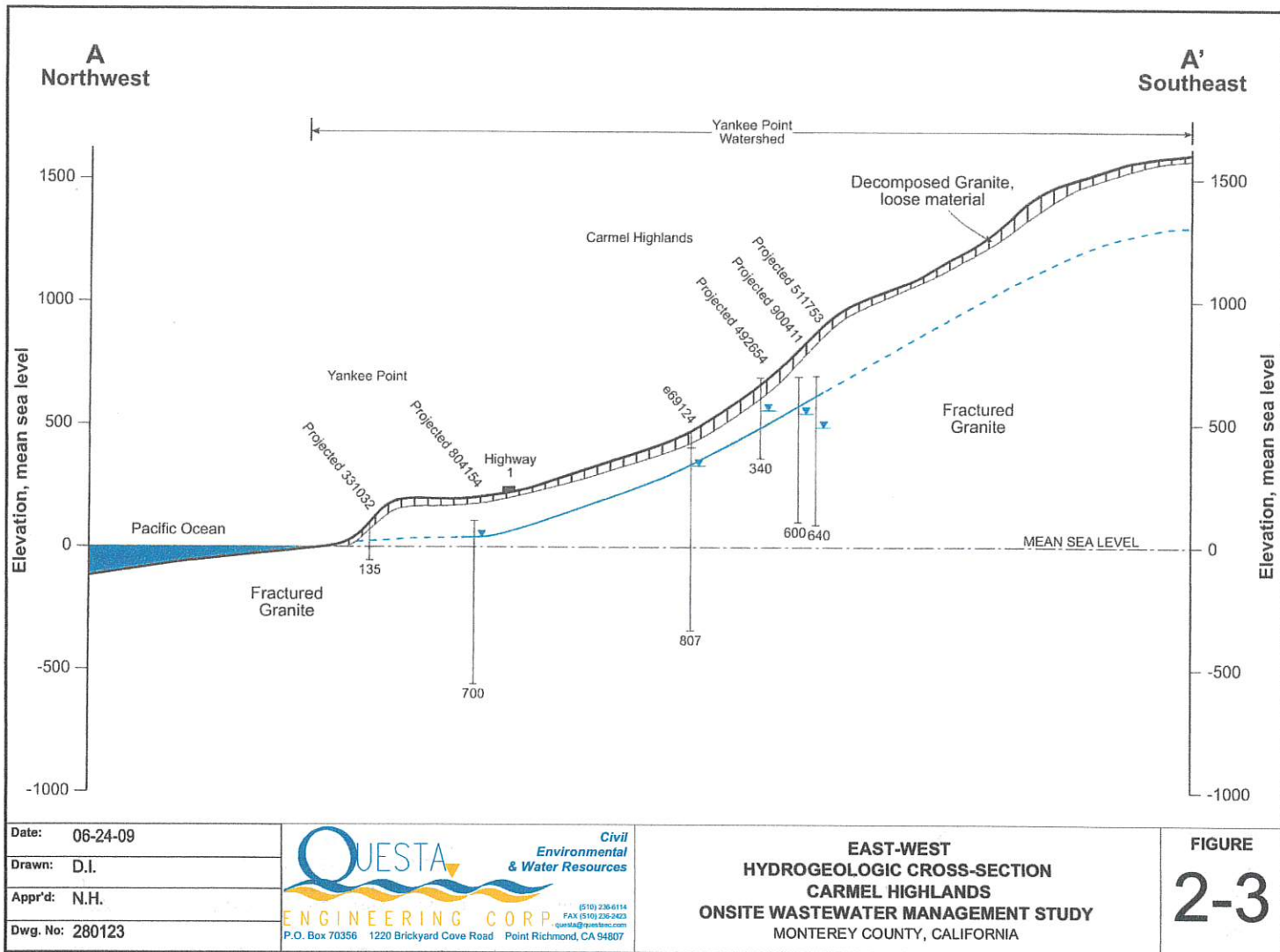
### **Fractured Rock Aquifers**

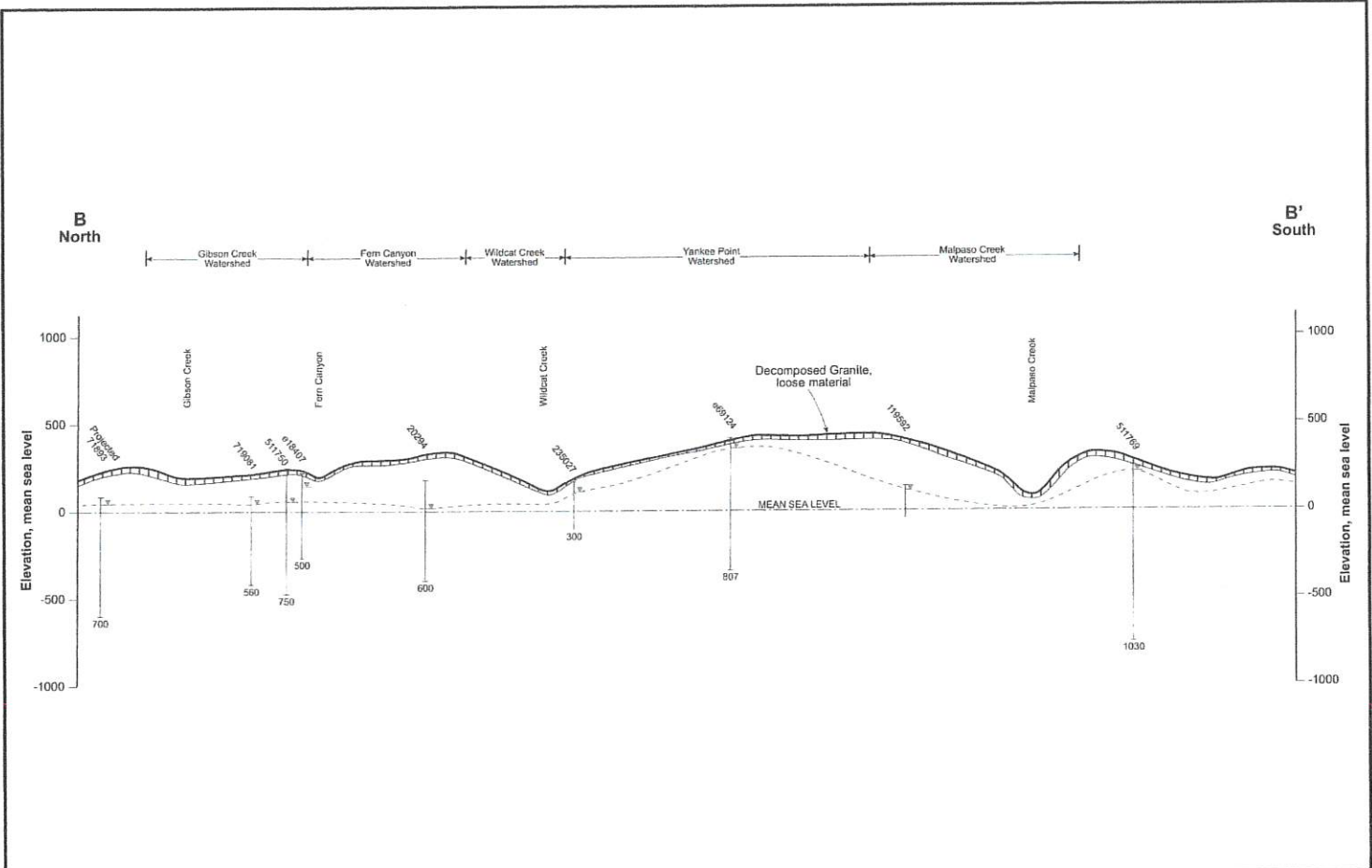
Carmel Highlands is underlain by well-indurated granitic rocks of the Salinian terrane. These granitic rocks, deposited as intrusive igneous rocks, are affected to various degrees by mechanical and chemical weathering. Weathering is the physical disintegration of and chemical decomposition of rocks that produce an in-situ mantle of waste and prepare sediments for transport (erosion) (AGI, 1977). Weathering of granitic rocks typically produces a continuum of permeability from nearly impermeable to very permeable; most weathered granitic aquifers have low permeability.

This permeability continuum varies with depth below the ground surface and depends on the local geologic history, fracture patterns and density, and outcrop orientations. Highly-decomposed granites will produce and store more groundwater than a slightly decomposed or unweathered granite, which relies on fractures to store and transmit small amounts of groundwater. Both the weathered and unweathered granite are referred to as fractured rock aquifers (Sigal and Gupta, 1999). A relatively thin veneer of soil and unconsolidated alluvium occurs in many areas but is too thin and permeable to permanently store groundwater. Groundwater seeps through this zone but is removed by interflow along the soil-alluvium and weathered and unweathered bedrock contacts. If the bedrock is highly decomposed, then groundwater may seep below this contact or can be temporarily stored in the weathered granite leaking to the underlying fractured rock aquifer. In general, the maximum effective depth of mechanical and chemical weathering in granitic rocks is about 100 to 150 feet (Sigal and Gupta, 1999).

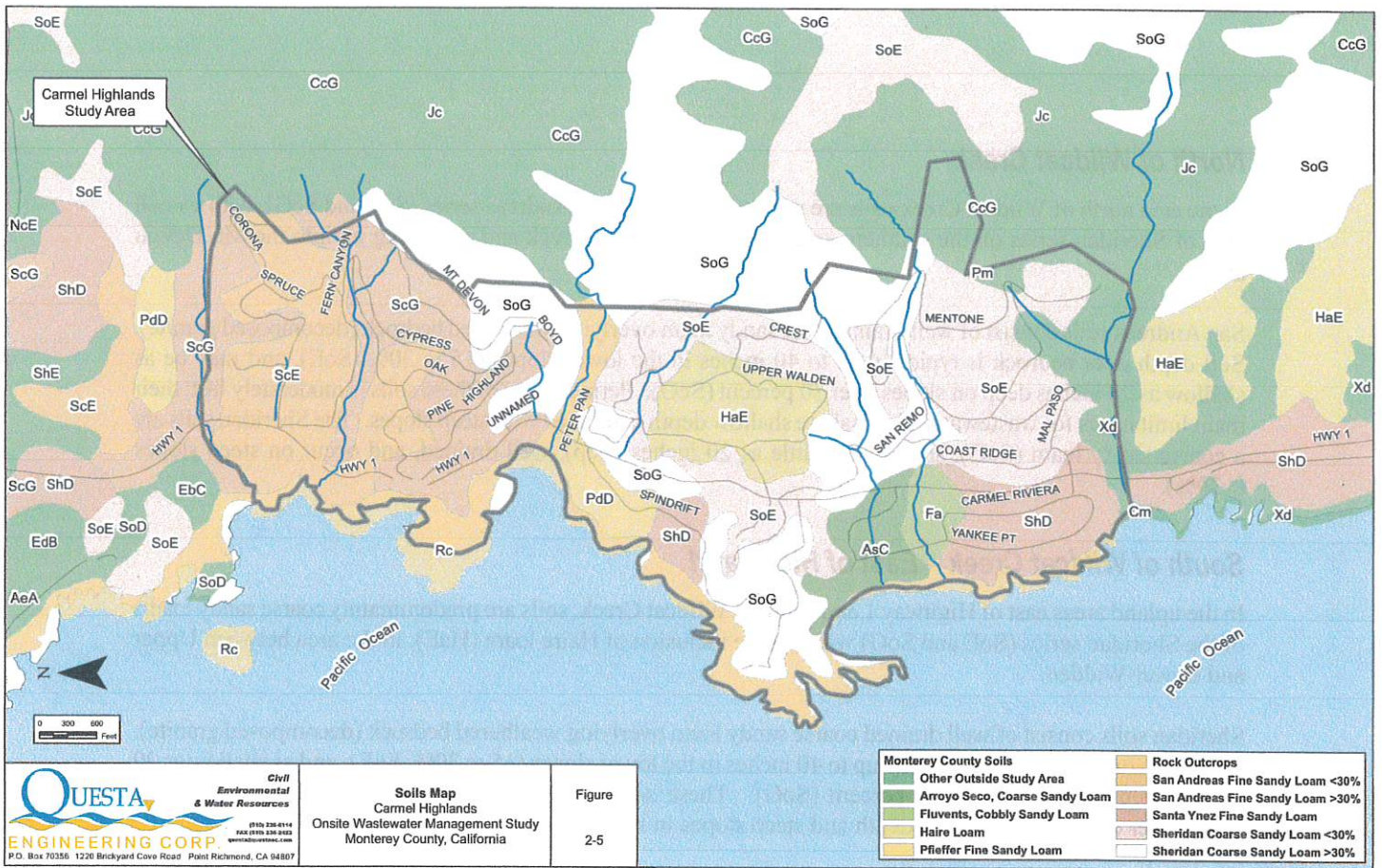
### **SOILS**

Soils in the study area consist mainly of a relatively thin veneer of residual soil, largely derived from the underlying granitic rocks, with inclusions of deeper marine terrace deposits in a few distinct areas. Areas along the immediate coastline consist of rock outcrops with virtually no soil mantle. The USDA Soil Survey Map is provided in **Figure 2-5**, showing the geographical extent and distribution of the six main soil units in the Carmel Highlands area. A discussion of the different soil types and relevant characteristics for onsite wastewater disposal is provided below.





Date: 06-24-09	 <p><b>QUESTA</b> ENGINEERING CORP.</p> <p><i>Civil Environmental &amp; Water Resources</i></p> <p>(510) 236-6114 FAX (510) 236-2423 questa@earthlink.com</p> <p>P.O. Box 70356 1220 Brickyard Cove Road Point Richmond, CA 94807</p>	<p><b>NORTH-SOUTH HYDROGEOLOGIC CROSS-SECTION CARMEL HIGHLANDS ONSITE WASTEWATER MANAGEMENT STUDY MONTEREY COUNTY, CALIFORNIA</b></p>	<p><b>FIGURE 2-4</b></p>
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### ***North of Wildcat Creek***

In the area north of Wildcat Creek soils are mapped mainly as San Andreas series (ScE and ScG), with a small area of Sheridan series on the southern end, bordering Wildcat Creek and extending up into the Mt. Devon area.

San Andreas soils consist of well drained fine sandy loam overlying weathered bedrock (decomposed granite). Soil depth over bedrock is typically 30 to 40 inches in the lower slopes (15 to 30%, SoE), and may be as shallow as 20 inches deep on slopes over 30 percent (ScG). Permeability of these soils is moderately fast; their main limitations for wastewater disposal are shallow depth combined with steep slopes. The Sheridan soils are a coarse sandy loam (SoG), shallow (as little as 20 inches deep), well drained, and occur on steep slopes (>30%).

### ***South of Wildcat Creek – East of Highway 1***

In the upland areas east of Highway 1 and south of Wildcat Creek, soils are predominantly coarse sandy loams of the Sheridan series (SoE and SoG) with a large inclusion of Haire loam (HaE), in the area between Upper and Lower Walden.

Sheridan soils consist of well drained coarse sandy loam overlying weathered bedrock (decomposed granite). Soil depth over bedrock is typically up to 40 inches in the lower slopes (15 to 30%, SoE), and as shallow as 20 inches deep on slopes over 30 percent (SoG). These soils have good permeability, but are limited for wastewater disposal by shallow depth and steep slopes in some areas.

The Haire loam soils are associated with marine terrace deposits over weathered granite. The soils are similar in depth to surrounding Sheridan soils (20 to 40 inches), but they are further limited by slower permeability and by the presence of heavier-textured clay and clay loam subsoils.

### ***South of Wildcat Creek – West of Highway 1***

The greatest variation in soil conditions occurs on the west side of Highway 1. In this area Sheridan coarse sandy loam soils (SoE and SoG as described above) occupy the Yankee Point spur ridge and areas along portions of Highway 1. To the north and south of Yankee Point soils types are associated with marine terrace deposits. To the north along Sprindrift Road there are areas of Santa Ynez and Pfeiffer soils, both fine sandy loams. Immediately south of Yankee Point are areas of coarse-textured gravelly soils (Arroyo Seco and Fluvents) on either side of the unnamed seasonal creek. Farther south along Yankee Point Dr. and Carmel Riviera Dr. the soils are mapped as Santa Ynez fine sandy loam.

Santa Ynez soils (ShD) consist of moderately well drained fine sandy loam soils formed on terraces in alluvium derived from granite. The permeable surface soils are typically 20 to 30 inches deep, with heavier-textured clay and sandy clay loam subsoils that can form a restrictive, perching layer.

Pfeiffer soils (PdD) are well drained fine sandy loams, 48 to 60 inches deep, with moderate permeability and generally good suitability for shallow onsite wastewater disposal systems.

Arroyo Seco soils (AsC) and Fluvents (Fa) are coarse gravelly/cobbly sandy loam soils formed on alluvial fans. These soils are very well drained, relatively deep (e.g., 60 inches) and tend to have moderately rapid to very rapid permeability. Their main limitation for wastewater disposal may be excessive permeability.



## **WATER AND WASTEWATER SERVICE**

### ***Water Supply***

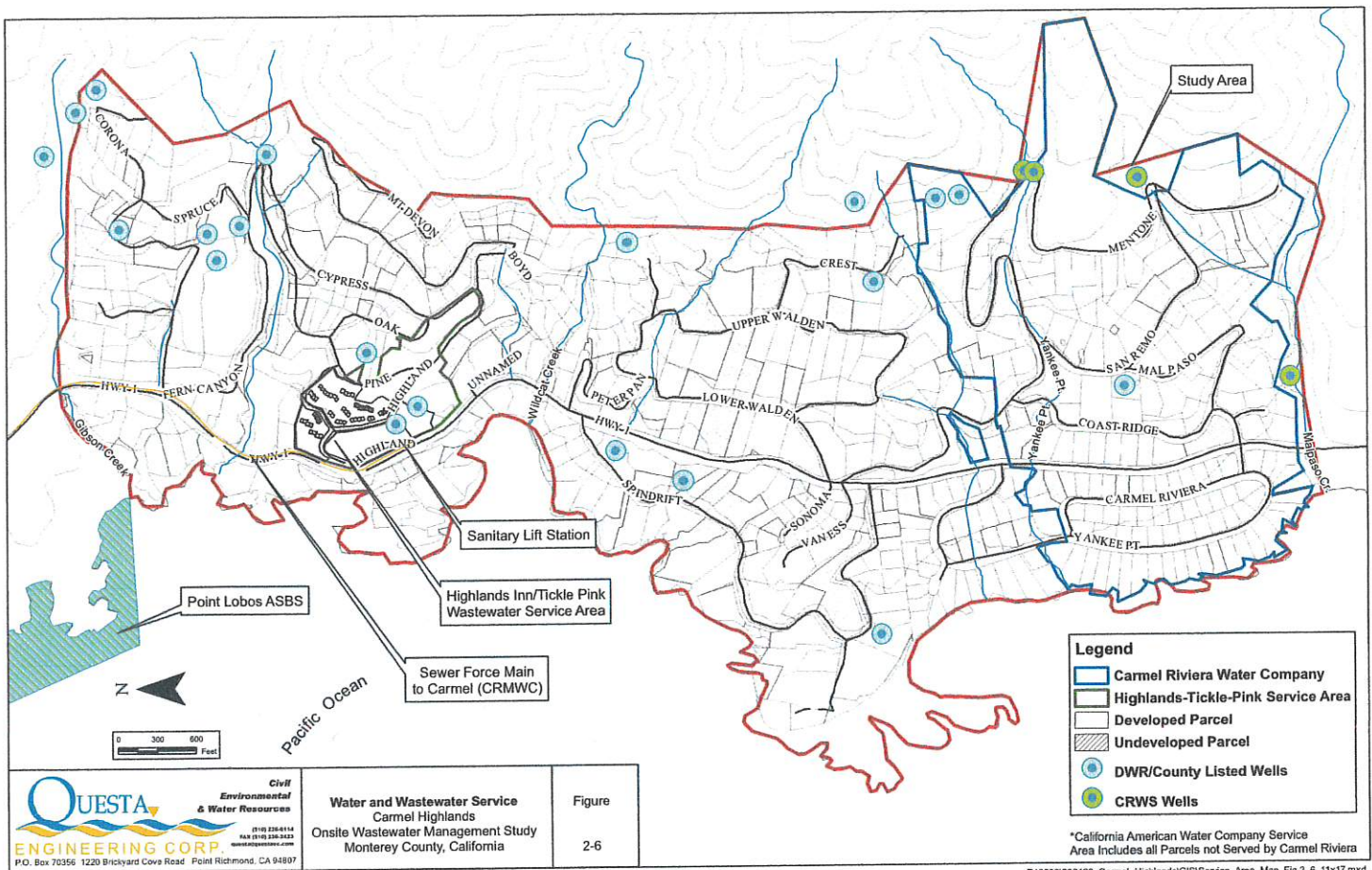
Water supply is provided by California-American Water Company (Cal-Am) in the northern portion of the study area, Carmel Riviera Mutual Water Company (CRMWC) in the southern portion, and about 10 low-yield private water supply wells. **Figure 2-6** shows the service area for CRMWC in the south with most of the developed parcels in the north serviced by Cal-Am. Also indicated are the CRMWC wells and the location of parcels with individual water wells. The Cal-Am service area includes Gibson, Fern Canyon, Wildcat, and northern portions of Yankee Point watersheds. Cal-Am delivers water to the Carmel Highlands from wells located adjacent to the Carmel River. Cal-Am has been under strict judicial and state control to reduce pumpage from the Carmel River and associated aquifers since the mid-1990s. Therefore, no "will serve" notices have been provided to owners of undeveloped properties in Carmel Highlands. This action has promoted an increase in the installation of private domestic wells.

The CRMWC is a private mutual water company providing service to its customers since the early 1950s. CRMWC serves most of Yankee Point, lower Malpaso Creek watersheds and some customers south of Malpaso Creek. The CRMWC water supply infrastructure is located primarily in the Malpaso Creek watershed area and includes 17 low-yield water supply wells (some are inactive) and surface water diversions from Malpaso Creek. Wells 1 through 9 are located north of Malpaso Creek and Wells 11 through 18 are south of the creek. The wells occur in three general areas: (1) six wells adjacent to Malpaso Creek; (2) three wells in the upper portion of Yankee Point watershed; (3) and eight wells south of Malpaso Creek. CRMWC also has four storage tanks with a total capacity of 400,000 gallons divided equally between the Quarry, San Remo, Upper, and Victorine tanks.

### ***Wastewater Treatment and Disposal***

With the exception of Highlands Inn, 13 residential properties within the Highlands Sanitary Association, and Tickle Pink Inn (located in the Fern Canyon watershed), which are connected to the CAWD facilities, wastewater treatment and disposal is provided by individual onsite wastewater treatment systems (OWTS), commonly referred to as septic systems. The typical (conventional) OWTS includes a septic tank and gravity-fed disposal field, consisting of either a series of leaching trenches and/or gravel-filled seepage pits. There are a small number (< 10) alternative or engineered designs that have been installed for repair and/or upgrade of existing OWTS. These systems may include supplemental treatment components (e.g., aerobic treatment unit or sand filter) and/or pumps and pressure distribution to enhance the dispersal of wastewater for better soil absorption.

Wastewater from Highland Inn, Tickle Pink Inn and Highlands Sanitary Association is conveyed to the Carmel Area Wastewater District (CAWD) regional wastewater treatment facility near the Carmel River via a 4-inch diameter sewer force main that parallels Highway 1, and a sanitary sewer lift station located near the two inns (**Figure 2-6**). These facilities were installed in 2004, with private financing, and are now part of the CAWD system. Prior to these properties were served by two private sewage treatment plants that discharged treated water to the Pacific Ocean near the mouth of Wildcat Creek, and have since been decommissioned. Three other existing developed parcels in Carmel Highlands (APNs 241-071-002, 241-073-001, and 241-182-006) have also been conditionally approved for annexation into CAWD and connection to this sewer line, but have yet to be connected.



### 3. EXISTING WASTEWATER PRACTICES AND REQUIREMENTS

This section describes the existing onsite wastewater treatment system (OWTS) practices in the Carmel Highlands study area, in terms of regulatory requirements, typical designs and construction practices, and the history and extent of OWTS usage in the study area.

#### REGULATORY FRAMEWORK

##### **General**

In California, all wastewater treatment and disposal systems, including individual septic systems, fall under the overall regulatory authority of the State Water Resources Control Board and the nine California Regional Water Quality Control Boards (Regional Water Boards). The Regional Water Boards are charged with the responsibility of protecting beneficial uses of State waters (ground and surface) from a variety of waste discharges including onsite wastewater treatment systems (OWTS or, more commonly, septic systems). The Regional Water Board's involvement in regulation of OWTS most often involves the formation and implementation of basic water protection policies. These are reflected in the individual Regional Water Board's Basin Plan, generally in the form of guidelines, criteria and/or prohibitions related to the siting, design, construction and maintenance of onsite systems.

The State Water Board's role has historically been one of providing overall policy direction, organizational and technical assistance, and a communications link to the State legislature. However, with the passage of AB 885 in the fall of 2000, the State Water Board has been given the responsibility of developing uniform statewide standards for OWTS. After many years of stakeholder meetings and environmental study, the State Water Board issued a set of draft regulations and an accompanying Draft Environmental Impact Report (DEIR) in November 2008. Comments on the draft regulations and DEIR were received by the State Water Board up until the end of February 2009. The public comments were extensive and the State Water Board staff is presently in the process of revising the draft regulations. No date has been announced regarding when revised draft regulations will be available for review. Because of the uncertainty surrounding the content and timing of the AB 885 regulations, this study and the resulting recommendations have been developed without attempting to anticipate the future impact of AB 885. Instead, this study was guided by regulatory policies and requirements of the Central Coast Regional Water Quality Control Board.

The Regional Water Boards may waive or delegate regulatory authority for OWTS to counties, cities or special districts. This is not mandatory; however, it is normally done and has proven to be administratively efficient. In some cases this is accomplished through a Memorandum of Understanding (MOU), whereby the local agency commits to enforcing the Basin Plan requirements or other specified standards that may be more restrictive. The Regional Water Boards generally elect to retain permitting authority over large and/or commercial or industrial OWTS, depending on the volume and character of the wastewater.

Counties typically regulate OWTS via their environmental health and/or building or planning departments. Local OWTS ordinances often incorporate portions of the Uniform Plumbing Code (Appendix K) and other specific requirements deemed appropriate for local circumstances. Most counties focus their local ordinances on new system installations and typically do not have specific repair standards or requirements for ongoing system maintenance. However, a growing number of local jurisdictions in California have become very involved in OWTS management, including implementation of programs related to on-going inspections, maintenance and monitoring of individual systems and/or the receiving environment.



## **Water Quality Control Plan for Central Coast Basin ("Basin Plan")**

Monterey County falls within the jurisdiction of the Central Coast Regional Water Quality Control Board (RWQCB). The RWQCB has adopted policies and requirements pertaining to onsite systems that are contained within the Water Quality Control Plan for the Central Coast Basin, more commonly referred to as the "Basin Plan". The onsite systems element of the Basin Plan is contained in Chapter 4 Implementation Plan, and was updated most recently in May 2008. As updated, the Basin Plan sets forth various objectives, guidelines, general principles, recommendations, requirements and prohibitions regarding the use of OWTS that cover the following major topics:

1. Local Governing Jurisdiction Actions
  - a. Disclosure and Compliance of Existing Onsite Wastewater Systems
  - b. Onsite Wastewater Management Plans
  - c. Onsite Wastewater System Maintenance Districts
2. Criteria for New Systems
  - a. Site Suitability
  - b. Onsite System Design
  - c. Design for Alternative and Engineered Systems
  - d. Construction
  - e. Onsite System Maintenance
  - f. Use Considerations
  - g. Onsite Wastewater System Prohibition Areas
  - h. Subsurface Disposal Exemptions

Recommendations, requirements and prohibitions for the siting and design of onsite systems are contained in the Site Suitability and Onsite System Design sub-sections. Included are specific criteria related to such things as soil conditions, percolation rates, separation distances to groundwater, slope limitations, setbacks to water features, and leachfield replacement area. Further discussion of these criteria is provided later in this section.

Basin Plan provisions under the sub-section titled Onsite Wastewater Management Plans provide the framework for this study of Carmel Highlands, and provide the following recommended outline of topics to be covered:

- Survey and evaluation of existing onsite systems.
- Water quality (ground and surface water) monitoring program.
- Projections of onsite disposal system demand and determination of methods to meet demand.
- Recommendations and requirements for existing onsite wastewater system inspection, monitoring, maintenances and repairs.
- Recommendations and requirements for new onsite wastewater systems.
- Alternative means of disposing of sewage in the event of disposal system failure and/or irreversible degradation from onsite disposal.
- Education and outreach program.
- Enforcement options.
- Septage management.
- Program administration, management, staffing, records keeping, installation and repairs tracking and financing.

Onsite Wastewater Management Plans require approval by the RWQCB.

## **Monterey County Regulations and Policies**

Onsite wastewater systems regulations in Monterey County are administered by the County Health Department, Division of Environmental Health, in accordance with a 1979 MOU between the RWQCB and the Board of Supervisors. Monterey County regulations for onsite sewage disposal systems are contained in Chapter 15.20 of the County Code, which was most recently updated in 2000. Per the MOU with the RWQCB, the requirements contained in the County Code are structured to provide compliance with criteria and provisions of the Basin Plan pertaining to onsite wastewater systems. The County Code sets forth specific requirements related to the use and permitting of onsite systems, including site evaluation methods, design and construction standards, system abandonment, septage disposal, inspections, prohibitions and enforcement. Key siting and design requirements are discussed later in this section. It is anticipated that the onsite wastewater management plan developed for Carmel Highlands would be adopted by the Monterey County Board of Supervisors, and would become a part of the MOU with the RWQCB.

In addition to the County Code requirements, the Carmel Area Land Use Plan under the Local Coastal Program (LCP) includes several policies and recommendations applicable to the use and management of onsite wastewater systems in Carmel Highlands. These include the following:

### **Under "General Policies":**

- New development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. Onsite systems should be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health and sensitive resources.*
- The use of onsite wastewater management systems that reduce the risk of failure or groundwater contamination and are approved by the County Health Department should be encouraged.*

### **Under "Specific Policies":**

- Adequate maintenance and repair of septic systems shall be required to limit pollution of surface waters and protect the public health.*

### **Under "Water Pollution Control":**

- New onsite waste disposal systems shall not be allowed on slopes exceeding 30 percent as required by the Regional Water Quality Control Board (RWQCB) Basin Plan. Slopes in excess of 30 percent shall not be graded to allow use for septic fields.*
- Dual leach fields shall be required for any new development in Carmel Highlands and other areas in the Carmel Coastal Segment which are not expected to be served by sewers or package treatment plants.*

### **Under "Recommended Actions":**

- An onsite wastewater management program should be initiated by the county according to guidelines of Senate Bill 430 (1977), to provide public or private monitoring, maintenance, repair, and replacement services for septic systems in the Carmel Highlands area. Necessary maintenance and correction for improperly functioning or failing systems should be at the expense of the property owner.*

## SEPTIC SYSTEM DESIGN AND SITING REQUIREMENTS

Following is a description and overview of the components and workings of a typical onsite wastewater and key requirements related to siting, design, construction, operation and maintenance. The discussion is related specifically to practices and conditions in Monterey County and the Carmel Highlands area in particular.

### **Conventional Septic System**

A typical OWTS has two major components: (1) septic tank for collection, settling and digestion of sewage wastes from the house; and (2) disposal field (leachfield or seepage pit) for dispersal and absorption of septic tank effluent into the soil or geologic strata (see **Figure 3-1**).

### **Septic Tank**

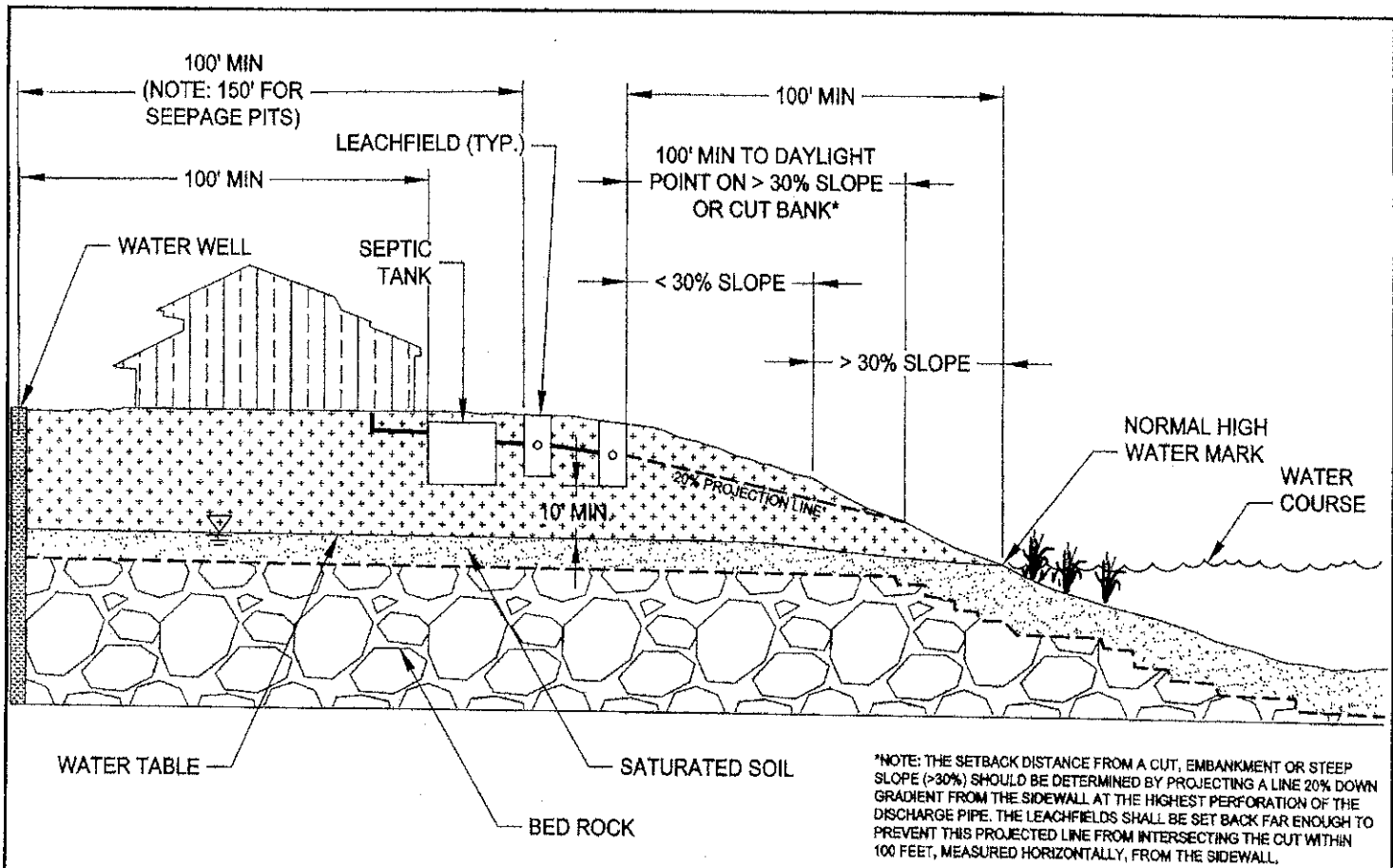
The septic tank provides primary treatment of wastewater by providing sufficient detention time for gravity separation of solids. Heavier solids settle, forming a sludge layer at the bottom of the tank while fats, oils, grease, lighter solids, and decomposing organic material float to the surface to form a scum layer. Anaerobic and facultative decomposition of organic material occurs in these layers.

Modern septic tanks are typically constructed of concrete, fiberglass or plastic with two compartments as illustrated in **Figure 3-2**. Septic tank sizes vary according to house size; Monterey County Code requires a minimum 1,000-gallon tank for one- and two-bedroom homes, and a 1,500-gallon tank for three- and four-bedroom homes. The septic tank operates in a "full" condition, with the liquid level normally about 3 inches below the inlet pipe (from the house plumbing). The septic tank provides several days of detention time for settling and digestion of sewage solids. The inlet and outlet ends of the tank have a "sanitary tee" to maintain a clear pathway for flow into and out of the tank, and to prevent floating material and other solids in the tank from passing into the disposal field where they can create obstructions or damage the absorption capacity of the soil. The outlet of the septic tank may be fitted with a plastic effluent filter that provides further straining or filtering of suspended particles (1/8-inch and larger). With the changes to the County Code in 2000, effluent filters have become a standard requirement for onsite treatment systems in Monterey County, both new and repair/replacement systems.

The clarified effluent passes by gravity from the septic tank into a 4-inch diameter "tightline" that runs directly to the disposal field, or to a "distribution box" that spreads the effluent to different parts of the disposal field. Sewage odors and gases generated in the septic tank are vented back through the house plumbing system to the roof vent pipes. The septic tank is provided with an access port on the inlet and outlet end of the tank, over which manhole "risers" are installed from the top of the tank to (or near) ground surface to facilitate access for inspection and maintenance. Monterey County Code does not require the installation of risers on residential septic tanks, except where they are installed beneath a paved surface or if the septic tank is 3 feet or deeper from surface grade. However, many designers and contractors include septic tank risers in new installations to facilitate maintenances.

Monterey County has established minimum specifications for septic tank materials, construction and sizing guidelines for septic tanks. These minimum guidelines are generally in accordance with Uniform Plumbing Code standards and include: two-chamber baffled tank, concrete or other durable material, and minimum sizes according to the number of bedrooms.

The septic tank is an entirely passive treatment system; however, its effectiveness depends on user habits and periodic inspection and solids removal. Septic tank inspections are needed to check the tank conditions, clean the effluent filter on the outlet end of the tank, and occasionally pump out the solids and scum that accumulate



Date: 09-02-09

Drawn: D.I.

App'd: N.H.

Dwg. No: 280123

**QUESTA**  
Civil  
Environmental  
& Water Resources

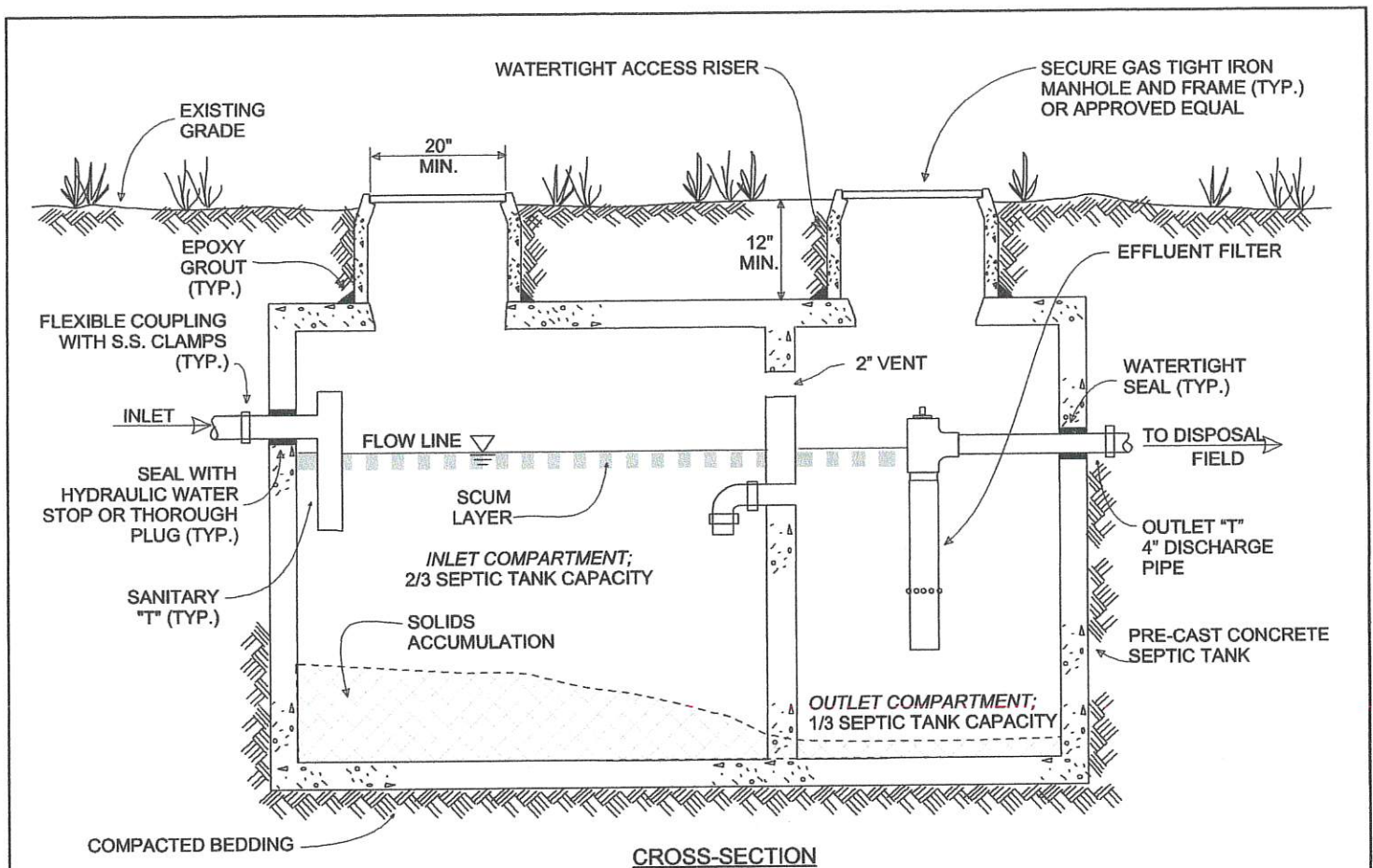
P.O. Box 70360 1220 Brickyard Cove Road Point Richmond, CA 94807

(510) 230-4110  
FAX (510) 230-7023  
info@questaenv.com

**TYPICAL OWTS SITING FACTORS**  
**CARMEL HIGHLANDS**  
**ONSITE WASTEWATER MANAGEMENT STUDY**  
MONTEREY COUNTY, CALIFORNIA

FIGURE

**3-1**



**CROSS-SECTION**

Date: 06-24-09  
 Drawn: D.I.  
 Appr'd: N.H.  
 Dwg. No: 280123

**QUESTA**  
 Civil  
 Environmental  
 & Water Resources  
 ENGINEERING CORP.  
 P.O. Box 70356 1220 Brickyard Cove Road Point Richmond, CA 94807  
 (510) 236-6114  
 FAX (510) 236-2423  
 qur@aol.com

**TYPICAL SEPTIC TANK  
 CARMEL HIGHLANDS  
 ONSITE WASTEWATER MANAGEMENT STUDY  
 MONTEREY COUNTY, CALIFORNIA**

**FIGURE  
 3-2**

over time. Depending upon use, the recommended pump-out frequency for septic systems is every three to five years for permanently occupied dwellings.

### **Disposal Field**

Two types of conventional disposal fields are approved for use in Monterey County: (1) leachfield and (2) seepage pit.

1. **Leachfield.** A leachfield (also termed "drainfield", "soil absorption field") consists of a series or network of perforated pipes installed in gravel-filled trenches. This is the preferred method of disposal in Monterey County. A cross-section of a typical leaching trench is illustrated in **Figure 3-3**. The amount of trench length depends upon the soil permeability (i.e., percolation capacity) and the size of the house or building being served. Disposal capacity is normally based on the sidewall infiltration surface of the trench; the trench bottom area may be included in some cases. Leachfield total lengths may range from 100 feet to several hundred feet. Leaching trench depth and width vary according to soil conditions; 3-foot wide trenches, 5 to 10-feet deep are common.

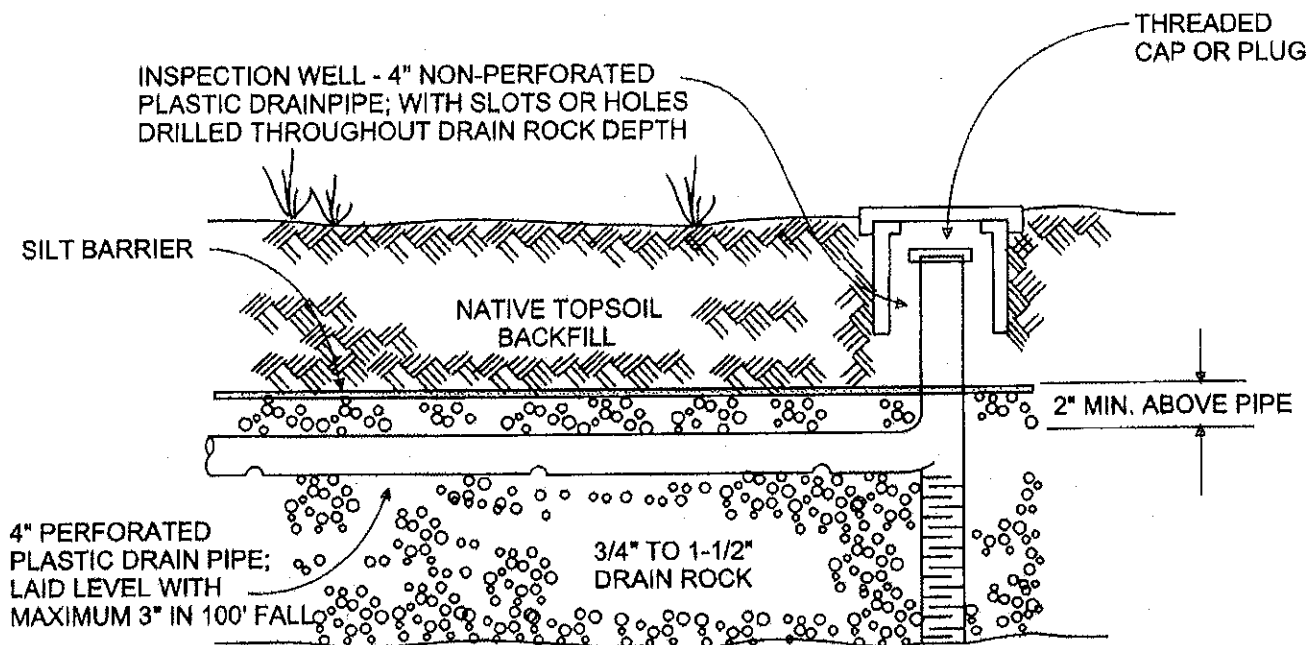
The effluent from the septic tank flows by gravity through the perforated pipes, exits through the holes in the pipe, and trickles through the rock or gravel where it is stored until absorbed by the soil. The leachfield is located in the unsaturated zone of the soil where the wastewater is absorbed and treated through physical, chemical and biological processes as it moves through the soil. The soil also acts as a natural buffer to filter out many of the harmful bacteria, viruses, and excessive nutrients, effectively treating the wastewater as it percolates through the unsaturated zone before it reaches the groundwater or nearby watercourses.

2. **Seepage Pit.** In contrast with leachfields that spread the wastewater into the shallow soil horizons in a horizontal manner, seepage pits provide for discharge into the deep soils and geologic strata through vertical, rock-filled boreholes. Typically, this disposal method is used where conventional leachfields do not provide sufficient disposal capacity, either due to impermeable soil layers or limited area, or where better drainage can be achieved by disposing the wastewater below limiting soil layers into gravelly alluvium having better permeability. A typical seepage pit is illustrated in **Figure 3-4**. It consists of a 3- to 4-foot diameter borehole, filled with drain rock, and provided with a minimum 3-inch diameter perforated pipe in the center that extends from ground surface to the bottom. The typical depth of seepage pits is 30 to 40 feet; however, they may be as shallow as 10 to 12 feet, and as deep as 60 to 70-feet deep. The depth for each system is dependent upon the nature of the soil/geologic conditions and the required system capacity. Seepage pit capacity is determined based on the sidewall infiltration area.

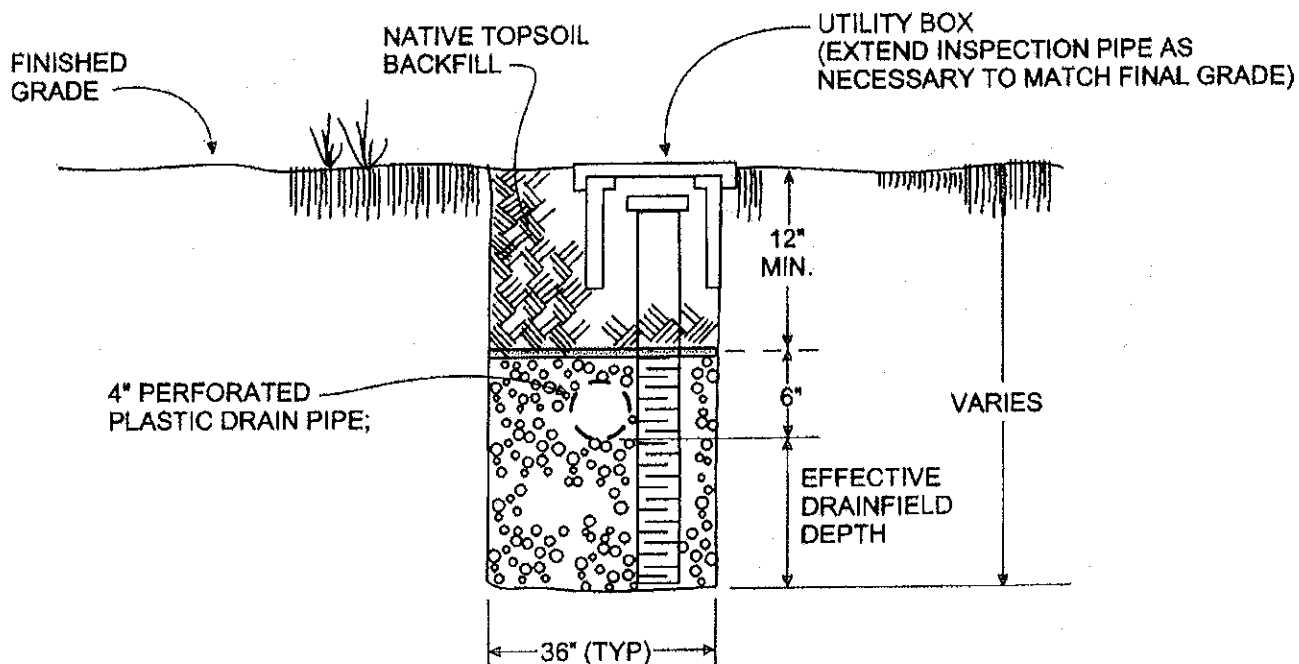
In terms of effluent treatment, seepage pits are generally not considered as effective as leachfields. This is due to the fact that they discharge the wastewater to the deep soils zones and geologic strata where there is less oxygen and biological activity for chemical and biological breakdown/uptake of organic matter, bacteria and other wastewater constituents. Consequently, they rely primarily on physical filtering of the wastewater and they tend to have a shorter effective life. The clear advantage of seepage pits is that they take up relatively little area, allowing them to be used for small lots and steeper terrain. They cannot be used in high groundwater areas.

