

Attachment I

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MONTEREY COUNTY PLANNING COMMISSION

June 12, 2024

AGENDA ITEM NO. 5



Additional Correspondence

REF130043 &
REF100042
Vacation Rental
Ordinances

FOR ADDITIONAL INFORMATION CONTACT:
Taylor Price, Associate Planner
(831) 784-5730, pricet1@countyofmonterey.gov
Monterey County Housing and Community Development
Land Use Division, Planning
1441 Schilling Place - South, 2nd Floor, Salinas CA, 93901

From: [Daniel Duerr](#)
To: [293-pchearingcomments](#)
Cc: [Aubrey Duerr](#)
Subject: June 12 2024 // Vacation rental ordinances
Date: Monday, June 10, 2024 11:12:33 AM

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June 10, 2024

Monterey County Planning Commission
Monterey County Government Center
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Dear Members of the Monterey County Planning Commission,

We are the owners of a 5.6-acre rural property with a 3-bedroom, 3-bathroom home in the Cachagua area of Carmel Valley. Since 2016, we have offered our home as a short-term vacation rental when we are not occupying it ourselves throughout the year. Over the years, we have introduced dozens of visitors to the local wineries, restaurants, and shops, thereby supporting the local economy. We have created full-time housing for a resident caretaker/host, as well part-time opportunities for our cleaners, handymen, and landscapers. And, our vacation rental has generated over \$15,000 in Transient Occupancy Tax (TOT) revenue for the County. Furthermore, we have never received a single complaint from our neighbors.

We were present via Zoom at the May 29 hearing where we expressed concerns alongside other constituents & stakeholders. We are generally excited about where the commission appears to be going with the draft ordinances, particularly the "hosted LVR" concept. However, there are some critical points that need to be handled carefully as these ordinances are finalized:

1. For the "hosted LVR" to work for us, and most of the other hosted STRs we know in Cachagua, we need some reasonable flexibility in where the host physically resides. Our full-time caretaker/host resides in a detached caretaker unit that is ~250 ft from the main house that we rent to guests. Many of our neighbors who operate hosted STRs on their properties have similar setups where there are multiple dwellings, to which they reside in one and rent out the other. These configurations work well for all involved because they provide full-time supervision over guest activity, safety, neighborhood relations, and they maximize available housing.
2. All these distinctions between guest houses, ADUs, caretaker units, etc. add to the confusion around these ordinances while creating unfair advantages/disadvantages for people with different classifications of secondary dwellings on their properties. We urge the commission to simplify things as much as legally possible, and focus on other, more effective, ways to filter out the undesirable outcomes being targeted.
3. We wholeheartedly support MCVRA's position on the "hosted LVR" cap of 4-guests, and particularly how it unfairly discriminates against families with children. The ideal solutions from our perspective would be (in order of preference):
 1. Remove the cap altogether and just stick to the 2-guests per bedroom limit, minus

Attachment I

bedroom(s) occupied by the host. 94% of the Airbnb listings in Monterey County have four bedrooms or fewer, so you'd inherently have a cap of 6-guests or 4-guests anyways.

2. Apply the cap to adult guests only.

But beyond all of the above, and admittedly our biggest concern of all, we've got to arrive at a Vacation Rental Operation License that doesn't prove this all in vain. These ordinance will be useless if the license conditions are not reasonable and practical. Our understanding is that the license fees, terms, and conditions have not yet been determined. If we don't have transparency around this piece of the process then we could end up with a very nice looking set of ordinances that cannot even be realized due to unchecked and out of control Vacation Rental Operation License terms & conditions. This would be a terrible outcome after all of the great work that the commission has put into this issue.

Thank you in advance for your consideration of our comments.

Sincerely,

Daniel & Aubrey Duerr
20451 Cachagua Rd, Carmel Valley, CA 93924

From: sur1954janet@aol.com
To: [293-pchearingcomments](#)
Subject: June 13, 2024 Vacation Rental Ordinance REF 100042 (Inland) & REF 130043 (Coastal)
Date: Monday, June 10, 2024 1:24:07 PM
Attachments: [Screenshot_20240610-114510.png](#)
[Screenshot_20240610-115107.png](#)

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Dear Madam Chair & Commissioners,

Thank you for allowing me to voice my thoughts ...

