

## **CALIFORNIA COASTAL COMMISSION**

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# **Th12a**

## **LCP-3-CML-20-0006-1 (SHORT TERM RENTALS)**

**JULY 9, 2020 HEARING**

### **EXHIBITS**

#### **Table of Contents**

**Exhibit 1: Proposed IP Amendment**

**Exhibit 2: Maps of Areas Affected by Proposed IP Amendment**

**EXHIBIT A**

Chapter 17.08

RESIDENTIAL ZONING DISTRICTS

**17.08.060 Prohibited Uses.**

Uses such as transient bed and breakfast, hostel, hotel, inn, lodging, motel, hotel, resort and other transient lodging uses for remuneration, are prohibited in the residential **Single-Family Residential (R-1) district** districts, except as otherwise permitted by this code.

A. Liability and Enforcement. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

B. Infractions. Any person who uses, or allows the use of, residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

**17.08.040 Land Use Regulations.**

Schedule II-1 Land Use Regulations for Residential Districts			
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	R-1	R-4	Additional Regulations
<b>Residential</b>			See CMC <a href="#">17.08.060</a>
Single-Family	P	P	See CMC <a href="#">17.08.050</a> (E), (H)
Accessory Dwelling Units			See CMC <a href="#">17.08.050</a> (G)
Accessory Dwelling Unit, Interior	P	P	
Accessory Dwelling Unit, New Structure	P	P	
Class I Accessory Dwelling Unit	P	–	
Class II Accessory Dwelling Unit	P	–	
Studio	P	P	
Guesthouse (Noncommercial)	C	–	See CMC <a href="#">17.08.050</a> (C)
Multifamily Dwellings			See CMC <a href="#">17.08.050</a> (F)
0 – 22 dwelling units/acre	–	P	
22 dwelling units/acre	–	C	

<b>Schedule II-1 Land Use Regulations for Residential Districts</b>			
<b>P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required</b>	<b>R-1</b>	<b>R-4</b>	<b>Additional Regulations</b>
Senior Citizen Housing	L-5	P	
Family Day Care			
Small Family	L-5	P	
Large Family	–	C-4	See CMC <a href="#">17.08.050(B)</a>
Group Residential	–	C	
<b><u>Transient Rental, Legal Nonconforming</u></b>	–	<b><u>L-6</u></b>	<b><u>Chapter 17.68 CMC, Other Use Classifications, See Nonconforming Definition</u></b>
<b><u>Transient Rental, Housing Incentive</u></b>	–	<b><u>L-7</u></b>	<b><u>See CMC 17.14.040 (W)(b).</u></b>
<p><b>Specific Limitations and Conditions</b></p> <p>1. Limited to advertising, consumer credit reporting, secretarial and court reporting, equipment maintenance and repair, personnel supply services, and nonretail computer services and repair.</p> <p>2. Allowed only on existing quasi-public use sites established prior to December 1, 1980, or added as an accessory use to such existing uses.</p> <p>3. Limited to existing units established prior to January 1, 1967, and/or authorized by a use permit issued between 1967 and 1990. *Note: These provisions approved by voter referendum.</p> <p>4. Limited to existing commercial spaces established prior to 1993 and occupied by commercial uses continuously since that time.</p> <p>5. Limited to occupancy within a single-family residence.</p> <p><b><u>6. Limited to permits approved prior to the adoption of Ordinance 2019-003.</u></b></p> <p><b><u>7. Limited to transient rental units approved through the issuance of a conditional use permit as an incentive for the creation of new housing units. See CMC 17.14.040 (W)(b).</u></b></p>			