### **Alternative Systems**

Beginning in the 1970s considerable attention has been given in the U.S. to the study and improvement of onsite sewage disposal system practices. In addition to fostering a better understanding of how conventional



**SIDE VIEW**



**END VIEW**

Date: 06-24-09

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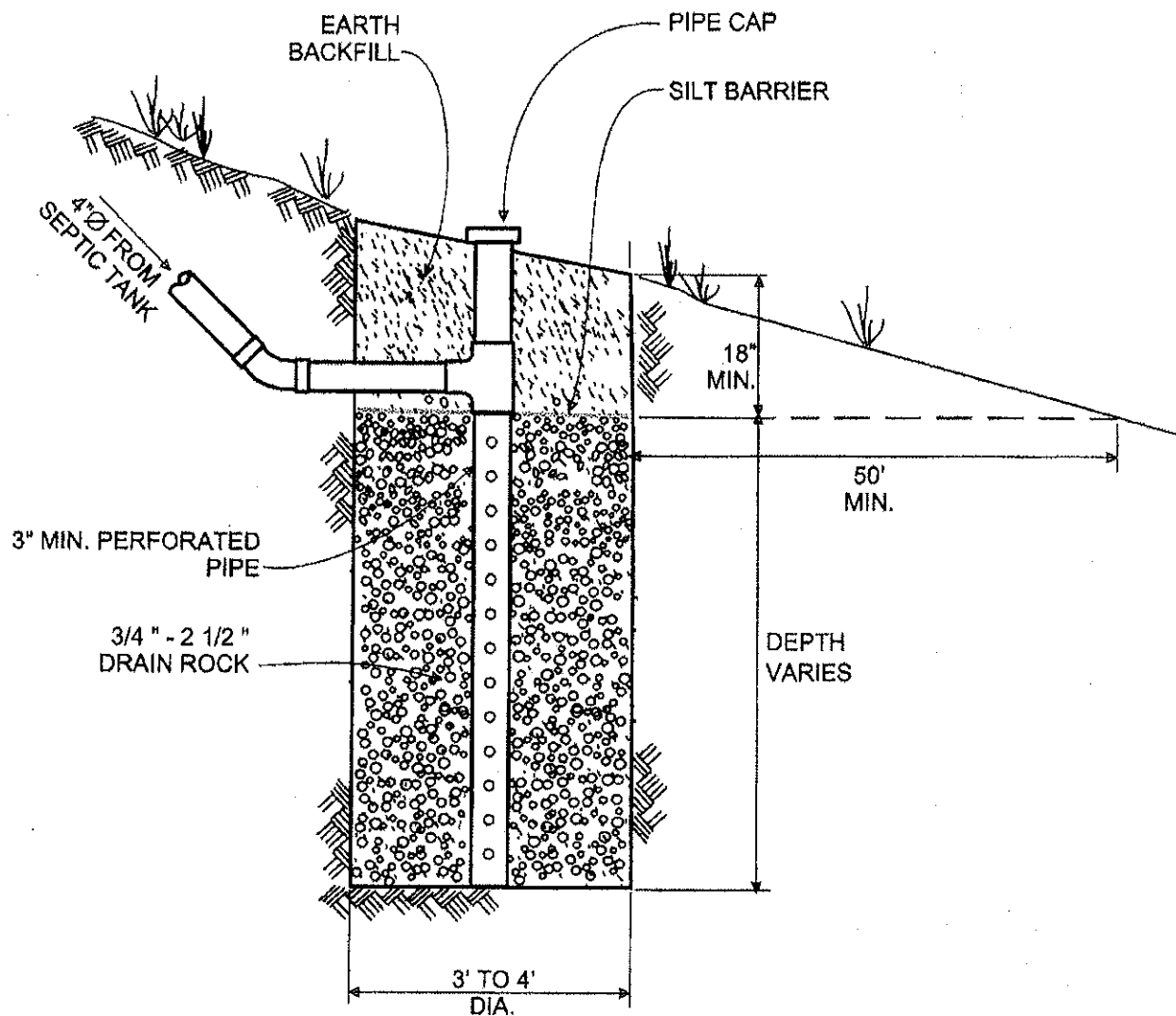
5101 262-6514  
Fax 5101 262-6522  
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**TYPICAL LEACHING TRENCH  
CARMEL HIGHLANDS  
ONSITE WASTEWATER  
MANAGEMENT STUDY  
MONTEREY COUNTY, CALIFORNIA**

FIGURE

**3-3**



Date: 06-24-09

Drawn: D.I.

Appr'd: N.H.

Dwg. No: 280123



**TYPICAL SEEPAGE PIT  
CARMEL HIGHLANDS  
ONSITE WASTEWATER  
MANAGEMENT STUDY  
MONTEREY COUNTY, CALIFORNIA**

FIGURE

**3-4**



soil absorption systems function, this attention has led to the evolution of numerous "alternatives" to the conventional septic system. Technology advancements have also played an important part in the development or refinement of alternative designs. Many "alternative systems" are in use in different parts of California, particularly in northern parts of the state.

Monterey County does not currently have local regulatory framework in place to approve alternative systems. Applications for alternative OWTS are currently processed and permitted by the RWQCB. The Basin Plan allows for local agencies to approve alternative and engineered OWTS designs, provided they are designed by a certified professional and provided there is a local regulatory program (such as an onsite wastewater management plan) adopted to ensure on-going maintenance and monitoring. Without an approved local regulatory framework, alternative systems on undeveloped parcels must be processed through the RWQCB. There are only a small number of alternative systems (less than 10) in use in Carmel Highlands that have been installed for system repairs and upgrades.

Following is a brief review of some of the common alternative technologies in current use or that may have applicability in Carmel Highlands. Further discussion of alternative technologies is provided in **Section 6**. Additional information on these technologies can be found in the report titled "Technologies for the Onsite Treatment of Wastewater in California" (UC Davis, for SWRCB, 2002), and in the U.S. EPA "Onsite Wastewater Treatment Systems Manual" (Feb 2002).

### **Treatment Technologies**

**Sand Filters.** Intermittent (single pass) and recirculating sand filters are used to provide additional or advanced treatment of septic tank effluent prior to discharge to the disposal system. They are used to improve or restore the capacity of the disposal field, reduce pathogenic bacteria and may provide additional nitrogen removal.

**Other Packed Bed Filters.** This includes proprietary designs that function similar to sand filters. One type of system uses natural peat for the treatment media; another uses synthetic "textile" media. Subsurface flow wetlands are another variation that uses a combination of rock media and wetland plants to treat the wastewater to a secondary level before discharge to the disposal system.

**Aerobic Treatment Units.** This includes various proprietary designs that utilize forced air to oxidize the wastewater, promoting aerobic decomposition of the wastewater solids. These systems produce secondary quality wastewater for improvement in leachfield performance; they also provide varying degrees of nitrogen removal.

### **Dispersal Technologies**

**Pressure-Distribution Leachfield.** This is a variation of a conventional leachfield system that uses a pump and small diameter pressure piping to achieve broad, uniform distribution of wastewater in the shallow soil zones for improved soil absorption and better treatment.

**Mound System.** This consists of an elevated sand bed with a gravel distribution bed covered by soil fill. It utilizes the shallow surface soils for broad distribution of effluent, and is used to overcome high water table and shallow soil conditions on flat or gently sloping terrain.

**At-Grade System.** This system is similar to a mound system, except that it does not include the sand bed; the gravel distribution bed is placed directly on the scarified (i.e., plowed) soil surface. It is often used in conjunction with an enhanced or advanced treatment system (see below).

**Subsurface Drip Dispersal.** This is a proprietary system for subsurface disposal of treated wastewater that uses special drip tubing designed especially for use with wastewater. The dripline is placed 6 to 12 inches below ground surface and makes use of the most biologically active soil zone for distribution, nutrient uptake and evapotranspiration of the wastewater.

**Evapotranspiration Systems.** These systems are sand/rock-filled beds that rely on evapotranspiration of the wastewater where percolation into the soil is not possible. They have applicability only in very dry (low rainfall) areas.

## ***Siting Requirements for Onsite Sewage Disposal Systems***

### **General**

Bacteria, viruses, and other pathogens are present in great numbers in sewage and represent a constant threat to public health. Preventing the transmission of disease is the foremost concern associated with the treatment and dispersal of sewage and is the basis for many of the established standards that dictate how, where and when wastewater treatment and dispersal can occur.

Ground waters and surface waters are afforded protection from OWTS wastewater contaminants through the establishment of specific criteria pertaining to the soil properties, vertical (groundwater) separation, and horizontal (surface water) setback requirements. The level of wastewater treatment (prior to dispersal) and the design of the dispersal system can also play a role in pathogen removal. The soil is critical, but the factors are complex and there is no simple rule.

Attenuation and removal of pathogens in the soil is accomplished through such mechanisms as microbial predation, filtration, adsorption, and die-off. Related factors include the depth, texture, and structure of the soil, hydraulic loading rate, and other physicochemical properties such as moisture, temperature, oxygen and pH. It is well known that soils have a tremendous capacity to remove bacteria from percolating wastewater. The retention and die-off of most if not all pathogenic bacteria occur within 2 to 3 feet of the soil infiltrative surface in a properly functioning OWTS (Anderson et al, 1994; Bouma et al 1972). Viruses can also be retained and eliminated within a few feet, depending on the soil conditions; but it is generally accepted that they can persist longer and travel farther in the soil than bacteria. However, unlike bacteria, viruses are not always present in residential OWTS discharges, since it depends on the health status of the residents. Once reaching the water table, bacteria and viruses have been found to survive and travel significant distances with the groundwater (potentially hundreds of feet), depending on the rate of groundwater movement. Survival time in soil and ground is typically on the order of days to weeks for bacteria, and weeks to months for viruses.

Consistent with current knowledge and practices for preventing pathogen impacts from OWTS, most regulations provide a combination of siting and design requirements including: soil properties/evaluation, minimum vertical separation to groundwater, minimum horizontal setbacks to various water/landscape features, treatment alternatives, and dispersal system design requirements. The requirements commonly differ for new parcel creation as compared with development on existing lots, where more design options and flexibility in siting criteria are allowed to address given physical constraints on legal lots of record.

Following is a review of the key factors that affect the siting and functioning of onsite sewage disposal systems, and the applicable standards contained in the Basin Plan and Monterey County regulations.

## Soils and Geology

1. **Soils.** Soil suitability is the single most critical aspect of onsite wastewater disposal. The soil provides the medium for the absorption and dispersal of wastewater discharged through sub-surface leachfield systems. This is accomplished mainly through a combination of physical filtering, biological and chemical processes, and dilution. In order to be effective, the soil must have reasonable permeability for water movement, sufficient amount of fine soil particles (i.e., silt, clay, and fine sand) for filtering and support of biological activity, adequate depth of soil above the water table (zone of aeration) for treatment to occur, and suitable drainage to prevent saturation or flooding. OWTS failures can occur as a result of: (a) the inability of soil to absorb the wastewater at a rate that matches the flow from the house or building; (b) inadequate treatment due to shallow soils and/or rapid percolation to the water table; or (c) seepage along a drainage course or cut slope due to inadequate lateral setback, shallow soils, and/or poor percolation. Soil conditions can vary within short distances. Detailed investigation of the soil is generally needed to determine the suitability for wastewater disposal at any given site. At a minimum, proper investigation includes soil profile analysis to determine soil texture, structure and depth, percolation/permeability characteristics, drainage and presence of groundwater.
2. **Geology.** The geology of an area is important to the suitability and performance of onsite wastewater disposal systems by the way it influences topography and landforms, the type and characteristics of soils that develop at the surface, the occurrence and movement of subsurface water, and slope stability. For example, more resistant rocks generally are associated with steep terrain, ridges and knolls, where the soils tend to be relatively shallow and, thus, limited for subsurface wastewater disposal systems. Softer rock types, such as sandstones and shales, will weather to form deeper soil layers and deposits of eroded materials. However, soil permeability can vary widely, depending upon the degree of weathering that takes place (i.e., to form clays) and the mineralogy of the rock.

The type and structure of the bedrock has a strong influence on groundwater conditions, which, in turn, affects the suitability and potential impacts of onsite wastewater disposal. In hard rock areas, such as granite, water movement is generally restricted to fracture zones, often referred to as the "secondary" permeability, which may offer little in the way of treatment and the potential for wastewater effects to be transported significant distances. Some rock types, such as sandstones, conglomerates, and limestones, have significant "primary" permeability, which provides for transmission of water through the interstices in the rock itself, where additional filtering and treatment can occur. Contacts between different rock types or layers are often avenues for the movement of subsurface waters; and springs and seeps are often found where fractures and geologic contacts come to the surface. Where the underlying rock lacks significant primary or secondary permeability, a water table may form near the ground surface that interferes with the suitability and operation of onsite wastewater systems. Areas of steep slopes and weak rock types generally pose the greatest slope stability concerns and severe limitation for subsurface wastewater disposal.

The Basin Plan prohibits the use of onsite wastewater disposal systems in soils or formations that contain continuous channels, cracks or fractures. County Code and the former Basin Plan requirements allowed exceptions to this prohibition where a 250-foot separation could be maintained from wells and watercourses.

## Percolation

The percolation test is a commonly used method of evaluating hydraulic conductivity (permeability) in soils and determining the suitability and proper sizing for an onsite wastewater system. Although criticized because of variability in results related to technique and weather conditions, it can be useful if used together with the soil profile data.

The Basin Plan requires, for conventional leachfield systems, that the percolation rate be within the range of 1 to 120 minutes per inch (MPI), unless the lot size is two acres or greater. For percolation rates faster than 1 MPI greater separation distances to groundwater and/or water wells is required as listed below under the groundwater discussion. Also, for percolation rates slower than 60 MPI, leachfields are required to be sized larger based on a very conservative (safe) design factor of 0.1 gpd/ft<sup>2</sup> or less. Monterey County Code requires percolation rates to be in the range of 1 to 60 MPI, and applies a standard design loading rate of 0.3 gpd/ft<sup>2</sup> for disposal field sizing.

## Groundwater

High groundwater is another factor that affects the ability of the soils to absorb and provide treatment and absorption of the effluent. A high water table can reduce the effectiveness of the soil treatment zone, can be a conduit for groundwater or surface water contamination, and can also cause the effluent to backup and rise to the surface.

The Basin Plan groundwater separation requirements for leachfields vary according to the soil percolation rate as listed below, with faster percolation rates requiring greater groundwater separation distances. County Code differs by requiring 10-ft separation to groundwater for percolation rates >5 MPI.

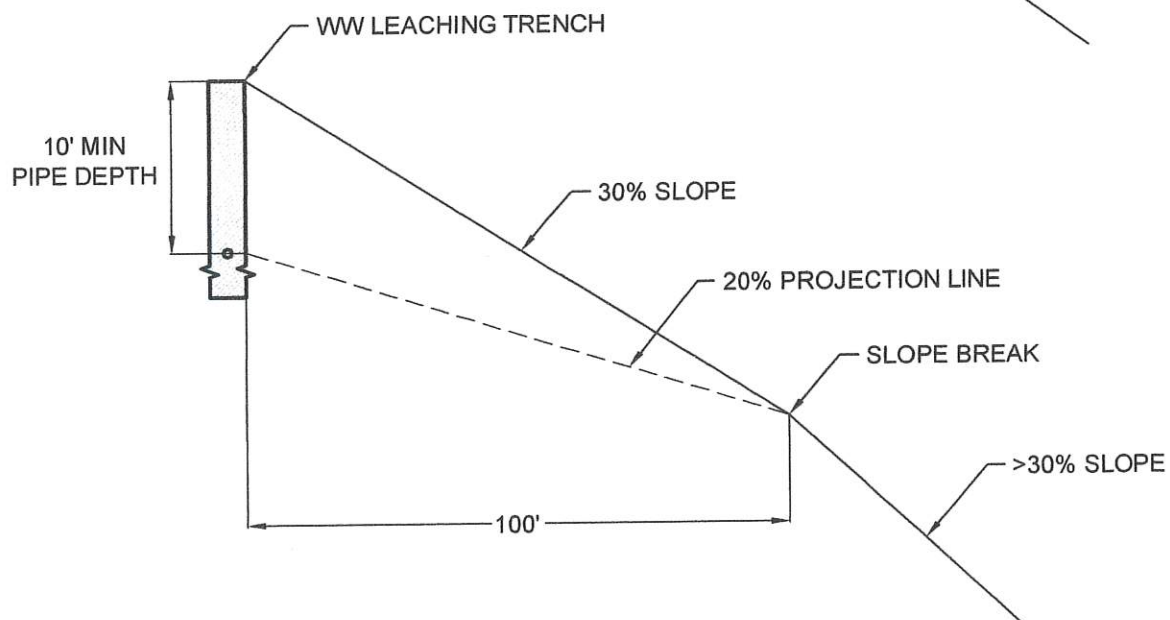
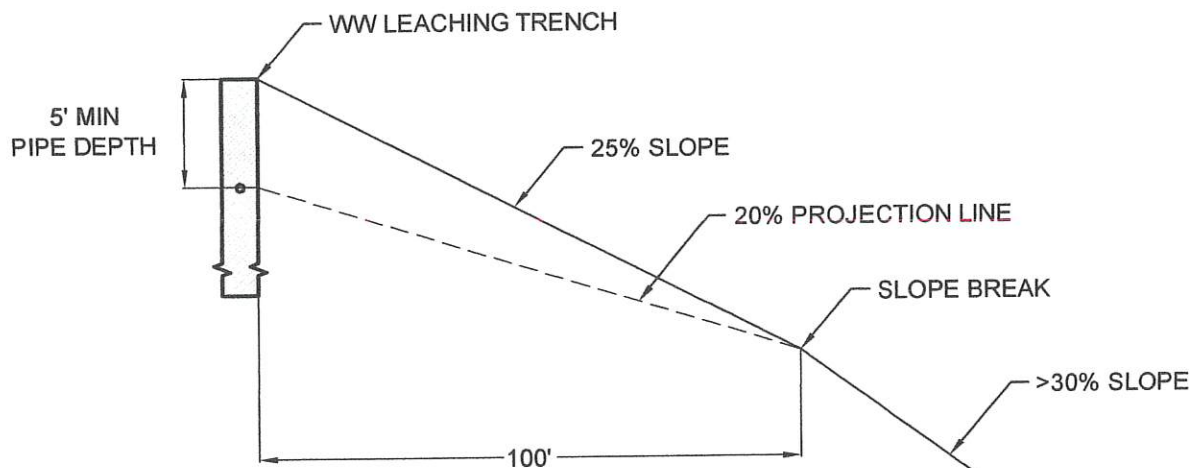
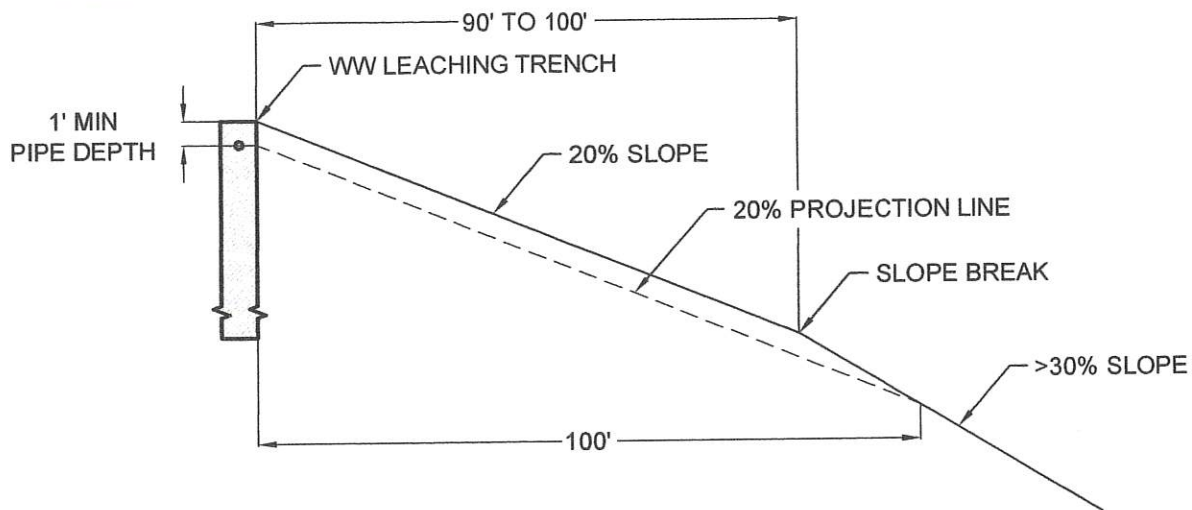
<u>Percolation rate (MPI)</u>	<u>Vertical separation to groundwater (ft)</u>
1 – 4	20
5 – 29	8
> 30	5

For seepage pits the required depth to groundwater varies from 10 feet to 20 feet, depending on the coarseness of the soils; i.e., coarser soils require greater separation distances.

## Ground Slope

Slope stability, erosion hazards and the potential for downslope seepage or breakout of effluent pose limitations on the steepness of the slope where onsite systems can be located. There are also practical limits for construction on steep slopes. The Basin Plan and Monterey County slope limitation for installation of an OSTs disposal field is 30 percent.

There are additional provisions that require disposal fields to be located minimum horizontal distances from slopes greater than 30 percent, which further restricts the available land for disposal fields in areas of steep terrain. Specifically, the Basin Plan requires that a 20-percent sloping line be projected in a down-gradient direction from the sidewall of the leaching trench, starting at the level of the drain pipe perforations, and that there must be a 100-foot horizontal separation between the edge of the trench and the point where the projection line intersects a cut bank or slope greater than 30 percent. This is diagrammed in **Figure 3-5**. Although not necessarily intended, an effect of this criterion is to require that deeper disposal trenches be used in steeper terrain. The setback to the slope break or cut bank is determined case-by-case, based on the disposal area slope, the pipe depth, and the steepness of the slope. For example, OWTS located on a 20-, 25- and 30-percent slopes that have a cut bank or down-slope drop-off to a slope of more than 30 percent, would have to comply with the minimum setback distance and minimum leaching pipe depth as shown in **Table 3-1**.



Date: 09-08-09

Drawn: D.I.

Appr'd: N.H.

Dwg. No: 280123



**STEEP SLOPE / CUT BANK SETBACKS**  
CARMEL HIGHLANDS  
ONSITE WASTEWATER  
MANAGEMENT STUDY  
MONTEREY COUNTY, CALIFORNIA

FIGURE

**3-5**

**Table 3-1. Example Setback and Pipe Depth Requirements for Steep Slopes and Cuts**

<b>Disposal Area Slope (%)</b>	<b>Minimum Pipe Depth from Ground Surface (feet)</b>	<b>Minimum Setback to Slope Break or Top of Cut (ft)</b>
20	1	90 to 100
25	5	100
30	10	100

### **Setbacks to Water Features**

Per the Basin Plan and County Code, minimum horizontal setback distances between onsite wastewater disposal systems and various water features are as follows:

Domestic Water Wells	100 feet
Watercourse	100 feet
Reservoir	200 feet
Springs	100 feet

For the purposes of applying these setbacks, a “watercourse” is defined under the Basin Plan as “A natural or man-made channel for passage of water. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) usually discharging into some stream or body of water.”

The Basin Plan and County Code also specify standard setbacks between disposal trenches (or seepage pits) and curtain drains (used for shallow groundwater) as follows: (a) 20 feet in the uphill direction; and (b) 50 feet in the downhill direction.

### **Disposal System Reserve Capacity and Dual Systems**

At a minimum, the Basin Plan and County Code require that a 100-percent reserve disposal area be identified and set aside for future use. As noted previously, the Carmel Area Land Use Plan, dual systems are required for new OWTS installations in Carmel Highlands. Dual systems allow each field to “rest” while the other is in use. This has the benefit of extending the life of the system, assuring that no damage is done to the “reserve” area, and providing the ability to have a failsafe area immediately available in the event of a problem with one of the two disposal fields. The Basin Plan recommends dual systems for all OWTS.

### **Density Considerations and Cumulative Impacts**

High-density development using onsite systems can contribute to elevated nitrogen concentrations in the groundwater and/or a general rise or mounding of the water table, both of which are undesirable. Such problems are generally avoided by planning for sufficiently large lots sizes where onsite sewage disposal systems are used. The Basin Plan recommends a minimum lot size of one acre for creation of new lots served by onsite sewage disposal systems. As noted in the preceding paragraphs, the Basin Plan also incorporates lot size limitations into various individual septic system siting criteria (e.g., soil and percolation).

Monterey County Code (section 15.20.060E) also contains lots size limitations which, for new land divisions require a minimum 1-acre lot size where water supply is from a public system, and 2.5 acres where an onsite well is used. These lot size limitations do not apply to existing lots of record. Additionally, 2-acre minimum lot size is required for the development of second units.

## **Alternative Systems**

The Basin Plan recognizes and allows for the use of alternative systems provided they are designed by a certified professional and properly designed, operated and maintained. Although a formal program to oversee alternative systems has not yet been instituted in Monterey County, alternative system programs utilizing "operating permits" and other oversight mechanisms have been established in other counties in the state, including neighboring Santa Cruz County. Under these programs, alternative systems are generally required to conduct routine monitoring or "checks" on system operations, and to file periodic reports with the county. The monitoring is intended to keep track of such things as wastewater flow rate and volumes, treatment effectiveness, disposal field performance and conditions, and, in some cases, downstream/downgradient water quality conditions. Annual reporting requirements are typical.

## **ONSITE WASTEWATER SYSTEM USAGE IN CARMEL HIGHLANDS**

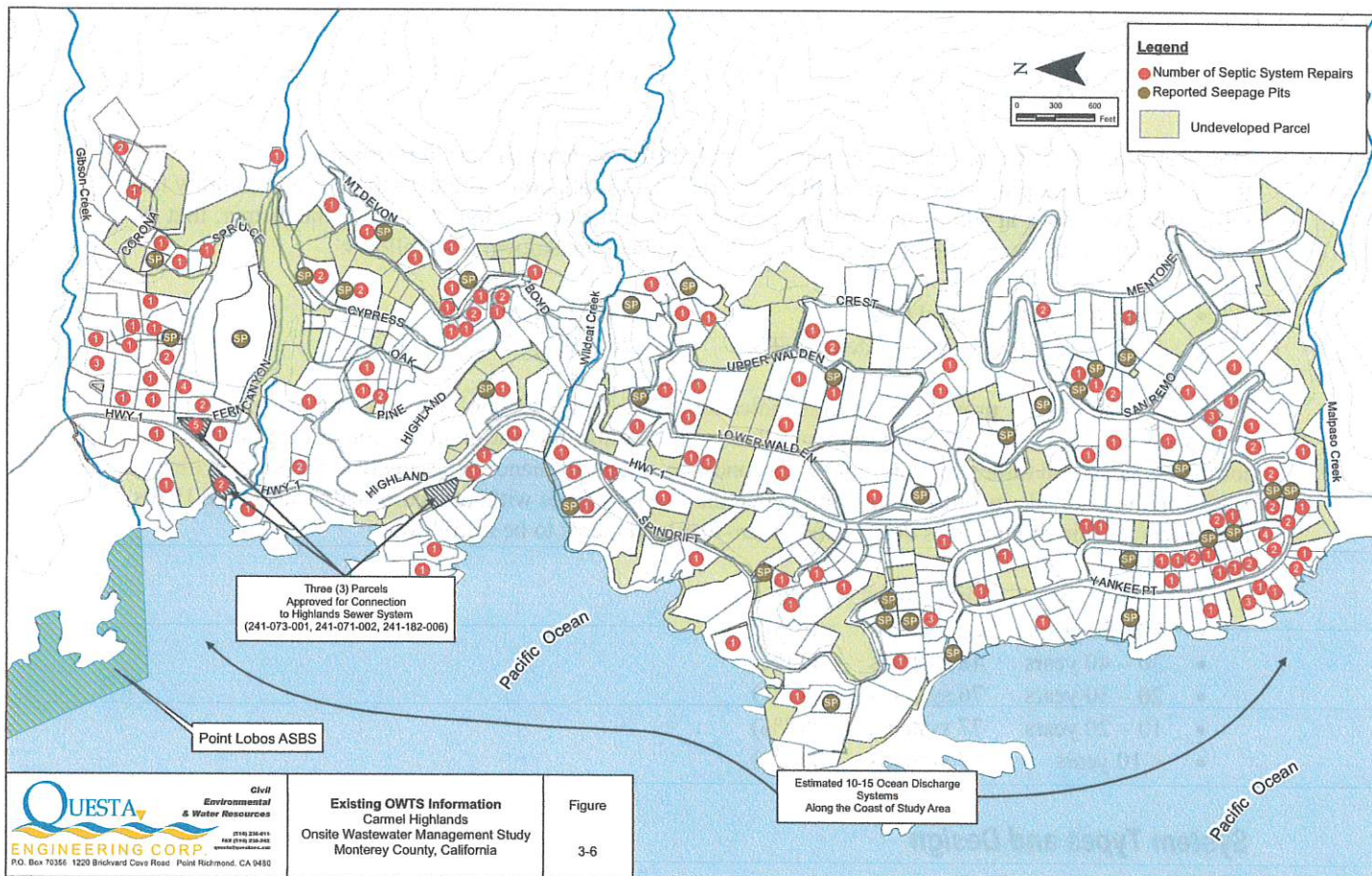
As noted in earlier discussion, with the exception of Highlands Inn, 13 residential properties within the Highlands Sanitary Association, and Tickle Pink Inn, which are connected to the CAWD facilities, all properties in Carmel Highlands are served by individual OWTS. All OWTS are currently regulated by the Monterey County Division of Environmental Health under the provisions of County Code Chapter 15.20. However, since development in Carmel Highlands dates back to the 1950s, OWTS have been installed over many years under differing regulatory requirements and industry practices that have evolved over the past 60 years. To assist in the current study, Monterey County Division of Environmental Health has assembled all permit information into an electronic data base that provides a reasonably comprehensive record of OWTS installations, site data and related activity in the Carmel Highlands study area. The permit files are not 100-percent complete, since development activity on some properties pre-dates County record-keeping. However, the County records provide a very good documentation of the nature and status of OWTS usage in the study area for the purposes of developing this onsite wastewater management plan. Following is a review and summary of pertinent information the County files.

### **System Status and Age**

County maps and records indicate a total of 564 residential parcels in the Carmel Highlands study area, of which 435 are currently developed. All of these lots are for single family residences, with minor exceptions that include small commercial development (store and service station), fire station and one duplex. About 20 of the files show a guest house or cottage along with the main house. These structures range from a guest house, which is considered as a detached bedroom from the single family residence, to a caretaker or senior cottage, which are understood to be classified as "second units". OWTS files are available for 325 parcels, or about 75% of the developed properties in the study area. While it is possible that some files have been lost or misplaced over the years, it is most probable that the approximately 110 developed parcels without OWTS documentation were developed prior to County permitting or record-keeping.

The County files include information that distinguishes where the current OWTS is the original installation and where there have been subsequent repairs, replacement or upgrades to the OWTS. The latter category is simply referred to as "repair", which in many cases is an indication of having to correct some functional problem with the original OWTS. However, in other cases the permit work is associated with a house remodeling project, where expansion of the OWTS was required to accommodate the development's intensification of wastewater production. Thus, while "repairs" are the best indicator of where OWTS problems have occurred and been addressed, they also should be recognized to include system upgrades that have been brought up to more current standards in connection with other building activity. Based on the available records, approximately 62% of the existing developed parcels are indicated to be served by the original OWTS, and 38% of the properties have an indication of repair/upgrade OWTS (see **Figure 3-6**).







However, since there are no records for approximately 110 developed parcels, it is reasonable to assume that the OWTS on these properties are most likely the original installations, although there is a possibility that repair work was done at some point without permit or other documentation. Assuming the former, that the undocumented OWTS are original installations, the estimated breakdown is as follows:

- Properties with original OWTS: 309 (71%)
- Properties with repair/upgraded OWTS: 126 (29%)

The age of the OWTS provides a general indication of the likely technology, construction practices and regulations in place at the time of system installation. It may also provide an indication of the potential need for maintenance and future upgrade, as OWTS condition and performance generally tend to decline with age. Based on the available records, and assuming that the 110 properties without records date back to the 1950s, the system age distribution was determined in ten-year increments to be as follows:

- > 50 years 140 systems (32%)
- 40 - 50 years 26 systems (6%)
- 30 - 40 years 48 systems (11%)
- 20 - 30 years 76 systems (17%)
- 10 - 20 years 77 systems (18%)
- < 10 years 69 systems (16%)

### **System Types and Design**

The predominant and preferred type of OWTS used in Carmel Highlands has been the conventional septic tank – gravity leachfield system; however, over the years there has also been significant use of seepage pits. In more recent years, pump systems, special engineered designs and alternative/advanced treatment systems have also been used to address particular site constraints or repair needs. The following summarizes the information obtained from available permit files, not including any assumptions about the types of systems on properties for which no records exist.

#### **Conventional Leachfield Systems**

Of the 325 permit files reviewed, 255 properties were indicated to have conventional septic tank – gravity leachfield systems. Most of the other properties also have some leaching trench in combination with either seepage pits, pumps or other treatment systems as discussed below. The following summarizes the typical leaching trench design information indicated in permit files:

- Minimum trench depth: 1.5-feet
- Maximum trench depth: 18-feet
- Average trench depth: 9.4 feet
- Total length of trench/OWTS: up to 300 lineal feet
- Average disposal field area: 1,500 square feet (primary and secondary fields combined)

According to County staff, an approximate 25-percent safety factor was included into the sizing of disposal fields in the early- to mid-1980s.

#### **Seepage Pits**

There are records for 32 properties using seepage pits for wastewater disposal, with an average of 3 to 4 seepage pits per parcel (113 total). Many of these properties also have leaching trench systems as part of the

disposal field. It is likely that some of the older developed properties with undocumented OWTS information also have seepage pits, since two-thirds of the documented seepage pits date to the 1950s and 1960s. **Figure 3-6** shows the location of parcels known to have seepage pits, which can be seen to be distributed fairly evenly throughout the study area, including installations on both the coastal and upland sides of Highway 1. The permit files indicate the constructed depth of the seepage pits to be as follows:

- Minimum Depth: 7 feet
- Maximum Depth: 70 feet
- Average Depth: 33 feet

According to records and personal knowledge of County staff, seepage pits were in more common usage in the past. In many repair situations, the seepage pits have been replaced by leaching trenches. However, in these cases, the seepage pits have typically been retained for either continued or emergency use, rather than being abandoned and destroyed.

### **Pumps, Engineered and Alternative OWTS**

There are records indicating 29 pump systems in use in the study area. These are used where the disposal field is located at a higher elevation than the septic tank. The pump system is typically located in a separate vault following the septic tank. There are currently no pump systems used to disperse the effluent to a pressure-distribution disposal field.

Permit files show 13 systems involving some type of additional engineering design. In most cases this relates to design of measures over the tank and/or disposal field to accommodate vehicle traffic.

A small number of advanced or alternative treatment systems have been used in OWTS repair or upgrade situations. These have included:

- (1) sand filter
- (1) AdvanTex textile filter
- (5) Multi-flow aerobic treatment units

### **Ocean Discharge Systems**

It has been determined from review of County records and through interviews with local OWTS contractors that there are several (estimated 10 to 15) developed ocean-front properties with systems that discharge to the ocean rather than to an onsite disposal field. It appears that approval of these systems pre-dates County permitting requirements. It appears that these systems serve properties situated on rock outcrops with virtually no soil mantle suitable for effluent disposal. The limited information in County files indicates that these systems, as originally constructed included a septic tank, followed by a sand filled septic tank to provide additional filtering of the effluent prior to piped discharge to the ocean. Records indicate that in the 1990s a few of these systems were upgraded with the installation of an aerobic treatment unit to replace the septic tank-sand filter unit. These ocean discharge systems are spread out along most of the shoreline area, both north and south of Yankee Point.

These discharges are not in compliance with either the County Code, the California Water Code, or the Federal Clean Water Act and pose a direct threat to beneficial uses of the ocean waters. Additionally, some of these discharges may be in close proximity and tributary to the Point Lobos ASBS, which has further restrictions on wastewater discharges to preserve natural quality conditions in the protected marine environment. An alternate sewage disposal solution is necessary for these properties.

## 4. DEVELOPMENT POTENTIAL

This section discusses the potential for future development of vacant parcels in the Carmel Highlands project area. This information is important to understanding the needs for wastewater treatment and disposal and evaluating alternative management plans to meet those needs. The analysis of development potential was completed by Denise Duffy & Associates. A memorandum presenting the results of the analysis along with supporting data and maps are provided in **Appendix A**. Presented below is a summary of the methods, findings and conclusions from this work.

### TOTAL MAXIMUM DEVELOPMENT POTENTIAL

An analysis was made of the maximum development potential in the Carmel Highlands project area based on current zoning, the Monterey County Assessor's GIS system's inventory of undeveloped, vacant legal lots of record, and a survey of aerial photography. This analysis did not attempt to evaluate the physical or environmental constraints on individual lots. Therefore, the estimate from this analysis establishes the maximum theoretical potential for development.

**Appendix A** includes a table summarizing the analysis, which includes the following:

- inventory of undeveloped vacant legal lots and their acreage;
- associated zoning;
- resultant number of residential units; and
- lots designated for other uses and the associated allowable development.

The analysis of development potential included a reasonable estimate of the potential for creation of new lots through the subdivision process. Factors and assumptions included in the analysis were as follows:

1. The zoning densities allowed at each site were refined based on personal communication with Laura Lawrence, Monterey County Planning and Building Inspection Department (May 7, 2009).
2. Several parcels listed as "undeveloped" in the assessors GIS data were known to contain visitor-serving commercial or public quasi public and therefore, those would not accommodate new development.
3. According to Laura Lawrence, the County would potentially allow development on lots under 1 acre, but second units would not be allowed.
4. Lots under  $\frac{1}{4}$ -acre are assumed to be too small to accommodate new development supported by an onsite well and OWTS; and there are no vacant  $\frac{1}{4}$ -acre lots with an available public water connection.
5. A list of parcels on which septic system applications have been rejected in the past by the County was reviewed. Nine of the parcels were included on the County Assessor's GIS system's inventory of undeveloped, vacant legal lots of record. These parcels were assumed to not accommodate new development.
6. The Carmel Land Use Plan and the Local Coastal Program (including Title 20, Coastal Implementation Plan) contain policies and regulations development that would be applied to any new

residential subdivisions, including the requirement for Coastal Development Permits for most projects. The implications of the Plan and Program were considered in the development potential analysis.

Based on this it is concluded that there is potential for the development up to a maximum of 105 residential parcels in the Carmel Highlands project area.

## **CONSTRAINTS ANALYSIS**

In addition to the preceding zoning analysis, a constraints analysis was completed to study key physical/environmental factors that could affect the ability of individual lots to accommodate new development. **Appendix A** contains a series of maps illustrating the analysis and results. The specific findings of this analysis were as follows:

- **Coastline setbacks.** 13 vacant parcels were determined to contain areas within 100 feet of the coastline, including 12 with areas within 50 feet.
- **Stream setbacks:** 15 parcels contain area within 100 feet of a stream.
- **Slopes of greater than 30%:** Approximately 50 vacant lots appear to contain a sufficient amount of area with slopes under 30%, necessary to accommodate new development, including on-site wastewater disposal.

Steep slopes, and the associated constraint on development of a building and adequate wastewater disposal, are considered the limiting factor in site development.

## **CONCLUSION**

Based on the analysis, somewhere between 50 and 105 new single family dwelling units may be built in the Carmel Highlands project area in the future. No other development may be accommodated based on the existing zoning and Monterey County GIS database.

To be conservative, the analysis of wastewater alternatives addressed in **Section 6** of this report utilizes the high end estimate of 105 future residential lots to project wastewater flows, facility requirements, and estimated costs.

## 5. OWTS SUITABILITY AND PROBLEM ASSESSMENT

### OVERVIEW

This section of the report provides an evaluation of the use of onsite wastewater systems in Carmel Highlands in terms of meeting basic sanitation and public health requirements along with protection of groundwater and surface water quality and their respective beneficial uses. The analysis is based on the various data collected from: (a) file reviews; (b) published information on geology, hydrology and soil conditions; (c) field reconnaissance surveys of the area; (d) interviews with County staff, engineers, and contractors; (e) applicable regulations, professional literature and industry standards regarding OWTS; and (f) professional judgment of the project team based on many years of experience in this field.

The purpose of the evaluation is to provide an understanding of the inherent suitability and constraints for onsite wastewater disposal in the study area and to identify the nature and extent of any existing problems and their impacts. The information provided here will guide the subsequent analysis of alternative approaches for meeting long-term wastewater management needs in the area, covered in **Section 6** of this report. The discussion is organized into three parts: (1) Suitability and Constraints for Onsite Wastewater Disposal; (2) OWTS Status and Operational History (3) Groundwater Impacts; and (4) Surface Water Impacts.

### SUITABILITY AND CONSTRAINTS FOR ONSITE WASTEWATER DISPOSAL

As described in **Section 3**, the basic physical suitability of an area for the use of OWTS is dictated more than anything else by the inherent geology, soils and groundwater conditions. Where conditions are favorable, properly designed OWTS can operate effectively and safely for long periods of time. However, some locations are inherently unsuitable for onsite systems for a variety of reasons, or require special design measures to overcome physical site constraints. The geology, soils and groundwater characteristics of the study area, along with the site evaluation and design practices were reviewed as the starting point for the problem assessment. This included review of published geologic and soils maps and reports for the area, approximately 35 soils, geologic and percolation test reports for individual sites, and various data, design information and correspondence contained in County permit files. This was supplemented with general field reconnaissance surveys and consultation with County staff and other individuals having direct experience with OWTS in Carmel Highlands.

#### ***Soils and Geology***

As described in **Section 2**, the Carmel Highlands area is generally characterized by relatively shallow (2 to 4-foot deep) permeable sandy loam surface soils overlying weathered (decomposed) granite bedrock, transitioning with depth to dense, fractured granitic rock. The topography is hilly and rugged, and the depth and degree of weathered rock varies from a few feet to many tens of feet. Within the landscape there are some inclusions of marine terrace deposits that have formed on top of the granite and exhibit somewhat deeper soil conditions. The most distinct terrace deposits are at the northern end of Yankee Point Drive, where the soils consists of coarse gravelly sandy loam alluvium overlying deeper marine terrace deposits, which appears to have formed in an ancient stream valley.

The lots sizes range are typically one-half to one acre in size, with some larger parcels. The slopes are moderate to steeply sloping. More than 60 percent of the area has slopes greater than 30%.

The groundwater occurs primarily in the granite bedrock, which serves as a domestic water supply for some individual parcels and for the Carmel Riviera Mutual Water Company that provides water service to the properties in the southern end of study area. Perched shallow groundwater is also found in some areas, generally forming at the contact between the surface soils and underlying decomposed granite. Perched water conditions typically occur during the winter and dissipate through the dry season.

**Table 5-1** provides a listing of groundwater observations made during soil exploration and percolation testing studies which are on file with Monterey County. About half of the observations were during the wet season and the others during the dry season. Most of the data come from investigations in the Yankee Point area, with the highest reported water level readings at approximately 5 to 6 feet from grade.

**Table 5-1. Carmel Highlands Groundwater Observations from  
OWTS Soil/Geologic Investigations**

LOCAL AREA	OBERVED DEPTH TO GROUNDWATER	DATE OR TIME OF YEAR
Yankee Point	4'10"	Unknown
Yankee Point	10-20'	Winter
Yankee Point	13'	July
Yankee Point	19'	May
Yankee Point	21'	August
Yankee Pont	15-17'	September
Yankee Point	6' (15' after curtain drain installed)	March
Walden	20'	April
Walden	65-70'	January
Malpaso	15'	July
Mt. Devon	8'	April

### ***Typical Design Practices and Problems***

Over the years, the typical OWTS design approach in the area has included septic tanks for primary treatment and deep trenches and seepage pits for the disposal field. County records indicate average trench depths of 9 to 10 feet, and seepage pits averaging a little over 30-feet deep. Some trenches have been installed as deep as 18 feet, and some seepage pits as deep as 70 feet. Shallower disposal fields have been used typically where hard bedrock is encountered at shallow depth or in areas with seasonally perched water conditions. Only limited use has been made of supplemental treatment systems (e.g., sand filters, textile filters and aerobic treatment units) to improve effluent quality before dispersal to the soil, mainly for repair situations.

Since the 1970s the siting and design of OWTS in Carmel Highlands has involved exploratory soil borings/test pits and percolation testing. There is very little record of what type of soil and site evaluation work may have been conducted for the OWTS installed in the 1950s and 1960s. As noted earlier in this report, many of the developed properties and OWTS pre-date County permitting and record-keeping.

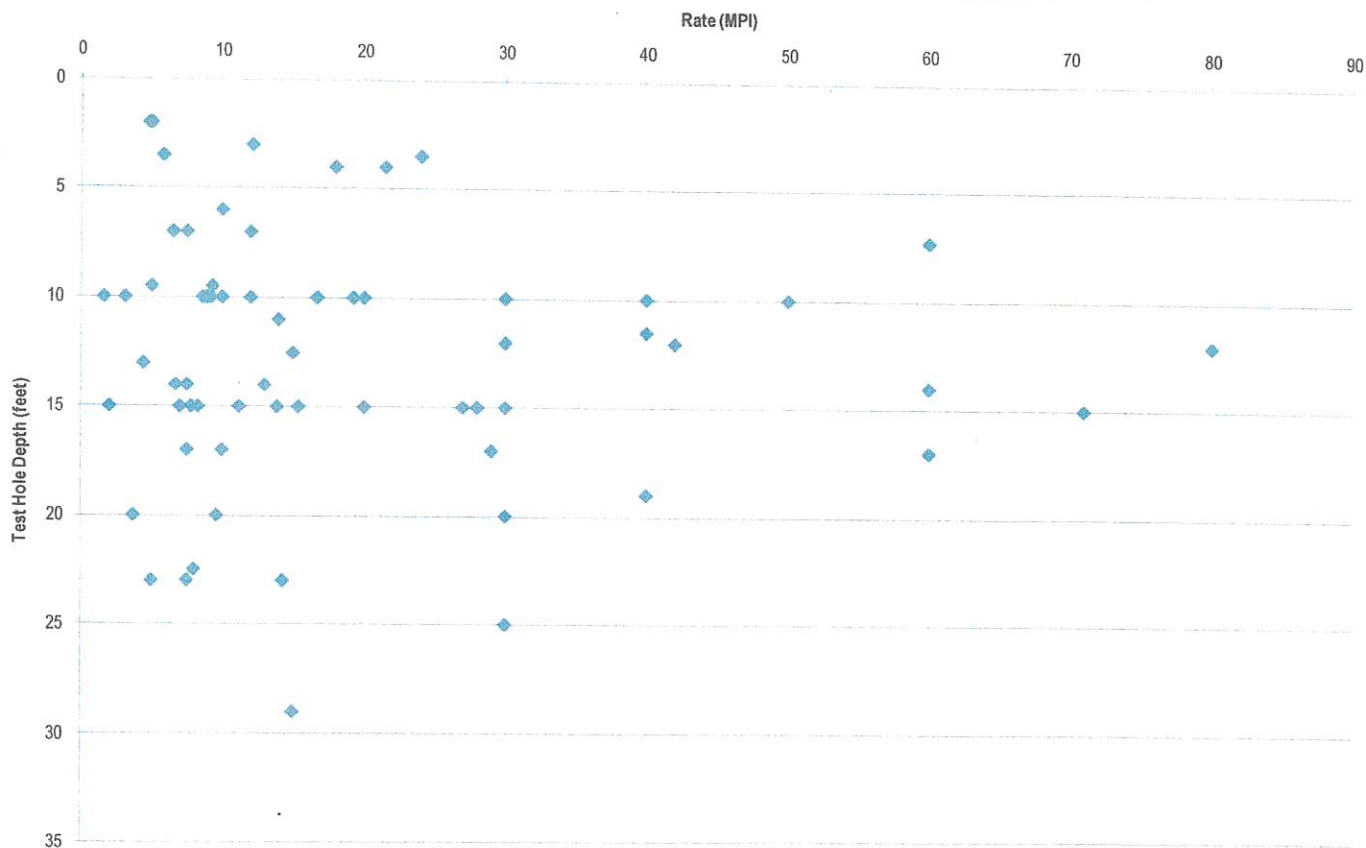
**Deep Disposal System Design Problems.** The deep disposal field design employed in Carmel Highlands over the years is a common practice in Monterey County and is supported by the County regulations (Code Chapter

15.20). It is an appropriate practice in many parts of the County where the soils are relatively deep, e.g., throughout the Salinas Valley. However, in mountainous terrain, especially along the coast, the surface soils tend to be shallow overlying bedrock, often weathered and fractured. Weathered bedrock, such as the decomposed granite (DG) that predominates in Carmel Highlands, is generally taken to be part of the "soil" profile for dispersal of effluent, subject to the results of soil borings and percolation testing. Because of the shallowness of the soil profile, the deep disposal field design practice in Carmel Highlands has relied predominantly on the DG as the primary zone for effluent disposal. Review of soil information, percolation test reports and system operational history indicates problems with this design approach as discussed below.

- **Misleading Percolation Data.** Our review indicates that the percolation test data collected over the years have inadvertently been producing misleading information about the absorption capabilities of the DG material. The typical percolation test for a deep trench or seepage pit involves a deep boring (e.g., 6 to 8 inches in diameter, 10 to 30 feet deep), which is filled to near the surface. The water level drop is then measured and timed to gauge the rate of percolation in inches per hour, converted to minutes per inch (MPI). A minimum rate of 30 MPI for seepage pits and 60 MPI for trench systems is required by Code. The information is intended to be comparable with that produced by a standard percolation test, which is conducted using a 6 to 12-inch deep by 12-inch diameter test hole. While the local procedures using deep borings have been followed in Monterey County as an attempt to determine the percolation rate at the effective trench/seepage pit depth (10 to 30 feet), the methodology introduces complicating factors that distort the results. Specifically, as compared with the standard percolation test hole, the deep borings provide a much greater surface area for percolation, along with greater hydraulic head (pressure) from the increased water depth. Consequently, the MPI results cannot be directly correlated with the results from a standard percolation test hole; i.e., 30 MPI in a deep test boring does not equate to 30 MPI obtained from a standard percolation test hole.

County files indicate that one of the designers in past years (Jack Mahoney) recognized and attempted to address this problem by converting the percolation data to an expression of the gallons per hour per square foot of percolation surface area. But his analysis stopped short of comparing the data to values for a standard percolation test hole. We took this additional step with all of the available percolation test data provided in County files, converting the MPI results to gal/hr per square foot of percolation test hole surface area (i.e., the sidewall of the test hole). We made the same calculations for a standard 12-inch diameter percolation test hole, with 6 inches of water depth used for the test; in this case we used the bottom area as well as the test hole sidewall to estimate the active infiltrative surface. We calculated the standard values for 30, 60 and 120 MPI. **Figure 5-1** presents the raw percolation data (in MPI) correlated with the corresponding test hole depth; these are the data that have been reported to the County and used as the basis for OWTS evaluation and permit approval. **Figure 5-2** displays the results of the additional analysis which factors in the test hole surface area; it shows the data, by percolation test hole depth, for systems in the study area, compared with values that would be derived from a standard shallow percolation test hole having results of 30, 60 and 120 MPI. The analysis shows that a small number of the actual percolation tests produced rates comparable to standard 30 and 60 MPI test rates. But the vast majority of the test results indicate permeability rates slower than the 120 MPI standard, which is defined in the Basin Plan as "low permeability", and not considered suitable for effluent disposal.