A Guesthouse should not be counted as a room in ones main house.
Monterey County already has definitions in place that defines what a guesthouse & guestroom are, so therefore guesthouses are not to be counted as a room in part of the main house nor should they be short-term rented out.

Guesthouse - 20.06.620 or 21.06.620

Guestroom - 20.06.625 or 21.06.625

On September 15 of 2020 the BOS adopted the newly updated County "Definitions" for the coastal zone (Title 20) of Monterey County. While the definition for "Dwelling" remained the same (non-transient use), the definition for "Family" was updated to be consistent with the definition of "Dwelling". As the Coastal Commission has not yet certified the newly updated County definitions I don't see that the Coastal Commission would have a problem certifying them as is as these definitions are consistent with both the Big Sur LUP & CIP.

Code of Ordinances



Monterey Cou... / Title 20 - C... / Chapter 20.... / 20.06.360 - ...



[< 20.06.355 - Discretionary permit.](#)

[20.06.370 - Dwelling unit. >](#)

20.06.360 - Dwelling.



"Dwelling" means a structure or portion thereof designed for or occupied exclusively for non-transient residential purposes including one family and multiple family dwellings, but not including hotels, motels, boarding or lodging houses or other transient occupancy facilities.

[< 20.06.355 - Discretionary permit.](#)

[20.06.370 - Dwelling unit. >](#)

Code of Ordinances



Monterey Cou... / Title 20 - C... / Chapter 20.... / 20.06.450 - ...



[< 20.06.440 - Environmentally sensitive habitat.](#)

[20.06.455 - Farmworker. >](#)

20.06.450 - Family.



"Family" means one or more non-transient, related or unrelated persons living together in a dwelling unit.

[< 20.06.440 - Environmentally sensitive habitat.](#)

[20.06.455 - Farmworker. >](#)

The NEW Countywide Vacation Rental Ordinance is not consistent with the Big Sur Land Use Plan nor with the Big Sur Coastal Implementation Plan (CIP) or Title 20, Section 20.06.360 or 20.06.450 (see above captures).

Big Sur Land Use Plan

5.1.1 Residential Land Use

Paragraph 3. 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. Short-term Vacation Rental is a visitor serving use, so therefore not consistent with our LUP. Also in the 1986 LUP they did

recognize that there was a difference between visitor-serving and residential uses ...

5.4 Development Policies

5.4.1 Key Policy

Future land use development on the Big Sur Coast should be extremely limited, in keeping with the larger goal of preserving the coast as a scenic natural area. In all cases, new "land uses" must remain subordinate to the character and grandeur of the Big Sur Country. All proposed used, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery.

5.4.2 General Policies

5.4.2.2 Development of any area of Big Sur will be limited to uses for that area illustrated on the plan map and to the use intensities described in the text.

Uses not shown on the plan map or described in the text will not be permitted.

Short-term Vacation Rentals are neither shown or described ... so therefore the New Ordinance is not consistent with the Big Sur Land Use Plan.

5.4.3 Specific Policies

5.4.3.C Development of New or Expanded Recreation Facilities

It states in both the Big Sur Land Use Plan & the Big Sur Coastal Implementation Plan (both certified by the CCC back in 1986 & 1987 as well as adopted by the PC & BOS.

5.4.3.C.7.a Must have direct access to public road (not including Sycamore Canyon or Palo Colorado Roads), or common driveway with permission of other owners.

Title 20 Section 20.06.360 DWELLING

"Dwelling" means a structure or portion thereof designed for or occupied exclusively for non-transient residential purposes including one family and multiple family dwellings, but not including hotels, motels, boarding or lodging houses or other transient occupancy facilities.

Title 20 Section 20.06.450 FAMILY

"Family" means one or more non-transient, related or unrelated persons living together in a dwelling unit.