Chapter 17.14  
COMMERCIAL ZONING DISTRICTS<sup>1</sup>

**17.14.030 Land Use Regulations.**

<b>Residential/Public and Semipublic</b>				
Colleges and Trade Schools	P	P	P	
Community Centers	C	C	C	
Conference Facilities, Small	C	C	C	
Community Social Service Facility	P	P	P	
Family Day Care				See CMC <a href="#">17.08.050(B)</a>
Small Family	–	–	P	
Large Family	–	C	C	
Libraries, Public	P	P	P	
Multifamily Dwellings				See CMC <a href="#">17.14.040(N)</a>
0 – 22 dwelling units/acre	P	P	P	
23 – 33 dwelling units/acre	C	C	C	
34 – 44 dwelling units/acre	C	C	C	Chapter <a href="#">17.64</a> CMC, Findings Required for Permits and Approvals
45 – 88 dwelling units/acre	C	C	C	Chapter <a href="#">17.64</a> CMC, Findings Required for Permits and Approvals
<b><u>Transient Rental, Legal Nonconforming</u></b>	<b><u>L-7</u></b>	<b><u>L-7</u></b>	<b><u>L-7</u></b>	<b><u>Chapter 17.68 CMC, Other Use Classifications, See Nonconforming Definition</u></b>
<b><u>Transient Rental, Housing Incentive</u></b>	<b><u>L-8</u></b>	<b><u>L-8</u></b>	<b><u>L-8</u></b>	<b><u>See CMC 17.14.040 (W)(b).</u></b>
<b>Specific Limitations and Conditions:</b>				
L-1: Limited to advertising, consumer credit reporting, secretarial court reporting, equipment maintenance and repair, personnel supply services, and nonretail computer services and repair.				
L-2: Allowed only as accessory use to gasoline stations and limited to a maximum of 300 square feet. No sales of alcohol are permitted. See CMC <a href="#">17.14.040(D)(2)</a> and (J)(2).				
L-3: Any establishments with activities generating noise, odors, deliveries by large vehicles, high traffic by customers, or requiring large storage needs are not permitted.				
L-4: Limited to offices for the following categories: operators of nonresidential buildings, apartment buildings, dwellings, real estate agents and managers, and title companies.				
L-5: Limited to sites that are already developed with a single-family dwelling, or that were originally developed as, or used as, a single-family dwelling but have since been converted to another use. Existing single-family dwellings can be maintained, altered, repaired and/or redeveloped. R-1 district floor area ratio standards shall apply to these sites.				
L-6: Subject to the same regulations as apply to other family residential dwellings in the same zone.				
<b><u>L-7: Limited to permits approved prior to the adoption of Ordinance 2019-003.</u></b>				
<b><u>L-8: Limited to transient rental units approved through the issuance of a conditional use permit as an incentive for the creation of new housing units. See CMC 17.14.040 (W)(b).</u></b>				

**17.14.040 Additional Use Regulations.**

V. Travel Services.

1. Only office uses are allowed.

W. Transient Rentals. With the exception of lawfully permitted hotels, motels and transient rentals, transient lodging of residential dwellings for remuneration is prohibited in the CC, SC and RC Districts. Permitted transient rentals are limited to the following:

1. Transient Rental, Legal Nonconforming. Transient rental units permitted prior to the effective date of Ordinance 2019-003 are classified as a legal nonconforming use as defined in CMC 17.68.090. Transient rental permits are allowed in perpetuity and the 6-month abandonment provisions contained in CMC 17.36 shall not apply.
2. Transient Rental, Housing Incentive. Transient rental units are permitted in the CC, SC, RC and R-4 Districts as an incentive for the creation of new rental housing units. One transient rental unit is permitted for the creation of three new rental units; one of the new units on the site shall be rented as "low-income" and the second unit shall be rented as "moderate income" as defined in CMC 17.70.020. The third rental unit may be rented at market rate.
  - a. Rental units created through this incentive program are subject to the density provisions identified in CMC 17.14.030.
  - b. Two of the rental units must be a minimum of 650 square feet in size.
  - c. The transient rental may be located at the same site as the three new rental units, or elsewhere within the CC, SC, RC or R-4 Districts.
  - d. Transient rentals permitted as an incentive require the issuance of a conditional use permit, must be maintained at the original site of approval, and are not classified as legal nonconforming as defined in CMC 17.68.090.
  - e. Transient rentals require one off-street parking space per unit in all districts.

**Division IV. Provisions Applying in All or Several Districts**

**Chapter 17.28**

**GENERAL SITE REGULATIONS AND STANDARDS FOR SPECIFIC USES**

Sections:

- [17.28.010](#) Timeshare Projects.
- [17.28.020](#) Noise from Electrical and Mechanical Equipment.
- [17.28.030](#) Regulations Incorporated from Other Titles.
- [17.28.040](#) Advertising of Transient Rentals

17.28.040 Advertising of Unpermitted Transient Rentals.

(a) No responsible party shall post, publish, circulate, broadcast or maintain any advertisement of an unpermitted transient rental.

(b) For purposes of this section the following words and phrases shall have the meaning respectively ascribed to them by this section.

1. "Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, Internet website, platform or application, any form of television or radio broadcast or any other form of communication whose primary purpose is to propose a commercial transaction.

2. "Responsible party" means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit includes failure to correct after receiving notice from the City of the violation. A responsible party does not include online hosting platforms/companies.

3. "Transient" is a period of time less than 30 consecutive days as defined in Municipal Code Section 17.70.020 of the Carmel-by-the-Sea Municipal Code.