These findings are a fairly strong indication that the DG material has much lower permeability than has been assumed from percolation test results. The percolation test data have produced a misleading impression that the DG is a reasonably permeable medium for effluent disposal, resulting in undersized disposal fields without sufficient capacity for daily sewage flows. Also, visual appearance of DG near the surface can also give a misleading impression of its permeability. Mechanical



DATE: 04/05/2009  
 PROJECT: Carmel Highlands  
 PROJECT NO.: 280123  
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 APPROVED: NH

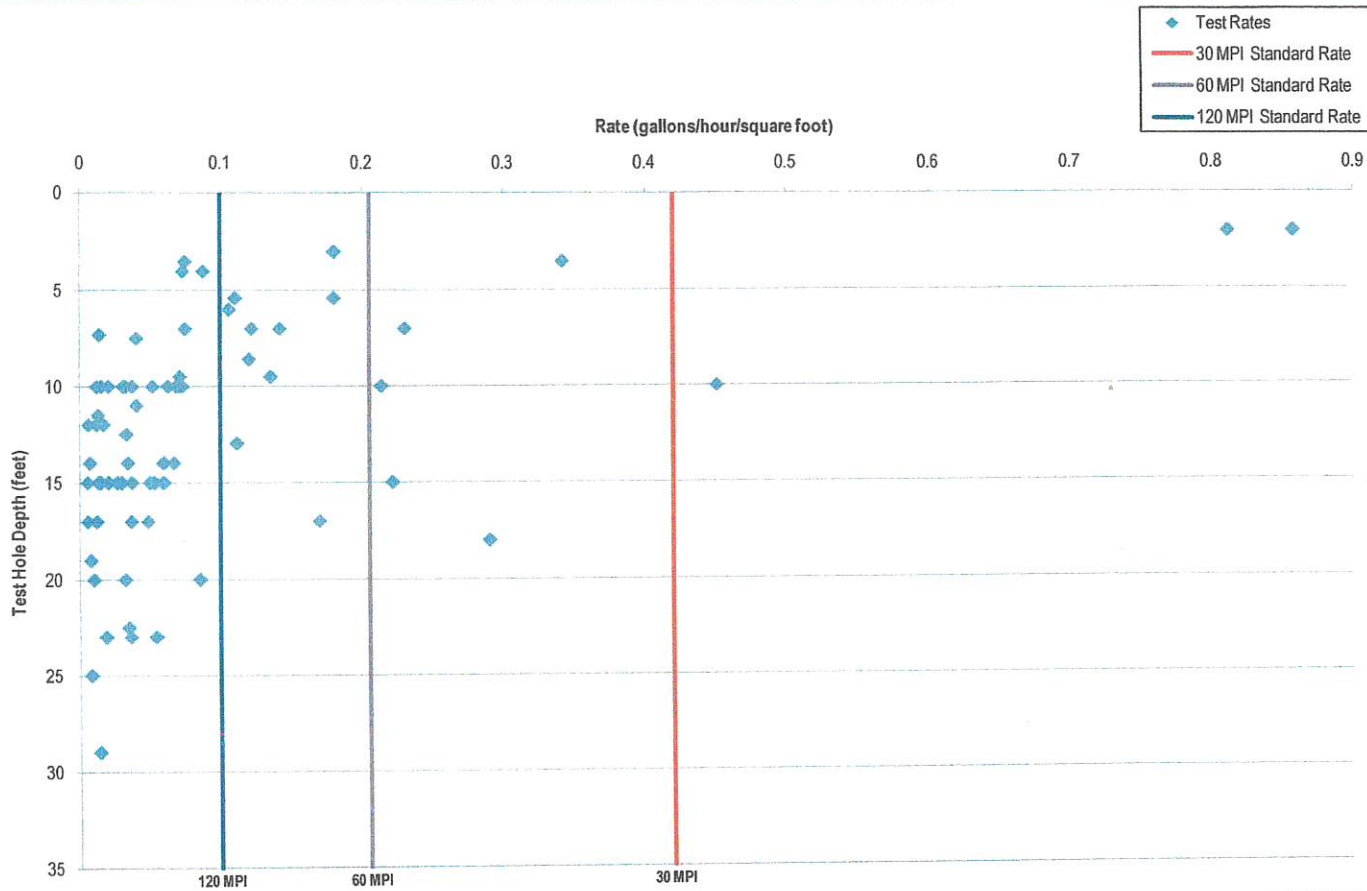


**PERCOLATION TEST RESULTS  
 SUMMARY**  
 CARMEL HIGHLANDS ONSITE WASTEWATER  
 MANAGEMENT STUDY

FIGURE

**5-1**





DATE: 04/05/2009  
 PROJECT: Carmel Highlands  
 PROJECT NO.: 280123  
 DRAWN: TH  
 APPROVED: NH



# **PERCOLATION TEST RESULTS COMPARISON** CARMEL HIGHLANDS ONSITE WASTEWATER MANAGEMENT STUDY

FIGURE

**5-2**

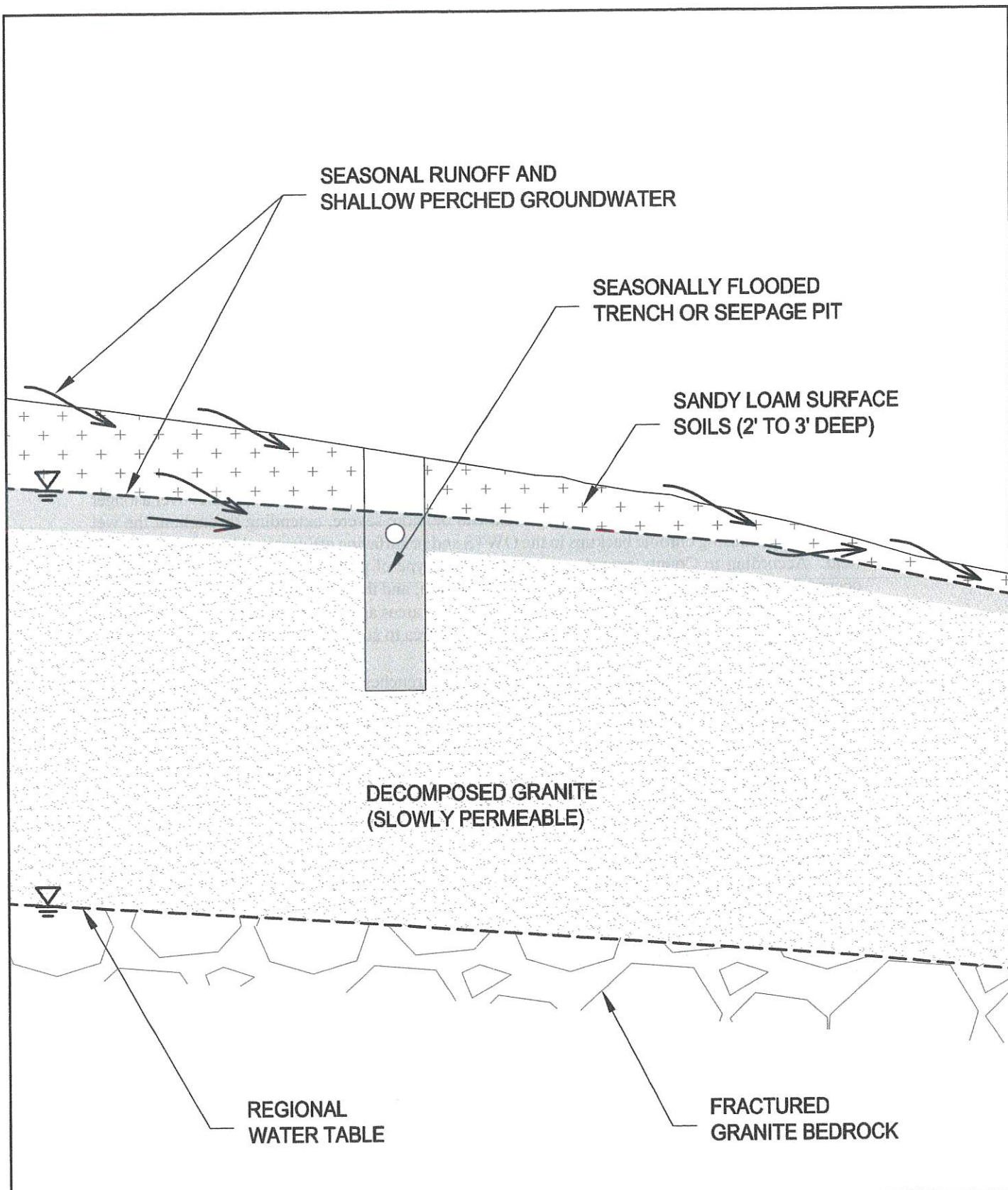
weathering breaks granite up into grus (often referred to in drillers logs as sandstone) while chemical weathering breaks down the feldspars and other unstable minerals to clays; quartz is usually resistant to chemical weathering. Mechanical weathering works near the surface; thus, the permeability is high near the surface. Chemical weathering processes is more effective with depth resulting in lower permeability.

A second difficulty with deep percolation test holes is that they do not provide information on where, over the test depth, the observed percolation is actually occurring. It could be occurring preferentially near the top, or near the bottom of the test hole, or uniformly over the entire depth. There may, in fact be better percolation in isolated zones, but there is no way to determine this from the testing methodology used.

- **Interception of Lateral Groundwater Flow.** Seasonal perched groundwater can occur where the sandy loam surface soils overly slowly permeable DG, shallow bedrock, or clayey subsoils. All of these circumstances have been identified in different areas of Carmel Highlands. In these areas, deep trenches and seepage pits are vulnerable to being periodically flooded by the lateral groundwater flow, as depicted schematically in **Figure 5-3**. Short-term perched water conditions can occur routinely in response to individual storm events. Where the perched groundwater condition persists over a longer period of time, the impact on the disposal field can be more severe, extending throughout the wet season, often causing chronic backups in the OWTS and/or surfacing effluent problems in the disposal field. According to County records, examples of this type of problem in Carmel Highlands have occurred in portions of the Corona Road area, Mt. Devon, and the south end of Yankee Point Drive. Chronic perched groundwater conditions in each of these areas appear to be related to the presence of a local upland drainage area with sufficient catchment area to sustain seasonal groundwater flow.
- **Reduced Operational Life and Performance.** Deep trenches and seepage pits utilize soil zones where less oxygen and gas exchange is available for biological and chemical breakdown of wastewater constituents. This is not significant in highly permeable alluvial soils; but it becomes a problem in slowly permeable and dense materials, such as decomposed granite. The result of this is a tendency toward the anaerobic soil conditions which contributes to reduced treatment effective, soil clogging, and progressively faster decline in disposal field performance. It is a self-perpetuating problem that can severely shorten the life of the disposal field.

**Steep Slope Problems.** The standard slope limitation for OWTS in the Basin Plan and County Code is 30 percent. More than 60 percent of the Carmel Highlands study area has slopes greater than 30 percent (see **Figure 5-4**). Steep slopes present significant constraints for construction and operation of OWTS, as follows:

- **Lateral flow and breakout/discharge at cuts and embankments.** Typically, the greatest concern for OWTS on steep slope areas is the potential for lateral migration of wastewater and downslope surfacing or breakout where the soil mantle thins or at road cuts and steep embankments. This problem intensifies where there are shallow restrictive layers beneath the disposal field, forcing more of the effluent to follow a lateral flow path. Lateral seepage of perched water in numerous locations was observed during field reconnaissance inspections as part of this study. Effluent seepage was not documented; however, the conditions that could contribute to a high risk of effluent breakout were observed. The traditional way of dealing with this risk is through the provision of adequate setback buffer areas between the disposal field and the embankment.
- **Contribution to hillside instability.** Construction and operation of OWTS on steep slopes can also contribute to hillside instability due to: (1) disturbance of soil, vegetation and drainage as part of the construction operation; and (2) introduction of additional subsurface water to the hillside, which



Date: 06-24-09

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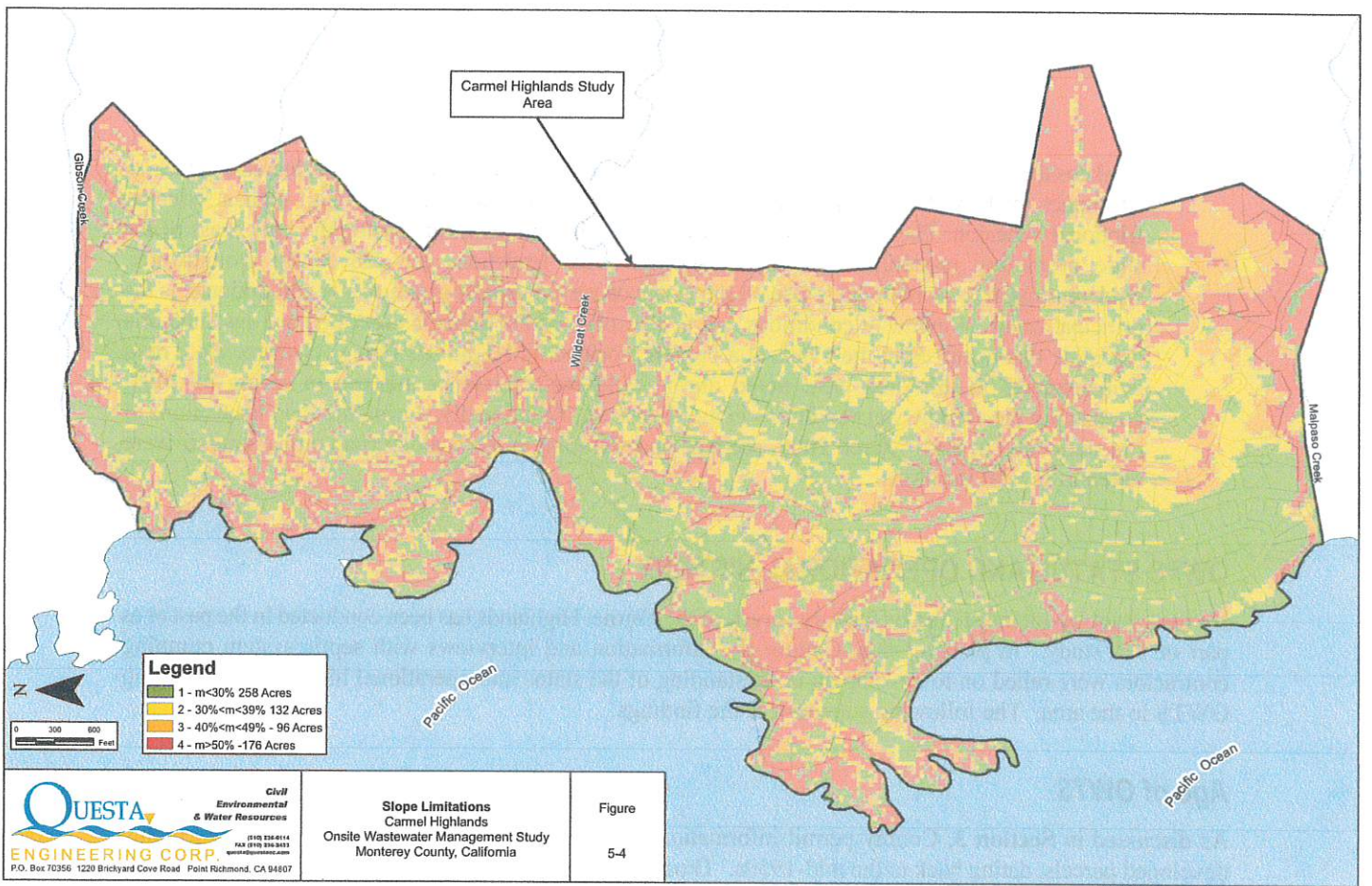
### SEASONALLY FLOODED TRENCH/SEEPAGE PIT

CARMEL HIGHLANDS  
ONSITE WASTEWATER  
MANAGEMENT STUDY

FIGURE

5-3





weakens the soil. The potential for hillside instability increases with steeper slopes, increasing the risk of impact for OWTS located on steep slopes. Groundwater lubricates the slip planes reducing frictional cohesion. The water also adds to weight to the soil mass, increasing the bulk mass of the slide promoting re-stabilization or landsliding. Most landslides are caused by groundwater. Undercutting and toe removal is also an important cause but usually groundwater and drainage is the principal cause. Review of conditions and history of Carmel Highlands revealed one instance of a landslide that occurred in the 1980s at a property located on Highlands Drive. Seepage from road embankments in this area were noted during field reconnaissance surveys in spring of 2009, confirming the chronic wet conditions in the slide area. Additionally, during the field inspections of the study area in early March 2009, seepage and slumping of soils along road embankments were noted in several locations.

## **OWTS STATUS AND OPERATIONAL HISTORY**

No formal lot-by-lot inspection or sanitary survey of the Carmel Highlands has been conducted in the past or as part of this study. In place of this, County file information and interviews with septic system pumping contractors were relied on to develop an understanding of the status and operational history of the existing OWTS in the area. The following summarizes the findings.

### **Age of OWTS**

As discussed in **Section 3**, County permit information is available for approximately 75% of the existing developed parcels, dating back to the mid-1950s. Those parcels without file information are assumed to pre-date the County permitting process and record-keeping. Using this information the ages of the existing OWTS were estimated in ten-year increments, as follows:

- > 50 years      140 systems      (32%)
- 40 - 50 years    26 systems      (6%)
- 30 - 40 years    48 systems      (11%)
- 20 - 30 years    76 systems      (17%)
- 10 - 20 years    77 systems      (18%)
- < 10 years       69 systems      (16%)

The age of the systems provides an indication of the likely technology and design standards in use; and this, in turn, can be a reflection of the probable compliance with current codes and industry standards. Also, the age of the system is a good indicator of the likelihood of the need for system maintenance, repair or replacement in the foreseeable future. As can be seen from these data, about half of the OWTS are more than 30 years old, and about one-third are more than 50 years old. In areas with favorable conditions for OWTS, the system age may not be a good predictor of maintenance and repair needs. However in Carmel Highlands the soil conditions are generally problematic for conventional systems, so it is reasonable to expect disposal field performance (i.e., soil absorption) to decline with age. Additionally, 40 to 50 years ago the understanding of OWTS was much poorer than it is today; and the soil investigations typically conducted were also less thorough. Also, in the past there was often a general attitude that septic systems were only intended to only be an interim measure until public sewers were extended to any area. In the 1970s this began to change as a result of state and federal environmental legislation (Porter Cologne Act and Clean Water Act), adoption of the Basin Plans, and development of specific policies and guidelines for onsite wastewater treatment systems.

Consequently, it is reasonable to expect that as many as 30 to 50 percent of the OWTS in the study area will require significant upgrade and/or replacement to meet current performance requirements and expectations for continued, long-term use.

### **Complaints, Repairs and Pumping Frequency**

**Complaints.** The County records are spotty regarding OWTS failures and complaints in Carmel Highlands. County staff has dealt with a number of individual repairs over the years in response to complaints, but the general indication from County staff is that problems appear to be site specific and not widespread over the study area.

**Repairs.** County records include documentation of systems that have been repaired, replaced or upgraded, as distinguished from those that are still the original OWTS installation. Not all work listed as a "repair" was necessarily completed to correct a failing OWTS. In many cases the permit work was associated with a house remodeling project, where changes to the OWTS were also undertaken. Review of permit files shows records for repair or upgrade of 126 systems, or about 29 percent of the total OWTS in Carmel Highlands. Based on over half the systems are more than 30 years old, this 29-percent repair factor is not an especially high or alarming number. Additionally, of the 126 properties with OWTS repair work, 22 of the properties have multiple records of repairs (2, 3, 4 and 5 times). These 22 systems may provide an approximation of the magnitude of system "failures". However, it should be noted that these only represent the repair work carried out under County permit, and in areas served by OWTS it is not uncommon for failures to go unreported and to be repaired without formal permitting. The 22 properties with multiple repair records represent about 5 percent of the 435 total OWTS in the area, which is relatively low, but fairly typical for un-sewered communities.

**Septic Tank Pumping.** Another indicator of OWTS performance in an area is the number and frequency of septic tank pump-outs. The County presently does not have a program in place for compiling this information from septic tank pumpers. In lieu of such records, contacts were made with the three main septic tank pumping contractors who service the Carmel Highlands area for an approximation of the number of pump-outs they perform in Carmel Highlands. Those contacted were: Peninsula Septic Tank Service, Green Line Liquid Waste Hauler, and Tom's Septic Tank Service. Based on phone interviews, the total combined number of pump-outs by these three septage waste haulers is approximately 6 to 10 per week. This would equate to about 300 to 500 per year, or an average of once every 12 to 18 months for each system in the area. This is unusually high. Since the figures were based upon each contractor's best estimate, as opposed to a review of accounting records, they could very well be on the high side. If only the lower end of the range (300 per year) is considered, this still represents a higher than normal pumping frequency of once every 18 months (average), compared with normal recommended pumping frequencies of once every 3 to 5 years. This normal expected pumping rate would amount to about 100 to 150 total pump-outs annually.

These estimates suggest strongly that a significant amount of the septic tank pumping is being conducted in response to sluggish plumbing, backups or disposal field problems, rather than for maintenance cleaning of solids accumulation in the tanks. If true, this indicates a broader scope of operational problems beyond those that show up in County files as system repair activity. Without obtaining and reviewing the actual pumping records, it is not possible to estimate how many systems this applies to. However, the total numbers of pump-outs suggests that it is a reasonably large number of systems, perhaps in the range of 50 to 100. Assuming that these represent chronic operational problems of some type, this would increase the estimated "failure" rate to somewhere in the range of 10 to 20 percent, which would be considered significant.

## **GROUNDWATER IMPACTS**

As provided in the Basin Plan, with limited exceptions, all groundwater is considered suitable and to be protected for municipal and domestic water supply. Historically, domestic water supply for the residences and businesses in Carmel Highlands has been provided solely by Carmel-Riviera Mutual Water Company and California American Water Company (Cal-Am). As previously described in **Section 2**, CRMWC provides water service to the southern third of Carmel Highlands, and Cal-Am serves properties in the northern two-thirds. The water source for CRMWC is a series of wells located to the east and south of the Carmel Highlands study area, along with surface water diversion from Malpaso Creek. Cal-Am obtains their supply from surface and groundwater sources in the Carmel Valley and the Seaside Groundwater Basin, and is currently under restrictions imposed by the State Water Resources Control Board (Order No. WR 95-10) and the recent court decision in the Seaside Groundwater Basin Adjudication that limits their ability to provide any new water service connections in Carmel Highlands. As a result, in recent years owners of undeveloped properties in Carmel Highlands have been installing individual wells for domestic use. A significant impetus behind this onsite wastewater management study for Carmel Highlands is the recent shift toward expanded development and use of local groundwater resources for domestic use.

As part of this study Todd Engineers conducted a review and investigation of geologic and hydrogeologic conditions in Carmel Highlands to assess evidence of existing or potential impacts on groundwater resources associated with OWTS. A copy of the Technical Memorandum prepared by Todd Engineers is provided in **Appendix B**. The following summarizes the key information and conclusions from their work.

### **Water Well Construction**

The study included the review of well log data from about 60 water wells located within Carmel Highlands and adjacent and nearby coastal areas with similar geology. The well log data provided the basis for characterization of the water resources and wells in the Carmel Highlands study area.

The well log data indicate that study area wells are typically drilled several hundred feet deep with a median total depth of 450 feet. Deeper wells extend to about 1,000 feet. However, hydraulic conductivity data indicate that the fractured rock aquifers are much less permeable with depth. Wells drilled below about 300 feet encounter rock with hydraulic conductivity values of less than 1 gpd/ft<sup>2</sup>.

Most of the surface seals in wells are deeper than 50 feet, typically covering the more permeable surficial sediments that appear to have a median thickness of about 30 feet. Deeper seals are more common in recently-drilled wells.

### **Groundwater Occurrence and Flow**

Groundwater occurs under unconfined conditions in the fractured bedrock aquifers. Regionally, groundwater flows from east to west, mirroring the surface water drainage system. Groundwater discharges to the ocean, springs along sea cliffs, or pumping wells. Please refer to **Figures 2-3 and 2-4** for east-west and north-south hydrogeologic cross-sections through the study area.

### **Water Inventory**

A water inventory was performed for the Carmel Highlands watersheds, along with a soil moisture balance to estimate runoff and groundwater recharge. This inventory indicates that groundwater is recharged predominantly by rainfall. Water is temporarily stored in the more permeable surficial deposits such as soils, decomposed granite and alluvial sediments. A portion of this water percolates into the underlying fractured

granitic rocks, forming the water table. A primary avenue for recharge is believed to be via percolation along the several incised stream channels that dissect the study area, where the fractured granitic rocks are closer to the surface and may be exposed in the stream channels.

Water supply is imported into the watershed areas, providing water for consumption and return flows from irrigation and onsite wastewater systems. The only water exported from the study area includes wastewater from local inns and diversions to other watersheds by CRMWC.

Outflows from the watershed occur mostly through evapotranspiration (ET) with some surface and groundwater outflow to the ocean. Discharge from pumping wells is a relatively minor outflow component in the study area.

### **Groundwater Quality Data**

Water quality data for domestic supply wells were examined for potential impacts from OWTS and/or seawater intrusion. Data were sparse, incomplete, not always recent, and only available for one sampling event for each well. As such, it is difficult to conclude definitively whether or not impacts are occurring. Nonetheless, the available data were analyzed employing a variety of methods to infer the potential for impacts.

Water quality data were reviewed for seven wells, three of which are located in the study area, referred to as the Trosky, Maino and Kashfi wells. The three wells are located, respectively, in the Lower Walden area, Yankee Point and upper Corona Road.

- Secondary Drinking Water Standards for iron, manganese, electrical conductivity, TDS, and chloride were exceeded in the Maino and Kashfi wells. The Maino well also had a low pH (6.0) and the Kashfi well also had high readings for turbidity and color. Water quality data for the Trosky well were all within drinking water limits.
- Nitrate readings, which can be an indicator of OWTS impacts, were below the detection limit in all three wells.
- Ammonia was detected at a low concentration (0.25 mg/L) in the Maino well, which could be an effect from nearby OWTS discharges; however, additional data would be needed for confirmation. The high TDS, sodium and chloride readings also show this well to be impacted by sea water intrusion, making it unfit for domestic use.
- Although no one geochemical plotting technique provides conclusive evidence, collectively, the data confirm that the Maino well is impacted by sea water intrusion and that mineral quality of groundwater in the area also shows evidence of being affected by return flow from OWTS. Refer to pages 13 and 14 of the Todd Engineers' report for discussion of the plotting techniques and results.

Todd Engineers also reviewed water quality data for other wells located in the general vicinity, but outside the Carmel Highlands study area. One of these wells (Pysor well) showed a low-level (below the drinking water limit) detection of methylene blue active substances (MBAS), which is a measure of the presence of surfactants in the water. This may be an indication of influence from onsite wastewater discharge or other household waste source. Also, a high level of sulfate (above the secondary drinking water limit) was detected in another well (Mayl), which could be related to wastewater, sea water intrusion or the geochemistry of the marine terrace deposits.



## **Water Well-OWTS Review**

In addition to reviewing the available water quality data, maps were reviewed to determine the proximity and density of OWTS in relation to the Trosky, Maino and Kashfi wells. **Figures 5-5, 5-6 and 5-7** provide, respectively, maps for each well location. As can be seen on the maps, each of these properties is bordered by other developed parcels with OWTS. County OWTS permit records were reviewed to determine the types of OWTS in use, but not all properties were found to have information on file. This was most notable in the Corona Road neighborhood near the Kashfi well, where many of the homes pre-date County permitting and record-keeping. Where available, most data indicated that nearby OWTS consist of leaching trench systems; however, as shown on the maps, the Maino well and the Kashfi wells are each bordered by a developed property that is indicated to have a seepage pit.

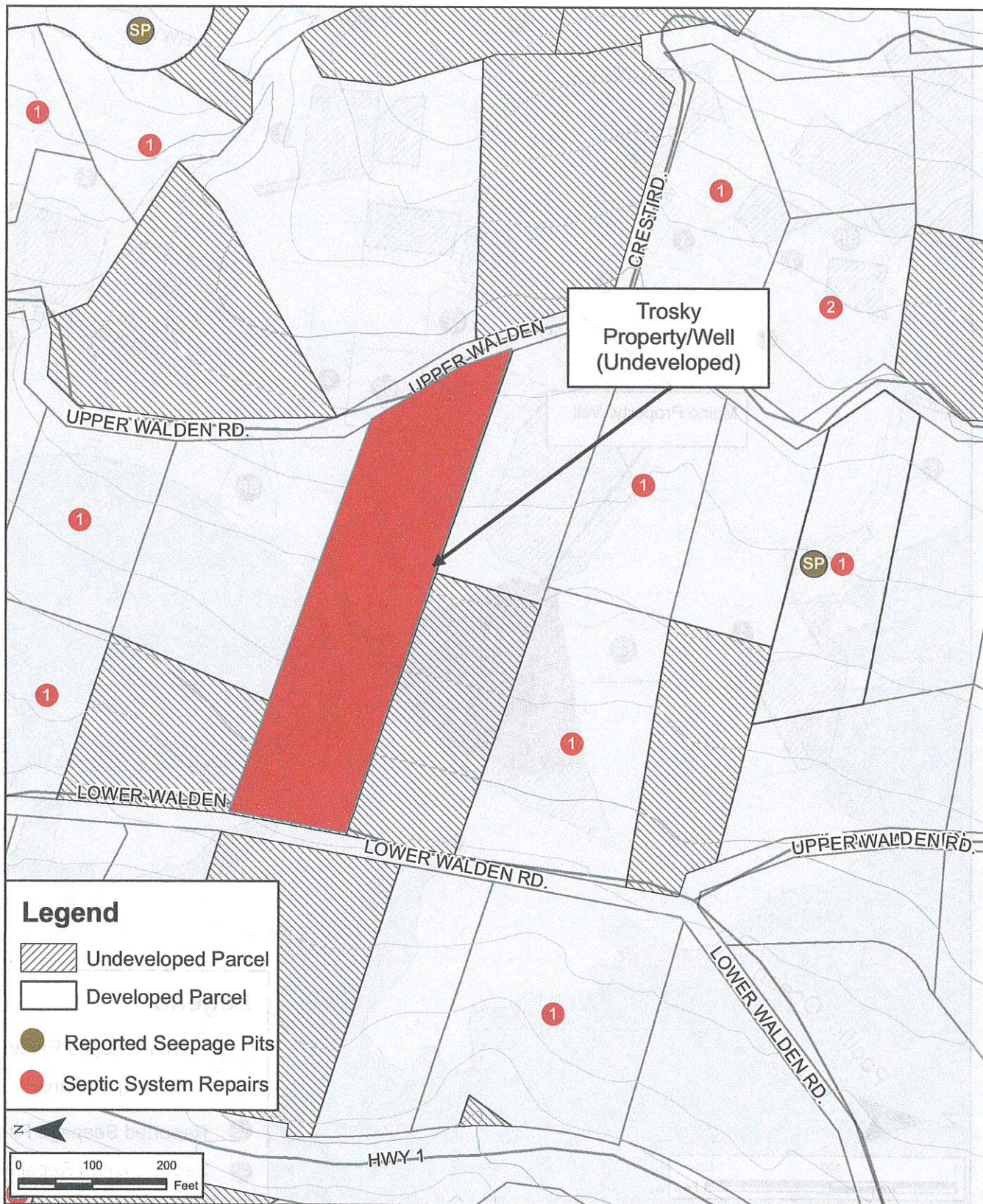
The density of OWTS discharges in the vicinity of each well was estimated by defining a 1,000-ft by 1,000-ft area (roughly 23 acres) centered on each of the three well parcels and tallying the number developed parcels within that area. The results were:

- Trosky Well: 12 parcels, average lot size = 1.9 acres
- Maino Well: 11 parcels, average lot size = 2.1 acres
- Kashfi Well: 20 parcels, average lot size = 1.2 acres

This review shows that there is a fair number of existing OWTS discharges on neighboring properties around each well, with the greatest density being at the Kashfi site. Therefore, even though the well water quality data are limited, some indicators of OWTS effects should be evident. For example, it seems increasingly likely, although not conclusive, that the ammonia reading at the Maino well could be explained by the presence of the seepage pit on the property next door. Also, in comparing the mineral quality between the Kashfi and Trosky wells, the Kashfi well, where the surrounding density of OWTS is significantly greater, also exhibits higher mineral levels, which would be an expected effect from long-term discharge and percolation of domestic wastewater. However, mineral quality of groundwater can also vary over short distances due to differential leaching of minerals from the rocks, making it more difficult to distinguish between natural and human contributions.

The most significant finding is the lack of detectable levels of nitrate in any of the three wells. There are a sufficient number and density of OWTS around each of the wells to have caused an effect on groundwater nitrate concentrations over a long period of time. Nitrogen occurs in high concentrations in septic tank effluent (e.g., >50 mg/L), which generally converts to nitrate during passage through the soil, and then tends to move readily with percolating water. The lack of detectable nitrate in groundwater seems to suggest that either: (a) the decomposed granite overlying the fractured rock aquifer has sufficient capacity to retain the nitrate (e.g., through chemical adsorption) and/or allow for its removal through denitrification (conversion to nitrogen gas, N<sub>2</sub>); or (b) the route of wastewater/nitrate migration is primarily in a lateral direction toward streams and drainages, where conditions allow for the nitrate to be removed through vegetative uptake and/or denitrification in riparian zones. The latter scenario is illustrated schematically in **Figure 5-8**. The explanation may be a combination of both of these processes, and cannot be confirmed through this study. Additional information including water table elevations and groundwater contours along with surface and groundwater quality data would be needed to better understand the nitrogen pathways and transformations in the study area. Soil lysimeters installed at depth directly beneath wastewater disposal fields could also be used to evaluate the vertical migration of nitrogen (and other constituents) through the DG. Based on the limited water quality data available, the bedrock aquifer quality appears to be buffered in some way from the effects of percolating wastewater that would normally be expected.





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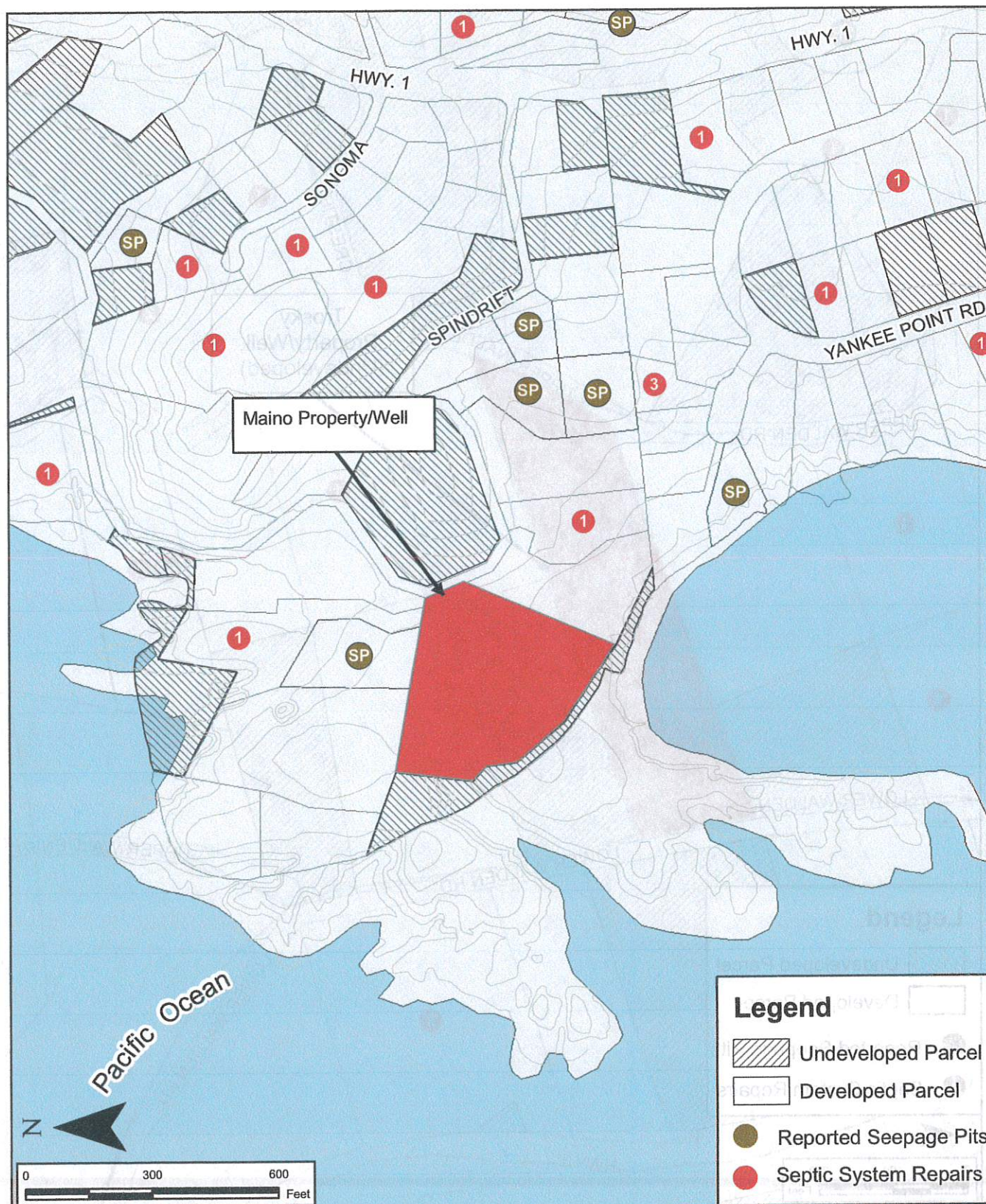
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**Trosky Well**  
Carmel Highlands  
Onsite Wastewater Management Study  
Monterey County, California

Figure

5-5





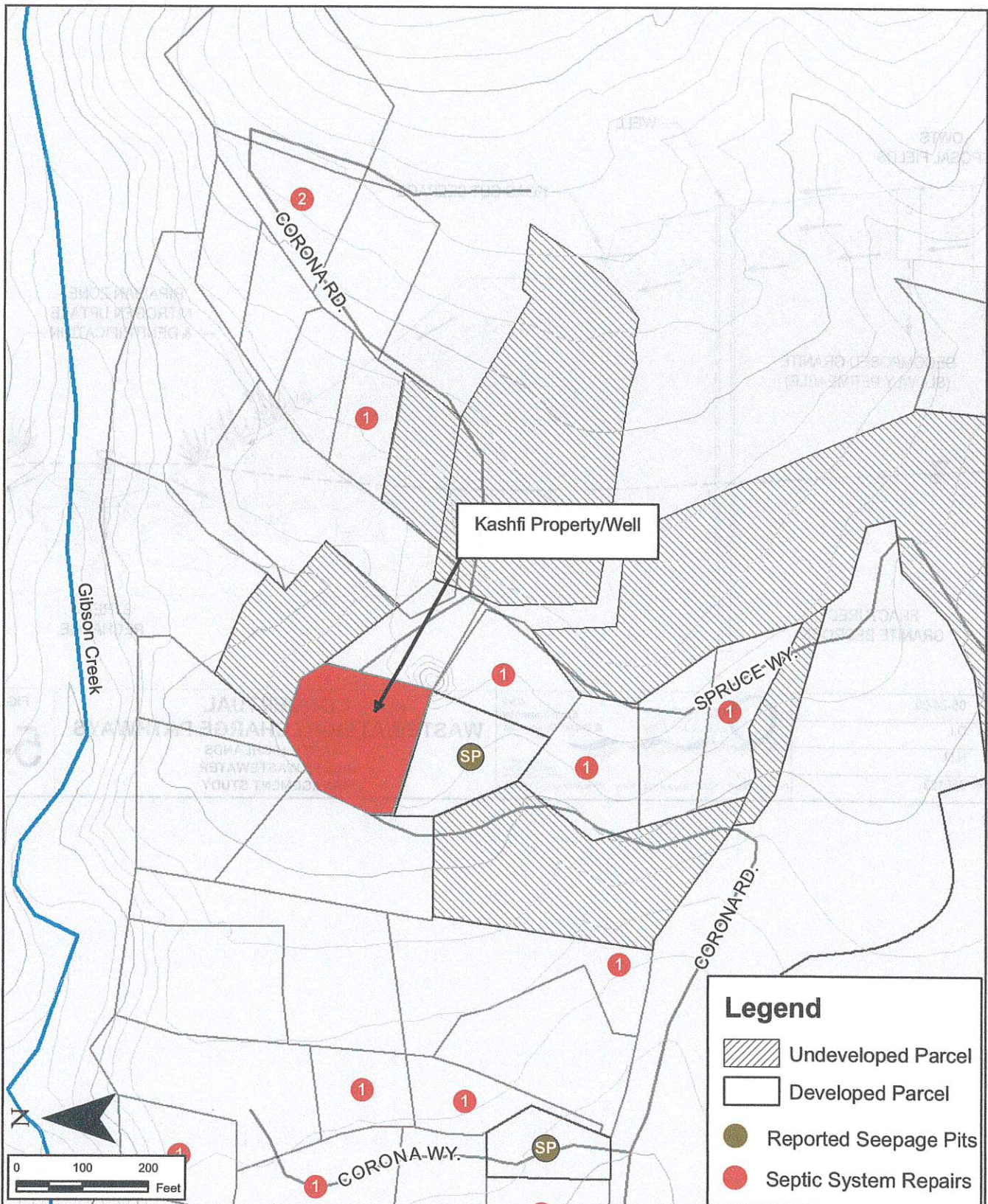
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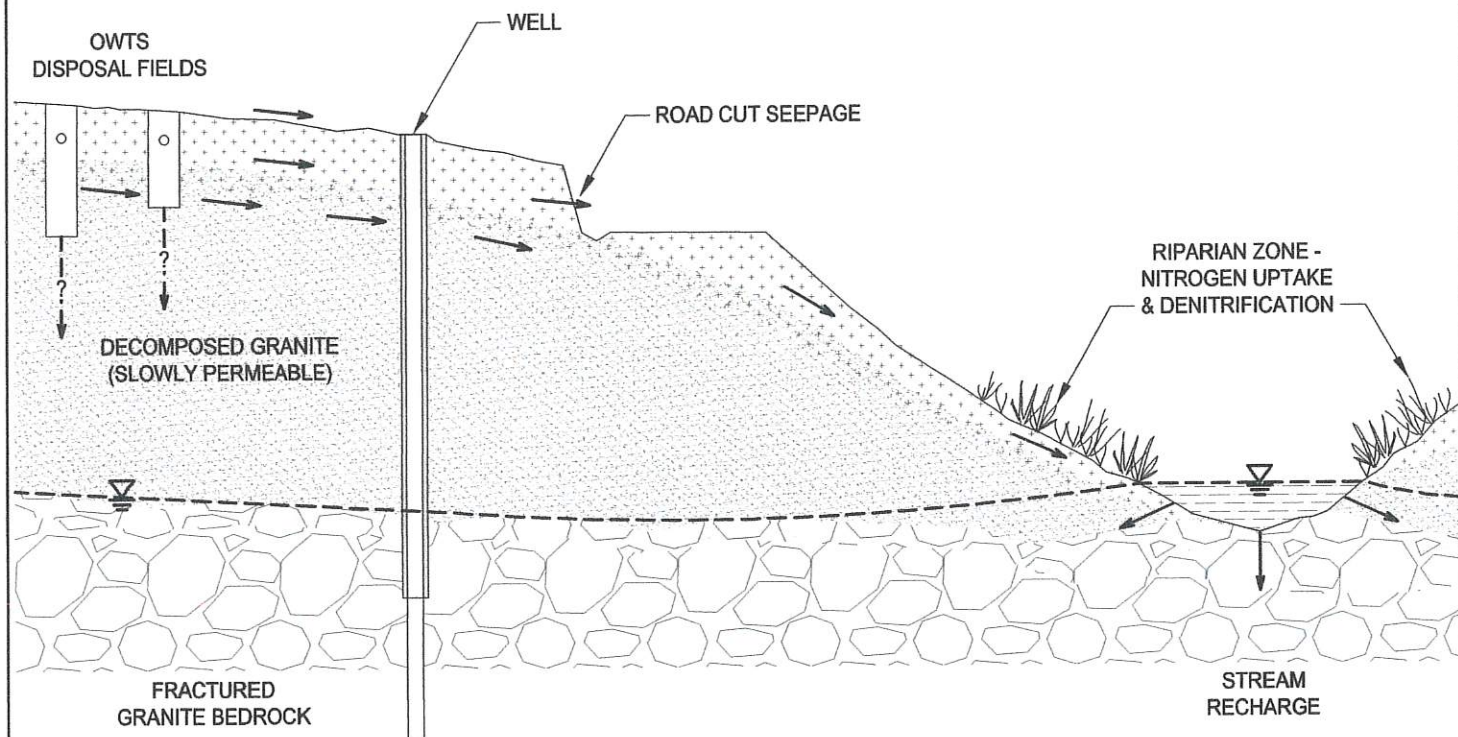
**Maino Well**  
Carmel Highlands  
Onsite Wastewater Management Study  
Monterey County, California

**Figure**  
5-6









Date: 06-24-09

Drawn: D.I.

Appr'd: N.H.

Dwg. No: 280123



**CONCEPTUAL  
WASTEWATER-RECHARGE PATHWAYS**  
CARMEL HIGHLANDS  
ONSITE WASTEWATER  
MANAGEMENT STUDY

FIGURE

**5-8**

However, another possible explanation for the non-detectable nitrate concentrations is that limited or no nitrification may be occurring within the soil column, resulting in the various forms of ammonia being the primary nitrogen species within the percolating OWTS effluent at depth. This could occur if the soil chemistry and biology is not conducive to nitrification, e.g., due to anoxic conditions, low pH, absence of nitrifying bacteria. If this is the case, then significant concentrations of ammonia should show up in groundwater quality samples. As previously noted, a low-level ammonia concentration (0.25 mg/L) was reported for the Maino Well; but none of the other well water samples were analyzed for ammonia. Future groundwater sampling should include ammonia and/or organic nitrogen to help confirm whether or not the groundwater is being impacted in this way. If confirmed, this would pose an extremely serious water quality and public health threat.

### ***Cumulative Groundwater Impacts***

**Area-wide Nitrate Loading Rates.** Todd Engineers completed a water balance and nitrate loading analysis, which is presented in **Appendix B**. The analysis developed estimates of nitrate-nitrogen loading rates for each of the drainage sub-basins in the study area, for both existing development and projected future build-out conditions. The analysis accounted for the contributions from landscape fertilizer use, as well as from OWTS. The results indicate nitrogen loading rates in the range of 14.5 lb/year per acre for existing conditions up to 17.8 lb/year per acre for build-out conditions. These equate, respectively, to loading rates of approximately 18 to 22 grams of nitrogen per acre per day. The Regional Water Board Basin Plan criterion for nitrate loading on a community scale is 40 grams per day per acre. The analysis shows the Carmel Highlands area under existing and build-out conditions to fall within this criterion.

**Localized Nitrate Loading Analysis.** An additional nitrate loading analysis was completed for a selected local area within Carmel Highlands where the alluvial soil and geologic conditions may present the greatest potential for groundwater nitrate impacts to occur. The area of concern is the northern end of Yankee Point Drive (**Figure 5-8**), including the tributary drainage area extending into the upland areas east of Highway 1. The lower portions of this area have deep well drained sandy loam alluvial soils (Arroyo Seco and Fluvents), overlying relatively deep marine terrace deposits, which sit atop the granitic bedrock surface. The decomposed granite layer appears to be absent in this area. These conditions allow more readily for vertical percolation of wastewater than other areas in Carmel Highlands. There are several vacant parcels in this area with the potential for future domestic water wells to be installed.

An annual mass balance nitrate loading analysis was conducted for this area similar to the approach for the area-wide analysis by Todd Engineers. The analysis was adjusted to reflect the more permeable soil conditions and higher rate of groundwater recharge expected in this area as compared to the study area as a whole. The analysis included calculations to estimate the average long-term equilibrium nitrate-nitrogen concentration in the underlying groundwater. The analysis included 107 existing and 14 undeveloped properties within an approximately 117-acre area, encompassing the area mapped as alluvial soils and the immediately upslope tributary area. Calculations were made for existing development and build-out conditions for average conditions. We used an average wastewater flow assumption of 187.5 gpd/house, which is equal to 50% of the typical design flow of 375 gpd for a 3-bedroom residence. County permit files indicate an average bedroom count of 2.8 bedrooms per residence in Carmel Highlands. An average total nitrogen concentration of 50 mg-N/L for septic tank effluent was assumed. Nitrogen inputs from residential landscape irrigation and fertilizer use were also included. The supporting calculations are provided in **Appendix C**.

The results showed estimated groundwater nitrate-nitrogen concentrations ranging from 10.9 mg-N/L for existing conditions up to 11.8 mg-N/L for assumed full build-out conditions. These results exceed the drinking water limit of 10 mg-N/L, indicating that groundwater in this area is likely degraded for drinking water uses or will become so under build-out conditions. There is some possibility that the groundwater in the area receives

additional recharge from the upper watershed area east of the study area; and this could help reduce the groundwater nitrate concentrations. However, there are no wells in this area at the present time to provide confirming evidence of the actual groundwater conditions. Based on this analysis, the use of groundwater for domestic water supply in this area of Carmel Highlands should be considered at risk, and identified as a nitrogen impact area of concern (**Figure 5-9**).

Additional calculations (also provided in **Appendix C**) were completed to determine the benefit that might be achieved by upgrading OWTS with supplemental treatment systems with 50-percent nitrogen removal efficiency as a management approach. The calculations indicate this could reduce the nitrate-nitrogen concentration to acceptable levels in the range of 6.0 to 6.5 mg-N/L. This analysis forms the basis for designating the area in **Figure 5-9** as a Nitrogen Management Area, with the associated requirement that OWTS in this area include supplemental treatment systems with nitrogen removal capabilities as recommended in Section 8 of this report.

## **SURFACE WATER IMPACTS**

Surface waters of concern in Carmel Highlands include the various named and unnamed coastal streams that drain through the area, as well as the Pacific Ocean. This study did not include water quality sampling of these waters, and no existing data were available from either the Regional Water Board or the County for the area. Therefore, the discussion here is an assessment of the potential impacts on surface waters based on other information compiled as part of the study, including such factors as soil and geologic site conditions, OWTS usage and design practices, number of systems in close proximity to surface waters, system age and operational history, as well as consideration of the nature and beneficial uses of the coastal streams and ocean waters.