Thank you,
Janet Hardisty

From: [Michael Heymann & Deborah Port](#)
To: [Vasquez, Elizabeth](#)
Subject: Short term commercial rentals ordinances applied to Carmel
Date: Wednesday, June 5, 2024 4:29:25 PM
Attachments: [To Planning Commission re STR .docx](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hi there, I really appreciate the incredibly hard work you, the other staff and of course the board put into the revision of the Title 20 ordinances.

Following up on my comments at the meeting on the 29th I have attached more details about the 2 topics I so briefly mentioned. I hope the board will be able to see these when they tackle these issues again shortly

Many thanks.

I also very much appreciate your sending me all the notices etc over the past couple of months.

Michael A Heymann, M.D.

Professor Emeritus, Dept. of Pediatrics, University of California San Francisco

heyport@prodigy.net

831-626-8473

PO Box 222437, Carmel, CA 93922-2437

From: Michael A. Heymann
175 Corona Rd., Carmel Highlands, CA 93922
heyport@prodigy.net
831-512-6388

I write to clarify and expand on the 2 points I made at the May 29th hearing of the Planning Commission.

As applied to the Carmel Highlands area, the Carmel Area Land Use Plan (p. 92, Section 4.4.3 *1.1 Commercial*) specifies that “commercial land use in the Carmel Coastal Segment shall be restricted to those locations of existing and proposed visitor-serving accommodations shown on the land use plan map (*in Pink*) or described in the text.” , (Map attached). Activities restricted are “Visitor Serving Accommodations” and according to the plan these include Short Term Rentals (STR).

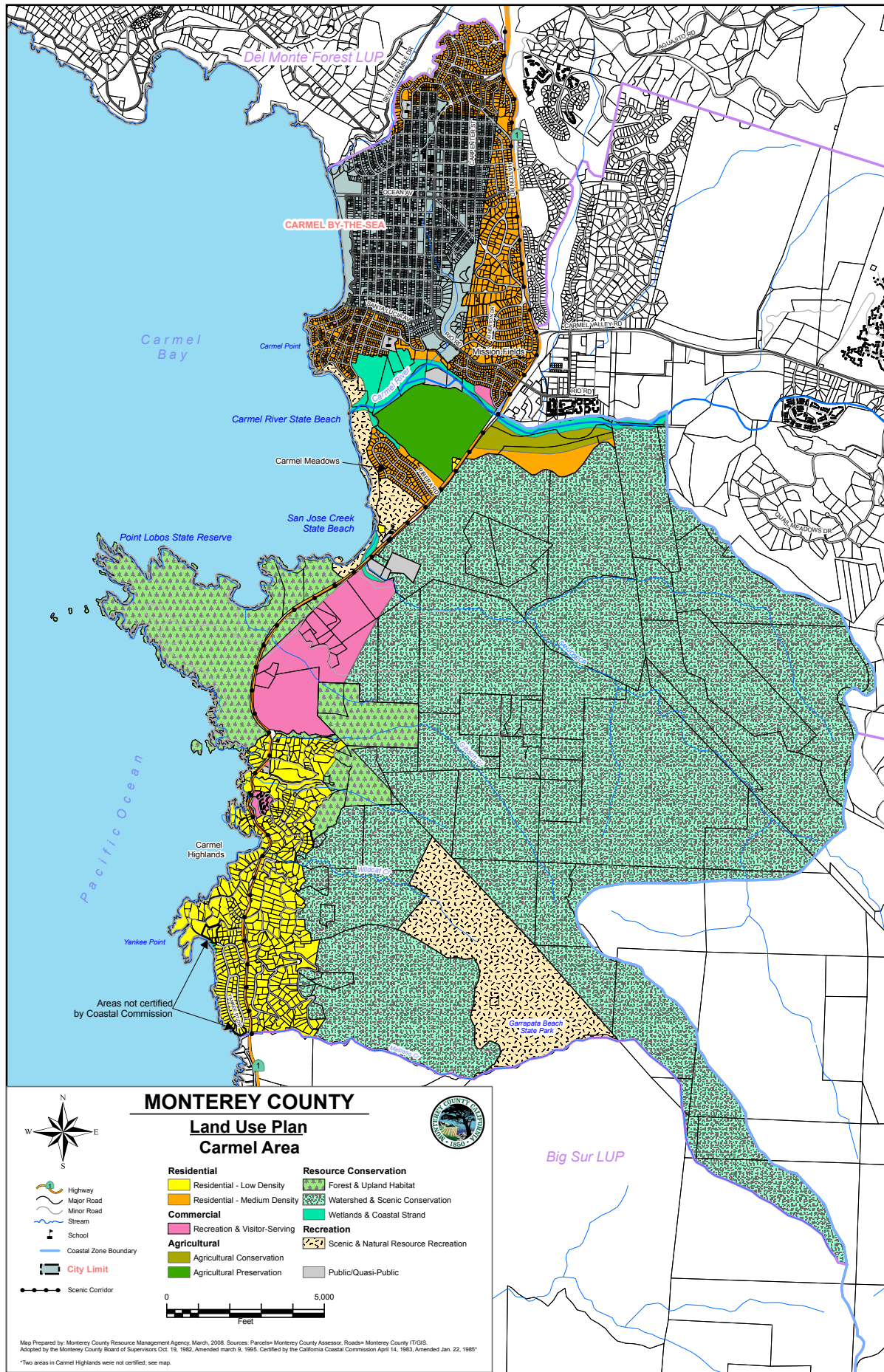
The current, revised draft of the Title 20 Coastal ordinance regarding “Regulations for Commercial Rentals (STR) (20.64.290 as added on p6 II Section 21. E. 3. B. I) stipulates that the prohibition of Commercial Vacation Rentals is limited to the Low Density Residential Zone. This is in direct conflict with the requirements of the Carmel Area Land Use Plan which restricts this commercial activity in all areas outside the 2 very specific areas shown on the map & as described above..