(c) Each day that an advertisement is posted, published, circulated, broadcast or maintained by a responsible party in violation of this section is a separate offense.

## Division VI. Classifications, Terms and Definitions

### Chapter 17.68 USE CLASSIFICATIONS

#### 17.68.030 Residential Use Classifications.

##### Residential Housing Types.

*Multifamily Dwelling.* A building or group of buildings on a single building site that contains two or more dwellings, each with its own facilities for parking, living, sleeping, cooking, and eating. This classification includes condominiums, townhouses, and apartments.

*Senior Citizen Housing.* Housing provided for senior citizens as defined by the State of California (California Civil Code Section [51.3](#)).

*Transient Rental.* Any residential unit that is occupied for the purposes of sleeping, lodging, or similar reasons for a period of less than 30 consecutive days in exchange for a fee or similar consideration. The permit runs with the land and these units are required to pay transient occupancy tax and are classified as a Group R-1 occupancy if the site contains more than one transient rental unit (CMC 15.04.020 (16)).

*Transient Rental, Legal Nonconforming.* Transient rentals permitted prior to the adoption of Ordinance 2019-003 that are classified as a legal nonconforming use as defined in CMC 17.68.090 and are subject the provisions of CMC 17.36 with the following exception: Lawfully permitted transient rentals approved prior to the adoption of Ordinance 2019-003 that are replaced by non-transient residential uses shall not be considered abandoned and may be reestablished at any time.

*Transient Rental, Housing Incentive.* Transient rentals that are permitted on sites in the CC, SC, RC and R-4 Districts as an incentive for the creation of new rental housing units, in accordance with the provisions contained in CMC 17.14.040 (W)(b). These units are permitted through the issuance of a conditional use permit, must be maintained at the original site of approval, and are not classified as legal nonconforming.

Chapter 17.70  
LIST OF TERMS AND DEFINITIONS<sup>1</sup>

**17.70.020 Definitions.**

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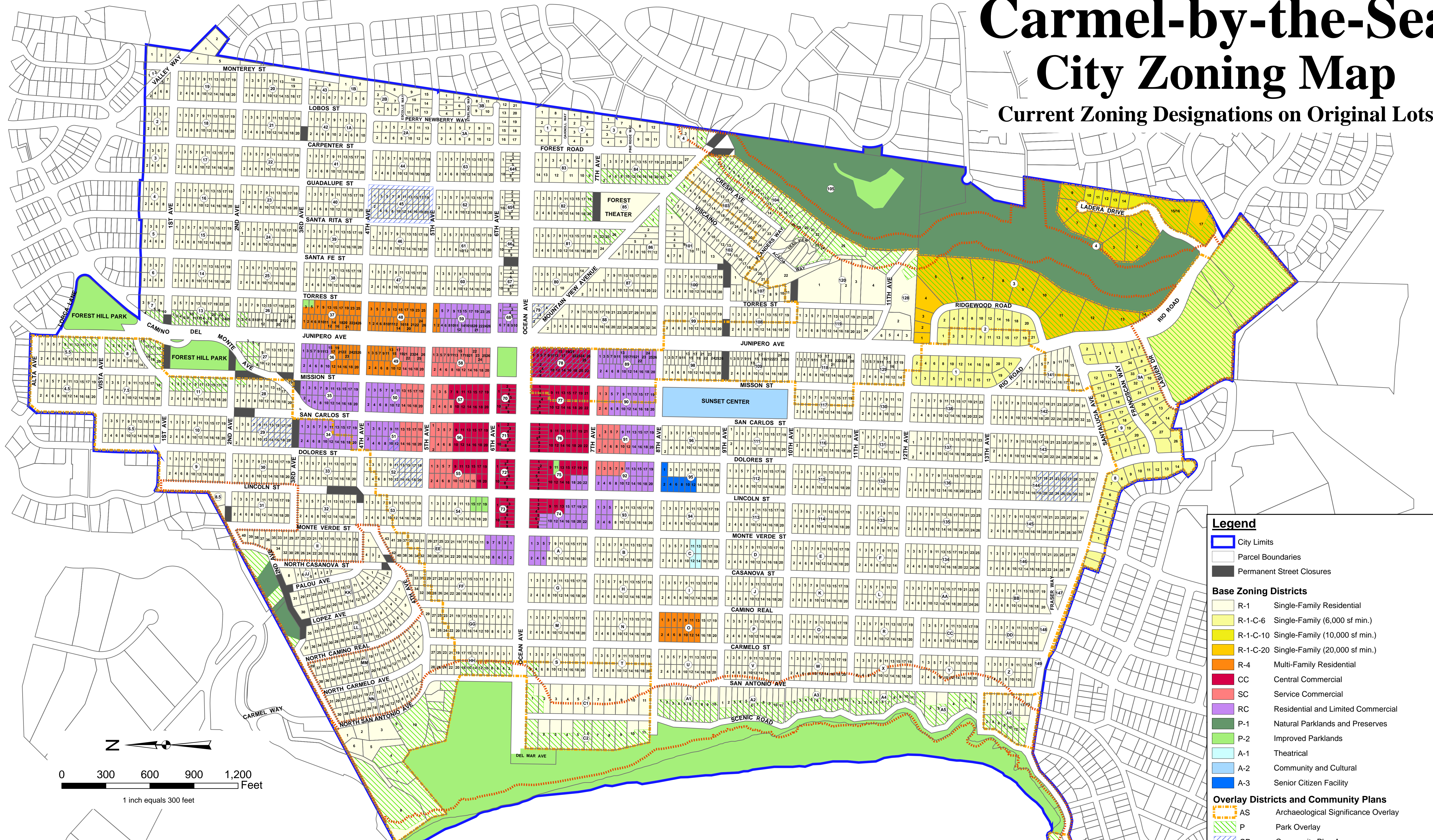
Transient. A period of time less than 30 consecutive days.