### ***Beneficial Uses***

As designated in the Basin Plan, beneficial uses of the coastal waters in the project area include the following:

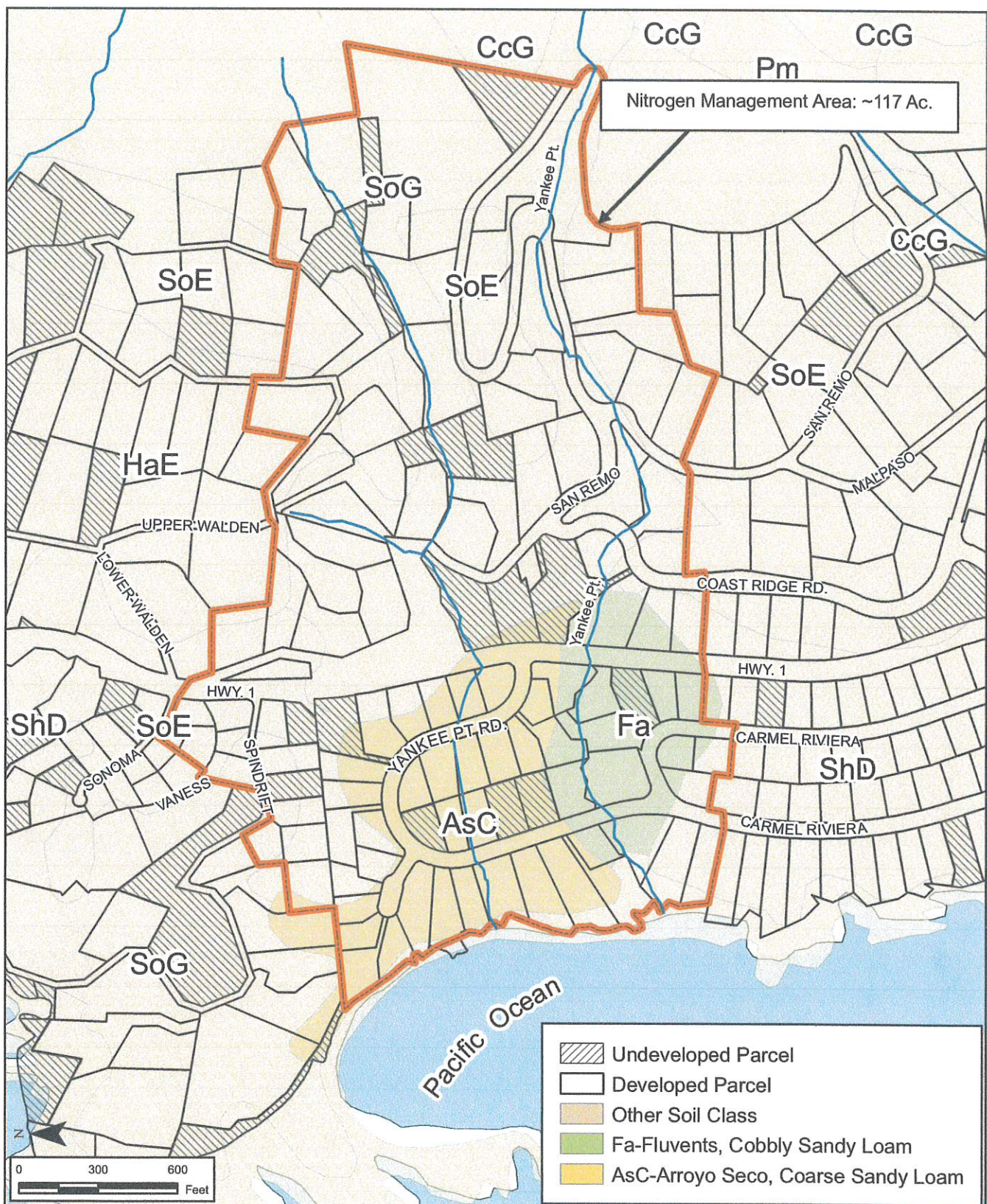
- Water contact recreation (REC-1)
- Non-contact water recreation (REC-2)
- Marine habitat (MAR)
- Shellfish Harvesting (SHELL)
- Commercial and sport fishing (COMM)
- Wildlife habitat (WILD)

Additional consideration should be given to the fact that the coastal waters of Carmel Highlands immediately border the Point Lobos State Reserve, which has additional beneficial uses of Rare, Threatened and Endangered Species (RARE) and Areas of Special Biological Significance (ASBS).

Beneficial uses have not been individually designated in the Basin Plan for the various coastal streams that drain through the study area. In such cases the Basin Plan assigns the following minimum beneficial uses to surface waters:

- Municipal and domestic water supply (MUN)
- Protection of both recreation and aquatic life











## **Ocean Water Impacts**

The primary ocean water quality concern related to OWTS is the pathogens contained in sewage effluent. The potential impacts include direct health effects on humans who come in contact with the water (e.g., swimming, diving, wading, etc.) or who consume shellfish taken from the affected waters. There is also some evidence that human pathogens can have deleterious effects on some marine life. Sea otters in particular have been infected by *Cryptosporidium*, a protozoan that causes severe diarrhea in humans. A study by Conrad (2005) attributed the source to stormwater runoff and/or sewage outfalls. Other concerns may include the offensive odors and nuisance aquatic growth from nutrient additions at discharge locations.

For the Carmel Highlands study area, the level of concern regarding wastewater impacts on the marine environment is heightened even more by the close proximity to the Point Lobos ASBS, which has its southern boundary at the mouth of Gibson Creek. As noted previously, the purpose of the ASBS designation is to protect the specified area from undesirable changes in natural water quality. The designation is based on the presence of certain species or biological communities that, because of their value or fragility, deserve special protection and maintenance of natural water quality conditions to the extent practicable (SWRCB, 1970). The regulations pertaining to ASBSs specifically cover sewage discharges, including onsite wastewater systems. The three pathways by which pathogens from OWTS can enter the near-shore ocean waters in the Carmel Highlands area are: (1) direct discharges or overflows from OWTS at oceanfront properties; (2) coastal bluff seepage of groundwater/ drainage that may be impacted by nearby OWTS discharges; and (3) runoff from the various tributary streams that may contain residual effects from OWTS discharges in watershed area.

**Ocean Discharge Systems.** The most significant threat to ocean water quality is posed by the OWTS serving ocean-front homes along the approximately two miles of coastline between Gibson Creek in the north and Malpasos Creek in the south. There are a total of 65 developed ocean-front homes, and 10 remaining undeveloped lots. Many of these homes have no OWTS permit information on file with the County, as they were among the earliest homes developed in Carmel Highlands. This limits the ability to draw conclusions on the adequacy of the siting and design of these OWTS, as well as their operational history. Because many of these OWTS are believed to predate County permitting and record-keeping, it is likely that many of the systems were not built to modern standards. Of greatest concern are the estimated 10 to 15 systems that have direct discharges to the ocean. Two of these ocean discharge systems are documented in County files; the estimate of 10 to 15 systems is based on information provided by septic pumping contractors who work in the area.

Other than mapping the two ocean discharges that appear in County records, no attempt has been made as part of this study to determine the specific properties with ocean discharge systems. However, a review of air photos available online from the California Coastline Project was conducted for visual documentation of some of the discharge pipes. The photos (#1 and #2) show what are believed to be some of the discharge pipes. It appears that these systems serve properties situated on rock outcrops with virtually no soil mantle suitable for effluent disposal. The limited information in County files indicates that these systems, as originally constructed, included a septic tank, followed by a sand filled septic tank to provide additional filtering of the effluent prior to piped discharge to the ocean. Records indicate that a few of these systems were subsequently upgraded with the installation of an aerobic treatment unit to replace the septic tank-sand filter unit. These ocean discharge systems are spread out along most of the shoreline area, both north and south of Yankee Point.

Clearly, these discharges are in violation of County Code Chapter 15.20, the Basin Plan, California Water Code and the Federal Clean Water Act. Discharge to any surface water requires a federal permit under the National Pollutant Discharge Elimination System (NPDES), including strict treatment, disinfection and monitoring requirements. It is highly unlikely that the Central Coast Water Board would consider the issuance of NPDES permits for individual residential OWTS discharges. These discharges pose a direct threat to

beneficial uses of the ocean waters and to the maintenance of natural water quality conditions in the adjacent Point Lobos ASBS. An alternate sewage disposal solution will be required for these properties.



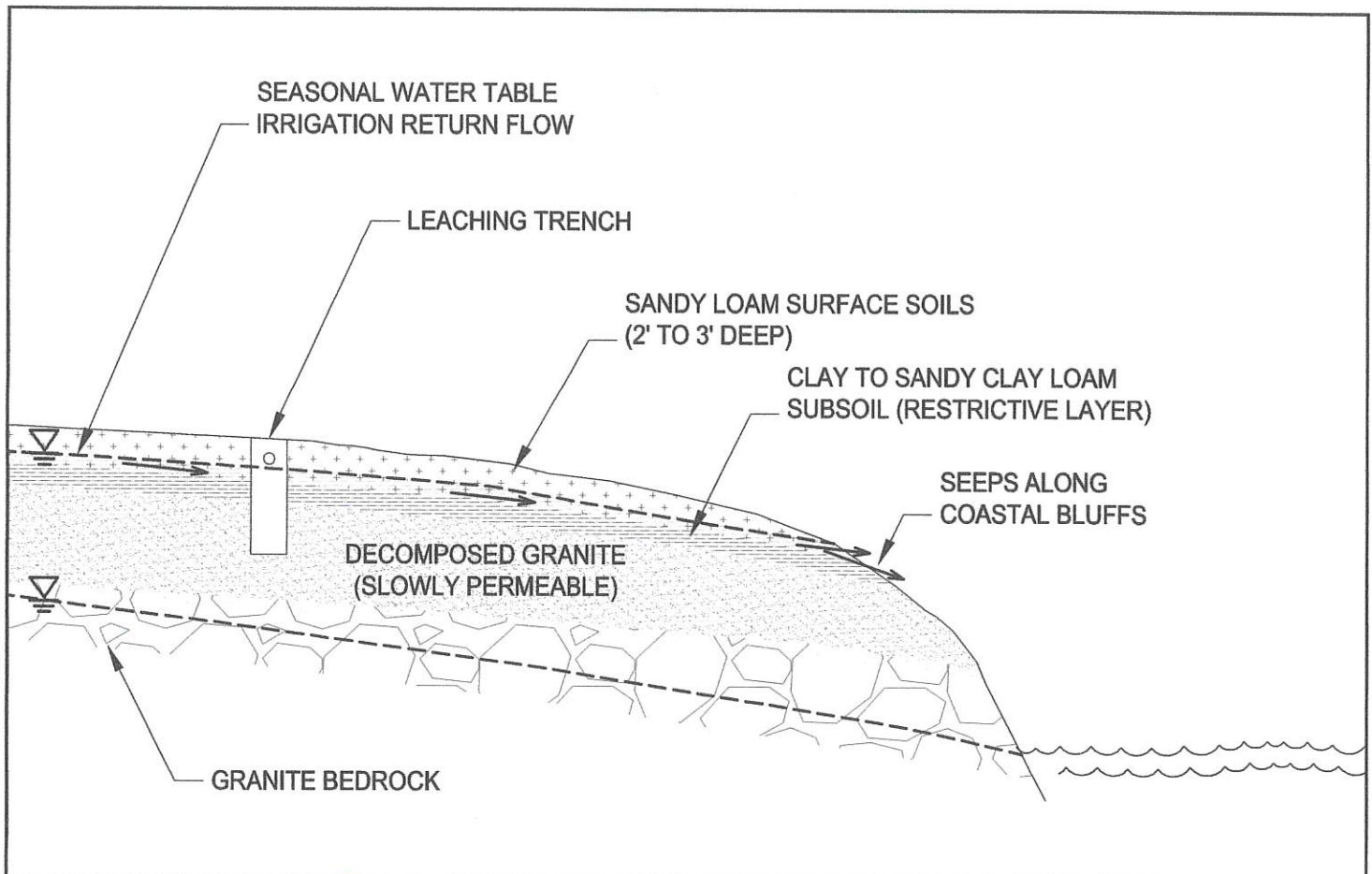
**Photo 1. Presumed Ocean Discharge Pipe**



**Photo 2. Presumed Ocean Discharge Pipe**

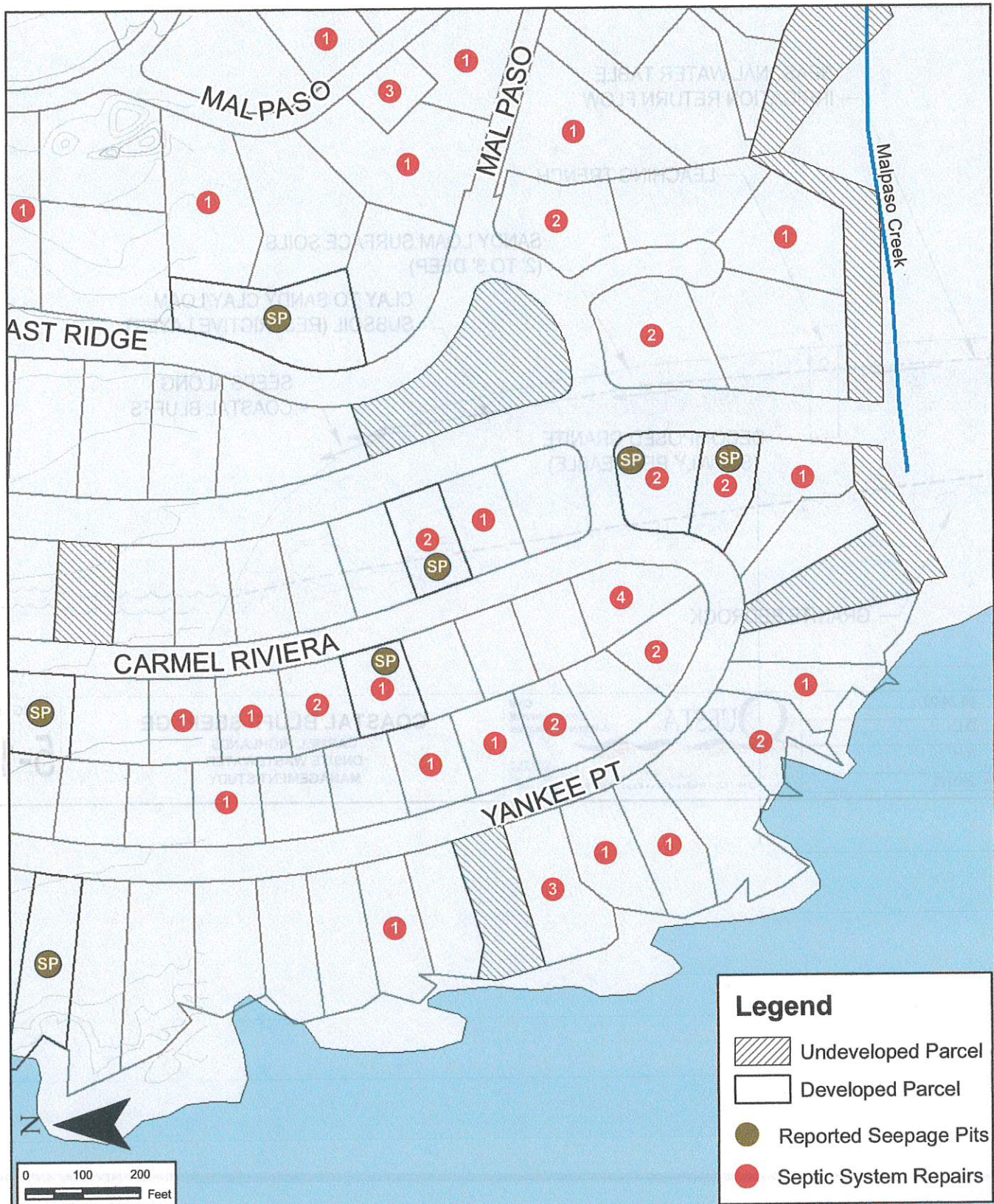
**Coastal Bluff Seepage.** Siting of OWTS in areas adjacent to or near the coastal bluffs raises the concern about possible effluent migration and discharge along the bluffs via groundwater seepage or drainage systems, as depicted schematically in **Figure 5-10**. With suitable soil conditions, adequate horizontal setbacks, and appropriate design and operation, OWTS can perform satisfactorily in these situations. This study did not document any specific evidence of OWTS seepage along the coastal bluffs; however, there are a number of factors that make it a valid concern, including the following:

- There are approximately 180 developed parcels and 20 undeveloped parcels on the coastal terraces and bluffs on the west side of Highway 1. As noted before, 65 of the developed parcels are ocean-front properties.
- The soil mantle typically thins along the bluffs due to natural erosion processes, making it problematic for use of OWTS.
- Many of the homes along the coastal bluffs pre-date County permitting and record-keeping, making it likely that some OWTS are not sited and designed to modern standards, including the maintenance of suitable setback distances from the bluffs, as well as providing adequate soil depth and vertical separation distances from groundwater or impermeable strata.
- County records show thirteen properties (4 ocean-front) utilizing seepage pits for wastewater disposal. In general, seepage pits pose a greater threat of introducing wastewater constituents into the groundwater than leaching trenches that utilize only the upper soil zones for dispersal.
- County records indicate a high concentration of OWTS repairs in the neighborhood at the south end of Yankee Point Dr/Carmel Riviera Dr. (see **Figure 5-11**). Many of the properties in this area have had multiple repairs (e.g., two, three and four times). Additionally, the files show this area to have troublesome perched groundwater conditions (at or near ground surface), resulting in many attempts to



<p>Date: 06-24-09</p> <p>Drawn: D.I.</p> <p>Appr'd: N.H.</p> <p>Dwg. No: 280123</p>	<p><b>QUESTA</b> ENGINEERING CORP.</p> <p><i>Civil Environmental &amp; Water Resources</i></p> <p><small>(510) 236-0114 FAX (510) 236-2423 QUESTA@QUESTAEC.COM P.O. Box 70356 1220 Brickyard Cove Road Point Richmond, CA 94807</small></p>	<p><b>COASTAL BLUFF SEEPAGE</b></p> <p>CARMEL HIGHLANDS ONSITE WASTEWATER MANAGEMENT STUDY</p>	<p>FIGURE</p> <p><b>5-10</b></p>
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**Perched Groundwater  
Problem Areas**  
Carmel Highlands  
Onsite Wastewater Management Study  
Monterey County, California

Figure

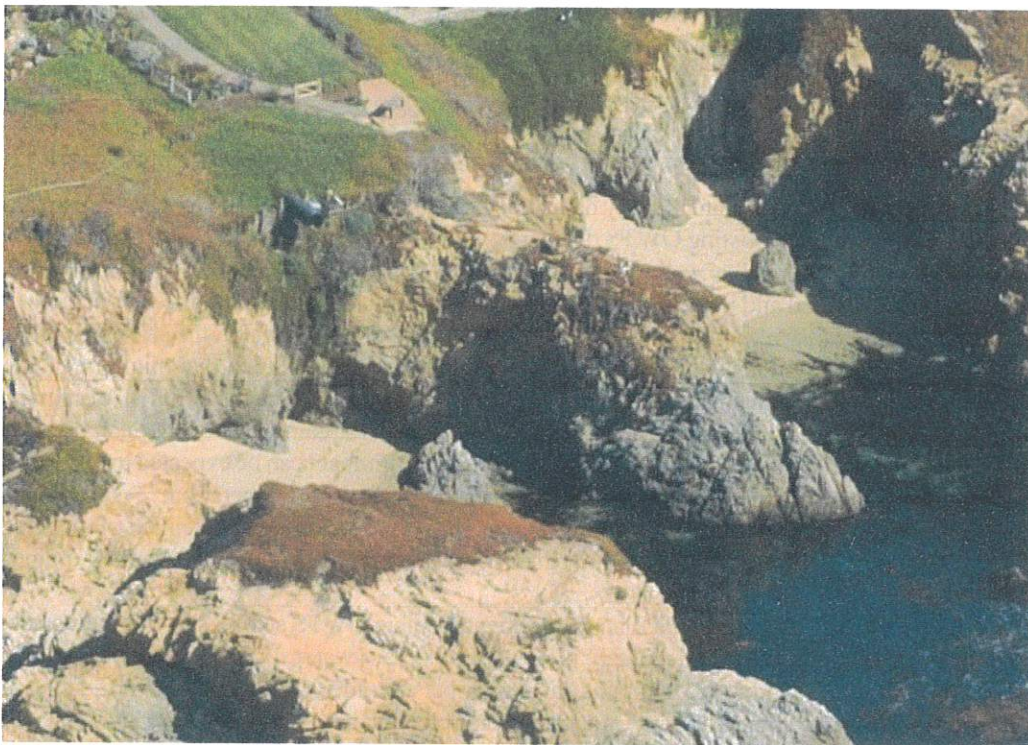
5-11



control the groundwater with curtain drains. The curtain drains themselves may be an unintended conduit allowing short-circuiting of wastewater effluent to drainage outlets along the coastal bluffs.

- Vegetation patterns and drainage along the bluffs, especially in the area adjacent to the southern end of Yankee Point Dr., indicate seasonal seepage, coinciding generally with the area of known groundwater-OWTS operational problems (see photo #3). This is supported by observations by septic system contractors interviewed as part of the study.

Based on the above factors, all of the OWTS along the coastal bluffs as well as the cluster of properties at the southern end of Yankee Point Drive/Carmel Riviera Drive (approximately 10 to 15 parcels) should be considered as posing a threat of contaminated seepage/drainage along the bluffs. These areas should be targeted for further investigation and remediation as needed, depending on the findings.



**Photo 3. Bluff Drainage and Seepage**

**Stream Runoff.** As noted previously, there are no water quality data available for the local coastal streams that drain through Carmel Highlands and discharge to the ocean. Thus, there is no evidence of any actual water quality impact on ocean waters from this source. But, since these streams collect both surface water runoff and shallow groundwater flow from a substantial amount of developed area, they should be considered a potential pathway for OWTS pollutants to reach the ocean waters. They should be a main part of future water quality monitoring efforts. Further discussion of the coastal streams is provided below.



## **Coastal Stream Impacts**

Avoiding impacts to coastal waters as well as local streams is an important aspect of septic system use and management. Similar to ocean waters, the primary water quality concern for the coastal streams would be pathogen impacts from OWTS discharges in the watershed area. Pathogen discharges could impact recreational uses, especially in the lower reaches of the streams where they meet the ocean. An additional concern is the potential impact on groundwater quality and drinking water uses, via percolation and recharge of the bedrock aquifer along the stream channels. As noted in the earlier discussion of groundwater impacts, this would be of most concern anywhere along the watercourses where bedrock fractures are intersected by the down-cutting stream channel.

Carmel Highlands is drained by four main streams; from north to south, these are Gibson Creek, unnamed (Fern Canyon), Wildcat Creek and Malpaso Creek. In their upper reaches these streams flow through relatively steep, heavily vegetated canyon, and are not very accessible, except at some road crossings. However, all four of these streams discharge into the ocean where there is greater accessibility and increased opportunity for recreational use. There are sandy beaches at the mouth of both Gibson Creek and Malpaso Creek. There are also several smaller unnamed intermittent (seasonal) streams that drain through the study area and ultimately discharge to the ocean in recreational areas use areas, e.g., adjacent to Yankee Point Dr. Also, the mouth of Gibson Creek marks the southern boundary of the Point Lobos ASBS.

As previously noted, there are no water quality data to determine whether or not, and to what extent, the coastal streams are being impacted by existing OWTS discharges. The streams are bordered by numerous developed parcels and collect surface runoff as well as lateral groundwater flow from adjacent areas. **Table 5-2** below lists the number of developed and undeveloped properties directly bordering each of the four main (perennial) streams and the several other intermittent streams in the study area. Additionally, the streams collect runoff from local street drainage systems, which can act as conduits for OWTS effluent that might be picked up in surface runoff or seepage at road cuts. Clearly, the streams in the area are potentially at risk of impact from a large number of OWTS. Moreover, significant pathogen impacts on stream water quality can originate from surfacing effluent from a few, or even a single, OWTS. The risk of impact can be expected to be greater where high groundwater, poor drainage and soil saturation interfere with OWTS operation. As noted in earlier discussion, two areas that appear to be problematic in this regard are in the vicinity of upper Corona Road/Spruce Road (Gibson Creek drainage) and Mt. Devon Road (Highlands South tributary drainage).

The current County regulations and Basin Plan requirements contain OWTS setbacks from watercourses, steep slopes, and road cuts that should be adequately protective of stream water quality and associated beneficial uses. However, since the study area contains large number of older systems, many pre-dating modern standards and permitting requirements, there is a reasonable potential that some OWTS are located, constructed or operated in a manner that poses a risk of surface water contamination of local streams. As previously noted in the discussion of ocean water impacts, stream water quality monitoring should be undertaken as part of long-term OWTS management to determine the presence and extent of any pathogen (bacteriological) impacts, and provide a basis for any as needed corrective measures.

**Table 5-2. Parcels Bordering Watercourses\***

<b>Stream Designation</b>	<b>Developed Parcels</b>	<b>Undeveloped Parcels</b>	<b>Total Parcels</b>
<b>Perennial Streams</b>			
Gibson Creek	13	1	14
Fern Canyon	12	6	18
Wildcat Creek	11	0	11
Malpaso Creek	7	1	8
<b>Seasonal Streams</b>			
Lower Corona Road	9	1	10
Highland Dr. South	9	2	11
Peter Pan Road	7	5	12
Upper Walden-Yankee Beach	24	3	27
Mentone-Yankee Pt Dr.	25	0	25
Malpaso Tributary	10	1	11
<b>Total</b>	<b>127</b>	<b>20</b>	<b>147</b>

*\*Within 100 feet*

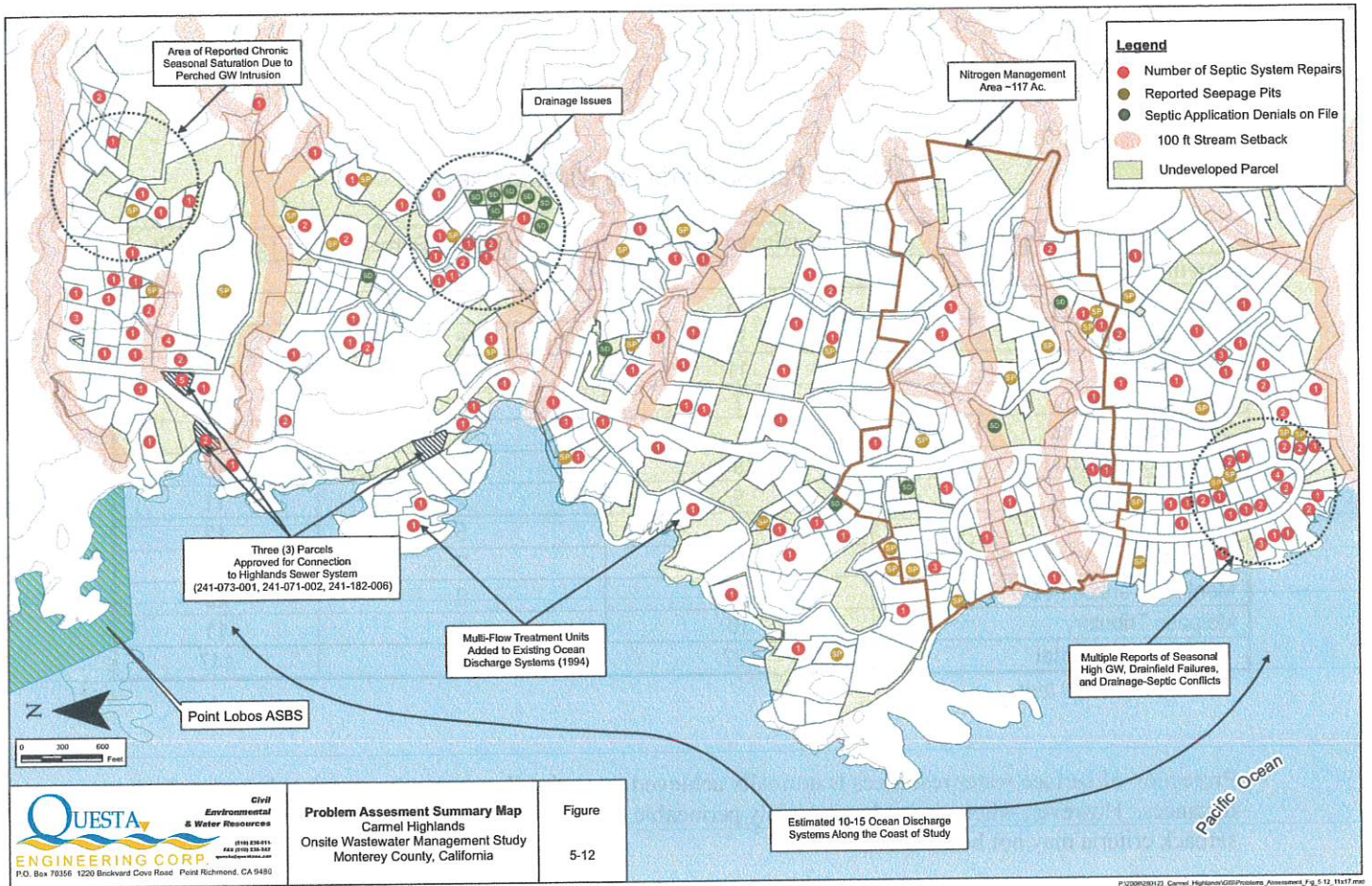
Protection of surface water resources is normally achieved through adherence to appropriate lateral setback distances. However, where the soils are rapidly permeable or high groundwater conditions exist, the normal setback criteria may not be sufficient.

## SUMMARY

Figure 5-12 and the following discussion summarize the various onsite wastewater problems, constraints and impacts discussed in this section.

**Site Suitability for OWTS.** Soil and geologic conditions in Carmel Highlands present moderate to severe constraints for OWTS due to the characteristically shallow (2 to 4-feet deep) sandy loam surface soils overlying slowly permeable weathered (decomposed) granite bedrock, which transitions with depth to dense, fractured granitic rock. The conditions are further complicated by steep topography, as more than 60 percent of the area has slopes greater than 30%. Additionally, perched seasonal groundwater commonly forms at the contact between the surface soils and underlying decomposed granite, and has been responsible for wet season "flooding" and failure of OWTS in some localized areas, notably the south end of Yankee Point Dr, Corona Road and Mt. Devon areas.

**OWTS Design and Operational History.** The historical OWTS design practices in the area have relied on deep trench and seepage pits discharging into the decomposed granite, which is more slowly permeable than indicated by existing testing methods, resulting in less effective soil treatment, soil clogging and progressively faster decline in disposal field performance. Based on the age of the existing OWTS, it is reasonable to expect that in the foreseeable future as many as 30 to 50 percent of the OWTS in the study area will require significant upgrade and/or replacement. Information from septic tank pumping contractors indicates an unusually high rate of septic tank pumping, averaging about once every 12 to 18 months for each system in the area. This suggests that a significant amount of the septic tank pumping is being conducted in response to sluggish plumbing, backups or disposal field problems, rather than for maintenance cleaning of solids accumulation in the tanks.



**Groundwater and Wells.** Groundwater occurs principally in the fractured granitic bedrock and is recharged mainly from local rainfall percolation. Domestic water wells tapping the bedrock aquifers are typically very deep, averaging about 450 feet, with annular well seals of 50 feet or more. Limited groundwater quality data available from the few existing wells in Carmel Highlands indicate elevated concentrations of some secondary drinking water constituents (minerals), which may be attributable to geologic conditions, sea water intrusion in one instance, and potentially mineral additions from OWTS discharges in the area. The limited data show no evidence of elevated groundwater-nitrate concentrations from OWTS, or exceedences of other primary drinking water standards.

**Nitrate Loading Estimates.** Results of an area-wide nitrogen loading analysis for existing and future build-out conditions indicate rates of nitrogen loading from the combined contribution from OWTS and landscape fertilizers to be about 18 to 20 grams of nitrogen per day per acre, that are well within the general criterion of 40 grams per day per acre recognized in the Basin Plan. Nitrogen loading analysis for a localized area of concern (northern end of Yankee Point Drive) estimated groundwater nitrate-nitrogen concentrations to be above the drinking water limit of 10 mg-N/L, indicating that groundwater in this area is likely degraded for drinking water uses or will become so under build-out conditions, unless specific nitrogen management measures are implemented.

**Ocean Water Impacts.** A significant threat to ocean water quality is posed by the OWTS serving ocean-front homes, where there are estimated to be 10 to 15 systems that have direct discharges of effluent to the ocean. These discharges are not in compliance with either County Code, California Water Code, or the Federal Clean Water Act, pose a direct threat to beneficial uses of the ocean waters, and require an alternate sewage disposal solution. Additionally, effluent migration and discharge along the coastal bluffs is a significant concern due to the large number of developed ocean-front properties, typically thin soil mantle along the coastal bluffs, the age and undocumented location and condition of many older OWTS in this area, and evidence of high groundwater and seepage near and along the bluff faces, notably at the south end of Yankee Point Dr.

**Coastal Stream Impacts.** Approximately 25 to 30 percent of the parcels in Carmel Highlands either border or are within 100 feet of one of the major streams or seasonal tributaries that drain through the area. Although no water quality data are available for local streams, wastewater contaminants, especially pathogens, reaching local streams could adversely impact recreational uses, especially in the lower reaches of the streams where they meet the ocean. An additional concern is the potential impact on groundwater quality and drinking water uses, via percolation and recharge of the bedrock aquifer along the stream channels.

## 6. WASTEWATER MANAGEMENT ALTERNATIVES

### INTRODUCTION

This section presents the evaluation of three alternative means of providing treatment and disposal for existing and future development in Carmel Highlands. The alternatives considered are: (1) Conventional Systems, providing for continued use of conventional onsite wastewater treatment and disposal systems as provided under Monterey County Code; (2) Alternative Systems, allowing the use of various types of alternative treatment and disposal systems designed to overcome particular site constraints in the study area; and (3) Sewer Connection to the CAWD wastewater treatment plant in Carmel. A fourth alternative was formulated as a hybrid, combining Alternatives 1 and 2 with a partial sewer option per Alternative 3. **Section 7** presents a comparative review of the three basic alternatives plus the hybrid Alternative 4.

### ALTERNATIVE 1 – CONVENTIONAL ONSITE WASTEWATER SYSTEMS

#### *Description*

This alternative evaluates the suitability of continuing to use conventional onsite wastewater treatment and disposal systems (OWTS) to serve new construction, remodels/additions and repairs of existing systems in Carmel Highlands. Conventional OWTS are those systems using a septic tank for primary treatment with either leaching trenches and/or seepage pits for the disposal field. The siting, design and construction of conventional OWTS would be in accordance with the existing regulations and criteria contained in Monterey County Code Chapter 15.20 and in the Central Coast Regional Water Board's Basin Plan. The County Code and the Basin Plan both have flexibility to allow variation in OWTS designs, as needed to conform to site-specific conditions and constraints. Accordingly, recommendations are made under this alternative regarding various aspects of OWTS design that are judged to be most appropriate for the soil and geologic conditions in Carmel Highlands as determined through this study.

#### *Conventional OWTS Recommendations*

##### **Percolation Testing Methods**

As discussed in **Section 5**, over the years, percolation testing in Carmel Highlands has commonly involved the use of deep boreholes which, per the findings of this study, appears to overestimate the percolation capacity of the decomposed granite substrata, resulting in under-sizing of disposal fields. Additionally, this testing methodology does not provide a reasonable means of judging where the percolation is actually occurring. We recommend revising this methodology to be more consistent with the percolation test procedures described in the Manual of Septic Tank Practices, as referenced in both County Code and the Basin Plan; this is needed to provide more definitive information for disposal field design. Specifically, percolation testing should be performed in each soil zone planned to be used for wastewater dispersal. For example, for a 10-ft deep disposal trench, it may be necessary to run percolation tests at several intermediate depths, as well as testing the soil conditions at the proposed trench bottom depth. As noted in the Basin Plan, the preferred method for percolation test installation is with a hand auger, starting either at ground surface (for shallow tests) or at the bottom of a backhoe excavation. Per the Manual of Septic Tank Practices (pages 2-6, and 15-16), the depth of water in the test hole should be 6 inches above the protective layer of pea gravel placed at the bottom of the test hole. The practice of conducting percolation tests using deep borings that cut through several different soil zones should be discontinued. This would likely increase the effort and costs for percolation testing; but it is deemed to be necessary to obtain the necessary and best information for system design and long-term operation.

### **Trench Design/Sizing**

The standard trench design per County Code is based on a uniform wastewater design loading rate of 0.3 gpd/ft<sup>2</sup> of trench infiltrative surface. The Basin Plan provides a graduated scale of wastewater loading rates related to percolation rate as follows:

Percolation Rate (MPI)	Loading Rate (gpd/ft <sup>2</sup> )
1-20	0.8
21-30	0.6
31-60	0.25
61-120	0.1

File review indicates that some OWTS in Carmel Highlands have been approved using the Basin Plan criteria above. The Basin Plan criteria are compatible with practices in other jurisdictions and recommendations found in professional literature (e.g., EPA Onsite Wastewater Treatment Systems Manual, 2002). If percolation testing is conducted in a way that provides definitive information on the capacity of specific soil zones (per preceding recommendation), it would be appropriate to use the Basin Plan criteria rather than the uniform 0.3 gpd/ft<sup>2</sup> loading rate contained in County Code. In doing so, some OWTS would be reduced in size and some increased in size compared with the current practice. The best soil areas would require the least amount of disposal field, which should be an incentive to find and utilize these areas. The design calculations would be somewhat involved, but not particularly difficult or time-consuming.

### **Pressure Dosing of Disposal Fields**

Pressure dosing of disposal fields is a conventional design technique and is distinguished here from “pressure distribution”, which falls under the alternative systems category (see Alternative 2). Pressure dosing involves the use of either a pump or automatic dosing siphon to deliver uniform volumes of wastewater to a series of conventional disposal field trenches. The objective is similar to “pressure distribution”, but the design complexities and maintenance requirements are much less. Pressure dosing is recognized in the Manual of Septic Tank Practices (dating back to the 1950s and before) and also in the Uniform Plumbing Code (UPC). The UPC requires the use of pressure dosing for large disposal fields having 500 lineal feet or more of trench.

Pressure dosing can be provided using a pressure manifold system. This consists of a pump basin following the septic tank that periodically doses a set volume of wastewater through a 2 or 3-inch diameter manifold that had lateral connections to each of the disposal trenches. With each pump cycle, a uniform volume of wastewater is dosed to the head end of each trench, where it then flows through the standard perforated drain pipe. Valves can be included to shut off the flow to individual trenches. This differs from a pressure distribution system, which includes small diameter pressure piping (and small discharge orifices) along the full length of all trenches to spread the wastewater equally over the entire disposal field area. A pressure manifold system differs from a conventional serial distribution leachfield (sometimes referred to as “fill and spill”), where the wastewater is directed to the highest trench first, which takes all of the flow until it reaches capacity. Then the wastewater flows, via a distribution box or relief line, to the next lowest trench and so on.

The advantages of pressure dosing with a manifold system are:

- Creates dosing and resting cycles for enhanced soil absorption and treatment.
- Promotes equal flow to each trench, rather than sequentially flooding the trenches from the top down.



- Hole clogging, and associated maintenance, is not as likely as in small diameter pressure-distribution systems.
- Easier to design and construct than pressure distribution systems.
- Can be used with minimal extra cost in pump-up systems
- Can control the flow to individual trenches if necessary.

The disadvantages of pressure dosing are (a) the additional cost for a pump system as compared with a serial distribution gravity system; and (b) it is possible that an individual, low performing trench could be overloaded. The latter issue can be addressed by including overflow relief lines between trenches.

The overall direction of the recommendations here is toward shallower, longer disposal trenches in contrast with the deeper trench systems that have traditionally been used in Carmel Highlands. This will bring with it the probable need for pumping systems to deliver the wastewater to the disposal trenches. Pumping to a pressure manifold system rather than to a serial distribution system has significant advantages for long-term disposal field performance; it is recommended wherever feasible.

### **Dual Disposal Fields**

Dual disposal fields are those systems that include two separate fields, each with capacity for the entire (100%) design flow. The two disposal fields are intended to be operated alternately, allowing one field to “rest” while the other is in use. Typically, the flow is switched between fields every six months or so, using a manually-operated diversion valve. The advantage of having dual fields is to help extend the life of the disposal field by allowing portions of the field to drain and dry out periodically. This resting process promotes the establishment of aerobic conditions in and around the trench, which aids in decomposition of soil-clogging material and restoration of the infiltrative surfaces and the overall absorption capacity of the trench. Additionally, having dual disposal fields provides a readily available relief system that can be used in the event of a problem with the active disposal field, e.g., as a result of extended wet conditions or other happenstance. This avoids the need for costly septic tank pumping and hauling while the disposal field problem is being corrected.

The Basin Plan recommends the use of dual disposal fields. Additionally, the Carmel Area Plan Land Use Plan includes a policy (under “Water Pollution Control”) that requires the use of dual leachfields for new development in Carmel Highlands. Use of dual disposal fields should continue to be a standard practice in Carmel Highlands.

### **Drainage Mitigation**

Controlling surface water and shallow perched groundwater is an essential part of protecting the integrity and performance of OWTS disposal fields in Carmel Highlands. Rainfall readily percolates through the sandy loam surface soils and perches along the contact with the less permeable subsoil and weathered bedrock (DG). Disposal trenches, especially deep trenches, can act as a collection area for subsurface water, and can be flooded during heavy rain events or throughout the rainy season. At a minimum this reduces the disposal capacity during the wet season; and more likely it contributes to a long-term decline in the disposal system effectiveness and potential surface failures. As noted in **Section 5**, there are some specific areas where perched water conditions are chronic and especially problematic – south end of Yankee Point Dr., Corona Road, and Mt. Devon area. However, seasonal/temporary perched water conditions can occur in most areas of Carmel Highlands to a varying degree. Consequently, drainage mitigation measures should be considered and incorporated as a part of most all OWTS disposal field designs.

Historically curtain drains (also “French drains”) have been employed routinely in Carmel Highlands to protect disposal fields from intrusion by perched water. This practice should continue and become a routine

requirement wherever feasible. The curtain drains don't necessarily need to be very deep. Where soils and percolation testing show the DG to be a slowly permeable restrictive layer, curtain drains need only be installed 6 to 12 inches into the DG contact, or other slowly permeable restrictive layer, to be effective.

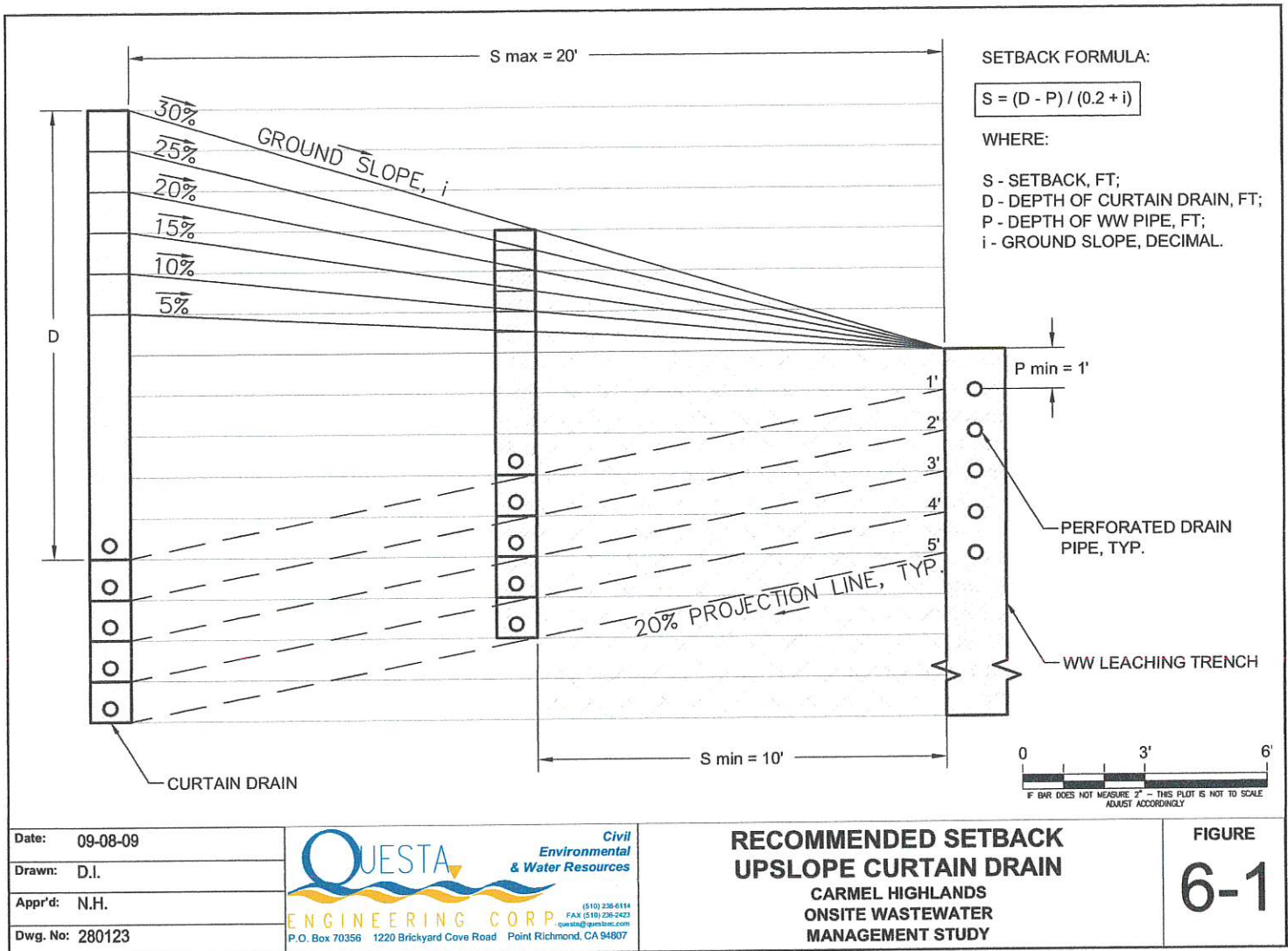
County Code does not contain specific regulations or specifications regarding the use or design of curtain drains. However, the recent changes to the Basin Plan now include a mandatory 20-foot uphill horizontal setback from the nearest leaching trench. This setback distance will restrict the effectiveness and feasibility of curtain drains in many locations; especially for shallow systems. The purpose of the setback is to avoid the potential for short-circuiting of wastewater from the disposal field into the curtain drain, which is a valid concern. The concern is greatest on flat terrain; however, it becomes less of an issue on steeper slopes, where the ability of wastewater to migrate uphill and into the curtain drain is limited or nil. In lieu of a uniform 20-ft distance, a rational alternative criterion for determining a suitable uphill setback distance would be to take into account the ground slope and the depth of the curtain drain. For example, this could require that the curtain drain be positioned far enough uphill from the disposal field so that bottom of the curtain drain is above a line representing a 20% slope projection from the pipe invert of the most uphill leaching trench. This is analogous to the Basin Plan criterion for determining the downhill setback to a cut slope. Applying this criterion on a 20% slope, a 5-ft deep curtain drain would have to be located approximately 10 feet uphill from a leaching trench, assuming the pipe invert at 1 foot below ground grade. On a 30% slope the minimum setback could be about 8 feet; however, a minimum setback of 10 feet should be maintained to provide a reasonable buffer and safety factor against short-circuiting of effluent into a drain. The setback distance would increase for deeper curtain drain depths. This design approach is presented in **Figure 6-1**, along with the formula that can be used to calculate the appropriate setback distance as a function of ground slope, trench pipe depth, and curtain drain bottom depth.

### **Maximum Slope**

The standard maximum ground slope for a conventional leachfield is 30 percent in the Basin Plan, County Code, and the Carmel Area Land Use Plan. This slope limitation is not derived scientifically; it is a general rule of thumb criterion that has fairly wide acceptance in most jurisdictions in California. However, there is also acknowledged among many that disposal fields can be constructed and operate effectively on steeper slopes, under the right soil and geologic conditions and with appropriate designs. The traditional thinking has been that on steeper slopes, the disposal system should be installed at deeper depths (i.e., with deep trenches and/or seepage pits) to avoid the potential for lateral/downslope breakout of effluent. This may be valid reasoning, but it depends on having deep permeable materials to absorb and disperse the wastewater flow. Usually, these conditions don't tend exist on steeper slopes, which tend to correspond with more resistant rock formations having shallower depths of surficial materials. In most of Carmel Highlands the decomposed granite (DG) provide a relatively deep layer of surficial material over the fractured granite bedrock, which has been assumed to be a viable zone for deep dispersal of wastewater. However, closer examination in this study has found the DG to have generally low capacity for absorption of wastewater from OWTS, causing wastewater dispersal to be mainly in the shallow surface soils. Under these conditions, there is no basis for recommending any change to the 30% slope criterion for conventional leaching trenches. Along with the other recommendations presented under this Alternative, conventional OWTS can be used effectively and safely on slopes up to 30%.

It should also be noted here that the 2008 changes to the Basin Plan include the requirement that OWTS located on slopes greater than 20 percent be designed by a certified professional. This requirement should be implemented in Carmel Highlands.





### Linear Loading Rate Evaluation

The term "linear loading rate" refers to the amount of wastewater flow dispersed across (parallel to) the slope contour in the disposal field, e.g. in gpd per lineal foot of disposal area. Linear loading criteria are used commonly in the design of mound and at-grade disposal systems (see Alternative 2) that rely on lateral dispersal of wastewater in the shallow soil zones. The same principles can be applied to shallow leaching trenches where the wastewater is expected to move mainly in a lateral, rather than vertical direction away from the disposal field. Based on the finding that wastewater dispersal from OWTS in Carmel Highlands depends to a significant degree on lateral rather than vertical flow, linear loading rate evaluation should be incorporated into the design analysis for new/replacement wastewater disposal fields in the study area.

Linear loading rate criteria can be in the form of "rule of thumb" values based on soil conditions, or they can be explicitly determined based on soil permeability, slope and soil depth applying Darcy's Law, a standard formula for water movement in porous media. We recommend the latter approach, which can be used to develop a set of guideline values for the typical conditions encountered in Carmel Highlands. An example of applying this latter approach is contained in Marin County Regulations for mound systems, which has been in use since 1994. Site specific analysis using the same methodology could be followed on individual sites that differ from the "typical" conditions. **Figure 6-2** illustrates the factors involved in linear loading rate evaluation along with typical calculations. **Table 6-1** below presents an example set of guideline values for an assumed 6-inch depth of flow, corresponding to the illustration and example calculation in **Figure 6-2**.