This divergence requires consideration and the ordinance as written should be redefined and include in the prohibition the more comprehensive restrictions as required in the Land Use Plan.

Secondly the issue regarding shared private road use for STR access, also in the revised Title 20 Coastal ordinance regarding “Regulations for Commercial Rentals 20.64.290 added on p7 II Section 21. E. 4. could be reworked and expanded.

This is referred to briefly in the REVISED Ordinance but is detailed in Monterey County Code Chapter 16.80 which is referenced. Sections 16.80.40.A and 16.80.40.C.g. address regulations and specify that “in any application submitted pursuant to Titles 19, 20 or 21” “written permission to use a private road” from “a legally established private road governing structure”e-4 is required for access. It is possible that a group of users would vote to prohibit use of the private road for any STR activities as outlined. (see attached). If this is the case, prior advisory presentation of this decision to the Monterey County Planning Commission would save the staff the substantial time required to review an application for an STR approval and also save the potential applicants wasted time and money

We very much appreciate the enormous effort made by the Staff and the Board in addressing this complex Issue and relay our sincere thanks to all.



From: [Sandy Hoag](#)
To: [293-pchearingcomments](#)
Cc: [Alec Hoag](#)
Subject: Comments on current STR proposed ordinances
Date: Monday, June 10, 2024 11:30:33 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To: the Monterey County Planning Commission
 Subject: Comments on current STR proposed ordinances

6/10/24

STRs support our local economy... our restaurants, our shops, the Aquarium, golf courses, bike and kayak rentals, local state parks, and more.

Their income also helps local families stay in their homes in this super expensive housing area. Forcing families to sell their homes will just allow multi-millionaires to purchase more second homes that sit vacant and contribute nothing to the economy of the area. Ugh.

STRs are unique. They are not hotels or even bed-and-breakfasts. They

<!--[if !supportLists]--> <!--[endif]-->allow families with children to have a safe place to play.

<!--[if !supportLists]--> <!--[endif]-->allow families with food allergies to cook comfortably and safely.

<!--[if !supportLists]--> <!--[endif]-->allow people with disabilities to more easily spend time with friends and family.