**Transient Rental. Any residential unit that is occupied for the purposes of sleeping, lodging, or similar reasons for a period of less than 30 consecutive days in exchange for a fee or similar consideration. These units are required to pay transient occupancy tax and are classified as a Group R-1 occupancy if the site contains more than one transient rental unit (CMC 15.04.020 (16)).**



# Carmel-by-the-Sea City Zoning Map

Current Zoning Designations on Original Lots



**Legend**

- City Limits
- Parcel Boundaries
- Permanent Street Closures

**Base Zoning Districts**

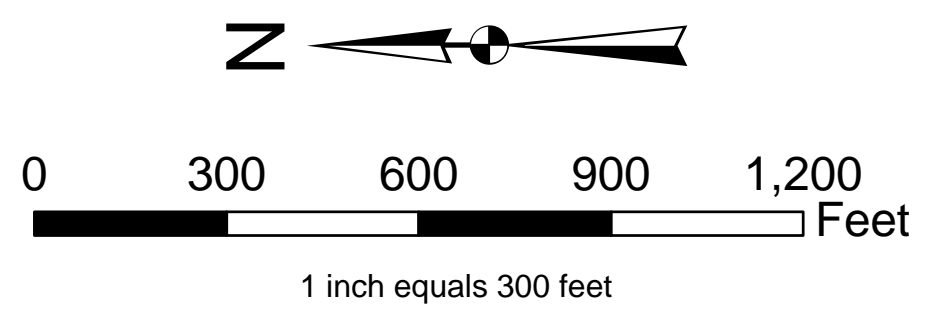
- R-1 Single-Family Residential
- R-1-C-6 Single-Family (6,000 sf min.)
- R-1-C-10 Single-Family (10,000 sf min.)
- R-1-C-20 Single-Family (20,000 sf min.)
- R-4 Multi-Family Residential
- CC Central Commercial
- SC Service Commercial
- RC Residential and Limited Commercial
- P-1 Natural Parklands and Preserves
- P-2 Improved Parklands
- A-1 Theatrical
- A-2 Community and Cultural
- A-3 Senior Citizen Facility

**Overlay Districts and Community Plans**

- AS Archaeological Significance Overlay
- P Park Overlay
- CP Community Plan Area
- AB\* Appeal Jurisdiction / Beach Overlay
- ESHA\* Environmentally Sensitive Habitat Area - Overlay

\*Note: The ESHA Overlay applies to all land within an identified ESHA and to all land within 30 feet of an ESHA. Please see General Plan for identified ESHAs in Mission Trail Nature Preserve, Pescadero Canyon, and at locations along Carmel Beach.

The Appeal Jurisdiction is a representation of the certified Appeal Jurisdiction layer from the coastal zone. Please see Certified Post LCP Map or Current Zoning for parcels in contact with this boundary.



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 Prepared June 25, 2008 for the City of Carmel by TriAxial Data Systems • Watsonville, CA 95076 • Phone (831) 763-3697 / 763-3697  
 This is a graphic representation only of data provided by the City of Carmel and the County of Monterey. The author assumes no responsibility nor liability for errors or omissions.  
 The City of Carmel-by-the-Sea makes no representations or warranties regarding the accuracy or completeness of this map. This map is intended to reflect the boundaries established by the Carmel Municipal Code, the California Coastal Commission, and California law. These sources take precedence over this map.