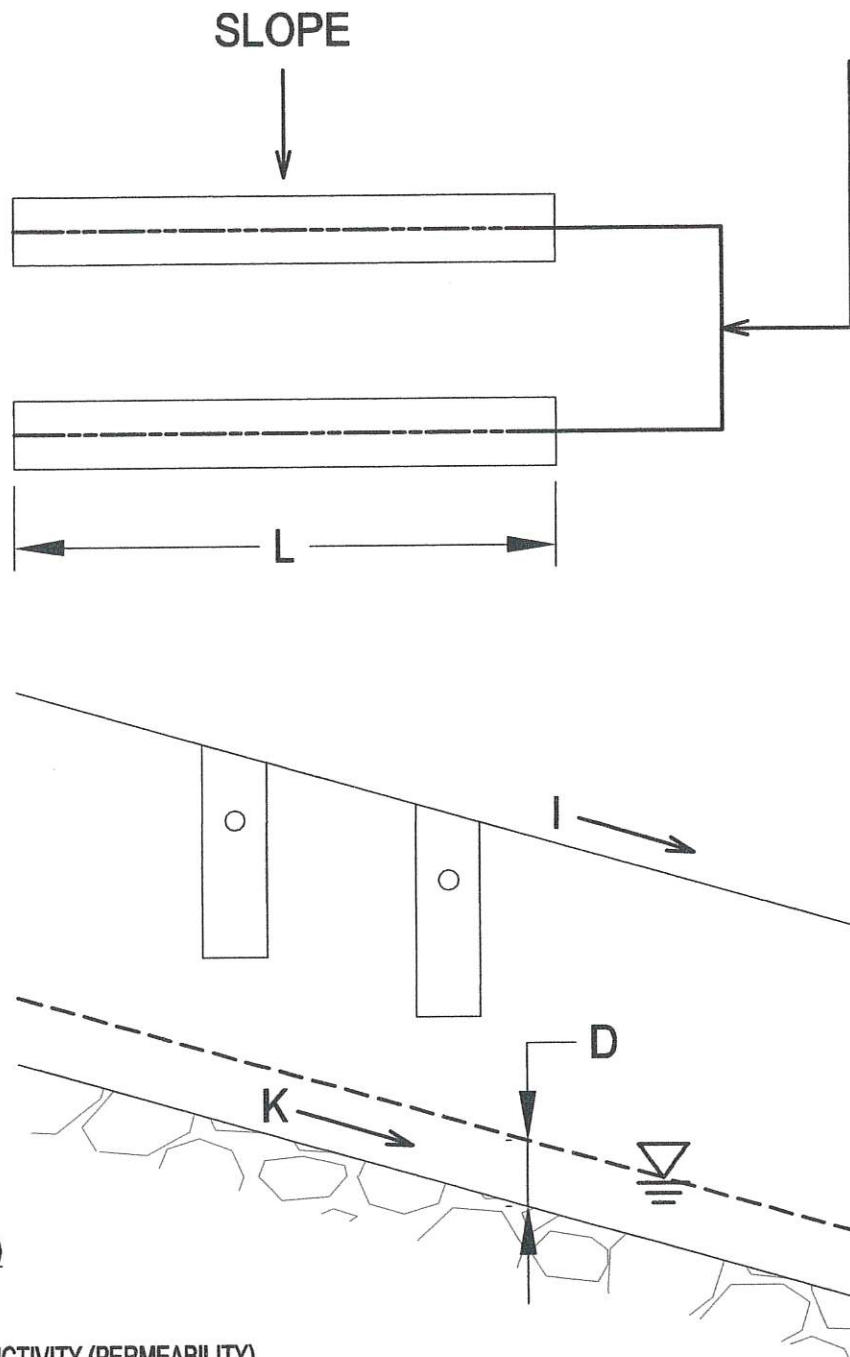
**Table 6-1. Example Linear Loading Rates for 6-Inch Flow Depth (gpd/lineal foot)**

Percolation Rate (MPI)	Estimated Hydraulic Conductivity* (ft/day)	Natural Ground Slope (%)				
		10	15	20	25	30
<10	12	4.5	6.75	9	11.2	13.5
11-20	6	2.25	3.37	4.5	5.62	6.75
21-30	4	1.5	2.25	3.0	3.75	4.5
31-60	2	0.75	1.12	1.5	1.875	2.25

\*Horizontal rate

### Seepage Pits

Seepage pits have been used historically in Carmel Highlands, but are now generally discouraged and considered only as a last resort. The review of geologic, soils and percolation information in this study indicates that seepage pits have a very low probability of success, and could pose the greatest threat to groundwater quality where they are extended into fractured strata. Consequently, the use of seepage pits should be discontinued, and existing seepage pits should be inspected and evaluated individually to determine either to abandon and destroy, or upgrade with supplemental treatment (see Alternative 2). This study has not determined there to be a health emergency related to seepage pits; therefore immediate action to investigate and evaluate all seepage pits does not appear warranted at this time. Rather, seepage pits should be identified and remediated in conjunction with individual septic system repairs and/or building remodel projects, case-by-case. Seepage pits should no longer be considered a conventional system appropriate for use in Carmel Highlands.



$$Q = K \times I \times A \quad (\text{DARCY'S LAW})$$

WHERE:

$Q$  = FLOW

$K$  = HYDRAULIC CONDUCTIVITY (PERMEABILITY)

$I$  = GRADIENT (SLOPE)

$A$  = X-SECTION AREA =  $D \times L$

$$Q = K \times I \times D \times L$$

$$L = Q / (K \times I \times D)$$

$$K \times I \times D = \text{LINEAR LOADING RATE}$$

#### EXAMPLE CALCULATION

PER TABLE 6-1 FOR  $K = 6 \text{ FT / DAY}$ ,  $I = 20 \%$ ,  $D = 0.5 \text{ FT}$

LINEAR LOADING RATE =  $4.5 \text{ GPD / L.F.}$

$$L = (375 \text{ GPD}) / (4.5 \text{ GPD / L.F.}) = 83 \text{ L.F.}$$

Date: 07-07-09

Drawn: D.I.

Appr'd: N.H.

Dwg. No: 280123



#### LINEAR LOADING ILLUSTRATION

CARMEL HIGHLANDS  
ONSITE WASTEWATER  
MANAGEMENT STUDY

FIGURE

6-2

## **Septic Tank Pumping**

The idea of instituting a mandatory septic tank inspection frequency (once every five years) has been proposed in draft statewide regulations (AB 885) for OWTS prepared by the State Water Resources Control Board. The purpose of the AB 885 proposal is for measurement of solids buildup in septic tanks, which will promote routine maintenance cleaning of the tanks for better system performance. As discussed in **Section 5**, information from local septic tank pumping contractors indicates that the average septic tank pumping frequency in Carmel Highlands is currently approximately once every 12 to 18 months. This is an unusually high frequency and could be an indication that tanks are being pumped in response to disposal field problems, rather than for maintenance cleaning of solids buildup in the tanks. It doesn't mean that all OWTS are necessarily being pumped on a regular basis, since the pumping activity counts could be skewed by a number of problematic systems calling for multiple pumpings. However, it does suggest that septic tanks are receiving routine maintenance on a voluntary basis in the Carmel Highlands area. Therefore, imposing a mandatory pumping requirement (e.g., every 5 years, per AB 885 example) would likely have very little beneficial effect.

In lieu of mandating a required pumping frequency the management of OWTS could be improved by instituting a requirement that pumping contractors complete a basic septic system inspection at the time any septic tank is serviced, and that the pumping service and inspection report be submitted to the County. The inspection report would be in accordance with a standard County-supplied form; and the County would be responsible for maintaining and reviewing the data. Inspections may reveal the need for system repairs, and these would be documented and addressed through the normal County process. This type of program has been implemented successfully in Santa Cruz County and Santa Barbara County, resulting in the discovery and correction of many system repair needs. Pumping contractors who routinely work in the Carmel Highlands area are already familiar with the Santa Cruz program. This type of program would be much more beneficial than a mandatory pumping requirement. In addition, the RWQCB has instructed the County to develop a Septage Management Plan for Monterey County. Implementation of a Septic Tank Pumper Inspection Reporting Program in the Carmel Highlands study area will allow the County to establish a database to track pumping of septage within Monterey County and increase compliance of existing OWTS.

## **Suitability Assessment**

Conventional OWTS can be effective in portions of Carmel Highlands, and some of the recommendations provided under this alternative discussion may improve their effectiveness. However, conventional OWTS, which rely on deep permeable soils, are not well suited to address many of the difficult site conditions and existing problems determined through this study. In particular, conventional OWTS would not likely be viable options for the following situations that occur in the study area:

- Steeply sloping sites
- Shallow soils underlain by slowly permeable decomposed granite or other restrictive layer
- Shallow perched groundwater, such as the south end Yankee Point Dr.
- Alluvial/marine terrace soil areas potentially impacted by nitrogen loading
- Rocky ocean bluffs

A substantial number of existing developed properties as well as many undeveloped sites in Carmel Highlands are or will be affected by these conditions. Conventional OWTS will provide only limited solutions to the long-term onsite wastewater management needs in the area.

## Potential Environmental Impacts

Alternative 1 will include new and upgraded OWTS using conventional septic tanks and disposal systems similar to existing practices. Based on recommendations in this report, there may be some increased use of pump systems, fill soil and drainage work, amounting to some increase in the amount of land disturbance compared with current and historical practices. However, the general trend would be toward installing shallow disposal fields matched more closely with the shallow permeable soil conditions. This alternative would also include the implementation of a water quality monitoring program to document surface water conditions in the coastal streams that drain through the area. A negative aspect of this alternative would be the need to revert to holding tanks and regular sewage hauling for a group of problematic systems (ocean front) that have no acceptable on-lot options.

Additional discussion of potential environmental impacts of Alternative 1 is provided in **Appendix E**, prepared by Denise Duffy & Associates.

## Cost Analysis

### Capital Costs

Estimated capital costs for the conventional OWTS are summarized in **Table 6-2**. The cost assumptions were developed through discussions with local contractors, engineers and suppliers, and from the professional experience of the study team. The costs are planning-level estimates. Although it is not anticipated that all existing properties in the Carmel Highlands will be able to be upgraded or retrofitted with and conventional OWTS, this assumption was made to develop a consistent basis for comparison with other alternatives. It is likely that many properties will eventually require OWTS upgrading and that some of these will be able to utilize conventional designs, thus the per parcel costs presented in this analysis provide a fair estimate of the costs that can be anticipated for those situations. Of the 435 existing OWTS, the cost estimates of this alternative assume that as many as 15 systems may have ocean discharges requiring pump-and-haul solutions, and that one-third of the remaining 420 properties (140) will not require any OWTS upgrade work. The other two-thirds (280 OWTS) are estimated to require upgrades or repairs. Also, the cost estimate is based on the assumption that 105 currently undeveloped parcels will be developed and will be accomplished with a conventional OWTS. This is also hypothetical, since other building constraints may limit the development of new residences and, as previously noted, OWTS options will not be available for all vacant parcels, due to steep slopes and other constraints.

**Table 6-2. Estimated Construction Costs:  
Alternative 1 - Conventional OWTS**

New Construction:	105 @ \$25,000* =	\$2,625,000
Existing Upgrades/Repairs:	280 @ \$30,000* =	<u>\$8,400,000</u>
	<b>SUBTOTAL:</b>	<b>\$11,025,000</b>
	Contingencies @ 20%:	<u>\$2,205,000</u>
	<b>TOTAL:</b>	<b>\$13,230,000</b>
<b>AVERAGE COST PER PROPERTY: \$34,364</b>		

\* Engineering, Permitting, & Installation

As indicated, the construction cost estimates include allowances for engineering and permitting costs, as well as a 20% contingency. Costs for installations are estimated to be higher for upgrades and repairs than for new installations, due to the conflicts with existing buildings and landscape that add complexities to the design options and construction operations. As indicated, the estimated cost for conventional OWTS is just under \$34,400.

### Annual O&M Costs

The annual operation and maintenance (O&M) costs for conventional OWTS are presented in **Table 6-3**. The annual O&M costs include: (a) maintenance pumping of septic tanks; (b) inspection and serving of pumping systems (assuming about 1/3 of systems have pumps); (c) water quality monitoring costs for the project area (by the County); and (d) County oversight and administrative costs related to tracking septic tank pumper reports. The total annual O&M costs are divided by the total number of OWTS to provide an average annual O&M cost per system owner, which totals \$251.

Also, since conventional OWTS are not likely to provide solutions for the properties with ocean discharges, the individual property owner costs for holding tanks and septage hauling are listed at the bottom of the table.

**Table 6-3. Estimated Annual Operation & Maintenance Costs  
Alternative 1 - Conventional OWTS**

ITEM	ASSUMPTIONS	ANNUAL COST
Septic Tank Maintenance Pumping	175/yr @ \$450 (3 yr frequency)	\$78,750
Pumping Systems, Maintenance & Electrical	175 @ \$250/yr	\$43,750
Water Quality Monitoring Program	4 sampling runs @ \$400 each; 24 samples @ \$100 each	\$4,000
County Oversight & Admin.	\$30 per Septic Pumping Report	\$5,250
<b>TOTAL</b>		<b>\$131,750</b>
<b>AVERAGE ANNUAL COST PER PARCEL</b>	525 systems	<b>\$251</b>
Additional Costs for Mandatory Pump-and-Haul Systems	Estimated 15 total; 1 pump-out/week @ \$450 each	\$351,000 total \$23,400 per parcel

## ALTERNATIVE 2 – ALTERNATIVE ONSITE WASTEWATER SYSTEMS

### Description

This alternative evaluates the applicability and use of various types of alternative treatment and disposal systems designed to overcome particular site constraints that are prevalent in Carmel Highlands. To date, alternative systems have been used only selectively and to a limited extent in the area, but there is increasing interest and a recognized need to consider their use on a more routine basis. Alternative systems generally fall into two categories - treatment systems and disposal systems. Alternative treatment systems provide additional

wastewater effluent treatment beyond that provided by a conventional septic tank. Alternative disposal systems provide additional options for system siting and design in constrained soil and geologic environments. Alternative disposal systems are typically oriented around two principles: (1) shallow dispersal to take advantage of the most aerobic and biologically active soil zone; and (2) uniform distribution of effluent to maximize soil contact and minimize the hydraulic/waste loading in a given area. Some disposal alternatives also incorporate additional treatment media.

**Table 6-4** presents a general summary matrix of alternative onsite wastewater technologies, including treatment and disposal systems. The table provides a general comparative rating of how different systems address various site constraints and considerations, which are discussed in the individual technology descriptions below. The numerical ratings are based on the best professional judgment of the authors of this report. All of the alternative systems reviewed have advantages of one type or another, and they are all in use in other Northern California counties. There is no single system or technology that should be promoted above the others. The best onsite wastewater management programs utilizing alternative technologies are those that provide the broadest array of viable options to address the range of site specific conditions and limitations likely to be encountered.

The following is a general description of alternative technologies that may have applicability in Carmel Highlands, some of which are currently used or have been proposed. This review is not intended to be an exhaustive review of technologies or detailed description of these alternatives, but rather to provide an overview sufficient to understand how they may be useful in addressing the environmental constraints and problems in Carmel Highlands. Additional information on these technologies can be obtained from the fact sheets in the report prepared for the State Water Resources Control Board titled "*Review of Technologies for the Onsite Treatment of Wastewater in California*" by the Center for Environmental and Water Resources Engineering at the University of California at Davis (2002) and in US EPA publication EPA/625/R-00/008 "*Onsite Wastewater Treatment Systems Manual*" (February 2002).

### **Treatment Systems**

Conventional onsite systems using septic tanks and sub-surface effluent disposal rely primarily on primary treatment of the wastewater in the septic tank and a combination of filtration, adsorption and chemical/biological processes during percolation through the soil. Where the soil depth, volume or texture on a given site provide limited capacity for renovation, additional treatment (supplemental) prior to dispersal has been developed and promoted as an alternative means of enhancing system performance and achieving overall sanitation and environmental protection needs. In particular, supplemental treatment systems have been used commonly to overcome soil percolation constraints (rapid and slow), high groundwater conditions, horizontal setbacks, and nitrate loading issues. The most common pollutant constituents targeted for treatment in wastewater effluent are total suspended solids, biochemical oxygen demand, total nitrogen (or nitrate), and coliform bacteria as an indicator of pathogens. Alternative treatment systems, if properly operated and maintained, are capable of treating effluent to very high levels and providing improved performance of disposal fields and increased protection of water quality. Additionally, while some systems such as sand filters have been used and studied extensively, the information on the reliability and performance of other emerging technologies and some of the proprietary treatment systems is not as well established; therefore, some of these systems may warrant a higher level of oversight or other limitations on their use.

**Sand Filters.** Intermittent sand filters (ISF) and recirculating sand filters (RSF) are used to provide additional or advanced treatment of septic tank effluent prior to discharge to the disposal system. They are used to improve or restore the capacity of the disposal field, reduce pathogenic bacteria and can provide additional nitrogen reduction. Sand filtration is well established in sanitary engineering practice for more than 100 years as a passive, reliable treatment process. County files indicate only one sand filter has been permitted in Carmel Highlands. However, there is also some evidence that some of the ocean discharge systems (discussed in



**Section 5)** originally included a sand-filled septic tank (following the primary septic tank) to serve as a type of sand filter treatment system prior to discharge to the ocean. It is not known if or how many of these systems still remain in use.

RSFs have the ability to produce effluent quality similar to ISFs; additionally, they provide on the order of 50 percent removal of nitrogen as compared with conventional septic tank effluent. Recirculating sand filters are less effective in bacteria removal than ISFs. However, the high quality (clarified) effluent is compatible with any type of shallow dispersal system (e.g., pressure distribution, drip dispersal), making RSFs a versatile treatment option in overcoming a wide range of constraints, including shallow soils, slow percolation, high groundwater conditions, space limitations (i.e., setbacks) and receiving water nitrogen limitations.

**Other Packed Bed Filters.** This includes proprietary designs that function similar to sand filters. In these systems the sand is replaced with an alternate media; peat, gravel or textile are a few examples. Another variation on packed bed filters is a subsurface flow wetland wherein the wastewater flows horizontally through a combination of aggregate media and wetland plants to treat the wastewater to a secondary level before discharge to the disposal system. County files indicate one property in Carmel Highlands is served by a proprietary textile filter (AdvanTex) and several others that have been proposed and/or approved.

Textile and other packed bed filters have been found to produce effluent quality reasonably similar to recirculating sand filters, and provide similar capabilities in overcoming various site constraints in Carmel Highlands.

**Aerobic Treatment Units (ATU).** This includes various proprietary designs that utilize forced air to oxidize the wastewater, promoting aerobic decomposition of the wastewater solids. These systems produce secondary quality wastewater for improvement in leachfield performance; they also provide varying degrees of nitrogen removal. County files indicate there are five aerobic treatment units installed in Carmel Highlands for system upgrades and repairs.

In general, aerobic treatment units most commonly can be relied on to produce secondary quality effluent, not normally as good as ISFs and RSFs in terms of BOD and TSS levels. ATUs are generally not as effective in reducing pathogen levels as are systems that incorporate media filtration. However, some ATUs provide reduction in nitrogen levels that are equal to or greater than that provided by a well-designed RSF. Consequently, they offer advantages in addressing most of the typical site constraints encountered in Carmel Highlands.

**Disinfection Systems.** Disinfection systems are an additional process included following one of the supplemental treatment units described above. (Note: disinfection is not in and of itself normally referred to as a supplemental treatment system.) They can be used to provide additional assurance against bacteriological impacts to groundwater, especially where soil and site conditions provide very limited absorption and filtering capacity (e.g., coarse gravelly soils, rapid percolation, and fractured rock). Chlorination and ultraviolet (UV) light are the most common disinfection methods employed in conjunction with onsite wastewater systems. UV disinfection systems are appropriate for some situations in Carmel Highlands; however, the use of chlorination systems should be avoided due to the risk to the aquatic environment from the storage, handling, use and possible inadvertent surface discharge of chlorinated water. The concern over chlorine releases to the aquatic environment is heightened by the close proximity of Carmel Highlands to the Point Lobos ASBS, which has been designated for protection and maintenance of natural water quality conditions to the extent practicable.

### **Dispersal Systems**

Many sites are constrained in that there is either insufficient area for suitable wastewater disposal or the soils are such that percolation is slow. In such cases, alternative dispersal technologies can be used to improve the



efficiency of a system's dispersal capability. Additionally, treatment systems also can be used to increase the ability of a site to accept wastewater; many dispersal technologies provide this additional improvement to a system. Some examples of dispersal technologies include mound systems, at-grade systems, pressure distribution trenches, drip dispersal, and raised sand filter beds. In general they all provide a form of effluent dispersal intended to enhance the capacity for absorption and treatment of effluent in the soil.

**Cover Fill.** The term "cover fill" refers to a disposal trench system where the trenches are placed entirely below grade, but up to 12 inches of soil fill is placed on top of native grade to provide the required backfill cover over the leaching trenches. The wastewater is discharged below, not into, the fill soil. The purpose is to provide for maximum use of the absorption capacity of the near surface soils, which tend to be most permeable and most effective for absorption and treatment of wastewater effluent. Some counties where this is used refer to it as a "high-line" system. It is used widely in California and in many instances it is considered a variation of a conventional leachfield system. In the Central Coast Region, the RWQCB considers cover fill under the alternative system category.

Cover fill systems have not been used in Carmel Highlands, due to the heavier focus on deep trench and seepage pit designs. With a shift toward shallow disposal field designs, cover fill systems would be a useful design approach for some situations. The Monterey County Code does not include specifications for the use of cover fill. In other counties where this type of system is common, the requirements typically include the following:

- Limited to use on slopes of up to 20% maximum;
- Cover fill required to extend beyond the ends/edge of leaching trenches in all directions a minimum of 10 to 15 feet;
- Minimum cover of 12 inches over drain rock;
- Placement of drain pipe below native grade;
- Installation of cover fill prior to installation of trenches;
- Specification that fill material be similar to native soil; and
- Installation guidelines related to stripping vegetation, preparation of native soil surface, and placement and compaction of fill material.

**Mound System.** This consists of an elevated sand bed with a gravel distribution bed covered by soil fill. Mound systems are intended to raise the soil absorption system above grade and provide further treatment (sand filtration) of effluent before it reaches existing grade. It utilizes the shallow surface soils for broad distribution of effluent, and is used to mitigate high water table and shallow soil conditions on flat or gently sloping terrain. Mound systems have been used in California dating back to the 1970s, but there are no instances of their use in Carmel Highlands. They can be used where there are at least two feet of permeable surface soils (above the water table or restrictive soils) on slopes up to 20 percent, depending upon percolation characteristics.

**At-Grade System.** These systems are similar to mound systems, except that they do not include the sand bed; the gravel distribution bed is placed directly on the scarified (i.e., plowed) soil surface. It is often used in conjunction with an enhanced or advanced treatment system (see above). They can be used in the same types of situations as mound systems to overcome shallow soil depths and high groundwater. They have the same slope limitations as mound systems. There are no known applications of At-grade systems in Carmel Highlands.

**Raised Sand Filter Bed.** This is sometimes referred to as a bottomless sand filter. It consists of a raised or terraced sand bed, commonly supported by a low retaining wall or bulkhead, where the bottom surface is even with or slightly below ground surface and forms the absorption surface. Where conditions permit, the sand

bed is sized and designed the same as an intermittent sand filter, and the filtered water drains directly into the ground. More commonly, a separate supplemental treatment unit is provided ahead of the system, and the raised sand bed provides additional polishing treatment and final disposal of water into the ground. This design has been used routinely in Stinson Beach for many years, mostly in rapidly permeable sandy soils. It can also be used in a hillside terrace configuration to provide a stable elevated dispersal area over shallow permeable soils. This approach may have applicability in Carmel Highlands.

***Shallow Pressure-Distribution Leachfield.*** This is a variation of a conventional leachfield system that uses a pump and small-diameter pressure piping to achieve broad, uniform distribution of wastewater in the shallow soil zones for improved soil absorption and better treatment. County files indicate very limited use of pressure distribution leachfield systems to date; however, several systems have been proposed in recent years. This type of design, especially in conjunction with supplemental treatment, is well suited for steeper terrain and shallow soil conditions as found in parts of Carmel Highlands.

***Subsurface Drip Dispersal.*** Subsurface drip dispersal is a method for disposal of treated wastewater that uses special drip tubing designed for use with wastewater. The dripline is placed 6 to 12 inches below ground surface and makes use of the most biologically active soil zone for distribution, nutrient uptake and evapotranspiration of the wastewater. A drip dispersal system is comprised of small-diameter laterals ( $\frac{1}{2}$ " – 1") with small-diameter emitters ( $\frac{1}{8}$ ") spaced at 12"-24" on-center. Effluent is conveyed under pressure to the laterals in timed or demand-based doses. Drip dispersal has several advantages that make it well suited to conditions in Carmel Highlands, including: (a) it can be effective in very shallow soil conditions since it distributes the wastewater very uniformly to all of the available soil; (b) it can be installed in several small "zones", allowing the hydraulic load to be spread widely rather than concentrated in one main area; (c) installation on steeper slopes causes less soil disturbance and erosion or slope stability hazards; and (d) water movement away from the drip emitters is substantially by unsaturated/capillary flow, which maximizes contact with and treatment by the soil.

**Table 6-4. Alternative Onsite Wastewater Technology Matrix**

Alternative Technology	Constraints Addressed							
	Slow Perco-lation	Rapid Perco-lation	Shallow Depth to Restrictive Layer	Shallow Depth to G.W./ Fractured Rock	Steep Slopes	Setbacks	Nitrogen Removal	Area Con-straints
<b>Treatment Systems</b>								
Intermittent Sand Filter	2	3	2	3	2	3	1	2
Recirculating Sand/ Textile Filter	2	2	2	2	2	2	3	2
Aerobic Treatment Unit	2	1	2	1	2	1	3	2
UV Disinfection	0	3	1	3	2	3	0	0
<b>Disposal Systems</b>								
Cover Fill	1	1	1	1	0	1	1	0
Mound	3	2	3	2	0	1	1	1
At-Grade (w/supplemental)	2	2	2	2	0	1	1	1
Raised Sand Filter Bed (w/supplemental)	2	3	2	3	2	2	1	2
Pressure Distribution Trench (w/supplemental)	2	2	2	2	2	1	1	2
Drip Dispersal (w/supplemental)	3	3	3	3	3	2	2	3

**Key:**

0 – No benefit

1 – Low degree of benefit

2 – Medium degree of benefit

3 – High degree of benefit

**Suitability Assessment**

In contrast with conventional OWTS, the various alternative technologies reviewed here offer a range of possibilities for addressing many of the difficult site conditions and onsite wastewater management problems in Carmel Highlands. Alternative OWTS do not necessarily provide solutions for all parcels and conditions, but

they can provide a substantial improvement over conventional OWTS and a viable solution for many situations, for example:

- **Steeply sloping sites:** Several alternative wastewater disposal methods, drip dispersal in particular, are capable of being installed and operated on slopes steeper than 30 percent. Supplemental treatment is also required in these instances. The wastewater can be dispersed more widely on the slope, more in line with irrigation methods, and with less disturbance to vegetation and soils. However, any applications on steeper slopes still require careful consideration of slope stability factors.
- **Shallow soils underlain by slowly permeable decomposed granite or other restrictive layer:** Shallow dispersal methods in combination with supplemental treatment can be used to overcome areas of limited soil depth by spreading the wastewater more evenly over larger areas. Additionally, the dispersal area can have multiple zones (like an irrigation system) with the flow controlled by pumps, timers and valves. The lack of vertical soil volume is compensated for by pre-treatment and a larger surface and horizontal distribution of the wastewater.
- **Shallow perched groundwater, such as the south end Yankee Point Dr.:** The same approaches for shallow soils over restrictive layers may have some viability in shallow perched groundwater areas. However, not all conditions can be addressed; seasonal water tables that rise to near ground surface are an example.
- **Alluvial/marine terrace soil areas potentially impacted by nitrogen loading:** There are a variety of available treatment systems (e.g., aerobic treatment units, textile filters) that can provide the necessary nitrogen removal efficiencies (50% reduction) to address the nitrate loading concerns that have been identified in certain portions of the study area.
- **Rocky ocean bluffs:** There may not be viable alternative system solutions for the several ocean front properties that have ocean discharges. Some of these properties appear to lack any reasonable soil mantle. Off-site sewer connection is likely the only viable option for these situations. The short-term option would be holding tanks with regular pump-out and hauling (haul-away).

### ***Potential Environmental Impacts***

Alternative 2 will include addition of individual advanced treatment units, and development of upgraded and improved means for onsite dispersal of the treated water. The institution of an onsite wastewater management program will provide the means for monitoring new and repair systems to oversee the protection of the local environment against wastewater impacts. The potential negative aspects of this plan would be the land disturbance required on individual properties to upgrade on-lot disposal systems. The importing of soil fill, removal of landscaping to make room for advanced treatment units, and raised bed dispersal systems could be objectionable. Also, similar to Alternative 1, a negative aspect of this alternative would be the holding tanks and sewage hauling systems for the group of problematic properties that have no acceptable on-lot options.

Additional discussion of potential environmental impacts of Alternative 1 are provided in **Appendix E**, prepared by Denise Duffy & Associates.

## Cost Analysis

### Capital Costs

Estimated capital costs for the alternative OWTS are summarized in **Table 6-5**. The cost assumptions were developed through discussions with local contractors, engineers and suppliers, and from the professional experience of the study team. The costs are planning-level estimates. Although it is not anticipated that all OWTS in the Carmel Highlands will necessarily require the use of alternative treatment systems, this assumption was made to develop a consistent basis for comparison with other alternatives. It is likely that many properties will eventually require OWTS upgrading and, thus the per parcel costs presented in this analysis provide a fair estimate of the costs that can be anticipated. As in Alternative 1, cost estimates were based on the assumption that 15 ocean-front parcels will require pump-and-haul solutions, and one-third of the remaining 420 developed properties (120) will not require any OWTS upgrade work. The other 240 OWTS are assumed to require upgrading with alternative systems and the 105 currently undeveloped parcels are also assumed to require the use of some type of alternative OWTS for development. Other building constraints may limit the development of new residences and, as previously noted, OWTS options may not be available for all vacant parcels, due to steep slopes and other constraints for which there is no viable solution.

**Table 6-5. Estimated Construction Costs:  
Alternative 2 - Alternative OWTS**

New Construction:	105 @ \$35,000* =	\$3,675,000
Existing Upgrades/Repairs:	280 @ \$40,000* =	<u>\$11,200,000</u>
	<b>SUBTOTAL:</b>	<b>\$14,875,000</b>
	Contingencies @ 20%:	<u>\$2,975,000</u>
	<b>TOTAL:</b>	<b>\$17,850,000</b>
<b>AVERAGE COST PER PROPERTY: \$46,364</b>		

\* Engineering, Permitting, & Installation

As indicated, the construction cost estimates include allowances for engineering and permitting costs, as well as a 20% contingency. Costs for installations are estimated to be higher for upgrades and repairs than for new installations, due to the conflicts with existing buildings and landscape that add complexities to the design options and construction operations. As indicated the estimated cost for an alternative OWTS is just under \$46,400.

### Annual O&M Costs

The annual operation and maintenance (O&M) costs for alternative OWTS are presented in **Table 6-6**. The annual O&M costs include: (a) maintenance pumping of septic tanks; (b) inspection and serving of alternative OWTS including mainly pumps and treatment components; (c) water quality monitoring costs for the project area (by the County); and (d) County oversight and administrative costs related to the administering an operating permit program. As noted in the assumptions, a range of costs for OWTS servicing is included to reflect the different level of inspection, maintenance and monitoring that would be required depending on the type and complexity of the specific OWTS. The total annual O&M costs are divided by the total number of connections to provide an average annual O&M cost per system owner, which totals \$681.

Also, since alternative OWTS are not likely to provide solutions for the properties with ocean discharges, the individual property owner costs for holding tanks and septage hauling are listed noted at the bottom of the table.

**Table 6-6. Estimated Annual Operation & Maintenance Costs  
Alternative 2 – Alternative OWTS**

ITEM	ASSUMPTIONS	ANNUAL COST
Septic Tank Maintenance Pumping	175/yr @ \$450 (3 yr frequency)	\$78,750
Annual O&M - Alternative Systems & Pumping Systems	130 - Low O&M @ \$250/yr	\$32,500
	125 - Medium O&M @ \$500/yr	\$62,500
	130 - High O&M @ \$750/yr	\$97,500
Water Quality Monitoring Program	4 sampling runs @ \$400 each; 24 samples @ \$100 each	\$4,000
County Oversight & Admin.	\$200 per Operating Permit \$30 per Septic Pumper Report	\$77,000 \$5,250
<b>TOTAL</b>		<b>\$357,500</b>
<b>AVERAGE ANNUAL COST PER PARCEL</b>	525 systems	<b>\$681</b>
<b>Additional Costs for Mandatory Pump-and-Haul Systems</b>	Estimated 15 total; 1 pump-out/week @ \$450 each	\$351,000 total \$23,400 per parcel

## ALTERNATIVE 3 FULL SEWER CONNECTION TO CAWD

### Description

This alternative evaluates the feasibility of installing sanitary sewers and connection to the Carmel Area Wastewater District (CAWD) treatment plant in Carmel. The sewer system would involve three main components: (1) collection sewers; (2) main lift station; and (3) 6-inch diameter force main along Highway #1 to the treatment plant located near the Carmel River. Three different collection system options were developed for comparison and to identify the apparent best approach. The three basic collection system options studied were:

4. Conventional gravity sewers with neighborhood lift stations;
5. Conventional gravity sewers combined with some sections of pressure sewers; and
6. Small Diameter Effluent Sewers (SDS), including sections of STEP (septic tank effluent pump).

Each of the three basic sewer options would serve the entire Carmel Highlands area, and would be independent of the existing sewer system that serves the Highland's Inn, Highlands Sanitary Association and Tickle Pink

Inn. The existing system for the two inns has a 4-inch diameter force main with limited capacity for additional connections. Sewer capacity for the entire area cannot be accommodated by this existing system.

## **Sewer Facility Requirements**

The facility requirements for each of the sewer options were determined from topographic maps, aerial photos and field reconnaissance surveys of the area. CAWD staff were consulted at various points during the study, and the preliminary sewer plans were developed in accordance with CAWD standards and practices. For each option a plan layout was developed, along with a description of key facilities, advantages and disadvantages, and estimated costs. This supporting information is provided in **Appendix D**, and summarized in the discussion below.

### **Conventional Gravity Sewers**

Under this alternative, wastewater from the various collection zones in Carmel Highlands would be collected as raw sewage and conveyed by gravity and a series of neighborhood lift stations, to a main junction point (main lift station) along the Cabrillo Highway (Hwy 1) near the intersection of Cabrillo Highway, Corona Road, and Fern Canyon Road. From this point the sewage would be pumped via a 6-inch diameter force main to the CAWD treatment plant, following an alignment along Highway #1. The key features of this sewer option include the following:

- **Standard Sewers.** Approximately 46,600 lineal feet of conventional 6-inch diameter gravity sewers, installed at a standard depth of approximately six feet.
- **Deep Sewers.** Approximately 10,000 lineal feet of 6-inch sewer requiring deep excavation. Deep trenches (up to 10 feet) are needed due to localized flat and elevated areas.
- **Individual Pump Connections.** An estimated 170 parcels would require a pump system to convey sewage from the house to the main in the street.
- **Manholes and Cleanouts.** Approximately 254 manholes and 20 terminal cleanouts would be required in the collection system.
- **Lift Stations.** A total of 23 neighborhood lift stations would be included within the collection system to pump collected wastewater to the main lift station.
- **Pressure Sewers.** Approximately 19,600 lineal feet of small diameter (2"-4") pressure sewers to convey sewage from lift stations to the Main Lift station.
- **Main Lift Station.** A main lift station would be located in the north end of the service area near Highway #1, where all wastewater will be collected and then pumped into the force main.
- **Force Main.** A 6-inch diameter force main will run from the main lift station to the CAWD wastewater treatment plant off of the Cabrillo Highway to the north. The force main will be approximately 14,000 feet long over undulating terrain.

### **Combined Gravity Sewers and Pressure Sewers**

This sewer option is similar to the conventional gravity option with the exception that it would eliminate some of the redundant gravity-lift station segments with the use of pressure sewers. The redundancy is that in the conventional gravity option, some lots would be collected in gravity lines to a lift station, with a parallel force

main doubling back on the gravity line to reach the gravity main. These segments would be replaced with pressure sewers and individual grinder pumps at the affected lots under this option. The key features of this sewer option include the following:

- **Standard Sewers.** Approximately 38,000 lineal feet of conventional 6-inch diameter gravity sewers, installed at a standard depth of approximately six feet.
- **Deep Sewers.** Approximately 8,500 lineal feet of 6-inch sewer requiring deep excavation. Deep trenches (up to 10 feet) are needed due to localized flat and elevated areas.
- **Pressure Sewers.** Approximately 24,000 lineal feet of small diameter (2"-4") pressure sewers to convey sewage from low-lying neighborhoods to the gravity system and from local lift stations to the Main Lift Station.
- **Individual Pump Connections.** An estimated 229 parcels would require a pump system (e.g., grinder pump) to convey sewage from the house to the gravity main in the street or to a pressure sewer.
- **Manholes and Cleanouts.** Approximately 208 manholes and 6 terminal cleanouts would be required in the collection system.
- **Lift Stations.** A total of 20 neighborhood lift stations would be included within the collection system to pump collected wastewater to the main lift station.
- **Main Lift.** A main lift station would be located in the north end of the service area near Highway #1, where all wastewater will be collected and then pumped into the force main.
- **Force Main Station.** A 6-inch diameter force main will run from the main lift station to the CAWD wastewater treatment plant off of the Cabrillo Highway to the north. The force main will be approximately 14,000 feet long over undulating terrain.

### **SDES/STEP Sewers**

In small diameter effluent sewers (SDES), primary treatment (solids, fats, oil and grease removal, and anaerobic decomposition) is provided at individual lots with septic tanks, and the decanted wastewater is collected and conveyed for further off-site treatment and disposal. In this application, the existing septic tanks would be reused and retrofitted as necessary to realize a potential capital cost savings. The septic tank effluent flows by gravity or is pumped to a small diameter main (2 to 4-inch). With the solids removed, the collector main piping may be designed with smaller diameters and shallower slopes.

Many lots within the service area have plumbing inverts below street level and will require a septic tank effluent pump (STEP) to pump effluent to the main gravity line. Effluent pumps to serve individual homes usually range from 1/3 to 1/2 horsepower in size. A check valve at the service connection to the main prevents backflow; a redundant check valve is located at the pumping unit.

A SDES/STEP system for Carmel Highlands would follow the same basic alignments as for the gravity options. The key features of this option include the following:

- **Septic Tanks.** Watertight septic tanks will be required at each house. Based on information from local pumping contractors, it is estimated that 40 percent of the existing septic tanks (176 tanks) could



potentially be retained and upgraded; the remainder (257 tanks) would be replaced with new tanks; 105 new tanks would be associated with assumed future, maximum build-out.

- **STEP Units.** Where the septic tank outlet is located below the invert of the effluent main, the septic tank will require a submersible effluent pump ( $\frac{1}{3}$  hp to  $\frac{1}{2}$  hp) installed in the second compartment of the septic tank (or in a second pump tank) along with associated electrical control and float-activated switches programmed to operate on demand (i.e., in response to flow from the house). Power is supplied from the building where an audio and visual alarm is located. Emergency/reserve storage capacity of 150 to 200 gallons is normally provided in the septic tank for pump malfunction or power outages; an alternative to provide additional storage capacity is to provide a second dedicated pump tank. There would be an estimated 369 STEP units in the system.
- **Service Laterals.** Service laterals connecting the STEP/SDES unit to the collection main are usually 1.25-inch for pressure lines and 2-inch diameter for gravity flow situations, with a back flow check valve at each connection to the effluent main and at the pump.
- **Gravity Effluent Mains.** Collection system effluent mains consisting of PVC or HDPE pipe will have a typical minimum diameter of four inches. The mains are installed at a 36-inch minimum depth, require a minimum slope of 0.5%, and will follow the same routing as the conventional sewer alternative. There would be approximately 44,000 lineal feet of 4-inch effluent sewers.
- **STEP Sewers.** Approximately 17,700 lineal feet of small diameter (2"-4") pressure effluent sewers (STEP) to convey effluent from low-lying neighborhoods to the gravity system and from local lift stations to the Main Lift Station.
- **Cleanouts.** Cleanouts, approximately 175, would be installed at junctions, at 300- to 400-foot intervals, at high points, and at terminal ends of SDES lines. No manholes would be required in the collection system.
- **Lift Stations.** Four neighborhood lift stations would be included within the collection system to pump collected effluent to the main lift station.
- **Main Lift Station.** A main lift station would be located in the north end of the service area near Highway #1, where all wastewater will be collected and then pumped into the force main.
- **Force Main.** A 6-inch diameter force main will run from the main lift station to the CAWD wastewater treatment plant off of the Cabrillo Highway to the north. The force main will be approximately 14,000 feet long over undulating terrain.

### **Suitability Assessment**

Each of the three full sewer options is technically feasible and capable of providing a viable sanitary sewage option for all properties in Carmel Highlands. The average daily wastewater flow is estimated to be approximately 130,500 gpd (555 connections at 235 gpd/connection, per CAWD standards) at maximum build-out of the service area. The CAWD wastewater treatment facility has a capacity of 3.0 million gallons per day (mgd), with current flows in the range of 1.5 to 1.8 mgd. Therefore, the addition of flows from Carmel Highlands would utilize about 10% of the present surplus capacity.

Following are some of the advantages and disadvantages between the different sewer collection options.

### Conventional Gravity Sewers

The primary advantage of conventional sewers is the proven long-term reliability, long service life, and relatively low operation and maintenance (O&M) costs. Maintenance requirements for gravity sewers consist of routine cleaning of the sewer pipes. Another advantage is that construction techniques for conventional gravity sewers are familiar to most construction contractors and maintenance personnel.

Some of the disadvantages of the conventional sewer options include:

- **Multiple Lift Stations.** A major consideration is the large number of lift stations within the collection system that will need to be maintained. This is due to the elongated configuration of the area along the coastline.
- **Rock Excavation.** Conventional and deep trench installation of sewers through rock is more costly and time consuming than installation in soils. Granite bedrock may be encountered near the surface locally, requiring special construction methods.
- **Infiltration and Inflow (I/I).** Deep conventional sewers may intersect the water table and allow unwanted groundwater to enter the sewer system. Inflow is a common consideration for gravity sewers and may potentially increase the daily flow significantly during wet weather. I/I can be mitigated by using high-quality pipe materials and construction and establishing an ongoing preventative maintenance program.
- **Dewatering.** In high groundwater areas, deep conventional sewers require expensive dewatering and shoring.
- **Topography.** In most areas within the Highlands, the topography is such that gravity sewers can be installed at relatively shallow depths; however, certain areas will dictate deep gravity sewer installations that may encounter the groundwater table and/or bedrock. The conditions associated with deep sewers result in higher excavation costs, de-watering costs, and generally slower construction.
- **Individual Sewage Pump Units.** The large number of individual sewage pumps needed for properties situated downhill of the street sewer will require upkeep and maintenance.

### SDES/STEP Sewers

The advantages of an SDES/STEP effluent sewer include:

- **Smaller Sewer Lines.** Effluent sewer lines can be smaller than for conventional sewers since solids are retained at the septic tanks.
- **No Manholes.** Because the effluent main does not transport solids, manholes and accompanying maintenance are not required. Instead maintenance can be performed with cleanouts.
- **Shallow Construction.** Pipeline depth is typically shallower than for gravity sewers and slopes can undulate with the terrain.
- **Cost.** Because of their smaller size, reduced gradients and lack of manholes, SDES/STEP systems can have a distinct cost advantage over conventional gravity sewers where adverse soil or rock conditions

create mainline excavation problems or where roadway restoration costs in developed areas can be excessive.

- **Infiltration and Inflow (I/I).** Because effluent mains may often be shallower than conventional sewers and the piping is typically glued or heat fused, there is less of a potential for groundwater to enter the sewer system through joints in the collection network.

The disadvantages of an SDES/STEP effluent sewer include:

- **Noxious Odors.** Since septic tanks process sewage in an anaerobic or septic state, nuisance gasses are produced that may cause odor problems at individual connections and lift stations. The method of venting odors at residences is no different from the current conditions with individual septic systems; odors are vented through the house plumbing stacks. Lift stations require odor control provisions.
- **Pump Maintenance.** STEP units require on-going inspection and maintenance of the pump system and control. The SDES/STEP option would have more individual pump units than the gravity sewer option, but fewer neighborhood lift stations.
- **Septic Tank Pumping.** All properties would continue to have septic tanks requiring routine maintenance pumping of accumulated digested sludge and scum, typically every three to five years.
- **Easements.** Effluent sewers may require easements for maintenance and repair of on-lot STEP facilities, depending on the maintenance policies established for the system.

### **Potential Environmental Impacts**

Alternative 3 will include a wastewater collection system utilizing pumps and pressure piping that will be installed throughout the community and along and adjacent to Highway 1. Pump failures and/or pipeline leaks or breaks would pose the potential for discharge of partially treated sewage to the environment. The proposed areas and design approaches would be along road rights of way to minimize environmental impacts; but some level of impact is unavoidable.

Additional discussion of potential environmental impacts of Alternative 1 are provided in **Appendix E**, prepared by Denise Duffy & Associates.

### **Cost Analysis**

#### **Capital Costs**

Estimated capital costs for the various sewer options are summarized in **Table 6-7**. Detailed cost estimates for each option are provided in **Appendix D**, including quantities and unit cost assumptions. The quantities were taken directly from the preliminary sewer plan layout for each option. The cost assumptions were developed through discussions with local contractors and suppliers, and review of construction costs for other similar work, including the Highlands Sewer project, which was constructed in 2004. The costs are planning-level estimates. As indicated, the estimates also include allowances for engineering, environmental and administrative costs (30% of construction), a 20% contingency and an estimated fee of \$2,500/parcel for connection to the CAWD facility.

**Table 6-7. Estimated Capital Costs - Sewer Alternatives**

ITEM	OPTION 1: GRAVITY	OPTION 2: GRAVITY/PRESSURE	OPTION 3: SDS - STEP
Construction	\$19,302,850	\$16,945,150	\$14,948,500
Engineering, Environmental & Admin (@30%)	\$5,790,855	\$5,083,545	\$4,484,550
Contingencies (@20%)	\$3,860,570	\$3,389,030	\$2,989,700
<b>TOTAL</b>	<b>\$28,954,275</b>	<b>\$25,417,725</b>	<b>\$22,422,750</b>
Number of Connections	540	540	540
Construction per Connection	\$52,170	\$45,798	\$40,401
CAWD Connection Fee	\$2,500	\$2,500	\$2,500
<b>TOTAL COST PER CONNECTION</b>	<b>\$54,670</b>	<b>\$48,298</b>	<b>\$42,901</b>

As indicated, the cost estimates for the full sewer options assume that service would be provided to all existing parcels (450) plus the maximum future build-out of 105 new residences. The average cost per connection shown at the bottom of the table indicates capital costs ranging from \$42,901 to \$54,670 per parcel, with the STEP system option being the least costly. For the partial sewer option, the average cost per parcel is \$52,420.

#### **Annual O&M Costs**

The annual operation and maintenance (O&M) costs for each alternative are presented in **Table 6-8**. The annual O&M costs include CAWD fees for all properties, and additional costs for maintenance of individual pump systems and septic tanks, as applicable under the different alternatives. The total annual O&M costs are divided by the total number of connections to provide an average annual O&M cost per connection. Properties with gravity connections would have lower annual O&M costs than the average, and those with individual pump systems would have higher costs. For the full sewer options, the average annual O&M costs range from \$433 to \$671 per connection.

**Table 6-8. Estimated Annual Operation & Maintenance Costs  
Sewer Alternatives**

ITEM	OPTION 1: GRAVITY	OPTION 2: GRAVITY/PRESSURE	OPTION 3: SDS - STEP
Number of Connections	540	540	540
CAWD Fee	\$354	\$354	\$354
<b>TOTAL</b>	<b>\$196,470</b>	<b>\$196,470</b>	<b>\$196,470</b>
Number of Individual Pump Units	175	230	370
Annual Pump Service & Electrical	\$250	\$250	\$250
<b>TOTAL</b>	<b>\$43,750</b>	<b>\$57,500</b>	<b>\$92,500</b>
Number of Septic Tanks	0	0	555
Average Annual Septic Tank Maintenance*	-	-	\$83,250
<b>TOTAL O&amp;M COST</b>	<b>\$240,220</b>	<b>\$253,970</b>	<b>\$372,220</b>
<b>TOTAL COST PER CONNECTION</b>	<b>\$433</b>	<b>\$458</b>	<b>\$671</b>

\* Once every 3 years at \$450

## **ALTERNATIVE 4 – HYBRID/PARTIAL SEWER ALTERNATIVE**

### **Description**

Based on the preceding discussion and analysis of various alternative wastewater approaches, a Hybrid Alternative is presented here, drawing upon elements of each major alternative. Specifically, this Hybrid Alternative presents a scenario in which in a combination of different wastewater solutions are implemented, matched to the different needs in the study area. The following assumptions have been made to formulate the specific elements and cost estimates for this alternative:

- **STEP Sewer.** 100 properties in the area west of Highway 1 will be served by a limited capacity STEP sewer system as described under the Sewer Alternative.
- **Status Quo.** 145 existing OWTS are satisfactory and will require no repair or upgrade in the foreseeable future.
- **Conventional Systems.** 145 new/existing repairs and upgrades will be constructed utilizing conventional OWTS.
- **Alternative Systems.** 150 new/existing repairs upgrades will be constructed utilizing alternative OWTS.

Alternative 4 was formulated and evaluated to consider the possibility of extending sewers to a portion of the lots in the study area, and to connect the flow from these lots to the existing 4-inch force main serving Highlands/Tickle Pink/Highlands Sanitary Association (Highlands Sewer). Preliminary analysis indicates there may be available capacity in this line to serve up to approximately 100 residential connections, depending on how the flows are hydraulically coordinated with the existing uses. This partial sewer option would be intended to provide service to the areas considered highest priority. Based on the results of the problem assessment (**Section 5**), properties on the ocean side of Highway #1 appear to have the greatest need for a sewer alternative. Therefore, facilities for this option were developed assuming the connections would be in this geographic area. The system laid out for this area is SDES/STEP system. Under this alternative, the remaining properties in Carmel Highlands would use a combination of conventional and alternative OWTS, as have previously been described in Alternatives 1 and 2.

### **Sewer Facility Requirements**

This partial STEP system option for Carmel Highlands would provide service to approximately 100 residential properties located on the west (ocean) side of Highway #1. The 100 connections is a preliminary estimate of the potential available hydraulic capacity in the existing Highlands Sewer that would be shared under this option. A detailed hydraulic analysis of various pumping strategies would be required to verify the available capacity more precisely.

The collection system would extend throughout the entire street network west of Highway #1 to allow connections from any property in this area. This is considered a high priority for correction of existing sewage disposal problems, due to the presence of several ocean discharge systems, problematic perched groundwater/drainage conditions at the south end of Yankee Point Dr. and other localized soil constraints. Capacity would be available for about half of the properties on the west side; those not connected to the system would continue to use existing and upgraded OWTS.

The STEP collection system would bring the effluent to a main lift station located in north end of Carmel Highlands, from which point it would be pumped into the existing Highlands Sewer, which leads to a second lift station at Carmel Meadows, and then to the CAWD treatment plant. The operation of the STEP lift station would be electronically controlled and coordinated with the existing Highlands Sewer lift station to optimize the use of the 4-inch force main. The key features of this option include the following:

- **Septic Tanks.** Watertight septic tanks will be required at each house. Based on information from local pumping contractors, it is estimated that 40 percent of the existing septic tanks (40 tanks) could potentially be retained and upgraded; the remainder (60 tanks) would be replaced with new tanks.
- **STEP Units.** All properties would have STEP units to pump the effluent into the pressure sewer network. Power would be supplied from the building where an audio and visual alarm is located. Emergency/reserve storage capacity of 150 to 200 gallons is normally provided in the septic tank for pump malfunction or power outages; an alternative to provide additional storage capacity is to provide a second dedicated pump tank.
- **Service Laterals.** Service laterals, 1.25-inch, would connect each STEP unit to the collection main, a back flow check valve at each service connection and at the pump.
- **Gravity Effluent Mains.** There will be one stretch of 4-inch gravity effluent main sewer, approximately 2,000 feet lineal feet, along a section of Highway #1 south of Wildcat Creek.

- **STEP Sewers.** Approximately 18,700 lineal feet of small diameter (1.25"-2") pressure effluent sewers (STEP) to convey effluent from the low-lying neighborhoods to the gravity system and from local lift stations to the Main Lift Station.
- **Cleanouts.** Cleanouts, approximately 90, would be installed at junctions, at 300- to 400-foot intervals, at high points, and at terminal ends of STEP lines. No manholes would be required in the collection system.
- **Lift Stations.** One intermediate lift station (south of Wildcat Creek) would be included within the collection system to pump collected effluent to the main lift station.
- **Main Lift Station.** A main lift station would be located in the north end of the service area near Highway #1, where all wastewater will be collected and then pumped into the existing 4-inch Highlands Sewer force main.