<!--[if !supportLists]--> <!--[endif]-->allow families and friends to share dinner together in a home-like setting.

We applaud creating and passing STR ordinances for the Monterey County! We do not want to be like Mission Bay with 25% of homes being STRs. And we definitely want STR guests to have rules to preserve the peace and quiet of our beautiful neighborhoods.

Concerns we have about the current proposed ordinances:

<!--[if !supportLists]-->1. <!--[endif]-->Coastal zone CVRs should not be required to have a Coastal Development Permit. Nothing new is being developed. These are homes where the occupancy and cars remain the same. This is overkill and will likely put you back to square one in the permitting process because you are ignoring the Coastal Commission's previous rejection of this requirement. Please look to neighboring counties and do what they are doing that the Coastal Commission has already accepted.

Attachment I

- <!--[if !supportLists]-->2. <!--[endif]-->Too many permits and costs. Over-regulation. Homeowners who are doing this are cost conscious and are already paying 10.5% in TOT. Simplify the number of permits – how about one? And decrease costs. Again, see what Santa Cruz or one of the other coastal cities requires.
- <!--[if !supportLists]-->3. <!--[endif]-->Why 4% cap on STRs? Most other places have a 6% cap. Or instead, follow the no-growth option which freezes the numbers where they are – effectively giving the county a 2.4% cap.
- <!--[if !supportLists]-->4. <!--[endif]-->Our favorite family stay is two grandparents, two parents, and a new baby that the grandparents are getting to know. A limit of four people makes this impossible in a two-bedroom home. Why such a limit? Doesn't make sense. We feel this current limitation discriminates against children, multi-generational families, and families with multiple children.
- <!--[if !supportLists]-->5. <!--[endif]-->And lastly, just a question: are there any regulations that prohibit investment corporations from buying up housing stock for STRs for a purely profit motive? Shouldn't there be?

Our family has often opted to vacation in STRs ... in Half Moon Bay, San Diego, Napa, Oregon, Hawaii and even Italy! While our children were growing up, STRs provided a safe family room for them to play in, a place to put our Christmas tree, and often a safe patio area where we could eat and play as a family. Now, they provide a kitchen where we can make safe food for my elderly parents who have severe food allergies, and they allow us to visit together and do puzzles while watching the Warriors play basketball.

STRs provide private cooking and gathering spaces for families that hotels simply can't provide. They are a unique and an affordable option for families.

Thank you for your time.

Sandy and Alec Hoag

Pchearingcomments@countyofmonterey.gov

From: Margaret Robbins
3 pagers including this page

Please distribute to all Planning Commsioners
Cc: pricet1@countyofmonterey.gov

Please let me know that this was received -

Margaret

Dear Supervisors and Planning Commissioners,

After reading almost 2 reams of printer paper that detailed what is supposed to happen in your meetings on June 11 and 12, someone needs to save the mouth of Carmel Valley.

Supervisors, you have moved 6th Cycle Housing sites and requirements from Carmel Valley Village and Mid Valley to the mouth of the valley. Traffic now become gridlock from 3 to 6pm many weekdays. Just ask our first responders.

Commissioners, you have not answered my question: “ why anyone would approve additional units or uses in areas susceptible to flooding and fires?” Vacation renters do not know our roads and can slow down evacuations. Ask the Sheriff!

To be fair, the County has refused for almost 2 years to tell me why the Whitson Engineers report that stated almost 600 properties at the mouth of Carmel Valley and in Mission Fields would remain in the 100 year flood plane after CRFREE is accurate. And to give me any details of what more work is require, how much thus work will cost, and where is the money needed going to come from.

(Disclosure: my home is one of the 48 homes at Arroyo Carmel that will remain in the flood plane.)

I, as a board member of County Service Area 50 have been working very hard to make these areas flood free since the January and March floods of 1995. Please don't make this work harder by adding one more thing to the mouth of Carmel Valley.