### ***Suitability Evaluation***

The sewerage aspects of the Hybrid alternative (for approximately 100 connections) would have the various advantages and disadvantages described above for the SDES/STEP option. Because of the limited capacity and geographic service area, it would not provide the benefit of sewer service to the entire Carmel Highlands area. However, it is targeted to serve areas considered to be highest priority for an alternate sewage disposal solution, namely the properties bordering or near the ocean. It has the further advantage of making use of existing infrastructure capacity in the Highlands Sewer system, avoiding the cost and disturbance associated with a separate force main project along Highway #1.

### ***Potential Environmental Impacts***

Alternative 4 will include some elements and associated environmental impacts of Alternatives 1, 2 and 3. Combining the best aspects of these other alternatives generally elevates Alternative 4 to the status of a "mitigated alternative", addressing some of the negative environmental impacts of the other alternatives.

Additional discussion of potential environmental impacts of Alternative 4 are provided in **Appendix E**, prepared by Denise Duffy & Associates.

### ***Cost Analysis***

This alternative utilizes the partial sewer option to address the existing ocean discharge systems along with other problematic lots that cannot be assumed to be solved by conventional or alternative OWTS, up to an estimated 100 lots. The estimated capital costs for the limited capacity sewer are summarized in **Table 6-9**. Detailed cost estimates are provided in **Appendix D**, including quantities and unit cost assumptions. The quantities were taken directly from the preliminary sewer plan layout for this alternative. The cost assumptions were developed through discussions with local contractors and suppliers, and review of construction costs for other similar work, including the Highlands Sewer project. The costs are planning-level estimates. As indicated, the estimates also include allowances for engineering, environmental and administrative costs (30% of construction), a 20% contingency and an estimated fee of \$2,500/parcel for connection to the CAWD facility. For this partial sewer option, an additional "buy-in" cost allowance of \$400,000 is included for connection to the Highlands Sewer. The Highlands Sewer was privately financed and, in order to make use of this sewer line, new connections would be expected to pay for a share of the original pipeline cost (*personal*

communication, Sanford Viele, CAWD). The monies would go to reimburse the private parties that paid for the sewer construction. The \$400,000 is a preliminary estimate only.

The remaining lots would be served by a combination of conventional and alternative OWTS, with unit costs as previously presented under Alternatives 1 and 2, respectively.

The estimated capital costs and annual O&M costs for the Hybrid Alternative, including sewer and OWTS costs, are presented in Tables 6-10 and 6-11, respectively.

**Table 6-9. Estimated Capital Costs - Sewer Alternatives**

ITEM	OPTION 4: STEP SEWER
Construction	\$3,328,000
Engineering, Environmental & Admin (@30%)	\$998,400
Contingencies (@20%)	\$665,600
<b>TOTAL</b>	<b>\$4,992,000</b>
Number of Connections	100
Construction per Connection	\$49,920
CAWD Connection Fee	\$2,500
<b>TOTAL COST PER CONNECTION</b>	<b>\$52,420</b>

**Table 6-10. Estimated Construction Costs - Hybrid Alternative**

	ESTIMATED QUANTITY	ESTIMATED UNIT COST	TOTAL COST
Existing OWTS - Status Quo	145	\$0	\$0
Conventional OWTS	145	\$34,500	\$5,002,500
Alternative OWTS	150	\$46,500	\$6,975,000
STEP Sewer	100	\$52,420	\$5,242,000
<b>TOTAL COST</b>			<b>\$17,219,500</b>
<b>AVERAGE (395 parcels)</b>			<b>\$43,594</b>



**Table 6-11. Estimated Operation & Maintenance Costs – Hybrid Alternative**

	NUMBER OF LOTS	CAWD FEES	SEPTIC TANK MAINT. & CLEANING	PUMP/TREATMENT SYSTEM SERVICING	TOTAL COST
Existing OWTS - Status Quo	145	\$0	\$21,600	\$0	\$21,600
Conventional OWTS	145	\$0	\$21,600	\$12,500 <sup>1</sup>	\$34,100
Alternative OWTS	150	\$0	\$22,500	\$75,000 <sup>2</sup>	\$97,500
STEP Sewer	100	\$35,400	\$15,000	\$25,000	\$75,400
SUB-TOTAL					\$228,600
WATER QUALITY MONITORING					\$4,000
COUNTY ADMIN. & OVERSIGHT (\$200/operating permit; \$30/pumper report)					\$35,400
TOTAL					\$268,000
AVERAGE (540 parcels)					\$496

1- 50 @ \$250 = \$12,500

2 - 50 @ \$250 = \$12,500

50 @ \$500 = \$25,000

50 @ \$750 = \$37,500

\$75,000

## 7. ALTERNATIVES ANALYSIS

This section reviews the advantages and disadvantages of the various project alternatives with respect to several key factors, including public health/water quality protection, regulatory compliance, environmental impacts, resource utilization, and costs. A comparative summary and ranking is provided at the end of the section, along with identification of the "apparent best alternative".

### PUBLIC HEALTH AND WATER QUALITY PROTECTION

**Alternative 1** would address public health and water quality protection by: (1) adopting some changes to existing standards for conventional OWTS to improve their effectiveness; (2) instituting a septic tank pumper inspection/reporting program to help identify and address problematic systems; (3) implementing a water quality monitoring program for local streams and water wells. This alternative would not be able to provide appropriate options to address the need for reducing wastewater nitrogen discharges in the recommended Nitrogen Management Area near Yankee Beach. Additionally, this alternative would not provide a solution to the number of ocean discharge systems along the coastal portion of the study area. Because of the difficult circumstances, these would have to be addressed through holding tank and regular sewage hauling. Since County Code prohibits holding tanks and sewage hauling as a long-term option for residential properties, the Code would have to be modified to allow holding tanks to be used in Carmel Highlands in order for this alternative to be adopted.

**Alternative 2** would provide added protections for public health and water quality beyond Alternative 1 by expanding the type of OWTS technologies that could be used. In particular, alternative treatment system options would be available under this alternative to address the needs for reducing wastewater nitrogen discharges in the recommended Nitrogen Management Area. Additionally, alternative technologies would generally provide a higher level of wastewater treatment and water quality protection in many of the sites constrained by shallow soils, slope limitations or perched groundwater. The additional options would allow for more effective repair and upgrade of existing OWTS. An ongoing inspection and monitoring program for alternative systems would also improve the overall performance of OWTS in the area, to the benefit of public health and water quality. Despite the range of alternative treatment options, it is anticipated that solutions would not be possible for some problematic lots (e.g., ocean front) where the soil mantle is absent or insufficient for any form of wastewater disposal. As for Alternative 1, since County Code prohibits holding tanks and sewage hauling as a long-term option for residential properties, the Code would have to be modified to allow holding tanks to be used in Carmel Highlands in order for this alternative to be adopted.

**Alternative 3** would eliminate the use of OWTS in the study area in favor of a public sewer system and transport of the sewage to the CAWD wastewater treatment facility in Carmel. Although there would be the need for continual surveillance and oversight of the sewage collection system and associated pumping systems, any public health or water quality issues related to the operation and discharges from OWTS would be eliminated. It would essentially eliminate the wastewater related loading of nitrogen and pathogens into the local environment. Accordingly, this alternative would be considered to provide the highest level of public health and water quality protection in the study area. This analysis applies to all three collection system options identified under Alternative 3.

**Alternative 4** would provide all of the benefits of Alternative 1 and 2 (i.e., improvements in OWTS performance) and some of the benefits of Alternative 3 through the provision of limited sewer service to the most problematic locations in the study area.

## REGULATORY COMPLIANCE

The intent of the wastewater management plan is to correct any existing water quality and public health problems, and bring wastewater disposal activities into compliance with accepted sanitary practices and environmental-water quality standards.

**Alternative 1** would improve existing conditions through the gradual upgrading of OWTS and instituting increased oversight and water quality monitoring activities. Many existing OWTS are undocumented, as they pre-date County permitting and record-keeping programs. Others were installed under older codes that have changed over the years. As a result, the upgrading of OWTS can be expected to bring systems into closer compliance with current standards and practices. However, a number of properties are known to be problematic for OWTS, and compliance with current regulatory guidelines may not be possible. Holding tanks with regular sewage hauling may be required in some cases, which is not a preferred solution under County or Regional Water Board policies.

**Alternative 2** would substantially reduce the OWTS threats to water quality and public health, and bring more of the existing onsite systems into conformance with accepted practices, compatible with site limitations. To do this however, would involve reliance on advanced treatment and possibly disinfection systems on difficult sites. This Alternative includes an onsite wastewater management program for monitoring new and repair systems and to oversee the protection of the local environment against wastewater impacts. This is essential where advanced individual treatment systems are used, and is consistent with Basin Plan requirements. The main regulatory weakness of this alternative is similar to Alternative 1 in regard to the uncertainty of there being viable code compatible onsite solutions for all properties in the study area. Holding tanks with regular sewage hauling are also likely for some properties under this Alternative.

**Alternative 3** would be expected to satisfy all regulatory requirements by eliminating the existing and future use of OWTS in the area and providing a sanitary sewer connection to an existing publicly owned treatment systems with sufficient surplus capacity to serve the area.

**Alternative 4** would fall between Alternatives 2 and 3 regarding regulatory compliance. Some of the uncertainty about being able to implement code-compliant OWTS solutions on all properties would be similar to Alternative 2. However, the provision of a partial sewer option for a large number of problematic lots in the ocean front areas would be a positive aspect of this alternative in achieving more complete regulatory compliance in the area.

## ENVIRONMENTAL IMPACTS

**Appendix E** provides a comparative analysis of the potential environmental impacts of the various alternatives prepared by Denise Duffy & Associates. In terms of the individual alternatives, the review is to provide a comparative assessment and ranking of the expected level of environmental impact among the alternatives. This review is intended to assist in identification of the preferred alternative; it is not a substitute for the environmental documentation requirements of the California Environmental Quality Act.

### *Review of Alternatives*

**Alternative 1** will include new and upgraded OWTS using conventional septic tanks and disposal systems similar to existing practices. Based on recommendations in this report, there may be some increased use of pump systems, fill soil and drainage work, amounting to some increase in the amount of land disturbance compared with current and historical practices. However, the general trend would be toward installing shallow

disposal fields matched more closely with the shallow permeable soil conditions. This alternative would also include the implementation of a water quality monitoring program to document surface water conditions in the coastal streams that drain through the area. A negative aspect of this alternative would be the need to revert to holding tanks and regular sewage hauling for a group of problematic systems (ocean front) that have no acceptable on-lot options.

**Alternative 2** will include addition of individual advanced treatment units, and development of upgraded and improved means for onsite dispersal of the treated water. The institution of an onsite wastewater management program will provide the means for monitoring new and repair systems to oversee the protection of the local environment against wastewater impacts. The potential negative aspects of this plan would be the land disturbance required on individual properties to upgrade on-lot disposal systems. The importing of soil fill, removal of landscaping to make room for advanced treatment units, and raised bed dispersal systems could be objectionable. Also, similar to Alternative 1, a negative aspect of this alternative would be the holding tanks and sewage hauling systems for the group of problematic properties that have no acceptable on-lot options.

**Alternative 3** will include a wastewater collection system utilizing pumps and pressure piping that will be installed throughout the community and along and adjacent to Highway 1. Pump failures and/or pipeline leaks or breaks would pose the potential for discharge of partially treated sewage to the environment. The proposed areas and design approaches would be along road rights of way to minimize environmental impacts; but some level of impact is unavoidable.

**Alternative 4** will include some elements and associated environmental impacts of Alternatives 1, 2 and 3. Combining the best aspects of these other alternatives generally elevates Alternative 4 to the status of a "mitigated alternative", addressing some of the negative environmental impacts of the other alternatives.

## RELIABILITY

Reliability considerations relate to the ability to consistently meet wastewater treatment and disposal objectives and have adequate provisions for emergencies, malfunctions, extreme climatic conditions, or fluctuations in flow.

**Alternative 1** rates the lowest in terms of reliability. Limited options are available to a number of property owners to correct existing septic system problems and ensure long-term performance reliability using only conventional OWTS methods.

**Alternative 2** represents an improvement in reliability through the proposed application of a wider array of OWTS options along with implementation of an onsite inspection and maintenance program. However, the need to depend on many individual advanced treatment units, although feasible, may be viewed as a reliability question for this alternative.

**Alternative 3** offers a high degree of reliability over the other alternatives since it would provide a publicly operated sanitary sewer service for the entire area. The facilities would be capable of handling the entire wastewater flow so that all properties could be served. It would reduce the uncertainty about functioning of OWTS; however, it would still require the use of a large number of individual pump units at individual residences. Emergency systems and 24-hour response to sewer system problems would be provided.

**Alternative 4** falls between Alternatives 2 and 3 in regard to reliability issues. It would still include a large number of OWTS, including advanced treatment and dispersal systems as in Alternative 2; but by providing sewer service for a portion of the area the overall wastewater management reliability would be improved.

## RESOURCE UTILIZATION

**Alternative 1** would create new energy requirements and resource demands only to the extent that individual actions are taken to upgrade existing septic systems using pump systems for improved operation.

**Alternative 2** would increase energy requirements in comparison with Alternative 1, since it assumes that a substantial number of properties (2/3 of the existing OWTS) would be served/upgraded with advanced treatment/dispersal system utilizing pumps, aeration units and possibly UV disinfection. There would also be increased usage of fossil fuels for Alternative 2 as a result of the construction work for onsite system improvements, regular inspection and monitoring activities, and a somewhat higher rate of septic tank pump-outs.

**Alternative 3** would have the greatest energy requirements because of the need to pump the wastewater from more than half the houses in the service area to a central location and to operate the various pumps and other equipment associated with the intermediate lift stations and the main lift station. There would also be substantial energy costs for routine servicing of the pump systems in the service area.

**Alternative 4** would have energy requirements in between Alternatives 2 and 3.

Another resource utilization factor is the reuse of treated wastewater, which is a positive aspect of Alternatives 3 and 4, which would contribute to the recycled wastewater produced by the CAWD facilities.

## COSTS

The total estimated capital cost and operation and maintenance (O&M) cost for the various alternatives are summarized in **Table 7-1**. Supporting cost information is itemized for each alternative in the preceding individual sections in **Section 6**. **Table 7-1** converts the estimated capital (construction) cost and the estimated operation and maintenance (O&M) costs to a present worth value for each alternative. Present worth value of annual O&M costs are computed using a 30-year service life, an assumed inflation rate of 2% per year, and an assumed interest rate of 5%. As noted, for the CAWD sewer Alternative 3, the least costly sewer option (SDES-STEP) is included; the estimated cost for gravity option #2 (using some pressure sewers) is only slightly higher by approximately \$0.5 million. Also, two O&M costs are included for both Alternatives 1 and 2, including and excluding the additional estimated costs for holding tanks and septage hauling for a small number of ocean front properties. Since these costs (shown in parentheses) have to be reconciled somehow, they are used as the basis for assigning the cost ranking at the bottom of the table. The Hybrid Alternative, by a small margin, is rated as the lowest cost alternative in this analysis.

**Table 7-1. Present Worth Cost Comparison of Alternatives (\$)**

Cost Factor	1 Conventional OWTS & Management Program	2 Alternative OWTS & Management Program	3 Sewer Connection to CAWD (SDES/STEP)*	4 Hybrid Alternative OWTS & STEP Sewer
Capital Cost	13,950,000	18,810,000	22,422,750	17,622,500
Annual O&M Cost	140,000 (491,000)**	361,000 (712,000)**	372,220	274,650
Present Worth O&M Cost	2,744,000 (9,623,600)	7,075,600 (13,955,200)	7,295,500	5,383,140
Total Present Worth Cost	16,694,000 (23,573,600)	25,885,600 (32,765,200)	29,718,250	23,006,640
Cost Rank	3	1	2	4

\* Note: Present worth cost estimate for Gravity Sewer Option #2 is only slightly higher at \$30,400,000

\*\*Includes an additional \$351,000 for holding tanks and sewage hauling for 15 oceanfront properties.

## COMPARATIVE SUMMARY

An overall comparison is drawn here between the project alternatives, taking into consideration the various factors presented in this section. Numerical ratings were assigned to each alternative for each factor according to the following guidelines. Results are displayed in **Table 7-2**.

### **Public Health and Water Quality Protection**

Project alternatives were evaluated with respect to their ability to provide wastewater management solutions for the protection of public health, water quality and beneficial uses. Alternatives were ranked from highest (4 points) to lowest (1 point) estimated protection and benefit to public health as well as to surface water and groundwater resources in the study area.

### **Regulatory Compliance**

Project alternatives were evaluated with respect to their ability to meet public health and water quality standards. Alternatives were ranked from highest (4 points) to lowest (1 point) in the estimated degree of certainty in achieving compliance with applicable regulatory requirements.

### **Environmental Impacts**

Alternatives were subjectively ranked in order of decreasing impacts on the natural environment, and assigned points according to rank. The least impact project was assigned the highest score (4).

### **Reliability**

Project alternatives were subjectively ranked in order of increasing reliability and assigned points according to rank. The most reliable alternative was assigned the highest score (4).

### **Resource Utilization**

Alternatives were ranked in order of decreasing demands on natural resources, principally energy requirements, and assigned points according to rank. Wastewater reuse was also considered as a positive resource utilization factor. To account for this, an additional point was added to the score for Alternatives 3 and 4, which would convey wastewater to the CAWD facility for water recycling. Higher points correspond to projects with lower net resource demands.

### **Costs**

Alternatives were ranked by estimated present worth cost, which reflects the combination of capital (i.e., construction) and annual operation and maintenance cost. The scores were ranked from lowest to highest cost and assigned points accordingly (Table 7-1). Lowest cost was assigned the highest number of points (4) in each category.

### **Apparent Best Alternative**

Based on this comparative analysis, the rankings show the Hybrid Alternative to be the "apparent best alternative". It is also the lowest cost alternative to the present worth analysis. As noted in the discussion above, the Hybrid Alternative combines elements of each of the other three alternatives in a way that tends to mitigate some of the drawbacks of the other options.

**Table 7-2. Comparative Rating of Alternatives**

<b>Cost Factor</b>	<b>1 Conventional OWTS &amp; Management Program</b>	<b>2 Alternative OWTS &amp; Management Program</b>	<b>3 Sewer Connection to CAWD</b>	<b>4 Hybrid w/Partial Sewer Connection to CAWD</b>
<b>Public Health and Water Quality</b>	1	2	4	3
<b>Regulatory Compliance</b>	1	2	4	3
<b>Environmental Impacts</b>	2	3	1	4
<b>Reliability</b>	1	2	4	3
<b>Resource Utilization</b>	4	3	1 + 1	2 + 1
<b>Costs</b>	3	1	2	4
<b>Total</b>	12	13	17	20

## 8. POLICY AND PROGRAM RECOMMENDATIONS

### WASTEWATER DISPOSAL

#### *Design/Construction Standards*

##### **Requirements Applicable to All OWTS**

**Percolation Testing.** The percolation testing methods used in Carmel Highlands should be revised to be more consistent with the percolation test procedures described in the Manual of Septic Tank Practices, as referenced in both County Code and the Basin Plan. This is needed to provide more definitive information for disposal field design. Specifically, percolation testing should be performed in each soil zone planned to be used for wastewater dispersal. Specifically, percolation testing should be performed in each soil zone planned to be used for wastewater dispersal. For example, for a 10-ft deep disposal trench, it may be necessary to run percolation tests at several intermediate depths, as well as testing the soil conditions at the proposed trench bottom depth. As noted in the Basin Plan, the preferred method for percolation test installation is with a hand auger, starting either at ground surface (for shallow tests) or at the bottom of a backhoe excavation. Per the Manual of Septic Tank Practices (pages 2-6, and 15-16), the depth of water in the test hole should be 6 inches above the protective layer of pea gravel placed at the bottom of the test hole. The practice of conducting percolation tests by filling deep borings that cut through several different soil zones should be discontinued.

**Linear Loading Evaluation.** Based on the finding that wastewater dispersal from OWTS in Carmel Highlands depends to a significant degree on lateral rather than vertical flow, "linear loading rate" evaluation should be incorporated into the design analysis for new/replacement wastewater disposal fields in the study area.

The term "linear loading rate" refers to the amount of wastewater flow dispersed along the contour, in gpd per lineal foot. Linear loading rate evaluation requires analysis of soil depth and permeability (percolation) within the disposal field area as well as in the downslope dispersal area, typically extending a distance of at least 50 feet downslope. On steeper slopes, linear loading rate may be limited by the slope stability analysis in addition to hydraulic loading calculations.

The County should develop and provide guidelines to standardize and simplify the data requirements, analysis and review procedures. Provisions should be allowed for modified procedures where warranted by site-specific conditions. The linear loading evaluation should demonstrate that effluent will remain a prescribed distance below trench bottom (e.g., 12 to 24 inches) under design flow conditions, and at least 24 inches below ground surface downslope (within 50 feet) of the disposal field.

**Dual Disposal Fields.** Use of dual disposal fields is currently required and should continue to be a standard practice in Carmel Highlands for all OWTS. Dual disposal fields are those systems that include two separate fields, each with capacity for the entire (100%) design flow.

**Drainage Mitigation.** Drainage mitigation measures, especially curtain drains, should be considered and incorporated as a part of most all OWTS disposal field designs. Guidelines for curtain drain installations should be developed for use in Carmel Highlands. At a minimum, guidelines should address: (a) uphill and downhill setback distances from a disposal field; (b) materials and construction specifications; and (c) consideration of erosion protection and drainage impacts at the curtain drain outlet location. The uphill setback distance between a curtain drain and the disposal field should be based on the ground slope, depth of the



curtain drain and depth of the highest elevation of the disposal field piping, in order to avoid the potential for short-circuiting of effluent into the curtain drain.

**Design by Certified Professional.** All new and repair/upgraded OWTS in the Carmel Highlands should be designed by a certified professional. This recommendation is based on the complexity of the geology, soil, drainage and topographic conditions in the area, and the need for site specific evaluation and design analysis for each OWTS installation. Certified professional are defined as individuals licensed or certified by the state of California to design OWTS, including registered civil engineers, professional geologists, and registered environmental health specialists.

### Conventional OWTS

**Trench Design/Sizing.** Concurrent with revising the percolation testing practices as recommended above, the design basis for standard disposal trenches in Carmel Highlands should be changed from the current uniform wastewater design loading rate of 0.3 gpd/ft<sup>2</sup> of trench infiltrative surface to Basin Plan criteria which provide a graduated scale of wastewater loading rates related to percolation rate as follows:

Percolation Rate (MPI)	Loading Rate (gpd/ft <sup>2</sup> )
1-20	0.8
21-30	0.6
31-60	0.25
61-120	0.1

**Pressure Dosing.** Pressure dosing of disposal fields should be incorporated as a part of conventional leaching trench systems wherever feasible. Guidelines should be developed and/or regulations adopted in County Code to provide consistent design and construction standards. Pressure dosing involves the use of either a pump or automatic dosing siphon to deliver uniform volumes of wastewater to a series of conventional disposal field trenches. Pressure dosing is recognized in the Manual of Septic Tank Practices (dating back to the 1950s and before) and also in the Uniform Plumbing Code (UPC). Pressure dosing can be provided using a pressure manifold system. With each pump cycle, a uniform volume of wastewater is dosed to the head end of each trench, where it then flows through the standard perforated drain pipe. It is a simplified and less costly version of a pressure distribution system, which falls under Alternative Systems category. The main advantages of pressure dosing with a manifold system are: (a) it creates dosing and resting cycles for enhanced soil absorption and treatment; and (b) it promotes equal flow to each trench, rather than sequentially flooding the trenches from the top down.

**Seepage Pits.** The use of seepage pits should be discontinued, and existing seepage pits should be inspected and evaluated individually to determine either to abandon and destroy, or upgrade with supplemental treatment. This study has not determined there to be a health emergency related to seepage pits; therefore immediate action to investigate and evaluate all seepage pits does not appear warranted at this time. Rather, seepage pits should be identified and remediated in conjunction with individual septic system repairs and/or building remodel projects, case-by-case. Seepage pits should no longer be considered a conventional system appropriate for use in Carmel Highlands.

### Alternative OWTS

#### Treatment Systems

**Sand Filters.** Intermittent and recirculating sand filter systems used to meet supplemental treatment requirements should be designed in accordance with guidelines and criteria contained in professional literature such as the Onsite Wastewater Treatment Systems Manual (EPA 2002) and Small and Decentralized

Wastewater Management Systems (Crites and Tchobanoglous, 1998). Design guidelines should be developed for use in Carmel Highlands; we recommend the requirements contained in Marin County Sewage Disposal Regulations as a suitable example.

**Proprietary Systems.** Proprietary systems used to meet supplemental treatment requirements, including aerobic treatment units and packed-bed systems (such as AdvanTex), should have NSF Standard 40 certification for residential wastewater treatment systems.

**Disinfection Systems.** Disinfection systems should only be used in conjunction with supplemental treatment systems. Disinfection systems should be limited to ultra-violet light disinfection systems with NSF/ANSI Standard 46 certification. The use of chlorination systems should be avoided due to the risk to the aquatic environment from the storage, handling, use and possible inadvertent surface discharge of chlorinated water.

### Disposal Systems

**Cover Fill.** The Monterey County Code should be amended to include specifications for the use of cover fill to elevate a disposal field in the soil mantle and make best use of the shallow permeable surface soils. The term "cover fill" refers to a disposal trench system where the trenches are placed entirely below grade, but up to 12 inches of soil fill is placed on top of native grade to provide the required backfill cover over the leaching trenches. It can also be used with subsurface drip disposal fields. Recommended design/construction criteria include in:

- Limited to use on slopes of 20% or less;
- Cover fill required to extend beyond the ends/edge of leaching trenches in all directions a minimum of 10 to 15 feet;
- Minimum cover fill depth of 12 inches over drain rock, 6 to 9 inches over drip lines;
- Placement of drain pipe below native grade;
- Installation of cover fill prior to installation of trenches;
- Specification that fill material be similar to native soil; and
- Installation guidelines related to stripping vegetation, preparation of native soil surface, and placement and compaction of fill material.

**Pressure Distribution Design/Trench Sizing.** Pressure distribution (PD) systems should be designed in accordance with guidelines and criteria contained in professional literature such as the Onsite Wastewater Treatment Systems Manual (EPA 2002). Designs should be standardized as much as possible, by providing specific guidelines or referencing requirements such as those contained in the regulations of Marin County or Solano County, for example.

Recommended loading rates for sizing pressure distribution disposal systems, based on percolation rate, are presented in **Table 8-1**, below. Three sets of loading rate criteria are recommended, as follows:

- (1) Standard Basin Plan criteria for PD trenches used for disposal of septic tank effluent;
- (2) Basin Plan criteria increased by a 1.5 multiplier for PD trenches preceded by a supplemental treatment system;
- (3) Basin Plan criteria increased by a 2.0 multiplier for PD trenches preceded by a supplemental treatment system and where the residence is equipped (or retrofitted) with water conserving plumbing fixtures.

Professional literature (EPA 2002) supports loading rate increases of approximately 2.0 times the standard design rates for septic tank effluent for soil absorption systems receiving secondary-treated wastewater or better (i.e., 30 mg/L BOD). Water conservation plumbing should be installed as a matter of course for all residences; however, the ability to enforce the use of low-flow fixtures and high efficiency appliances is limited. The

recommended intermediate loading rate criteria based on a 1.5 multiplier is included to provide a water conservation incentive.

**Table 8-1. Recommended Loading Rates for Pressure Distribution Trench Design**

Percolation Rate (MPI)	Septic Tank Effluent (gpd/ft <sup>2</sup> )	Supplemental Treatment (gpd/ft <sup>2</sup> )	Supplemental Treatment and Water-Conservation Plumbing (gpd/ft <sup>2</sup> )
1-20	0.8	1.2	1.6
21-30	0.6	0.9	1.2
31-60	0.25	0.38	0.5
61-120	0.1	0.15	0.2

**Mound Systems.** Mound systems should be designed in accordance with guidelines and criteria contained in professional literature such as the Wisconsin Mound Soil Absorption System Siting, Design and Construction Manual (Converse and Tyler, 2000). Designs should be standardized as much as possible, by providing specific guidelines or referencing requirements such as those contained in the regulations of Marin County or Solano County, for example.

**Raised Sand Filter Bed.** Raised sand filter bed systems should be used as the final disposal component following a supplemental treatment system. They should be designed in accordance with guidelines and criteria, such as those contained in: (a) Stinson Beach County Water District Title IV Onsite Wastewater Management Code; or (b) State of Rhode Island "Guidelines for the Design and Use of Bottomless Sand Filters".

**At-Grade Systems.** At-grade systems should be designed in accordance with guidelines and criteria contained in professional literature such as the At-Grade System Siting, Design and Construction Manual (Converse and Tyler, 1990). Designs should be standardized as much as possible, by developing specific guidelines or referencing requirements such as those contained in the regulations of Sonoma County or Solano County, for example.

**Subsurface Drip Disposal Design.** Subsurface drip disposal systems should be designed and installed in accordance with criteria and instructions contained in manufacturer's literature, such as Geoflow, Inc. Design loading rates for sizing the drip field surface area should be based on representative soil percolation rates in disposal field. Based on Geoflow, Inc., the following loading rates are recommended:

**Table 8-2. Recommended Wastewater Design Loading Rates for Subsurface Drip Disposal Fields**

Soil Type	Soil Percolation Rate (MPI)	Design Loading Rate (gpd/ft <sup>2</sup> )
Coarse Sand	1-4	1.4
Fine Sand	5-10	1.2
Sandy Loam	11-20	1.0
Loam	21-30	0.7
Clay Loam	31-45	0.6
Silt-Clay Loam	46-60	0.4
Clay, non-swell	61-90	0.2
Clay, swell	91-120	0.1

### ***Application of Standards to New vs. Repair & Building Remodels***

#### **New Construction**

The recommended criteria and standards presented in this report are intended to apply to all new OWTS, including major building remodel projects involving house expansion, bedroom additions, etc. Any exceptions to the adopted standards would be referred to the RWQCB for review.

#### **Repairs and Building Remodels**

The recommended criteria and standards should apply to OWTS for repairs and building remodel projects to the maximum extent possible. The following specific implementation guidelines are recommended for repairs and building remodeling projects.

**System Performance Evaluation.** A performance evaluation of the existing OWTS should be completed, including documentation of all components. Draft guidelines for conducting performance evaluations of existing OWTS are provided in **Appendix G**. For repairs, the results of the performance evaluation may be used to determine the type and extent of repair work needed. For building remodels, the results of the performance evaluation should be a factor used to determine whether or not any changes or upgrade to the OWTS are needed.

**Site Evaluation.** Soils exploration and site evaluation may be required to design an appropriate repair system. For building remodels, soils exploration may be needed to document compliance with minimum site conditions, including vertical separation distances and/or suitable soil conditions.

**Seepage Pit Investigation.** For any repair or building remodel project an investigation should be completed to determine whether or not the property contains a seepage pit(s) and, its specific design and functioning status. Conditions under which it may be appropriate to retain the use of an existing seepage pit are as follows: (a) the seepage pit() is functional (i.e., has positive drainage); (b) there is no evidence of surfacing sewage, downslope seepage, or other signs of failure; (c) it is necessary to retain the seepage pit as part of the OWTS because there is insufficient viable area available to install a leaching trench or drip dispersal field in accordance with County Code and the standards recommended in this Study; and (d) the seepage pit(s) is verified to be in conformance with vertical and horizontal setback requirements per County Code. Where an existing seepage pit(s) meets the above requirements and is to be retained, a supplemental treatment system should be provided to improve the performance and extend the life of the seepage pit(s). Where seepage pits don't meet the above requirements, they should be abandoned and destroyed.

**Nitrogen Management Area.** Properties located within the recommended Nitrogen Management Area (see **Figure 8-1**), should be upgraded with supplemental treatment systems capable of meeting performance standards for total nitrogen (25 mg-N/L). These upgrades should be required and implemented at the time of an OWTS repair or building remodel project. This nitrogen performance standard should also be applied to any new OWTS installed in the designated Nitrogen Management Area. The purpose of this performance standard is to reduce the long-term loading of nitrogen to the soils and groundwater in this particular area of concern, in order to protect water quality for drinking water uses. In applying the recommended nitrogen management measures, individual properties located along the boundary line shown in **Figure 8-1** may be exempted from the requirements and removed from the Nitrogen Management Area where it can be demonstrated, by topographic maps or other information, that the OWTS serving the affected property does not drain into the groundwater recharge area of concern.

**OWTS Design.** Any system repair or upgrade in connection with a remodel project should be designed by a certified professional following the same criteria and requirements applicable to new construction, to the greatest extent possible. The designer should be responsible for documenting the design basis, compliance with all applicable criteria, and explanation of deviation from standards where they cannot be met. Minor deviation from adopted standards should be handled administratively by the MCEHD staff. At the discretion of the MCEHD Director, additional review should be requested (from the Regional Water Board staff or third-party consultant) where there are special conditions or major deviations.

**Operating Permits.** Any repair or upgraded OWTS for a remodel project where the system includes alternative system design elements should be required to obtain and comply with an operating permit to assure appropriate ongoing inspection, maintenance and monitoring of the system.

## ***Performance Standards for Supplemental Treatment – Effluent Quality***

### **Total Nitrogen**

- All new and repair/upgraded OWTS installed in a designated Nitrogen Management Area should include supplemental treatment systems with the demonstrated capability of producing effluent with average total nitrogen concentrations of 25 mg-N/L or less. This represents an approximate 50-percent reduction in total nitrogen as compared with septic tank effluent. The purpose of this performance standard is to reduce long-term loading of nitrogen to the soils and groundwater in these areas of concern, in order to protect groundwater quality for drinking water purposes. State Water Resources Control Board Resolution No. 88-63, entitled "Sources of Drinking Water Policy", requires, with limited exceptions, that all groundwater and surface waters in California be designated and protected for municipal or domestic drinking water supply.

The Yankee Beach Drainage Area, as delineated in **Figure 8-1**, should be designated as a Nitrogen Management Area. The boundary line shown in **Figure 8-1** is an approximation of the watershed area that drains into the groundwater recharge area of concern. In applying the recommended nitrogen management measures, individual properties located along the boundary line shown in **Figure 8-1** may be exempted from the requirements and removed from the Nitrogen Management Area where it can be demonstrated, by topographic maps or other information, that the OWTS serving the affected property does not drain into the groundwater recharge area of concern.





### **Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS)**

- All new and repair/upgraded OWTS installed to overcome restrictive soil and site conditions should incorporate supplemental treatment systems having demonstrated capability of producing effluent with average BOD and TSS concentrations of 30 mg/L or less.
- All new and repair/upgraded OWTS installed in conjunction with the use of subsurface drip dispersal systems should have the demonstrated capability of producing effluent with average BOD and TSS concentrations of 20 mg/L or less.
- The following should be considered restrictive soil and site conditions requiring the use of supplemental treatment systems and alternative disposal/dispersal systems, as appropriate:
  - Less than 3 feet of vertical separation to a zone/strata of low permeability (>120 MPI percolation rate)
  - Less than 3 feet of vertical separation to groundwater
  - Less than 3 feet of vertical separation to fractured rock
  - Ground slope greater than 30 percent
  - Lateral setback of less than 50 feet to steep slope, embankment or drainage feature

### **Disinfection (Bacteria and Viruses)**

- Disinfection systems included in new and repair/upgraded OWTS in high risk situations should be limited to UV light systems and should be required to have NSF/ANSI Standard 46 certification, which verifies minimum 3-log bacterial reduction. Effluent quality should meet a fecal coliform log mean value of 200 MPN/100 ml (Basin Plan standard for REC-1).
- The following should be considered high risk situations requiring the use of disinfection systems:
  - Less than 2 feet of vertical separation to a zone/strata of low permeability (>120 MPI percolation rate)
  - Less than 3 feet of vertical separation to groundwater
  - Less than 3 feet of vertical separation to fractured rock
  - Ground slope greater than 40 percent
  - Lateral setback of less than 25 feet to steep slope, embankment or drainage feature

### **Siting Criteria**

#### **Ground Slope**

Recommended maximum ground slope for various types of wastewater disposal systems are presented in **Table 8-3** below. Refer also to additional related requirements noted the table, which may further restrict the maximum acceptable slope for specific sites.

**Table 8-3. Recommended Maximum Ground Slope for Various Wastewater Disposal Systems\***

Type of Disposal System	20%	30%	40%	50%
Cover Fill	X			
Mound	X			
At-Grade	X			
Conventional Trench		X		
Raised Sand Filter Bed			X	
Shallow Pressure-Distribution			X	
Subsurface Drip Dispersal				X

*\*Related Requirements:*

- Any disposal system located on a slope greater than 20 percent shall be designed by a certified professional (Basin Plan). (Note: this study recommends that all OWTS in Carmel Highlands be designed by a certified professional).
- Any disposal system located on a slope greater than 30 percent shall require the completion of a slope stability analysis per County Code 15.20.070.F.13.
- Linear loading evaluation should be conducted for all disposal systems per recommendations of this study.
- Supplemental treatment recommended for systems located on slopes over 30%
- Disinfection recommended for slopes systems located on slopes over 40%

**Vertical Separation Requirements**

Recommended minimum vertical separation requirements to fractured bedrock and ground water, as measured from the bottom of the disposal trench (or bed), are presented in **Table 8-4** below for various OWTS treatment/disposal options. **Table 8-5** presents recommended vertical separation requirements to a restrictive layer (soil or rock).

**Table 8-4. Recommended Minimum Vertical Separation to Fractured Rock/Ground Water (ft)\***

Type of OWTS	1'	2'	3'	5'	10'
Conventional Trench					X
Conventional Trench, Pressure-Dosed				X	
Mound System			X		
At-Grade w/Supplemental Treatment			X		
Raised Sand Filter Bed w/Supplemental Treatment		X (w/UV)	X		
Shallow Pressure Distribution (PD)			X		
Shallow PD w/Supplemental Treatment		X (w/UV)	X		
Subsurface Drip Disposal /Supplemental Treatment		X (w/UV)			

*\*Note: Linear loading evaluation for site specific design may dictate greater vertical separation distances.*



**Table 8-5. Recommended Minimum Vertical Separation to Restrictive Layer (feet)\***

Type of OWTS	1'	2'	3'	5'
Conventional Trench				X
Conventional Trench, Pressure-Dosed			X	
Mound System		X		
At-Grade w/Supplemental		X		
Raised Sand Filter Bed w/Supplemental Treatment	X (w/UV)	X		
Shallow Pressure Distribution (PD)			X	
Shallow PD w/Supplemental Treatment	X (w/UV)	X		
Subsurface Drip Disposal w/Supplemental Treatment	X (w/UV)	X		

\* Note: Linear loading evaluation for site specific design may dictate greater vertical separation distances.

## **Septic Tank Pumping Practices**

### **Mandatory Septic Tank Pumping Frequency**

Instituting a mandatory septic tank pumping frequency for all OWTS in Carmel Highlands is not recommended. Per information from local pumping contractors, the existing septic tank pumping activity in Carmel Highlands indicates a higher than normal frequency.

### **Septic Tank Pumping Reports**

In lieu of mandatory septic tank pumping frequency, a requirement should be adopted that pumping contractors complete a basic septic system inspection at the time any septic tank is serviced, and that the pumping service and inspection report be submitted to the County. The inspection report would be in accordance with a standard County-supplied form. The County would be responsible for maintaining and reviewing the data and for oversight and permitting of any follow-up repair work.

## **Source Control Best Management Practices and Requirements**

### **Low-flow Plumbing Fixtures**

The County should encourage the use of low-flow plumbing fixture and other high efficiency water saving devices. This should be accomplished through an incentive in the wastewater loading rate criteria, which affects the amount of disposal field required. As previously described under Construction Standards, the recommended approach deals specifically with OWTS that include supplemental treatment systems, which are estimated to be required for a significant percentage of new and repair systems. Where water saving devices are incorporated in the dwelling, the highest wastewater loading criteria would be applied for disposal system sizing. Where water saving devices are not incorporated in the dwelling, wastewater loading rates would be about 1/3 less, making the disposal field about 1/3 larger in size.

Standard low-flow fixtures such as ultra-low flush toilets, low-flow showerheads, and faucet aerators, have the ability to reduce wastewater flows by approximately 30 percent. However, there are various other "premium" high efficiency water saving devices and appliances that have the ability to further reduce water use and wastewater generation, potentially by as much as 50 percent. Examples of other appliances include recycling water heaters and high efficiency clothes washers. The County, in coordination with the local water companies and the Monterey Peninsula Water Management District, should make information available to the public regarding the availability and benefits of water saving plumbing devices.

### **Garbage Disposal Units**

The use of garbage disposal units should be discouraged. They contribute substantial quantities of detrimental solids to the wastewater load, increasing the rate of sludge and scum accumulation in the septic tank. This results in a greater need for septage removal and higher amounts of solids and BOD discharged to disposal field, increasing the potential for soil clogging and system failure. Most waste handled by a garbage disposal unit could be handled as solid waste or composted.

The following measures could be employed to discourage garbage disposals and to assure appropriate safeguards where they are used:

- Increase septic tank capacity requirements where garbage disposal are used, e.g., by 250 gallons.
- Increase disposal field size requirements where garbage disposals are used, e.g., by a reduction in design wastewater loading rate, resulting in a larger disposal field size.
- For systems with operating permits, increase inspection frequency where garbage disposals are used.

### **Water Softeners**

The salt/brine discharge from self-regenerating type water softeners should be prohibited from entering the OWTS. It should be collected in a separate sump or holding tank and off-hauled for disposal at the Monterey Regional Wastewater Pollution Control Plant where it is metered into their ocean outfall. Water softener brine is detrimental to the normal waste treatment functions in a septic tank and in some alternative treatment units, which in turn can negatively affect the performance of the disposal field.

### **Pharmaceuticals**

Disposal of unused pharmaceuticals into OWTS should be discouraged. Very little is known about the environmental behavior of these substances. Studies have documented the presence of various pharmaceuticals in OWTS and have also found trace levels of some pharmaceuticals in groundwater impacted by OWTS (Hinkle, 2005). Soil conditions suitable for assimilation of other wastewater constituents (e.g., bacteria and viruses) are generally believed to also be effective barriers for retention of trace organic substances, such as pharmaceuticals. However, soil and geologic conditions in Carmel Highlands have limitations for OWTS discharges, and the fate of pharmaceuticals in this environment cannot be estimated. The County should address this issue through an aggressive educational campaign, including updates on the most recent research findings and advice on appropriated handling and disposal practices for pharmaceuticals.

## ***Inspection, Monitoring and Maintenance Procedures***

### **General Recommendations**

**Septic Pumper Inspection Reports for Existing Systems.** As noted under Septic Tank Pumping Practices, inspection, monitoring and maintenance of existing OWTS should be managed by adopting a requirement for septic tank pumpers to conduct a basic system inspection and file an inspection report (with the County) at any time a septic tank is serviced.

**Operating Permits for New Systems and Repairs.** All new OWTS, as well as repair/upgraded systems that include alternative system elements, should be managed under an operating permit program. Operating permits should also be issued, regardless of the type of system, for: (a) any new or repair/upgraded OWTS on a property having an onsite domestic water well; and (b) special high risk situations, such as ocean-front parcels. The operating permit program should have the flexibility to establish monitoring, reporting and permit renewal requirements that are suited to the particular type and size of system, perceived risk or complexity, and other factors such as parcel location or size. The aim should be to adopt requirements that: (a) are practical and meaningful for system maintenance; (b) are affordable to homeowners; (c) are within the capacity of local service provider industry to perform; and (d) produce information that is within the capacity of the MCEHD to monitor and track effectively. The actual inspection, maintenance and monitoring work would be performed by qualified OWTS service providers at the expense of the owner, typically with annual or biannual reporting of results.

**Public Education.** The County should prepare and distribute educational information to system owners, including OWTS inspection, maintenance, monitoring and reporting guidelines, along with an explanation of pertinent regulatory requirements and owner obligations.

### **Specific Recommendations**

Ongoing management requirements for OWTS vary according to the particular type of technology used. The activities fall into four basic categories as described below.

**Inspection.** Inspection generally refers to the overall review (i.e., checking) of the system, its components, and the surroundings, as well as a verification of proper functioning of the system.

**Maintenance.** Maintenance involves both preventative maintenance and servicing or repair of system components.

**Water Monitoring & Sampling.** Water monitoring and sampling is identified as a special activity, which includes some basic monitoring information (e.g., system flow); but, also covers additional testing that may be required and undertaken for systems sited and/or designed for more constrained sites or highly sensitive receiving environments. This would include, for example, any OWTS on a property with a domestic water supply well, OWTS near known seeps or chronic perched groundwater conditions, and possibly ocean-front parcels. Further discussion is provided under Water Quality Monitoring Program recommendations below.

**Reporting.** Reporting of system conditions and performance is an important component in assessing the adequacy of individual systems and tracking the overall public health and environmental protection program.

Specific recommendations for different OWTS components and system types are provided in **Appendix E**.

## **Water Quality Monitoring Program**

### **Surface Water Quality Monitoring**

#### **Baseline Monitoring.**

- To the extent feasible, surface water quality monitoring should be conducted for: the four primary coastal streams that drain through Carmel Highlands (Gibson Creek; Fern Canyon; Wildcat Creek; Malpaso Creek), the two seasonal streams discharging near Yankee Beach; and any locations exhibiting chronic, sustained seepage, either from road cuts or other embankments.

- Stream sampling stations should be established at or downstream of Highway 1, as near as possible to the mouth of the streams.
- Sampling frequency should be quarterly, subject to the presence of sufficient streamflow.
- Sampling parameters should include bacteriological and nitrogen species. Bacteriological analyses should include total coliform, and *e. coli*. Nitrogen species should include nitrate-nitrogen, ammonia-nitrogen and total kjeldahl nitrogen (TKN).
- Monitoring results should be reviewed following each sampling event for evidence of potential OWTS impacts and possible needs for repeat sampling or follow-up investigation. Monitoring results should be reviewed annually to determine appropriate modifications to the monitoring program including the sampling locations, frequency and parameters.

**Special Monitoring.** Special monitoring should be conducted as needed based on the baseline sampling results or other information. Special monitoring could include, for example, the addition of upstream control stations, monitoring of other tributary streams or ocean bluff seeps/drainage, sampling in the immediate vicinity of known or suspected OWTS problems, including response to complaints.

### **Groundwater Monitoring**

**New Water Well Installations.** All new water well installations should include requirements for water quality testing, including the following:

- Major cations: calcium, magnesium, sodium, and potassium;
- Major anions: bicarbonate, sulfate, and chloride;
- Minor ions: iron, manganese, fluoride, bromide, and phosphate;
- Nitrogen species: nitrate, nitrite, ammonia and total kjeldahl nitrogen;
- Physical properties: total alkalinity, total hardness, pH, electrical conductivity (EC), total dissolved solids (TDS), turbidity, color, odor, and MBAS;
- Trace ions: aluminum, antimony, arsenic, barium, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc; and
- Bacteriological constituents: *e. coli* and total coliform.

Additionally, testing for radiological constituents (gross alpha) should be recommended.

**Existing Water Wells.** Repair/upgrade of OWTS on properties where there is an existing water well should be required to conduct and provide water quality testing of the well at the time of permit application for the OWTS repair/upgrade. Water quality testing should include, at a minimum, nitrogen series (nitrate, nitrite, ammonia and TKN) and bacteriological constituents (*e. coli* and total coliform).

**OWTS Operating Permit Conditions.** Operating permit requirements for OWTS serving properties where there is a water well should include a requirement to conduct and provide water quality testing of the well once every three years. Water quality testing should include nitrogen series (nitrate, nitrite, ammonia and TKN) and bacteriological constituents (*e. coli* and total coliform).

**County-Sponsored Monitoring.** Subject to the availability of funding, the County should sponsor water quality testing of existing domestic water wells from time to time. This could potentially be used to satisfy the required groundwater monitoring per Operating Permit Conditions, as recommended above, to avoid duplication of effort and for cost savings to system owners. Water quality testing should, at a minimum, cover

nitrogen series and bacteriological constituents as described above under recommendations for Existing Water Wells.

### **OWTS Monitoring**

**Operating Permits Requirements.** Operating permits for OWTS with supplemental treatment systems should include requirements for effluent quality monitoring to provide a check of compliance with applicable performance standards (BOD and TSS). Annual sampling during the initial few years of system operation should be sufficient to establish the treatment system adequacy. System performance during subsequent years can be assessed by a combination of visual assessment of effluent quality, wastewater flow, disposal field performance and, if necessary, analytical tests. For systems that are designed to meet specific UV disinfection or nitrogen reduction requirements, effluent sampling frequency for these parameters should be increased to twice per year.

**Receiving Water Impacts Monitoring.** On a case-by-case basis, operating permits should include requirements for monitoring receiving water quality in situations where there is a recognized risk of potential impact from the OWTS as a result of seasonal perched water, proximity to drains or seepage locations, an onsite domestic water well, or other factors. Such monitoring could include sampling of shallow monitoring wells, drain outfalls, seepage locations, or stream water quality, as appropriate. As previously discussed, sampling of onsite domestic water wells on properties with an OWTS should be conducted every three years as a condition of the operating permit. Where specified, water quality testing should be conducted for nitrogen series (nitrate, nitrite, ammonia, and TKN) and bacteriological constituents (*e coli* and total *coliform*).

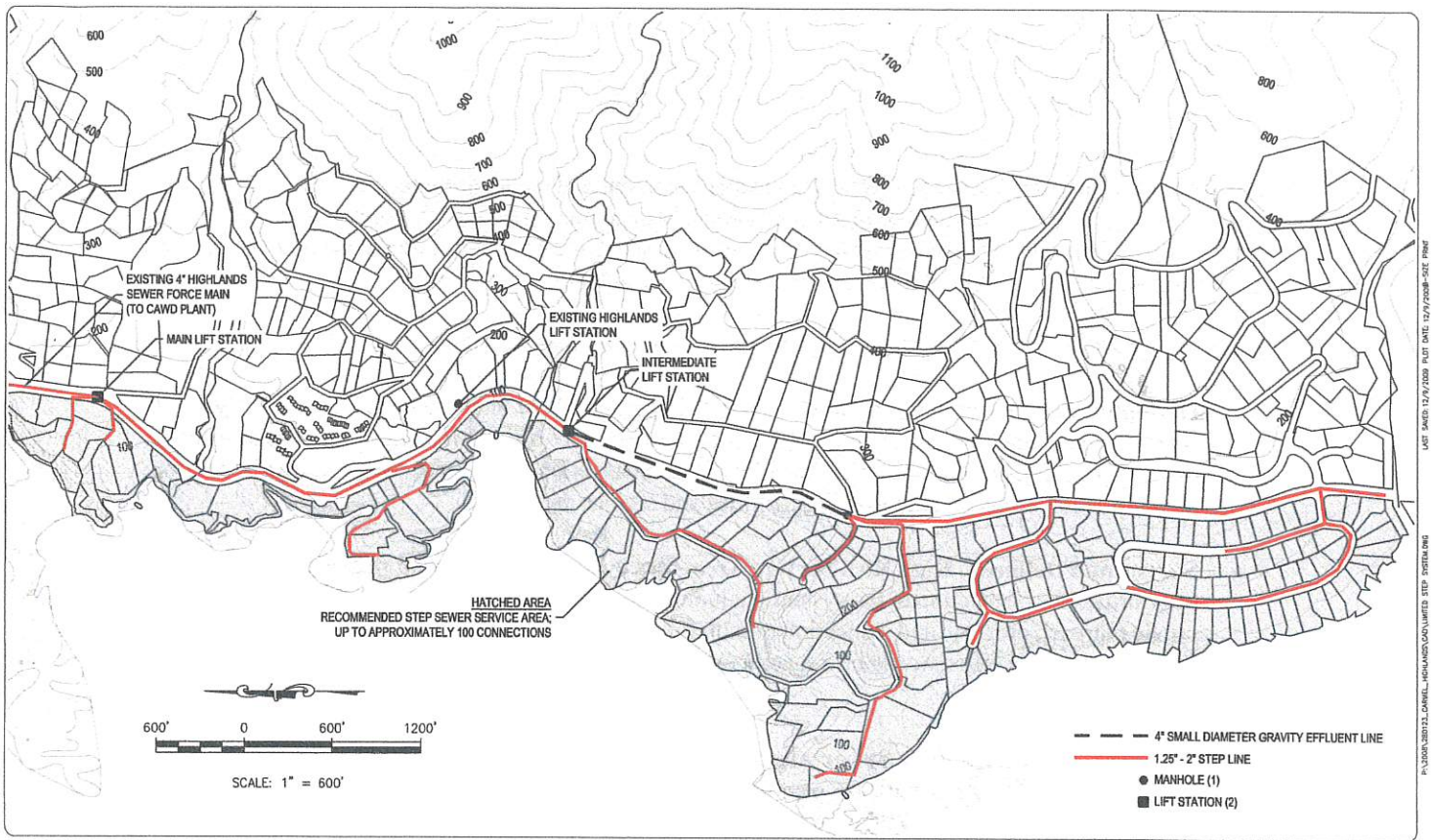
### **Sanitary Sewer Alternative**

Development of a sanitary sewer system to serve a portion of Carmel Highlands is recommended. Specifically, a limited capacity STEP collection system should be developed to serve properties located on the west (ocean) side of Highway 1 (**Figure 8-2**). The system should be targeted to serve existing parcels with OWTS considered to be high risk or problem systems due to existing ocean discharges, surface failures, and faulty operation due to high groundwater or difficult site constraints in this area. The STEP system would connect to the existing Highlands Sewer line, making use of available, unused hydraulic capacity in the line. Preliminary estimates indicate capacity for approximately 100 residential connections. The precise number of connections would be subject to further detailed hydraulic and operational analysis of the existing sewer line. The system could be separate from the existing Highlands Sewer lift station, but the pumping operations should be designed and coordinated with the Highlands system to optimize the pipeline capacity. The possibility of utilizing the existing Highlands Sewer lift station, with modifications, was not evaluated in this study, but should be given consideration. The system would be operated and managed by CAWD, and the properties connected to the system would be annexed into the district. The specific properties to be served by this system should be determined as an initial task of an engineering feasibility study.

In order to implement this recommendation, engineering feasibility analysis and other supporting studies will be required. The following outlines a recommended approach.

### **Engineering and Environmental Studies**

Engineering feasibility and environmental studies should be conducted for extension of public sewerage to the Carmel Highlands. The sewerage study would analyze providing service to properties located on the west (ocean) side of Highway 1, potential high risk areas, and the entire Carmel Highlands area. The primary objective would be for the abatement of existing ocean discharges, surface failures, and other faulty OWTS operation or cumulative impacts due to unfavorable site constraints. The study would analyze connecting the sewerage system to the existing Highlands Sewer line and/or a new stand-alone trunk line tributary to the



**CARMEL HIGHLANDS ONSITE  
WASTEWATER MANAGEMENT STUDY**  
MONTEREY COUNTY  
CARMEL, CALIFORNIA

**QUESTA**  
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Shr.	Rev.	Date:	By:	Description:	App'd:

Design: AM  
Drawn: AM  
Checked: MMV  
App'd: NH

**LIMITED STEP SEWER  
SERVICE AREA**  
CARMEL HIGHLANDS ONSITE  
WASTEWATER MANAGEMENT STUDY

**FIGURE  
8-2**

IF ANY DOES NOT MEASURE 1" DRAWING IS NOT TO SCALE - ADJUST ACCORDINGLY

P:\35504\35507\35.CARMEL\_HIGHLANDS\OAS\LIMITED STEP SYSTEM.DWG LAST SAVED 12/4/2008 PLOT DATE 12/4/2008-SITE PLAN

Carmel Area Wastewater District (CAWD) wastewater treatment and reclamation facility located in Carmel. The study should analyze limiting the number of properties accommodated by the sewerage system to the available unused capacity in the existing Highlands Sewer line to CAWD, with additional alternatives outlined for sewerage all or additional high risk areas of the Carmel Highlands.

Engineering and environmental studies would cover the following major elements:

- **Highlands Sewer Capacity Analysis.** Detailed hydraulic/flow analysis of the existing Highlands Sewer system to determine available capacity for new connections. This analysis would also evaluate different pump operation strategies, including flow equalization, to optimize the system while assuring no detrimental effects on the existing facilities and service area.
- **Survey and Delineate High Risk Service Area.** Survey of potential service area owners and ranking of priorities for connection to the system, including any mandatory connections. This would entail a public outreach program and inspection of individual properties, subject to owner access agreements. The results of this effort would be a recommended service area matched to the capacity limits of the Highlands Sewer.
- **Comprehensive Highlands Sewer Analysis.** Detailed hydraulic/flow analysis of the entire Carmel Highlands area for the evaluation of a stand-alone or adjunct collection system and trunk line to service the entire Carmel Highlands area.
- **Recommended Facilities Plan.** Develop recommended sewerage facilities plan, utilizing information from this Onsite Wastewater Management Study and additional engineering data and findings from the Highlands Sewer capacity analysis and service area study tasks noted above. The recommended facilities plan would include analysis of engineering and service area alternatives, cost estimates, potential for future expansion of sewerage service to other areas of Carmel Highlands, operation and maintenance responsibilities, construction schedule and phasing, revenue/financing program, and other implementation steps.
- **Environmental Studies and CEQA Review.** Conduct environmental studies in connection with the feasibility analysis and conduct complete environmental review under CEQA of recommended sewerage facilities plan.

### **Community Outreach**

Community outreach via public meetings and/or questionnaires will be conducted to evaluate the relative acceptance of the various sewerage alternatives by the Carmel Highlands property owners. The information collected from this outreach effort will be used to help rank the various sewerage alternatives described in the study.

## **Sewerage Project Implementation**

Implementation of the recommended sewerage facilities plan would be based upon the results of the engineering and environmental studies. This is anticipated to include the following.

- **CEQA Certification.** Certification of the environmental document for the sewerage facilities plan by Monterey County, per CEQA.
- **Plan Approval.** Approval of the sewerage facilities plan by Monterey County Board of Supervisors and, as applicable, the Carmel Area Wastewater District.
- **Sewer Construction Project Funding.** Evaluation of and application for the procurement of sewer construction project funding through State Revolving Fund low interest loans, grants, and other sources.
- **Annexation.** Annexation to the Carmel Area Wastewater District, including LAFCO approval.
- **Assessment District Formation.** Assessment district formation for project financing.
- **Permitting.** Permits for project construction would be required from various agencies, including: Regional Water Quality Control Board, Coastal Commission, Department of Fish and Game, Caltrans, Monterey County and others.
- **Final Design, Bidding and Construction.** The final step would be completion of final design/construction documents, bidding and construction of the facilities

## **DOMESTIC WELLS**

### ***Continued Permitting and Use of Wells***

At this time, new well construction permits in the Carmel Highlands area should continue to be approved with appropriate County oversight on well construction, Source Capacity Testing, and water quality testing, as recommended by this study. An outline of recommended testing procedures is provided in **Appendix H**. Well construction and source capacity reports, similar to recent reports prepared for pending projects in the study area, should be prepared by qualified hydrogeologists with specific training in groundwater and aquifer testing for each well installed in the Carmel Highlands area. An independent County hydrogeologist should review these reports for accuracy and pumping test evaluation. The reports should contain sufficient information so that pumping test data can be re-plotted and reevaluated by the County hydrogeologist. Electronic data from the transducer should be requested, which will facilitate a verification of the analysis and interpretation.

### ***Well Construction Standards***

The County should continue to follow the DWR Construction Standards that require a minimum 50-foot well seal. However, most recent wells in Carmel Highlands have been installed with a 70-foot or greater well seal that prevents water in the upper-most decomposed granite and unconsolidated materials from entering directly into the well screen. These seals will reduce potential migration of septic tank effluent to the intake or screened area of the domestic well. No evidence has been found indicating that the standard 100-foot setback between water wells and OWTS is insufficient; therefore, no recommendation is made to change this setback



requirement. Seepage pits present an increased threat to water wells and their use should be discontinued and phased-out wherever possible, per the preceding Wastewater recommendations.

## **PROGRAM ADMINISTRATION**

Most of the proposed activities and management program outlined above should be administered by the County by ordinance and fees for service. This would be similar to the approach taken, on a county-wide basis, in several other counties in Northern and Central California. Additionally, the proposed studies and implementation for public sewerage should be conducted in close coordination with the Carmel Area Wastewater District, which may ultimately be the responsible entity for managing any new or expanded sewer service in Carmel Highlands.

### **Administrative Manual**

In addition to the proposed County Code amendments, the Board of Supervisors would should an administrative manual (hereafter "Administrative Manual") to establish guidelines and procedures as needed to implement the various recommend County Code amendments. The MCEHD should develop the proposed guidelines and procedures in consultation with appropriate practitioners, such as contractors, designers and geologists, as further described in this OWMP. The Administrative Manual may be amended or updated from time to time. The Board of Supervisors should conduct a public hearing prior to the adoption or any amendment of the Administrative Manual.

### **Public Education**

The County should develop public education materials for distribution to the residents, onsite wastewater practitioners, well-drillers, and other involved with wastewater and water supply systems in Carmel Highlands. At a minimum this information should cover OWTS inspection, maintenance, monitoring and reporting guidelines, along with an explanation of pertinent regulatory requirements and owner obligations, as well as educational information and guidance addressing the following topics which are simple, but important aspects of managing the long-term performance of OTWS:

#### **Low-flow Plumbing Fixtures**

The County should encourage the use of low-flow plumbing fixture and other high efficiency water saving devices. The County, in coordination with the local water companies and the Monterey Peninsula Water Management District, should make information available to the public regarding the availability and benefits of water saving plumbing devices.

#### **Garbage Disposal Units**

The use of garbage disposal units should be discouraged and the reasons for this should be explained to the system users, namely: (1) they contribute substantial quantities of detrimental solids to the wastewater load, increasing the rate of sludge and scum accumulation in the septic tank; (2) this results in a greater need for septage removal; and (3) it results in higher amounts of solids and BOD discharged to disposal field, increasing the potential for soil clogging and system failure.

#### **Pharmaceuticals**

Disposal of unused pharmaceuticals into OWTS should be discouraged. Very little is known about the environmental behavior of these substances, and soil and geologic conditions in Carmel Highlands have limitations for OWTS discharges. The fate of pharmaceuticals in this environment cannot be estimated. The

County should address this issue through educational materials, including updates on the most recent research findings and advice on appropriated handling and disposal practices for pharmaceuticals.

### **Staffing**

The staff of the Monterey County Environmental Health Division is suitably qualified to oversee the construction and operating permit elements of this OWMP, and to review and maintain the data and performance information on OWTS in the OWMP area, as well as domestic water well information. The staff may require, from time-to-time, technical assistance from outside consultants to review specific issues or design questions on specific sites or in general. Continuing education in the field of onsite wastewater treatment systems and domestic water wells is recommended.

With respect to performance of the investigative, design and operation, maintenance and monitoring activities, this should be carried out utilizing the existing professionals and technicians in the private sector who currently provide these services. Specifically, the routine inspection of existing OWTS is proposed to be conducted by septic tank pumpers during regular septic tank servicing.

### **Record Keeping**

The Monterey County Environmental Health Division should be responsible for maintaining all records related to OWTS and domestic water wells. The County currently performs this task and has established a computerized data base of information for the Carmel Highlands study area that was useful for the conduct of this study. The data management needs would increase under the OWMP, but the existing record keeping system would provide the foundation.

### **Funding**

Funding to cover Environmental Health Division costs should be developed, as much as possible, through fees for service. Specifically, the County should consider the following mechanisms to recover the costs of providing the services required by this OWMP:

- **New and Repair/Remodel Construction Permits.** A greater amount of staff time and effort will be required in connection with applications and design review for new and repair/remodel OWTS involving alternative technologies. Permit fees should be adjusted to cover these costs.
- **Operating Permits.** Issuing and tracking system O&M information under operating permits will require increased staff time and costs, which should be recoverable through initial permit issuance and renewal fees.
- **Septic Tank Pumper Report.** Reviewing and maintaining septic tank pumper reports will require increased staff time and costs. The County should explore the recovery of these costs through a reporting fee charged to the pumpers, passed on to the system owners.
- **Domestic Water Wells.** Permit fees for water well installations should be set to recover costs due to increased staff time for review and management of collected data.
- **Water Quality Monitoring and Public Education.** Costs resulting from increased staff time for water quality monitoring and public education benefit the entire community. These costs, which are

relatively low, should be supported through allocation of general funds or grant monies, to the extent possible.

The recommended sewerage feasibility study should examine recovery of costs through the establishment of an assessment district for each of the sewerage project alternatives it evaluates. The assessment fees could include costs incurred for planning, environmental studies, engineering and construction, and may include a portion of the costs incurred in the development of this OWMP. Additionally, funding via grants and/or low interest loans may also be available for various portions of the projects outlined above. Staff time directed at identifying and applying for various available funding sources should also be allocated to potentially offset the greater long-term costs associated with the identified task/projects of this plan.

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**From:** [James Greco](#)  
**To:** [194-RMAComments](#)  
**Subject:** Short-Term Rental Ordinance  
**Date:** Monday, July 09, 2018 1:57:35 PM

---

Dear Board of Supervisors

I am against the STRs.!

You have no right to turn my neighborhood into a business area.

**I second the Carmel Valley Associations call to put stricter limits STR**

Sincerely

James Greco



---

**James Greco, CLU, CLTC**  
3785 Via Nona Marie #303  
Carmel, CA 93923  
License 0678857  
**Tel:** [831 624 6000](tel:8316246000)  
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[greco@jamesgreco.com](mailto:greco@jamesgreco.com)

**Map**  
<http://goo.gl/U18QKe>

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**From:** [Sarah Shashaani](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STR"s  
**Date:** Monday, July 09, 2018 1:55:15 PM

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To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:  
E-mail address:

**From:** [Sarah Shashaani](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STR"s  
**Date:** Monday, July 09, 2018 1:53:38 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Sarah Shashaani

E-mail address: [sarah@henrymiller.org](mailto:sarah@henrymiller.org)

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Sarah Shashaani

[sarah@henrymiller.org](mailto:sarah@henrymiller.org)

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**From:** [Doug Burke](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 1:04:37 PM

---

I Agree with Carmel Valley Associations recommendations regarding STR(s).

Please read below letter.

Thank you,  
Doug Burke  
59 E Garzas Rd  
Carmel Valley, CA 93924



*Dear Doug Burke*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**

**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in

residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's ,

or other forms of ownership is permitted.

3. The owner be required to live in and be present on site during the STR/Home Stay rental period.

4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.

5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

6. Effective and verifiable self-policing.

a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;

b. Owners must provide multiple forms of proof they are year-round residents; and

c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.

d. Verification to be done by Monterey County.

e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.
8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.
9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.
10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.
11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.
12. Fires must be limited to existing barbecue pits and fireplaces.
13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.
14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.
15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.
17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and

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**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

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**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

**Bob Danziger  
Lorraine Oshea  
Gwyn De Amaral  
Michele Alway  
Adrienne Berry  
Glenn Berry  
Katie Coburn**

**Big Sur  
Ken Wright  
Kirk Gafill**

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [TAMARA](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 12:59:04 PM

---

We concur with CVA.  
Dennis & Tami Farber  
27135 Meadows Rd  
Carmel, CA 93923

----- Original Message -----

**From:** Carmel Valley Association  
**To:** Tamara Farber  
**Sent:** July 8, 2018 at 8:56 PM  
**Subject:** Community Position on Short Term Rental

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*Dear Dennis Farber*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**



**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

\* **Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

\* **STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in Ewing v. City of Carmel-by-the-Sea, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

#### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a

residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.

5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

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b. Owners must provide multiple forms of proof they are year-round residents; and

c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.

d. Verification to be done by Monterey County.

e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

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12. Fires must be limited to existing barbecue pits and fireplaces.
13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.
14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.
15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

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**Carmel Valley Association**

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**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Kendra Morgenrath](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Monday, July 09, 2018 12:48:26 PM

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To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP (The Big Sur Land Use Plan). The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Kendra Morgenrath

E-mail address: [kendramorgenrath@gmail.com](mailto:kendramorgenrath@gmail.com)

**From:** [Michelle Menczkowski](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STR"s  
**Date:** Monday, July 09, 2018 12:21:17 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Please do not make STRs legal. Thank you.

Sincerely,

Michelle Menczkowski

[celebrate\\_life\\_create\\_peace@hotmail.com](mailto:celebrate_life_create_peace@hotmail.com)

Please reply & let me know you've read my email. Thank you kindly



**From:** [Madeleine Linebarger](#)  
**To:** [194-RMAComments](#)  
**Subject:** objection to CVA STR ordinance  
**Date:** Monday, July 09, 2018 12:04:28 PM

---

I am writing as a 30 year resident of Carmel Valley who objects to the CVA restriction of Short Term Rentals.  
I am also a member of the CVA. Both myself & my husband volunteer in Monterey County.

I do understand & agree with some of their opinions. However as a owner occupied residence I do not support their home stay ordinance request.

**Affordable Housing:** I agree homes purchased for the sole purpose of being a short term rental should not be permitted.

**STRs and Home Stays negate local Zoning Ordinances:** This states that there is a risk of significant disruption of quiet neighborhoods. We have rented for over a year & my neighbors have no complaints. My closest neighbor said she never sees nor hears guests. Should the CVA next want to limit the amount of people that live in a residence. On my block alone there are two homes with multiple families living there full time. Creating traffic & parking congestion. When they have parties & celebrations there is significant disruption in our neighborhood.

**The Stability of neighborhoods:** Yes, short term tenants do not participate in our local community government. However, as a 30 year resident I do. The renters however do have interest in bringing tourist dollars to our restaurants & local businesses.

**Increase Water Use:** House guests are aware of our water shortage and asked to conserve.

Having house renters protects against wasted water usage. We were gone & renters called to say they noticed a problem with the water sprinkler system. This was a problem to the tune of \$600 -(my bill is less than \$100). If the renters were not there who knows how much water would have been wasted.

**Increases Traffic:** The only increase I see in my 30 year residency is caused by the explosion of wineries. Our small town has exploded with traffic. Just try driving through the village on the weekends! However, these businesses bring needed dollars to our community so I live with the fact that our little village has gone by the way of corporate & it's dollars.

I totally DO NOT SUPPORT their recommendations for STR Ordinance.

The CVA requests that the home be a primary residence. I have no problem with this. However, I rent my house when we travel not only for extra income but to have someone staying at the house in case of leaks, etc. I do not support owner occupied rentals.

I also believe a empty house is looking for problems.

**This is our home. which we love & take good care of. We interview & decide who stays at our property while we are gone.**

**We only rent to a max of 4 people. Less than I have at my home at times.**

**This is not a large home with guest quarters. The reason for the renters is to watch my house. I have even had them water my house plants when needed**

**My water bill is not any higher when we rent.**

**We have rented 8 times in the past year. Each rental our guests were happy with the house & the area. One renter has even purchased property & is getting his house built.**

**We have rented 8 times in the past year. Each rental our guests were happy with the house & the area. One renter has purchased property & is getting his house built.**

**In short I oppose the proposal by CVA to restrict STR's to owner occupied units. I agree the houses should be locally owned, even putting a limit of a total amount of months a year they should be lived in. For those of us who can use the extra income & the peace of mind knowing someone is at your property I think the CVA ordinance of owner must live with renters is unfair.**

**Thank you for your time**

Madeleine & Terry Linebarger  
67 Southbank Road  
Carmel Valley

TOT certificate # 000949

**From:** [nico georis](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs / Please acknowledge receipt.  
**Date:** Monday, July 09, 2018 11:57:56 AM

---

Dear Monterey County Resource Management Agency,

As a resident of Big Sur i hope to convey the following message:

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- **TRAFFIC.** Increased Traffic on private roads, many of which are dangerous for people who are unfamiliar with driving on dirt mountain roads.
- **HOUSING.** Housing for the local community would be greatly reduced, which in turn impacts staffing of local businesses and increases commuter traffic.
- **COMMUNITY.** The Big Sur community are the custodians of the land. Tourists are generally unfamiliar with how to care for the land, keep the wilderness clean of trash and feces, prevent wild fires, deal with poison oak, ticks, and handle rough winter driving conditions. The presence of a local community is absolutely critical in welcoming and caring for the ever growing number of tourists.
- **CULTURE.** The culture of Big Sur represents something iconic and beloved to people on a global scale. The great history of American authors, artists, photographers and philosophers who have been inspired by Big Sur speaks to this and continues to live on through our local culture today. Preserving this culture of Big Sur is as important as preserving the land itself.

In conclusion, allowing short term rentals in Big Sur would benefit certain land owners financially, while having a widespread negative effect on local traffic, fire safety, overall care of the land, work force, local business, and the continuation of Big Sur's beloved and historical culture.

thank you for your consideration,

nico georis  
[nicogeoris@gmail.com](mailto:nicogeoris@gmail.com)

**From:** [Donna Kneeland](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 11:53:12 AM

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As requested, I am adding my name to this as a member of the Board of Directors of Carmel Valley Association.

Donna Kneeland  
8726 Carmel Valley Rd.  
Carmel, CA 93923

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From: president@carmelvalleyassociation.org  
To: crmldonna@aol.com  
Sent: 7/8/2018 8:56:50 PM Pacific Standard Time  
Subject: Community Position on Short Term Rental

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*Dear Donna Kneeland*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved through previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

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"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

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The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.

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Carmel Valley Master Plan

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17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and

c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral  
Michele Alway  
Adrienne Berry  
Glenn Berry  
Katie Coburn

Big Sur  
Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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Sent by [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org) in collaboration with

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**From:** [Michael Hulfactor](#)  
**To:** ["Michael Hulfactor"; 194-RMAComments](#)  
**Subject:** CONFIRMATION RE: SUBMISSION TO PUBLIC WORKSHOP ON DRAFT SHORT-TERM RENTAL ORDINANCE WITH LOCAL AREA PLANS - JULY 11, 2018  
**Date:** Monday, July 09, 2018 10:51:45 AM

---

Per the notice of Public Meeting, can you confirm the receipt of comments: the pdf document **Hulfactor analysis STR and coastal LUP 07.09.18.pdf**

Thank you,

Michael Hulfactor

Michael Hulfactor, PhD  
3406 3rd Avenue  
Carmel, CA 93923

*landline: 831-574-8115*  
*mobile: 650-218-6234*

*mh@decisiontrend.com*

---

**From:** Michael Hulfactor [mailto:mh@decisiontrend.com]  
**Sent:** Monday, July 09, 2018 10:48 AM  
**To:** 'RMAcomments@co.monterey.ca.us'  
**Cc:** 'Michael Hulfactor'  
**Subject:** SUBMISSION TO PUBLIC WORKSHOP ON DRAFT SHORT-TERM RENTAL ORDINANCE WITH LOCAL AREA PLANS - JULY 11, 2018

To whom it may concern,

Please find the attached submission for the public workshop to be held July 11, 2018 on the draft STR ordinance.

Thank you,

Michael Hulfactor

Michael Hulfactor, PhD  
3406 3rd Avenue  
Carmel, CA 93923

*landline: 831-574-8115*  
*mobile: 650-218-6234*

**From:** [Michael Hulfactor](#)  
**To:** [194-RMAComments](#)  
**Cc:** ["Michael Hulfactor"](#)  
**Subject:** SUBMISSION TO PUBLIC WORKSHOP ON DRAFT SHORT-TERM RENTAL ORDINANCE WITH LOCAL AREA PLANS  
- JULY 11, 2018  
**Date:** Monday, July 09, 2018 10:47:42 AM  
**Attachments:** [Hulfactor analysis STR and coastal LUP 07.09.18.pdf](#)

---

To whom it may concern,

Please find the attached submission for the public workshop to be held July 11, 2018 on the draft STR ordinance.

Thank you,

Michael Hulfactor

Michael Hulfactor, PhD  
3406 3rd Avenue  
Carmel, CA 93923

*landline: 831-574-8115*

*mobile: 650-218-6234*

## ANALYSIS OF CONSISTENCY OF DRAFT STR ORDINANCE WITH THE CARMEL AREA LAND USE PLAN (TITLE 20)

**Michael Hulfactor, PhD** (resident of unincorporated Carmel)

3406 3rd Ave, Carmel CA 93923 831-574-8115 mh@decisiontrend.com

**July 9, 2018**

This represents the opinion of the author and no other persons or entities.

### References:

CCC: Calif. Coastal Commission. See 12/06/2016 memo re: Short-Term Vacation Rentals in the Calif Coastal Zone

Ordinance citations from Title 20 Zoning Ordinance, includes Wireless Ordinance additions, Adopted Feb 2000

Proposed STR ordinance: "Attachment 1" to Carmel-Highlands LUAC public meeting of April 2, 2018: Draft version 11.08.2017 Amend Section

20.64.280 of Title 20 (Coastal Zone) of the Monterey County Code -

Preliminary Conceptual Draft (original proposed ordinance for inland, Title 21)

RELEVANT GUIDELINES FROM CCC 12/06/2016 MEMO (emphasis mine)	COMMENTS
	California Coastal Commission must approve (certify) the STR plan for the coastal zone which includes Carmel LUP
Vacation rental regulation in the coastal zone <b>MUST occur within the context of your local coastal program</b> and/or be authorized pursuant to a coastal development permit... represents a change in the intensity of use and of access to the shoreline.	
...In situations where a community already provides an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate. These include:	The city of Carmel-by-the-Sea already has large amount of transient lodging (approx. 95 inns/hotels unknown number of rooms); unincorporated Carmel is in the Greater Carmel area (under its influence); effect on its lodging and whether much of the need is taken care of by CBTS; similarly, the Highlands Inn and Tickle Pink provide lots of lodging opportunities in the Carmel Highlands.
- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.	Coastal access is only one type of visitor serving activity requiring lodging in the local area. Other examples are golfing (e.g., ProAm Tournament), automobile events (Car Week), festivals (Monterey Jazz), food events, etc.
- Limits on maximum vacation rental occupancies	
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period	
- Requirements for 24-hour management....	

- Requirements regarding onsite parking, garbage, and noise	
<b>These and other provisions may be applicable in your community...</b>	Need objective studies (e.g., CEQA) in order to evaluate impact on Carmel LUP (e.g., for visitor serving facility conversions see 20.64.110.G.2 that includes -- per the code -- "impacts on employment, the visitor serving economy, energy, water and sewer use, the stock of hotel and motel accommodations for low and moderate income persons)."
	- Distribution of rentals (CCC wants coastal access; says that STRs can be limited in some areas/blocks; recent court cases rulings indicate STRs can be limited or prohibited even more comprehensively)
	- An assessment on local housing stock/long term rentals/owner occupied housing of STRs, particularly by ownership (e.g., investment types versus live-ins)
	- Effect on schools (transients don't send kids to schools, affecting infrastructure, etc.)
	- Effect on sheriff, fire services, sewage (septic in Carmel Highlands major issue), water use
	- Effect on traffic, congestion
	- Effect on health and safety (e.g., traffic congestion, emergency services, septic leaching)
	- Compliance with American Disabilities Act since STRs are a commercial use of property
	- Compliance with anti-discrimination laws
<b>SUMMARY OF COMMENTS BY RMA AT CARMEL-HIGHLANDS LUAC PUBLIC MEETING OF APRIL 2, 2018 - FROM MINUTES OF MEETING ADOPTED BY THE LUAC</b>	<b>COMMENTS</b>
"Melanie Beretti, RMA Planning's lead on the proposed STR ordinance, presented the proposed ordinance (Attachment 1) to the Committee and approximately 50 members of the public in attendance. She said the proposed ordinance is a framework that is still in development, and RMA Planning is meeting with all County LUACs to obtain input. It expands and amends Inland Zone, Title 21 (21.64.280 - Administrative permits for transient use of residential property for remuneration; there is no such ordinance for Coastal Zone). The new ordinance, with appropriate modifications for coastal, would apply to the Coastal Zone once adopted by the County and certified by the California Coastal Commission."	Recommend proposed ordinance follow the the Coastal LUP more closely and more consistently. Parts (as described below) appear to be in conflict with sections of the LUP, and more importantly, the <b>intent</b> of the LUP.

<p>"The framework includes two STR pathways: 1) Zoning clearance for resident-occupied 'home stay' rentals, essentially an over the counter "check the box" resulting in unlimited rentals for the applicant; 2) Use permit for STR operator or managed rentals, requiring hearings and approval by the Zoning Administrator, resulting in a limited number of rentals for the applicant."</p>	<p><b>The Carmel LUP limits and regulates visitor-serving facilities, mostly to commercial zoning districts outside of residential areas. 20.12.070.E "Special Regulations limits Visitor-Serving Uses to:</b> On that portion of the Odello property known as "Odello East", visitor-serving uses and employee housing in addition to the permitted residential uses are permitted pursuant to Section 20.146.120.C.2.</p> <p>2. Up to 16 visitor-serving units and one manager apartment are permitted to remain on the property commonly known as "Grosvenor Inn".</p> <p>3. Up to 4 visitor-serving units are permitted to remain on the property commonly known as "Lincoln Green Cottages". Chapter 20.18.010 provides <b>zoning districts</b> to accommodate and maintain a broad range of commercial uses suitable for the convenience visitors and nearby residential areas." <b>Broad permission for STRs outside of established Visitor Serving Commercial Zoning Districts (20.22) contravenes both regulations and the intent of the LUP.</b></p>
	<p>20.22.040.A "The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:</p> <p>A. Development which will cause a Significant Environmental Impact." <b>The large amount of STRs as a class arguably causes significant -- and measurable or predictable -- environmental impacts; i.e., need for CEQA.</b></p>
	<p>20.70.120.B" The maintenance, alteration, or addition to existing structures other than single-family dwellings and public works facilities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact: 6. Any improvement to a structure which increases the intensity of use of the structure or changes the nature of the use."</p>
	<p><b>"HOME STAY" RENTALS</b></p>
	<p><b>"Home stays" are lightly regulated in the proposed ordinance but have impacts on the community and environment that must be evaluated. Should be as thoroughly regulated as B&amp;Bs, which are in residential areas (20.64.100)</b></p>
	<p>20.64.100.C.1 "The property owners shall occupy and manage the bed and breakfast facility." C.4 Parking: 1 space per guestroom plus 2 spaces for the owners. D1 "That the establishment of the B&amp;B facility will not... be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood..." D.3 "That the proposed B&amp;B facility will not adversely impact traffic conditions in the area. D4 "That adequate sewage disposal and water supply facilities exist or are readily available to the lot. D5 "That the proposed B&amp;B is consistent with the Monterey County Local Coastal Program."</p>

	Parking should be <b>ONSITE</b> parking (per the LUP) rather than off-street parking per the proposed ordinance. Off-street parking too permissive; could include the County setback from the road which is associated with many Carmel properties. Onsite parking -- how consistent with Title 20.58.040 (pg 166) and 20.58.059? B&B is one space per unit + 2 spaces for owners on property; residential varies.
	<b>Guesthouse should be prohibited from rental.</b> 20.64.020.C.7 "Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect." Deed restricted per C.8. <b>The proposed ordinance violates the intent of Title 20 re: rental of guest quarters or commercializing other portions of a residence, aka hotel/motel rooms.</b>
	<b>MANAGED RENTALS</b>
	<b>Should be as thoroughly regulated as other highly commercial visitor-serving uses such as timeshare uses (20.64.110). E.g., 20.64.110.B</b> "A timeshare project shall be permissible only in such zones and at the locations therein where a hotel, motel or similar visitor accommodation use would be permitted. No timeshare project shall be allowed in any case wherein covenants, conditions and restrictions expressly prohibit timeshare or other transient uses."



**From:** [Danielle Martin](#)  
**To:** [194-RMAComments](#)  
**Cc:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)  
**Subject:** Re: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 10:15:19 AM

---

Dear Board of Supervisors, Planning Commission Members, and Monterey County staff:

How can this discussion have gone on so long? Has the county been 'blind-sided' into unconscious paralysis?

There has been existing law on short-term rental procedures - as in NOT '30-days' or less - and somehow county 'spine' has been missing-in-action for YEARS - !

PLEASE complete this process and listen to the many, many residents that want to preserve a local life that supports a 'moderate' economy for locals versus turning this county into an extension of 'investment' opportunity for any and all 'out-of-area' \$\$\$ - !

I agree with the Carmel Valley Association's careful words - and - I do support 'owner-occupied' short-term rentals with the constraints and considerations listed below.

Thank you,

Danielle Martin

On 7/8/2018 8:56 PM, Carmel Valley Association wrote:

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*Dear Danielle Martin*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*RMAcomments@co.monterey.ca.us*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved through previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in Ewing v. City of Carmel-by-the-Sea, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

#### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for

hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

6. Effective and verifiable self-policing.

- a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
- b. Owners must provide multiple forms of proof they are year-round residents; and
- c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.
- d. Verification to be done by Monterey County.
- e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.
- f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.
- g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.

11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.

12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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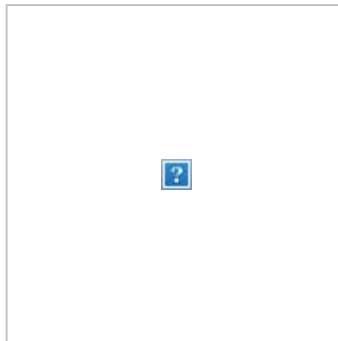
Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Anne & Reggie Jones](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fw: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 10:06:55 AM

---

**From:** [Carmel Valley Association](#)  
**Sent:** Sunday, July 08, 2018 8:56 PM  
**To:** [slaterjones1@comcast.net](mailto:slaterjones1@comcast.net)  
**Subject:** Community Position on Short Term Rental

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wholeheartedly  
support the  
combined  
position of  
CVA, Carmel  
Highlands,  
and Mal Paso  
associations  
and Big Sur  
residents as  
expressed  
below.

We are  
concerned  
about short  
term rentals  
adding to the  
lack of  
available  
affordable  
housing for  
long time  
residents and  
low income  
workers, water  
shortage,  
traffic  
conditions,  
noise and  
general  
neighborhood  
blight.

Yours  
sincerely,

Reggie and  
Anne Jones  
61 E. Garzas  
Road  
Carmel Valley,  
CA 93924  
.







*Dear Anne & Reggie Jones*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*RMAcomments@co.monterey.ca.us*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

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CC : Carl Holm, John Dugan, Melanie Beretti  
From: Pris Walton, President, Carmel Valley Association  
Subject: Short-Term Rental Ordinance.**

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### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

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**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
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7. No advertising of unpermitted rentals, and Host Compliance or equivalent

service is required. Permit numbers must be posted in any ads.

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15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of

investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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**Mal Paso Creek Property Association**

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Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Jonah Seeler](#)  
**To:** [194-RMAComments](#)  
**Cc:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 9:50:21 AM

---

Thank you for your thoroughness and thoughtfulness. I am in agreement with your position....Joan Seeler, 3 Loma Lane, Carmel Valley, Ca. 93924

Begin forwarded message:

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Date:** July 8, 2018 8:56:48 PM PDT  
**To:** [jonahseeler@earthlink.net](mailto:jonahseeler@earthlink.net)  
**Subject:** Community Position on Short Term Rental  
**Reply-To:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

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*Dear Joan Seeler*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**

**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved through previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

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The following factors are critical as you consider what kind of STR ordinance is needed.

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

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Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Judith Tschirgi](#)  
**To:** [194-RMAComments](#)  
**Cc:** [Steve Hoch](#); [matt singleton](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 9:26:47 AM

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As a Carmel Valley Association member and full-time resident of Carmel Valley I would like to comment on this position. I am not entirely in agreement with it. I agree with the concerns of members, but also recognize that homeowners have legitimate rights to their assets, and that the valley also benefits from tourism. I have made use of STRs worldwide and know that most STR users are responsible tourists. I had a lovely little row home in Philadelphia that I only used part-time since I lived part-time here for a few years, and I managed it as an STR, too. It was a good experience also. So I've had experience in this matter.

My view is that a compromise position would be to allow STRs by homeowners, absent or not, (not corporations if that is possible) with much more stringent regulation, enforcement and taxation. That will reduce the number of STRs and increase the quality without restricting the rights of homeowners.

There have always been second-home owners in this area. There always will be. Second-home owners often have the same characteristics as short-term renters: "they don't coach soccer teams, join the hospital guild, or volunteer at the library". I think it is impossible to forbid them to rent out their homes for some portion of the time they are not present. I think it is entirely reasonable to regulate that activity and tax it. I think it is also reasonable to try to discourage the corporate purchase of houses which reduces both rental and purchase inventory stock. But how to do that is not clear to me. I don't think you do that through STR policy, however.

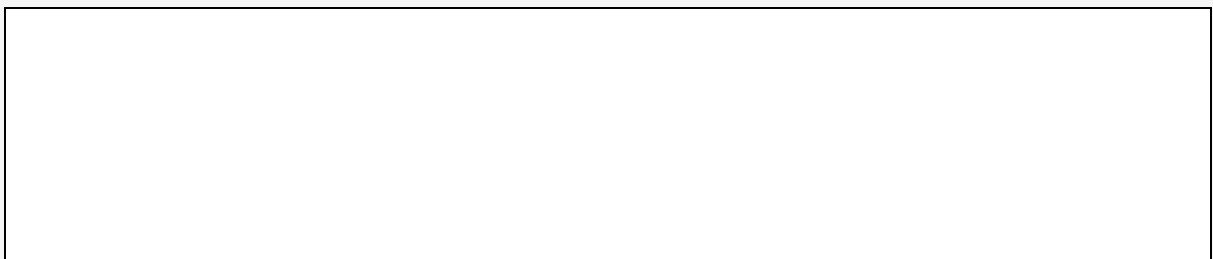
Thank you,

Judy Tschirgi  
15 Oak Meadow Lane  
Carmel Valley, CA 93924

----- Forwarded message -----

**From:** **Carmel Valley Association** <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Date:** Sun, Jul 8, 2018 at 11:56 PM  
**Subject:** Community Position on Short Term Rental  
**To:** <[jtschirgi@gmail.com](mailto:jtschirgi@gmail.com)>

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*Dear Judy Tschirgi*

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*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

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*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

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Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

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Kirk Gafill

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--

Judith E. Tschirgi  
(610) 324-1361 (m)

**From:** [Ron SHERWIN](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fw: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 9:25:11 AM

---

I agree with, and support the "Community Position on STR's." It does an excellent job of integrating and resolving competing interests.

Ronald G. Sherwin  
25395 Via Cicindela  
Carmel, CA 93923

ronsherwin@sbcglobal.net

831.223.0511 (cell)

On Sunday, July 8, 2018 8:56 PM, Carmel Valley Association <president@carmelvalleyassociation.org> wrote:

Having trouble viewing this email? [Click here](#)



*Dear Ron Sherwin*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)

[And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.](#)



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved through previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential

areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**



1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
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4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

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Carmel Valley Master Plan

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remedies by providing required enforcement resources.

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Big Sur  
Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Kakani Young](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 9:08:57 AM

---

Hi,

My name is Kakani Young and I currently reside at 111B El Hemmorro, Carmel Valley. I see the STR issue as an important one, which not only impacts the available long term rental market units, but also makes it more difficult for residents to purchase homes when competing with outside investors with cash offers to finance STR properties. My husband is a high school teacher and I am a research scientist, and from our experience, we find that STRs have made it nearly impossible to find affordable housing (to rent AND buy) in our area - which is a huge shame for us and the community we live in.

Best,

Kakani Young

Begin forwarded message:

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Subject:** Community Position on Short Term Rental  
**Date:** July 8, 2018 at 8:56:49 PM PDT  
**To:** [kakanikatija@yahoo.com](mailto:kakanikatija@yahoo.com)  
**Reply-To:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

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*Dear Kakani Young*

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*President*

Date: July 10, 2018

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**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

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**Carmel Valley Association**

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Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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From: [surfing](#)  
To: [194-RMAComments](#)  
Subject: Fwd: Community Position on Short Term Rental  
Date: Monday, July 09, 2018 9:06:03 AM

---

I implore you to adopt the criteria recommended by CVA. I have personally experienced the horror of living next to a STR that completely changed my peaceful neighborhood, lowered the value of my property, and ruined the life I sought when I moved here.

J D Wachs  
38 year long resident

----- Forwarded message -----

From: **Carmel Valley Association** <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
Date: Sun, Jul 8, 2018 at 8:56 PM  
Subject: Community Position on Short Term Rental  
To: [1surfing@gmail.com](mailto:1surfing@gmail.com)

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*Dear Jason Wachs*

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*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

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*President*

Date: July 10, 2018

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**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.



17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

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**Preserve Carmel Highlands**  
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Bob Danziger  
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Gwyn De Amaral  
Michele Alway  
Adrienne Berry  
Glenn Berry  
Katie Coburn

Big Sur  
Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Gail Bower](#)  
**To:** [194-RMAComments](#)  
**Cc:** [Gail Bower](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 9:04:59 AM

---

Hello,

I am writing to voice my full support for the position on short term rentals as written by the CVA, Carmel Highlands and Mal Paso associations.

There are many great reasons to fully support them and those reasons are well articulated below. I ask that you give them thoughtful consideration when making your decisions - it matters a tremendous amount to the future of the livability and value of these residential areas.

Thank you very much for reading this and thank you and your team for all your hard work - you all have a tough job and I appreciate your dedication.

Kind regards,  
Gail Bower  
10095 Orange Ave.  
Cupertino, CA

Formerly 20 years in Pacific Grove and moving back soon to Carmel Valley. I visit regularly and stay at the Blue Sky Lodge.



*Dear Gail Bower*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Rob Robinson](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 8:59:36 AM

---

I am in complete agreement with the Carmel Valley Associations position on STRs

Clinton W Robinson  
Tierra Grande Dr  
Carmel

Begin forwarded message:

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Subject:** Community Position on Short Term Rental  
**Date:** July 8, 2018 at 8:56:54 PM PDT  
**To:** [winkweb49@gmail.com](mailto:winkweb49@gmail.com)  
**Reply-To:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

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*President*

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

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**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

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**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

**Ken Wright**  
**Kirk Gafill**

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Robert Danziger](#)  
**To:** [194-RMAComments](#)  
**Subject:** Endorsement of Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 8:52:14 AM

---

I wholly support the CVA Consensus Position on Short Term Rental. Please note that our definition of “Home Stay” is very different than the PC staff and draft ordinance definition.

The PC Staff definition of Home Stay is nothing more than an STR by another name, only worse in terms of negative impacts on neighborhoods and the environment. The Staff makes numerous categorical statements about the minimal or non impact of Home Stays for which it has provided no written analysis or reports, and disregards all of the evidence provided to it. The Staff analysis is wrong on its face on numerous crucial issues including affordable housing, housing availability, traffic, water, leach fields, emergency services, density limits, private roads, Americans with Disabilities Act and other crucially important issues.

Further the Staff position will require a massive enforcement effort that shifts most of the responsibility to the neighbors, while providing few if any tools to do so.

There are 143,000 homes in Monterey County. At least 1,000 are already doing some form of STR or Home Stay. The average number of people in a home is 2.5 to 3. With tourists that number per home goes up. And with no barriers to entry, weak or nonexistent enforcement, and free advertising, the number of homes that might be involved goes way up.

Our group has suggested alternatives that substantially mitigate these problems, but staff has failed to analyze these alternatives, let alone present them to the Commission.

For the record, in order to avoid duplication, I hereby incorporate by reference all previous comments and correspondence, the entire contents of the website PreserveMontereyNeighborhoods.Community, and all documents produced by the County of Monterey in response to Records Act Requests.

Bob Danziger  
As an Individual and member of Preserve Carmel Highlands, and  
PreserveMontereyNeighborhoods.Community.

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*Dear Bob Danziger*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce

housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that

Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

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Carmel Valley Master Plan

6. Effective and verifiable self-policing.

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d. Verification to be done by Monterey County.

e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.

f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.

g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

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Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Robert Tasner](#)  
**To:** [194-RMAComments](#)  
**Subject:** Short Term Rentals  
**Date:** Monday, July 09, 2018 8:49:07 AM

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We are in agreement with terms and conditions set forth by the Carmel Valley Association.

We recommend you support this agreement.

Robert & Susan Tasner

9662 Willow Ct  
Carmel, CA 93923

**From:** [William & Diane Salmon](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fw: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 8:01:22 AM

---

I agree with CVA recommendations.

William Salmon  
19 El Potrero  
Carmel Valley CA  
93924  
831 915-2541

**From:** Carmel Valley Association  
**Sent:** Sunday, July 8, 2018 8:56 PM  
**To:** will-di@comcast.net  
**Subject:** Community Position on Short Term Rental

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*Dear Will Salmon*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

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*President*

**Date:** July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

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**Carmel Valley Association**

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**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

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Ken Wright  
Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [surprenane@aol.com](mailto:surprenane@aol.com)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 7:48:07 AM

---

I am a thirty year resident of Carmel Valley. I agree with the Cimmunity Position on Short Term Rentals.

Lorraine Nolan - Surprenant  
75 Southbank Road  
Carmel Valley CA. 93924

Sent from AOL Mobile Mail

-----Original Message-----

From: Carmel Valley Association <president@carmelvalleyassociation.org>  
To: Surprenane <Surprenane@aol.com>  
Sent: Sun, Jul 8, 2018 08:56 PM  
Subject: Community Position on Short Term Rental

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*Dear Lorraine Surprenant*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

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*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved through previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential

areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

**Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.

2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.

3. The owner be required to live in and be present on site during the STR/Home Stay rental period.

4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.

5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the number of new Visitor Serving Units under their Land Use Plans for all areas, including:

Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;

Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.

Carmel Valley Master Plan

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c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.

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14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

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c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [ogee rajneesh](#)  
**To:** [194-RMAComments: Beretti, Melanie x5285](#)  
**Subject:** Zoning Categories  
**Date:** Monday, July 09, 2018 7:23:52 AM

---

I would like to acknowledge the different zoning categories laid out in the Big Sur Land Use Plan. The differences between residential properties and those that are designated as private parcels within the National Forest zoned as Outdoor recreation and Watershed and Scenic Conservation.

The residential zoning in the LUP has stated:

#### 5.1.1 Residential Land Use ; page 71

The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. Unlike the larger properties or commercial centers, they are not well suited for commercial agriculture, commercial, or visitor uses; use of these areas, to the extent consistent with resource protection, should continue to be for residential purposes.

The Outdoor Recreation and Watershed and Scenic Conservation varies drastically in that it is encouraging the use and development of low-impact rustic overnight accommodations that help to create more access to the coast and can help mitigate potential hazards from otherwise unsupervised visitors to the coast. It has stated as follows;

#### 4. Outdoor Recreation ; page 78

Low intensity recreational and educational uses that are compatible with the natural resources of the area and require a minimum level of development to serve basic user needs and necessitating minimal alteration of the natural environment are appropriate. Such uses are defined as trails, picnic areas, **walk-in camping, tent camping** where the campsites are separated from one another, and supporting facilities. Campgrounds are limited to a maximum of 60 spaces. These are considered to be principal allowed uses.

#### 5.3.2 Land Use Map and Summary of Land Use Proposals ; page 79

Most of the land on the coast is rural and undeveloped as part of the Los Padres National Forest or large privately-held ownerships. The emphasis on these lands has been on minimal use and **careful stewardship**. These basic uses are proposed to remain over most of the area as indicated by the broad use of the Watershed and Scenic Conservation designation and the National Forest designation. **The Watershed and Scenic Conservation category permits** a number of land uses including ranches, rural residences, low intensity recreation, **rustic visitor accommodations**, and under careful controls, forestry, mining, and aquaculture. The development and resource policies of the plan will guide landowners in assuring that development is compatible with protection of the area. At the same time, **the flexibility that this category permits provides an opportunity for landowners to obtain a reasonable return from the land.**



Uses permitted in the Outdoor Recreation **category are encouraged on appropriate sites within areas shown on the map as Watershed and Scenic Conservation**. Large private properties in particular, can be developed to provide enjoyable low intensity, outdoor recreation opportunities for the public in a scenic and natural setting. Proposals for such uses will be considered on any suitable property.

An important condition of the plan is that property can be devoted to either residential or **visitor-serving overnight accommodations**, or a combination of both,

C. Development of New or Expanded Recreation Facilities ; page 88

1. Development of recreation and **visitor-serving facilities** at locations suitable for such use is preferred over other types of development in Big Sur because of Big Sur's national significance as a recreation area.

2. **Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized**. The expansion and development of recreation and **visitor-serving facilities** in Big Sur shall be of a scale and nature that is **compatible with the natural and cultural character** of the area while offering opportunities **for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents**. Intensive recreational uses or facilities are not appropriate and shall not be permitted. ( such as shopping malls hotels, movie theatres,)

5. **The County encourages** expansion and development of public and private recreation and **visitor-serving facilities** within existing areas of development. Accordingly, new development, or expansion of existing recreation and visitor-serving facilities in the Big Sur Valley, and at Lucia, Gorda, and Pacific Valley is generally acceptable provided resource protection policies can be met.

6. **Undeveloped areas in Big Sur shall be preserved for low intensity recreational use such as hiking and camping and nature study**. Only minimal alterations of Big Sur's existing natural environment and recreational character shall be allowed. Development of low intensity \*recreation uses and **visitor-serving facilities are encouraged** on the larger properties where this will **assist in providing economic uses of the land** and in meeting Coastal Act objectives for public recreation.

8. Projects for new or extensively expanded recreation and **visitor-serving facilities shall provide low-cost recreational facilities** as part of the development. The establishment of **low-cost hostels in Big Sur is encouraged** as part of a comprehensive hostel system for the California coast.

## E. Commercial

Page 92

1. Management of recreation uses in Big Sur shall emphasize the enjoyment of the natural scenic environment and shall preserve the rural, wilderness, and inspirational qualities for which the Big Sur coast is famous. A high standard of resource protection is required to maintain the valuable resources of the Big Sur coast in perpetuity.

10. Commercial development which would **enhance recreational use of public lands** existing nearby by providing specific physical improvements (e.g. **trail links**, interpretive facilities) or management (e.g. ranger, fire control, contribution of funds to a public management agency), or development which includes specific improvements to public access to the shoreline and the surrounding lands shall be preferred.

Page 93

**11. Conversion of existing low cost overnight accommodations to other uses, unless replaced with comparable facilities, will not be permitted.**

Page 96

2. The County shall encourage the expansion of housing opportunities for low and moderate income households. The County shall: a) Work cooperatively with Big Sur residents desiring to construct hand-made houses of original design, utilizing native materials. The County encourages this as a contribution to the coast's culture and will assist residents in insuring these designs meet minimum necessary health and safety standards.

**From:** [Karen](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 7:23:38 AM

---

My name is Karen Hookailo. I have owned a property in Carmel Valley for 20 years. Just recently we started seeing STR's in our small gated community. They increased traffic on our private road without providing any additional fees to maintain it. They created noise and had outdoor tiki torches in a heavily wooded and high risk fire area - in June. We knew the homes were not legally permitted, denying the county of the fees they should have been able to collect, and were unregulated. When reported we were informed of the backlog of STR's and the County's lack of resources for regulation and enforcement - so we were on our own. With noise and fire issues, we were told to call law enforcement - something we have not had to do with our non-STR neighbors in twenty years. Our HOA is hoping the County will enforce the guidelines as requested by the coalition headed the Carmel Valley Association, of which we are members.

As an HOA we can, of course, go to the considerable time and expense to amend our CCR's to restrict STR's in our small development, and go to the considerable expense to enforce them. But my concerns are also for the many residents of our area who rely solely on the county for policy and enforcement. I urge you to consider the residents, and the residential nature of the neighborhoods we all seek to maintain. Please restrict STR's to hosted stays ONLY, if we must have them at all. And please monitor and enforce the policy you adopt.

Thank you for your consideration,  
Karen Hookailo  
13469 Middle Canyon Road  
Carmel Valley CA 93924

----- Forwarded message -----

**From:** **Carmel Valley Association** <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Date:** Sun, Jul 8, 2018 at 8:56 PM  
**Subject:** Community Position on Short Term Rental  
**To:** <[carmelvalleygirl@gmail.com](mailto:carmelvalleygirl@gmail.com)>

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*Dear KAREN HOOKAILO*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*RMAComments@co.monterey.ca.us*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

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Michele Alway

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Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [kelly tucker](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 7:17:14 AM

---

From Michael Tucker  
4000 Rio Road Apt 86  
Carmel, CA 93923

Begin forwarded message:

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Subject:** Community Position on Short Term Rental  
**Date:** July 8, 2018 at 8:56:53 PM PDT  
**To:** [kellytucker1@hotmail.com](mailto:kellytucker1@hotmail.com)  
**Reply-To:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

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The following factors are critical as you consider what kind of STR ordinance is needed.

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### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

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#### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a

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Carmel Valley Master Plan

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c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.

d. Verification to be done by Monterey County.

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14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

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Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright



**Kirk Gafill**

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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Sent by [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org) in collaboration with

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**From:** [John Mearns](#)  
**To:** [194-RMAComments](#)  
**Cc:** [admin@bigsurcp.com](mailto:admin@bigsurcp.com)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Monday, July 09, 2018 7:08:53 AM

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To the Monterey County Resource Management Agency,

I am concerned about Fire Danger with uninformed, unaware visitors who don't understand the extreme dry conditions.

There is a major lack of supervision from law enforcement and other State and Federal agencies, and the vast majority of visitors are on their own to do just about anything they want, often completely unaware of the consequences of their thoughtless actions to the safety and well being of other properties and residences. Big Sur is not a Self serve Hotel, and is in grave danger of being over run by unsupervised masses who are unable to understand the delicate balances that their presence alone jeopardizes.

There seems to be a focus from businesses and other commercial ventures and publications, to bring more and more visitors to Big Sur, with zero effort being put out to educate the public about various impacts and consequences of their presence, and their actions. There is a major lack of LAW enforcement that continues to allow law breaking highway travelers to park IN and walk IN the highway, relieving their bodily functions wherever they can, as there are no facilities or well planned parking along Highway One.

2 days ago, I narrowly avoided a head on collision from a car in the opposite lane swerving into my lane to avoid an open swinging car door, from a car, in a group of illegally parked over the white line cars near Sobranes Point. This sort of thing happens all the time. Big Sur is not set up to support the masses of visitors it is attracting. In Emergency situations these situations of overcrowding will pose a huge danger to locals and public alike, with up to 3 HOUR afternoon/evening backups to drive north from Big Sur to Carmel!

God forbid another wildfire, but it is not a question of IF, it is a question of WHEN, because as a resident and property owner in Big Sur for 40 years, I know it is simply a matter of time!

Short Term rentals will only make this worse, and will take away from the already evident lack of available housing to people who live and work here, which causes even more traffic from workers having to commute to Big Sur, adding to the highway confusion.

Please do not allow Short Term Rentals in Big Sur!

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Thank You!

John Mearns  
46310 Clear Ridge Road  
Big Sur, CA  
93920

Email: [Surmamma@aol.com](mailto:Surmamma@aol.com)

Sent from my iPhone  
Thank you,  
John Mearns

**From:** [Carmel Valley Association](#)  
**To:** [194-RMAComments](#)  
**Subject:** Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 6:47:19 AM

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**Date: July 10, 2018**

**To: Board of Supervisors, Planning Commission Members**

**CC : Carl Holm, John Dugan, Melanie Beretti**

**From: Pris Walton, President, Carmel Valley Association**

**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

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Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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Sent by [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org) in collaboration with

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**From:** [Susan Reddington](#)  
**To:** [194-RMAComments](#)  
**Subject:** Short term rentals  
**Date:** Monday, July 09, 2018 5:45:57 AM

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Just a short email to let you know that I agree with the Carmel Valley Association position on short term rentals. I am in favor of restricting short term rentals in Carmel Vally, Carmel Highlands, Malo Paso and Big Sur. They change the nature of the neighborhood and cause more traffic. I live in Carmel Valley.

Thank you, Susan Reddington  
238 Hacienda Carmel, Carmel CA 93923

**From:** [Jeff Hawkins](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fw: Community Position on Short Term Rental  
**Date:** Sunday, July 08, 2018 11:07:05 PM

---

I agree strongly with the CVA position on STRs noted below.

Regards,  
Jeff Hawkins  
25495 Via Paloma  
Carmel, CA 93923

On Sunday, July 8, 2018 8:56 PM, Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)> wrote:

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*Dear Jeff Hawkins*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)

[And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.](#)



*President*

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

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**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

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**Preserve Carmel Highlands**



**PreserveMontereyNeighborhoods.Community**

Bob Danziger

Lorraine Oshea

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Michele Alway

Adrienne Berry

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Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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Sent by [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org) in collaboration with

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**From:** [Brian Taylor](#)  
**To:** [194-RMAComments](#)  
**Cc:** [Patrice Taylor](#)  
**Subject:** Regarding Short Term Rental Ordinance  
**Date:** Sunday, July 08, 2018 11:06:24 PM

---

From: Brian and Patrice Taylor  
9 Quail Canyon Lane  
Carmel Valley, CA 93924

Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of the entire coalition (please see signatures below for details on the coalition membership).

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The following factors are critical as you consider what kind of STR ordinance is needed.

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**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

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Katie Coburn

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Ken Wright  
Kirk Gafill

**From:** [John Heyl](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Sunday, July 08, 2018 9:53:19 PM

---

While I agree in principle with most of the attached Community Coalition Position, I still urge the Planning Commission and staff to seek to readdress the draft proposal in the interest of reducing the amount of regulatory compliance, permitting, and fee expense necessary for a homeowner to legally rent a room in their primary residence.

John Heyl  
Carmel Valley, CA

Begin forwarded message:

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Subject:** Community Position on Short Term Rental  
**Date:** July 8, 2018 at 8:56:48 PM PDT  
**To:** [johntheyl@earthlink.net](mailto:johntheyl@earthlink.net)  
**Reply-To:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

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*Dear John Heyl*

*Below is the combined position concerning short term rentals of CVA, Carmel Highlands, and Mal Paso associations and Big Sur residents.*

*If you are in agreement with our position, please forward this email, including your name, address, and any additional comments to*

*[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)*

*And, if you are able, please attend the Planning Commission workshop Wednesday, July 11, 2018 at 10:30 AM, in the Monterey County Board of Supervisors Chambers, County Government Center, 168 West Alisal Street.*



*President*



Date: July 10, 2018

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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Kirk Gafill**

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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Sent by [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org) in collaboration with

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**From:** [Bob Byrne](#)  
**To:** [194-RMAComments](#)  
**Subject:** Short Term Rentals  
**Date:** Sunday, July 08, 2018 9:28:14 PM

---

**I am in agreement with the combined position concerning short term rentals of CVA, Carmel Highlands & Mal Paso associations and Big Sur residents.**

**Sincerely,**

**Bob Byrne**  
**Carmel Valley**  
**[bob8679@att.net](mailto:bob8679@att.net)**  
**C (831) 582-7316**

**From:** [Juan Duran](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Community Position on Short Term Rental  
**Date:** Sunday, July 08, 2018 9:14:23 PM

---

We agree with CVA position on short term rentals.  
Juan and Janet Duran  
5 Marquard Rd  
CV

Begin forwarded message:

**From:** Carmel Valley Association <[president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)>  
**Date:** July 8, 2018 at 8:56:53 PM PDT  
**To:** [jeduran@comcast.net](mailto:jeduran@comcast.net)  
**Subject:** Community Position on Short Term Rental  
**Reply-To:** [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

[RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)



**From:** [Pamella Espinoza](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Sunday, July 08, 2018 7:30:00 PM

---

To Whom it may concern, I am not in favor of STR on any of the ridges in Big Sur. The roads are All very narrow one lane with two way traffic, twisty and steep. This is not helpful for visitors. They DONOT know how to drive in these conditions. It creates many problems for the people that live here....!! If any STR are accepted in this area it should be for houses that are right on hwy 1 only. I am a land owner on a ridge in Big Sur. Two years ago a neighbor had a group of STR at his house they set off a bunch of fireworks,it was summer and dry .Need i say more. Sincerely Pam Espinoza

**From:** [Laura Pavloff G-mail](#)  
**To:** [194-RMAComments](#)  
**Subject:** Fwd: Big Sur Land Use Plan and STRs  
**Date:** Sunday, July 08, 2018 4:29:36 PM

---

Dear Monterey County Resource Management Agency,  
Please send me an email confirming you received my comments.  
Sincerely, Laura Pavloff

----- Forwarded message -----

**From:** **Laura Pavloff G-mail** <[laurabigsur@gmail.com](mailto:laurabigsur@gmail.com)>  
**Date:** Sun, Jul 8, 2018 at 4:23 PM  
**Subject:** Big Sur Land Use Plan and STRs  
**To:** [RMAcomments@co.monterey.ca.us](mailto:RMAcomments@co.monterey.ca.us)

To the Monterey County Resource Management Agency,

Short Term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- \*Traffic (public access)
- \*Housing
- \*Community
- \*Culture

Sincerely,  
Laura Pavloff

--

*Laura Pavloff (Gmail)*

**From:** [Laura Pavloff G-mail](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Sunday, July 08, 2018 4:23:30 PM

---

To the Monterey County Resource Management Agency,

Short Term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- \*Traffic (public access)
- \*Housing
- \*Community
- \*Culture

Sincerely,  
Laura Pavloff

**From:** [Ryne Leuzinger](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and short-term rentals / please acknowledge receipt  
**Date:** Sunday, July 08, 2018 3:23:56 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the Big Sur Land Use Plan. The plan mentions four areas in particular that would be negatively impacted:

- Traffic
- Housing
- Community
- Culture

Thanks your consideration.

Ryne Leuzinger,  
CSUMB faculty member and Big Sur resident

**From:** [Thomas Leahy](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan  
**Date:** Sunday, July 08, 2018 3:11:48 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Thomas Leahy  
E-mail address: [Thomas.leahy@esalen.org](mailto:Thomas.leahy@esalen.org)

Sincerely,  
Thomas Leahy  
Manager of Farm&Garden and Grounds  
Esalen Institute  
55000 Highway One  
Big Sur, CA 93920  
831-667-3080

**From:** [Jenny Mason](#)  
**To:** [194-RMAComments](#)  
**Subject:** regarding short term rentals  
**Date:** Sunday, July 08, 2018 1:50:08 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Jenny Mason  
E-mail address: [jenny@mason.io](mailto:jenny@mason.io)

Thank you!

Jenny Gillespie Mason | 415.601.6171  
*Founder*  
*Native Cat Recordings*

[www.nativecatrecordings.com](http://www.nativecatrecordings.com)



**From:** [Lana Weeks](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STR"s  
**Date:** Sunday, July 08, 2018 1:01:38 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:  
LanabytheC@aol.com

Lana Weeks

**“If you want to go fast, go alone. But if you want to go far, you go together.”**

**From:** [George Pysor](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Short Term Rentals  
**Date:** Sunday, July 08, 2018 11:29:19 AM

---

Please send a confirmation that you received my email opposed to STR's in the BIg Sur Area.

George Pysor  
[ottercastle@gmail.com](mailto:ottercastle@gmail.com)

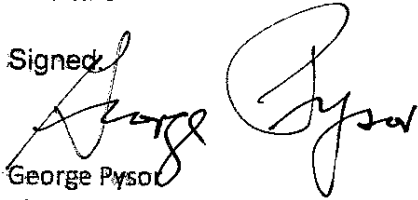


To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed

A handwritten signature in black ink, appearing to read "George Pysol". The signature is fluid and cursive, with the first name "George" and last name "Pysol" clearly distinguishable.

George Pysol

Chairman

Otter Cove Homeowners association

30800 Aurora Del Mar

Carmel, CA 93923

ottercastle@gmail.com

**From:** [Kodiak Greenwood](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STR"s  
**Date:** Sunday, July 08, 2018 11:23:25 AM

---

fdfdf

Hello,

STR rentals in the Big Sur area eliminate community and are not in Line with the Big Sur Land use Policy. They should NOT BE ALLOWED. I was born and raised in Big Sur. I spent 37 years working to Purchase 10 acres here. I value community and I live on a shared private road. I would never support opening my road to tourists on vacation. This issue is global. In Big Sur, residence who are impacted the most are the ones on shared private roads, and water systems. This is the commercialization of homes and not in line with residential homes.

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:

E-mail address:

Kodiak Greenwood

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

**From:** [Marcus Foster](#)  
**To:** [194-RMAComments](#)  
**Cc:** [admin@bigsurcp.com](mailto:admin@bigsurcp.com)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Sunday, July 08, 2018 10:59:45 AM

---

To MCRMA,

I'm a long time Big Sur resident. Over the years I have seen our small but resilient community diminish due to lack of housing, cost of living, fires, increased crowded roads, etc.

Short Term Rentals are another major factor. I have personally seen homes, caretaker houses and guest houses, where friends and families have resided in past, be turned into vacation rentals for the visiting public. This has major negative impacts to this unique community that has a decades old Land Use Plan to protect this from happening.

I also have knowledge of people, with multiple STR's around the State, buy up properties here for the sole purpose of turning residences into hotels for their own personal wealth. This has devastating consequences!

You can see example after example, not just here in Monterey County, how vacation rentals have destroyed communities and the environment in travel destinations throughout the world. Let's learn the lessons from these governing failures.

I feel that this County has made so many decisions that has put the tourist/visitor industry well before it's actual residents. I urge you to put forward a complete ban on STR's in our Big Sur area in order to preserve it's community and fragile coast for generations to come.

Thank you,

Marcus Foster  
48810 HWY 1  
Big Sur, CA 93920  
(831)667-2390

Sent from my iPhone

**From:** [brent bower](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Sunday, July 08, 2018 10:13:46 AM

---

Sent from [Mail](#) for Windows 10

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

**Signed:**  
gbbower@outlook.com

**From:** [Warren Masten](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Sunday, July 08, 2018 6:35:27 AM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

You are well aware of the problem, I am sure. Please have the courage to abide, wisely, by the people's voices.

Tearing the heart out of Big Sur, serves no purpose.

Warren Masten

[oncor3@earthlink.net](mailto:oncor3@earthlink.net)

(Please acknowledge receipt)

**From:** [Jean Weiss](#)  
**To:** [194-RMAComments](#)  
**Cc:** [admin@bigsurlicp.com](mailto:admin@bigsurlicp.com)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Sunday, July 08, 2018 6:34:52 AM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Thank you,  
Jean Weiss

twjw8790@aol.com



**From:** [Ruby](#)  
**To:** [194-RMAComments](#)  
**Subject:** Str situation in Big Sur  
**Date:** Saturday, July 07, 2018 11:05:04 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

I truly believe that allowing short term rentals will open the flood gates to changes in our community, culture, economy and ecology, resulting in a barren wasteland of second homes only accessible to the wealthy elite, and complete loss of the unique cultural identity and stewardship necessary to the flora and fauna in Big Sur. The only motivation behind advocates for short term rentals is money. Please consider the way this issue could impact the way of life for Big Sur residents, businesses, visitors, as well as the fragile economy and ecology. Thank you for your time and efforts,

Ruby Way



**From:** [Trey Kropp](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 8:34:05 PM

---

Dear Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Having been a local here for 25 years I have seen the negative impacts that STR's have brought to Big Sur. We must all help protect Big Sur from being overrun by short term profit with long term negative affects. A complete ban of STR's needs to be in place along the entire Big Sur coast. Let the tourist stay in hotels and campgrounds that are permitted, safe, and legal on commercial or public land. Residential land is not meant for commercial business.

Thanks,

**Trey Kropp**  
PO Box 139  
Big Sur CA, 93920  
(831) 238-2141

Sent from my iPad

**From:** [Jerri Hansen](#)  
**To:** [194-RMAComments](#)  
**Subject:** LUP and STR"s on the Big Sur Coast  
**Date:** Saturday, July 07, 2018 8:04:54 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted;

- Traffic (public access)
- Housing
- Community
- Culture

I do not want strangers crossing my private land to get to STR's on our dirt road in Palo Colorado cyn they cross through 11 properties in my neighborhood mine is included ...Please use the LUP as your guide..Don't allow STR's on Private dirt Roads .. Palo Colorado canyon is already a traffic hazard waiting to happen ....Thank you for your kind attention ...

Jerri Masten Hansen

[jerrihansen@att.net](mailto:jerrihansen@att.net)

**From:** [Big Sur - Sales & Catering MGR](#)  
**To:** [194-RMAComments](#)  
**Cc:** [magnus@henrymiller.org](mailto:magnus@henrymiller.org)  
**Subject:** STR in Big Sur  
**Date:** Saturday, July 07, 2018 7:23:25 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Our group owns 200 acres of land and 14 home sites in the environs of The Old Coast Road at Bixby Bridge. In 1950 when our parents created this group of homeowners, they had the foresight to include in the bylaws a ban on vacation rentals. They recognized, even then, the degradation of community and culture, the fire danger and the overuse that would come with short term rentals.

Signed:  
Dana Carnazzo  
For:  
The Bixby Corporation

E-mail address:  
[Carnazzo@sbcglobal.net](mailto:Carnazzo@sbcglobal.net)

Thank you!

**From:** [Peery Sloan](#)  
**To:** [194-RMAComments](#)  
**Cc:** [Sean Sweeney](#)  
**Subject:** Big Sur Land Use Plan and STR's  
**Date:** Saturday, July 07, 2018 6:00:50 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

I am deeply concerned for the future of this beautiful landscape and community if these violations continue. With upwards of 10 million visitors a year, Big Sur already sees excessive use. Allowing more people to infiltrate our hills and homes, puts the ecosystem in danger. We do not have the infrastructure to support them. Just this year on the South Coast, public restrooms were closed for weeks. The result was human feces streaming into critical watersheds and the ocean. How could short-term renters know their affect on the landscape? I personally have seen tourists on my rugged road get stuck and stranded. Let Highway 1 continue to be used as it was intended - a scenic through-highway. I beg of you to uphold the Land Use Plan, think personally about our community, and act accordingly.

Warmest,  
Peery Sloan

Signed: Rachel Peery Sloan

E-mail address: [peerysloan@gmail.com](mailto:peerysloan@gmail.com)

--



**From:** [JAYnJAN](#)  
**To:** [194-RMAComments](#)  
**Subject:** Short Term Rental Comments  
**Date:** Saturday, July 07, 2018 5:02:39 PM

---

Please take the time to look at the photos on the link below. Address: 25891 Rancho Alto, Carmel, CA 93923 (Tierra Grande)

Link to STR: <https://www.airbnb.com/rooms/23597820?location=Carmel%20Valley%2C%20CA%2C%20United%20States&s=rznQriUa>

This large, over \$1000 per night "hotel" was slyly opened next door to me on our private, narrow, steep, 4-home easement at the end of Rancho Alto, a small cul de sac, in Tierra Grande, Carmel Valley. The out-of-town owners bought this house and deceived inquiring neighbors from the start as they quickly remodeled and opened this short term rental.

**TRAFFIC:** Neighbors noticed a quadrupled (or more) traffic problem here, including the parking of multiple large trailers with race cars congesting the cul de sac. Speeding thru the neighborhood is now a problem endangering pedestrians, small children and animals. This is a favorite place for neighbors to walk dogs.

**NOISE:** The rental accepts many guests (10-20?) at a time and they spend much time, sometimes "all night" outside on the deck socializing with music, voices and partying 50-100 feet from my bedroom next door. The coming and going of vehicles with slamming doors has fractured the solitude of this very quiet old neighborhood.

**FIRE DANGER:** Guests tend to be from places that do not know about our extreme fire danger in Carmel Valley. There is a fire pit with NO SCREEN (seen in a photo on airbnb) within 10-20 feet of a dry grassy, inaccessible hill. Guests often smoke overlooking the dry hill.

**ENVIRONMENTAL CONCERNS:** This house was built as a single family home on a septic system in an earthquake/fire danger area. We wonder if the county is aware of the impact of so many more people and cars and much activity at the site. Light pollution has increased from this house with installation of bright outdoor lights. Water usage has obviously increased. There are other environmental concerns.

**SECURITY, PRIVACY AND PROPERTY VALUE NEGATIVELY IMPACTED:** Increased transient occupancy brings obvious impacts to these features. We have noticed people under the influence of substances taking walks in the neighborhood and LOOKING DOWN on our yard where 2 young girls are often playing, and this situation makes the neighborhood feel less safe with obvious loss of privacy, peace, quiet and a reduction in our property value due to this horrible situation.

**LEGAL VIOLATIONS:** Tierra Grande has an association and this short term rental is known to be violating some rules.

MOST neighbors are very upset to learn about this short term rental and we implore the county to pass strict laws and regulations to severely limit STRs to commercial locations or owner occupied dwellings and other limits requested by concerned groups including the Carmel Valley Association. We understand that allowing STRs is against the master plan and other known regulations. STRs are negatively impacting resources needed by local residents, from water to traffic control to lack of affordable housing or ANY housing.

Thank you for considering my concerns about STRs in rural neighborhoods.

Mary Clapper (25888 Rancho Alto, Tierra Grande, Carmel, CA 93923)

**From:** [marina.k](#)  
**To:** [194-RMAComments](#)  
**Cc:** [admin@bigsurlicp.com](mailto:admin@bigsurlicp.com)  
**Subject:** Big Sur Land Use Plan and STR's  
**Date:** Saturday, July 07, 2018 4:41:41 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas, in particular, that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Marina Kurikhina

E-mail address: [mkurikhina@gmail.com](mailto:mkurikhina@gmail.com)

**From:** [TIM WEISS](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 3:45:53 PM

---

Please acknowledge that you have received my earlier email concerning STRs in Big Sur.

Thank you

Tim Weiss



**From:** [Barbara Rogers](#)  
**To:** [194-RMAComments](#)  
**Cc:** [admin@bigsururlcp.com](mailto:admin@bigsururlcp.com)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 2:51:05 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Jeffrey and Barbara Rogers

E-mail address: [Goofry@mindspring.com](mailto:Goofry@mindspring.com)

**From:** [Orrin Hein](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 2:19:13 PM

---

Please acknowledge receipt of y email re the above captioned subject.

Sent from my iPhone

**From:** [Orrin Hein](#)  
**To:** [194-RMAComments](#)  
**Cc:** [admin@bigsururlcp.com](mailto:admin@bigsururlcp.com)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 2:17:44 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Orrin Hein  
E-mail address: [hein@orin.com](mailto:hein@orin.com)

Please confirm by email.

Sent from my iPhone

**From:** [Alan](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur and Carmel Highlands  
**Date:** Saturday, July 07, 2018 2:11:50 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:  
[ALaschiver@aol.com](mailto:ALaschiver@aol.com)

**From:** [tanya anistratenko](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 12:56:11 PM

---

I am opposed in general to STRs in Big Sur. My understanding is that they are not legal & against our LUP.

Constant turnover is disruptive to those who make this area their everyday home. Then there's the subject of road easements & property rights, fire danger, etc. It's a hornets nest.

The only viable solution that I see is to allow them ONLY if:

- 1) getting to the STR doesn't cross over any person's property / easements other than the person who owns the STR;
- 2) the property has its own water system.
- 3) licensed & regulated to the point that the business doesn't adversely affect the neighbors in residence (loud, partying into the late night , etc). Most of us are zoned as residential not business.

The final question is would you like to live next door to an STR?

Respectfully,  
Tanya Anistratenko  
Property Owner  
37859 Palo Colorado Rd  
Carmel, CA 93923  
Property Owner  
The only exception

**From:** [Dan Reznick](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 12:42:26 PM

---

To the Monterey County Resource Management Agency,

I have sent many letters in over the past year or so, but this one will be simply cut and paste. Still, we stand strongly behind the fact that STRs have no place here.

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:  
Daniel Reznick / Palo Colorado Canyon

[dan@danreznick.com](mailto:dan@danreznick.com)

831-626-3532

**From:** [Barbara Rogers](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 12:35:27 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Barbara and Jeff Rogers  
E-mail address: [goofry@mindspring.com](mailto:goofry@mindspring.com)

---

Sent from Barbara's iPad

**From:** [Deborah Anne Medow](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 12:31:29 PM

---

**To the Monterey County Resource Management Agency,**

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

My house of 23+ years burned in the 2013 Pfeiffer fire. Having personally experienced how difficult it is to find housing in Big Sur, especially as so many house owners are doing illegal short term rentals, I do not support legalizing short term rentals in the Big Sur area.

Also, traffic is getting worse and worse, and short term renters are usually much less conscious in how they care for any property.

Thank you,

*Deborah*

Deborah Anne Medow  
[deborah.medow@gmail.com](mailto:deborah.medow@gmail.com)  
50 years of working and living in Big Sur



**From:** [TIM WEISS](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs  
**Date:** Saturday, July 07, 2018 12:28:29 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Tim Weiss  
48198 Highway One  
Big Sur

**From:** [Magnus Toren](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STRs / Please acknowledge receipt.  
**Date:** Saturday, July 07, 2018 12:12:24 PM

---

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed: Magnus & Mary Lu Toren

E-mail address: [magnus@henrymiller.org](mailto:magnus@henrymiller.org)

Thank you!

**From:** [Kira Godbe](#)  
**To:** [194-RMAComments](#)  
**Subject:** Big Sur Land Use Plan and STR"s  
**Date:** Saturday, July 07, 2018 12:02:03 PM

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To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Signed:

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

Kira Godbe  
PO Box 222058  
Carmel, CA 93922  
831-372-2423  
831-905-6446 cell  
[www.carmelphotography.com](http://www.carmelphotography.com)  
[kirapix@gmail.com](mailto:kirapix@gmail.com)

**From:** [Mike Scutari](#)  
**To:** [194-RMAComments](#)  
**Subject:** Please vote against STRs in Big Sur  
**Date:** Saturday, July 07, 2018 11:15:53 AM

---

To whom it may concern,

Short-term rentals in Big Sur will irrevocably increase traffic and public safety risks, drive up exorbitant housing costs, and alter the fabric of the community.

Please do not forever destroy Big Sur by catering to out-of-county real estate agencies.

STRs do not serve the interests of the community and visitors to the area.

Thank you for your time.

--

Mike Scutari

PO Box 294  
Big Sur CA 93920

[mike@henrymiller.org](mailto:mike@henrymiller.org)

**From:** [Neil Johnston](#)  
**To:** [194-RMAComments](#)  
**Subject:** Short Term Rental Ordinance  
**Date:** Friday, July 06, 2018 10:07:37 AM  
**Attachments:** [CV Planning Commission July 11.docx](#)

---

I am attaching a letter from my wife and I to be taken into consideration and input to the public workshop on July 11 2018.

We do not support the ordinance as proposed and have set out our objections in the attached letter.

Neil and Stephanie Johnston

**Neil M and Stephanie D Johnston**

122, White Oaks Lane  
Carmel Valley  
CA 93924

[nmjorbis@yahoo.com](mailto:nmjorbis@yahoo.com)

July 6, 2018

Planning Commission

We are writing to strongly support the Carmel Valley Association's proposal to limit the number of STRs to "home stays" with the resident owner present in Carmel Valley.

We are long term residents of Monterey County and reside in Carmel Valley Village. The growth of wine tasting rooms in the village has had a beneficial effect on local retail businesses and restaurants. The current transport limitations on access have helped to safeguard the rural atmosphere of the village while allowing visitors to enjoy the natural beauty of the valley as a whole. It is a continuing challenge to maintain the balance between individual freedoms and sensible processes and practices that preserve the best of Carmel Valley for future generations.

There is a strong case for enforceable licensing and limitation of STRs. Without any restrictions, it is more than likely that the number of whole homes for short term rent will expand rapidly. There is a clear danger of Carmel Valley becoming "Happy Valley" – attracting groups that want to take advantage of the wineries (and the legalized marijuana availability), organizing "house" parties with unlimited numbers of guests, causing damage to property and neighborhoods, adding traffic to fully loaded roads and accelerating the depletion of valuable resources such as water.

We have seen first-hand and personally experienced the physical and noise damage caused by a lack of enforceable limitation on STRs. We believe that the CVA has proposed a well-designed approach that addresses the balance between owners that want/need to rent short term, visitors that want a local experience and owners that want to enjoy their residential investment without unnecessary intrusions into their daily lives.

We urge the Planning Commission to take action within the Master Plan Limitations in line with the Carmel Valley Association's proposal.

Neil and Stephanie Johnston

**From:** [Larry Parrish](#)  
**To:** [194-RMAComments](#)  
**Subject:** STRs in Carmel Valley  
**Date:** Thursday, July 05, 2018 5:38:22 PM

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Dear RMA and/or county staf:

I agree with these positions held by the Carmel Valley Assn. -

- Unhosted STRs are essentially hotels in areas zoned residential. They violate the peace and quiet we expect when we purchase or rent a home.
- Investor owned STRs have been proven to limit the availability of affordable housing.
- Master Plan limitations on visitor serving units must be honored.

But I don't agree with the so-called compromise which would limit STRs to "home stays". Who will enforce these home stays? You may collect a licensing fee, but will the County somehow monitor whether or not the owner/resident is actually present during the stay? Will the resident have to be present at all times? Only during the day during working hours? How will County officials know when/where the resident really is? With a cell phone, he could be anywhere. Will it require a visit from County officials? An appointment? What kind of oversight and/or enforcement might actually occur, or could actually be possible? And what would actually be deemed a violation and what would be the consequences of a violation? Many questions - got any answers??????????  
Thank you,

Larry Parrish  
27420 Schulte Rd.  
Carmel (valley) 93923

**From:** [Rose Merrill](#)  
**To:** [194-RMAComments](#)  
**Subject:** STVR  
**Date:** Thursday, July 05, 2018 5:14:44 PM

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ROSE & JEFF MERRILL  
37126 Nason Road  
Carmel Valley, CA 93924 (cachagua area)

TO WHOM IT MAY CONCERN;

My husband and I have 2 rental units on our 3 acre property in Cachagua.

We are on site, and personally greet everyone that enters the property. I am a stay at home musician, singer/songwriter, and my husband works six days a week in the Salinas Valley.

The last meeting we went to, people were talking about guests being loud and taking up parking. Here in Cachagua, I'm more concerned about our neighbors being too loud, and since this is our own property there is plenty of parking. This is not a party destination though, and usually only one or 2 cars.

I actually have guests call me from Monterey, wanting to leave the hotel because it's too noisy. The last ones from Sweden, and they left the hotel, and stayed the rest of their time on our property, and loved the peace and quiet.

Guests coming to our property are looking to get away from the hard fast energy of the city they live in, and need to feel the peacefulness our property offers. The children also need it, and look forward to seeing the animals here, and are usually surprised to see the vegetables we have growing in our garden, since some never see how food grows.

Some people have never even seen the stars. I am grateful beyond words to be able to share this property with people traveling from all over the world. After all we are just stewards passing through.

Also, there aren't any other places for people to stay in Cachagua. People used to talk down about this area, and it's finally getting an upgrade, and I'm loving it, because this is truly paradise to me. One of my best friends is a girl that came from North Carolina, and stayed in the cottage. We are like sisters, and met through having a vacation rental. It's a beautiful thing.

Please don't let the bad apples spoil it for the rest of us.

Please make it fair for the hosted rentals.

Sincerely,  
Rose & Jeff Merrill



**From:** [Kit \(Office\)](#)  
**To:** [194-RMAComments](#)  
**Subject:** Concerns about draft County STR ordinance  
**Date:** Thursday, July 05, 2018 2:42:38 PM

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Dear County officials,

Unfortunately, I am not physically able to attend the upcoming hearing on the draft STR ordinance on July 11. I have previously sent the county comments strongly opposing any STRs that are not associated with "home stays".

I am a renter in Carmel Valley, and have been since I arrived in this area over 15 years ago. In the past 15 years I have had to move house twice, in both cases because the owner wanted to convert their long-term rental house into an STR. Each time I have had to move, I have noticed that the supply of long-term rental houses had grown drastically smaller than the previous time I had to search for a rental home. Houses that 10 years ago were long-term rentals are now in the STRs, and very, very few new long-term rental houses have come onto the market over the past decade.

There is absolutely no question in my mind, based on my personal experience, that the growth of STRs has had a hugely negative impact on the supply of affordable rental properties in the Valley. After all, why would any homeowner with a primary property or an investment property be satisfied with \$3500 a month for a long-term rental when they can get the same amount in a single weekend multiple weekends a year?

I wish to express deep concern about the fact that the draft ordinance says absolutely nothing about the type, number, or location of STRs to be subject to licensing requirements. This approach absolutely abandons any protection of the interests of residents of the Valley, whether they are long-term renters in need of housing, or owners who are subjected to the considerable negative impacts of having what is essentially a hotel next to their property.

I know that it will be very challenging to come up with a meaningful ordinance with substantive limits on STRs. However, other jurisdictions have managed to fight their way to finding an approach suitable for their needs. The County needs to have the same courage and commitment to do right by its residents, both owners and long-term renters.

I am very comfortable with the approach of allowing residents of homes to do short-term rentals of portions of their primary residential homes when the owner is present. This does allow homeowners who may desperately need the rental income to be able to stay in their own homes, and who are willing and able to serve as both a host and a monitor of their guests.

What the County has absolutely no obligation to do, and absolutely should not do, is to reward investors and owners of second or third homes, and who do not live in their houses or are able to monitor the behavior of their renters, to essentially pay for their non-essential investments through STRs that have a very negative impact on the local community. There are plenty of hotel rooms on the Monterey Peninsula to house short term guests. Local residents who desperately need access to the very limited supply of affordable housing in

Carmel Valley should not be asked or required to pay the costs of the burdens imposed by STRs that are not associated with home stays.

I therefore endorse all of the comments that the Carmel Valley Association has made regarding the development of a county ordinance and beg the county to bite the bullet and do something real and necessary to protect local residents by developing an STR ordinance with substance and strength to limit and control the out-of-control STR situation in the valley.

Sincerely,

Kathleen Armstrong  
26015 Dougherty Pl.  
Carmel, CA 93923

**From:** [kkcconsults@aol.com](mailto:kkcconsults@aol.com)  
**To:** [194-RMAComments](#)  
**Subject:** Input RE: Short Term Rentals  
**Date:** Thursday, July 05, 2018 1:26:08 PM

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Monterey County Board of Supervisors,

**RE: Short Term Rentals**

I am writing to weigh in on this controversial issue as a resident of Carmel Valley, because **I AM IN FAVOR OF SHORT TERM RENTALS** and I'm concerned that the voice of those of us IN FAVOR is not being heard. Please note that I am not in favor simply because I stand to benefit financially or in any other way. I do not own property that I am renting on a short term basis, and I never plan to.

My home is in a gated community in Carmel Valley with at least one property listed on short term rental websites and rented as such. There have been no problems whatsoever that I have witnessed nor experienced in having short term renters visiting the occasional property in our area. Most are quiet families and couples seeking pleasant and/or affordable accommodations as a base to appreciate our beautiful area and importantly, to patronize our local restaurants, shops and recreational opportunities.

I have several friends who travel the nation and the world by using short term rental sites. They are responsible adults who care for such properties as if they were their own, and they report delightful experiences using such rentals. This is the norm for such rentals.

Please be aware that I am among the several hundred people who receive emails from the Carmel Valley Association. Carmel Valley Association views ARE NOT reflective nor representative of the views of their membership, because they do not poll those on their extensive email list. Instead, a small group of Board members decide the Association's positions, then falsely represent it as reflective of their "membership". The couple of dozen people the Association manages to rally to show up at official meetings such as yours DO NOT represent those of us who disagree with many of their positions. Especially those of us who are busy professionals who do not have time to attend the hearings, but who care as much about keeping our area safe, beautiful and not over-populated as they do and, I trust, you do as well.

Thank you for considering my input.

**Kristi Kurtz Clark**  
**13429 Middle Canyon Road**  
**Carmel Valley, CA 93924**

**From:** [Stoffey-Said, Barbara x5184](#)  
**To:** [Beretti, Melanie x5285](#)  
**Cc:** [McDougal, Melissa x5146](#)  
**Subject:** FW: Please include for public comment on STR Planning meeting  
**Date:** Monday, July 09, 2018 6:56:43 AM

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**From:** Califwayoflife [mailto:califwayoflife@aol.com]  
**Sent:** Saturday, July 7, 2018 1:59 PM  
**To:** Stoffey-Said, Barbara x5184 <Stoffey-SaidB@co.monterey.ca.us>  
**Subject:** Please include for public comment on STR Planning meeting

To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

Allowing STRs is Forcing commercialization on low density residential zoned coastal areas. This illegal activity destroys neighborhoods.

Monterey County has more than enough Hotel accommodations on the peninsula , all at different price ranges. They are also ADA compliant (Commercially Zoned). Carmel Highlands has the Tickle Pink & the Highlands Inn.

We should not consider drafting any ordinances ,until we can effectively code enforce the existing illegal STR activity .

Thank you  
Gwyn De Amaral  
Carmel Highlands

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you are not the intended recipient, you are hereby notified that any use or disclosure of this information is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail and permanently delete the original message and any attachments. Your compliance is appreciated.

**From:** [Stoffey-Said, Barbara x5184](#)  
**To:** [Beretti, Melanie x5285](#); [McDougal, Melissa x5146](#)  
**Subject:** FW: I have a neighbor that I am fairly certain is doing an illegal STR...illegal parking, blocking emergency vehicles etc  
**Date:** Monday, July 09, 2018 6:57:02 AM

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**From:** Alan [mailto:alaschiver@aol.com]  
**Sent:** Saturday, July 7, 2018 3:38 PM  
**To:** Stoffey-Said, Barbara x5184 <Stoffey-SaidB@co.monterey.ca.us>  
**Subject:** I have a neighbor that I am fairly certain is doing an illegal STR...illegal parking, blocking emergency vehicles etc

STR's will ruin the Highlands..comments below are entirely true.

"To the Monterey County Resource Management Agency,

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. The plan mentions four areas in particular that would be negatively impacted:

- Traffic (public access)
- Housing
- Community
- Culture

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We should not consider drafting any ordinances ,until we can effectively code enforce the existing illegal STR activity .

Thank you

**From:** [Battiato, Kate x6560](#)  
**To:** [McDougal, Melissa x5146](#)  
**Subject:** FW: Community Position on Short Term Rental  
**Date:** Monday, July 09, 2018 8:22:05 AM

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Hi Melissa,

I am forwarding this to you to make sure you have it for the public comment record.

Thanks,

Kate

Kate Battiato  
Management Analyst III  
Resource Management Agency of Monterey County

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**From:** Carmel Valley Association [mailto:cvapresident@carmelvalleyassociation.ccsend.com] **On**  
**Behalf Of** Carmel Valley Association  
**Sent:** Monday, July 09, 2018 6:47 AM  
**To:** Battiato, Kate x6560 <BattiatoK@co.monterey.ca.us>  
**Subject:** Community Position on Short Term Rental

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**Date: July 10, 2018**

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

The Carmel Valley Association has provided previous comments on the draft Short Term Rental Ordinance as it has moved thorough previous workshops. The comments contained in this communication represent the views not only of the Carmel Valley Association, but also a coalition of residents' associations and individuals from the Carmel Valley, Carmel Highlands, and Mal Paso and Big Sur. CVA has agreed to assume leadership in representing the jointly held views of these associations and organizations and to submit this letter on behalf of

the entire coalition (please see signatures below for details on the coalition membership).

We strongly believe that the research, findings and reports on short term rentals from other communities should inform any decisions undertaken by Monterey County. Additionally, local Monterey County contextual facts, limits and constraints need to be considered and inform any decisions made by the Planning Commission.

As the Monterey County Hospitality Association has written:

"The Monterey County Hospitality Association opposes Short Term Rentals (STRs) in Monterey County's Cities and unincorporated areas due to the negative impact it will have on the following: Protection of community character, particularly single family residential neighborhoods; Impacts on the limited housing stock, especially for medium to low income and workforce housing; Areas of limited resources and constrained infrastructure; Other visitor serving accommodations . . . "

The following factors are critical as you consider what kind of STR ordinance is needed.

**\* Affordable Housing:** STRs and HomeStays encourage the conversion of long term rentals to tourist use, and reduces the supply of affordable, decent, safe, long term housing for people of all income levels. Boston, San Francisco, Los Angeles Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

**\* STRs and Home Stays negate local Zoning Ordinances.** Allowing STRs/Home Stays is the practical equivalent of defacto re-zoning residential areas into commercial visitor serving units. Residentially zoned areas traditionally permit non-intrusive business activity. Examples of such permitted activities are home offices, bookkeeping services, and music instruction. Such services are conducted by owners or residents who live on the property, and generally have a minimal impact on neighborhoods. Allowing non-owner occupied STRs and Home Stays, which are, in essence, hotels in residential areas, is inconsistent with residential zonings, and increases the risk of significant disruption of quiet neighborhoods.

**\*The Stability of neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow - without engaging in the sort of activities that weld and strengthen a community."

**\* Increases Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

**\* Increases Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harms residents and the licensed visitor serving businesses.

### **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short Term Rentals (STRs) be limited to "Home Stays." "Home stays" are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC's would be permitted. The owner would be required to be a permanent year round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

The CVA and the aforementioned groups and organizations will support only hosted Home Stays (subject to Visitor Serving Unit Limitations) as defined above with a strong enforcement system, close supervision and accountability. We categorically oppose all non-hosted STR'S.

### **Specifically, we recommend the following for an STR Ordinance:**

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner be required to live in and be present on site during the STR/Home Stay rental period.
4. The "Home Stay" version of STR must at all times operate as if it were a residence, and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's (including "Home Stay's) must, of course, be counted as Visitor Serving Units (VSU's). Each bedroom of a STR or Home Stay is counted as one VSU (just like for hotels) and must not exceed the remaining limits on the



number of new Visitor Serving Units under their Land Use Plans for all areas, including:

- Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983. This plan allows for only 28 additional VSU's, all in the Point Lobos area;
- Big Sur Land Use Plan/Big Sur Coast Planning Area. It is the position of the Big Sur LCP Defense Committee that these plans have no room for STRs and/or Home Stays.
- Carmel Valley Master Plan

6. Effective and verifiable self-policing.

- a. Monterey County must first complete a study on required personnel and resources to enforce the ordinance, and then provide those resources;
- b. Owners must provide multiple forms of proof they are year-round residents; and
- c. Electronic evidence available over the internet that they physically resided at the STR during the Home Rental.
- d. Verification to be done by Monterey County.
- e. Licenses for STRs/Home Stays are only valid as long as Monterey County provides the personnel and financial resources to enforce the ordinance.
- f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies by providing required enforcement resources.
- g. The County must adopt pro-active enforcement, using Host Compliance or similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed 2 per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with their family a suitable number of bedrooms must be set aside for their use.

9. Rentals for more than 30 days or more are permitted but subject to TOT, if rented for 30 day periods, or periods less than a standard one year lease.

10. Owners would be limited to one STR/Home Stay regardless of an interest in

other properties the owner may have in Monterey County.

11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.

12. Fires must be limited to existing barbecue pits and fireplaces.

13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.

14. As a condition of approving any application for a STR/Home Stay the applicant must provide a letter from the water supplier to that location that there is sufficient water for the maximum possible use of the property; and, the Department responsible for leach field safety states the leach field is adequately sized and properly maintained for the maximum possible use of the property.

15. STR/Home Stays must be completely subject to the rules and restrictions of private roads, and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.

17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.

18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.

19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in

equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.

20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

- a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;
- b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and
- c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President, Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

Big Sur

Ken Wright

Kirk Gafill

Carmel Valley Association, PO Box 157, Carmel Valley, CA 93924

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**From:** [Sandra Schachter](#)  
**To:** [McDougal, Melissa x5146](#)  
**Cc:** [Priscilla Walton](#)  
**Subject:** letter for planning commissioners  
**Date:** Monday, July 09, 2018 11:29:39 AM  
**Attachments:** [short-term rentals July 2918.docx](#)

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Attached is a letter from the Carmel Valley Association regarding short-term rentals. When I try to send it to the commissioners' email addresses as posted on the county website, those for Commissioners Padilla and Vandeverre bounce back. Could you please make sure that all the commissioners receive this and let me know the correct email addresses for the commissioners?

Thank you for your help,

Sandra Schachter, Secretary, CVA



Carmel Valley Association

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*preserving the beauty, resources, and rural character of the Valley since 1949*

**Date: July 9, 2018**

**To: Board of Supervisors, Planning Commission Members**  
**CC : Carl Holm, John Dugan, Melanie Beretti**  
**From: Pris Walton, President, Carmel Valley Association**  
**Subject: Short-Term Rental Ordinance.**

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The following factors are critical as you consider what kind of STR ordinance is needed.

MAIL P.O. Box 157, Carmel Valley, CA 93924

WEB [www.carmelvalleyassociation.org](http://www.carmelvalleyassociation.org) | EMAIL [president@carmelvalleyassociation.org](mailto:president@carmelvalleyassociation.org)

- **Affordable Housing:** STRs and HomeStays encourage the conversion of long- term rentals to tourist use and reduce the supply of affordable, decent, safe, long- term housing for people of all income levels. Boston, San Francisco, Los Angeles, Santa Cruz, Bishop, West Hollywood, and Santa Monica, among others, have passed ordinances limiting STRs to regulated Home Stays because of this undesirable effect.

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- **The Stability of Neighborhoods;** Rentals affect the essential character of neighborhoods and the stability of communities. As cited in *Ewing v. City of Carmel-by-the-Sea*, 234 Cal. App. 3d 1579, “Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow — without engaging in the sort of activities that weld and strengthen a community.”

- **Increase in Water Use.** STRs/Home Stays multiply the numbers of individuals using water, and in turn, increase overall water use. In an area such as ours with an already inadequate and unsustainable water supply, adding such an additional burden would not be in the interest of Monterey County residents.

- **Increase in Traffic.** The Land Use Plans were carefully calibrated to not overburden infrastructure like roads by limiting the number of homes and visitor- serving businesses allowed by the Land Use Plan. The explosion of STRs/Home Stays in excess of those limits has created traffic and other serious problems that harm residents and the licensed visito- serving businesses.

## **Our Consensus Position**

The Carmel Valley Association and the Coalition strongly recommend that Short- Term Rentals (STRs) be limited to “Home Stays.” “Home stays” are defined as short-term rentals that are owner occupied and managed. No absentee owners, property management companies, corporations, or LLC’s would be permitted. The owner would be required to be a permanent year-round resident, and the home would be his or her primary residence. The owner would be required to live in, and be present on site, during the STR/Home Stay rental period. Owners would be limited to no more than one STR.

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- Carmel Valley Master Plan

6. Effective and verifiable self-policing.

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- b. Owners must provide multiple forms of proof they are year-round residents; and
- c. Owners must provide electronic evidence available over the internet that they physically reside at the STR during the home rental.
- d. Verification is to be done by Monterey County.
- e. Licenses for STRs/Home Stays are valid only as long as Monterey County provides the personnel and financial resources to enforce the ordinance.
- f. If Monterey County fails to provide adequate enforcement resources, STR/Home Stay licenses will be suspended until Monterey County remedies the situation by providing required enforcement resources.
- g. The County must adopt pro-active enforcement, using Host Compliance or a similar service to locate violators, rather than relying on complaints from residents.

7. No advertising of unpermitted rentals, and Host Compliance or equivalent service is required. Permit numbers must be posted in any ads.

8. The total number of Home Stay guests cannot exceed two per the number of permitted bedrooms, less one bedroom for the in-residence owner. If the owner resides with his or her family, a suitable number of bedrooms must be set aside for family members' use.
9. Rentals for 30 days or more are permitted but subject to TOT, if rented for 30 day periods or periods less than a standard one-year lease.
10. Owners would be limited to one STR/Home Stay regardless of an interest in other properties the owner may have in Monterey County.
11. Parking at STR's/Home Stays must be provided off-street for both visitors and residents.
12. Fires must be limited to existing barbecue pits and fireplaces.
13. STR's/Home Stays must be spaced at least 1000 feet from each other, and notice of intent by the Planning Commission to permit an STR/Home Stay must be given to all neighbors within a 1,000 foot radius prior to issuance of the permit. If a neighbor objects, a hearing must be scheduled and the objections considered before a permit is issued.
14. As a condition of approving any application for a STR/Home Stay, the applicant must provide a letter from the water supplier to that location stating that there is sufficient water for the maximum possible use of the property; also, the department responsible for leach field safety must state the leach field is adequately sized and properly maintained for the maximum possible use of the property.
15. STR/Home Stays must be completely subject to the rules and restrictions of private roads and may be banned along such roads.

[Incorporated From the Draft Ordinance Issued by the Planning Commission]

**Violation Penalties, Fines, STR's are a "Nuisance" etc.**

16. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.
17. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.
18. 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 for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.
19. 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 shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the STR/Home Stay rental activity or persons related thereto, or associated with, the STR/Home Stay rental activity.
20. For violations of short term/home stay rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:
  - a. A fine not exceeding four-hundred percent (400%) of the Advertised Rental Rate per day per violation or one thousand dollars (\$1000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a first violation;

- b. A fine not exceeding six-hundred percent (600%) of the Advertised Rental Rate per day per violation or two thousand five hundred dollars (\$2500.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for a second violation of the same ordinance within one year; and
- c. A fine not exceeding eight-hundred percent (800%) of the Advertised Rental Rate per day per violation or five thousand dollars (\$5000.00) per day per violation for STR/Home Stay rentals without an Advertised Rental Rate for each additional violation of the same ordinance within one year of the first violation.

**Carmel Valley Association**

Pris Walton, President

Rich Fox, Vice- President

**Mal Paso Creek Property Association**

Michael Emmett

Lynne Boyd

**Preserve Carmel Highlands**

**Preserve Monterey Neighborhoods Community**

Bob Danziger

Lorraine Oshea

Gwyn De Amaral

Michele Alway

Adrienne Berry

Glenn Berry

Katie Coburn

**Big Sur**

Ken Wright

Kirk Gafill