Since I have been unable to get any answers from the County, I am asking you to ask the County these same questions I have and demand answers. I am asking for your help because I really do not know where else to turn

What I hope happens today is that NOTHING IS APPROVED -- from Highway One to Via Mallorca and from the bank of the Carmel River to Outlook Drive and Jacks Peak Park . Please help me save the mouth of Carmel Valley. Thank you.


Margaret Robbins, 3850 Rio Road #26, Carmel, Ca
93923. 831-624-1153, *June 10, 2024*
mm_robbins@comcst.net

From: [Larry Bacon](#)
To: [293-pchearingcomments](#)
Subject: Vacation Rental Ordinance-June 12 Agenda
Date: Wednesday, June 12, 2024 9:58:52 AM

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For a Hosted Vacation Rental, the term "operator" in the definition is vague and suggests an agent for the property owner. Operator is the right term for Limited and Commercial VRs, but not for Hosted VRs. For Hosted, what's intended is that the full time resident will be present at the property during the rental.

Recommendation definition: "Hosted" means a Vacation Rental in which the **resident** occupies at least one Bedroom within the Vacation Rental while it is being rented as a Vacation Rental.

Larry Bacon
Carmel Valley

From: [Larry Bacon](#)
To: [293-pchearingcomments](#)
Subject: Vacation Rental Ordinances-June 12 Agenda
Date: Wednesday, June 12, 2024 9:36:04 AM

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Proposal: Regulate VRs by **permits**, not by **business licenses**.

VRs are now issued permits under Titles 20 (coastal) and 21 (inland), with no requirement for a business license.

Title 21 appropriately exists as "Administrative permits for transient use of residential property for remuneration."

HCD proposes amending Title 7 to require VRs to obtain business licenses.

Under Title 7 the only business activity in Monterey County that now requires a business license is cannabis.

If Title 7 is amended for VRs, a hospitality business, all Monterey hotels will need business licenses - an unintended and unwanted consequence.

Action: Leave Title 7 unchanged, amend Titles 20 and 21 to incorporate conditions for a Vacation Rental Operations Permit.

Larry Bacon
Carmel Valley

Attachment I

From: [Patricia Larkin](#)
To: [293-pchearingcomments](#)
Cc: [Sara A. Clark](#)
Subject: Comments of the Big Sur Defense Committee on Item #5: REF 100042 [Inland] & REF 130043 [Coastal] – Vacation Rental Ordinances
Date: Tuesday, June 11, 2024 9:31:43 AM
Attachments: [image001.png](#)
[2024-06-11 PC Comments STR Ordinances.pdf](#)

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Attached please find comments on behalf of Big Sur Local Coastal Program Defense Committee on Item Number 5 on the Planning Commission Agenda related to consideration of Monterey County's Vacation Rental Ordinances.



Patricia Larkin
Legal Secretary
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SARA A. CLARK
Attorney
Clark@smwlaw.com

June 11, 2024

Via Electronic Mail Only

Chair Martha Diehl
Monterey County Planning Commission
Email: pchearingcomments@co.monterey.ca.us

Re: Comments of the Big Sur Defense Committee on Item #5: REF 100042 [Inland] & REF 130043 [Coastal] – Vacation Rental Ordinances

Dear Chair Diehl and Members of the Planning Commission:

On behalf of this firm's client, the Big Sur Local Coastal Program Defense Committee ("BSDC"), I write to provide comments on Item Number 5 on the Planning Commission Agenda, related to consideration of Monterey County's Vacation Rental (aka Short-Term Rental) Ordinances ("STR Ordinances"). The BSDC is a group of residents and business owners concerned for the preservation of the cultural and natural values of Big Sur and the land use plan that protects them for the public to enjoy. As you know, the BSDC has been carefully tracking the County's consideration of the STR Ordinances.

The BSDC appreciates the effort made by County Staff to respond to the unique conditions in Big Sur in the development of the STR Ordinances and the FEIR. For instance, the EIR rightfully concludes that "Big Sur has unique housing, transportation, and environmental constraints," which support the proposal to "prohibit commercial vacation rentals in Big Sur." (DEIR at 4.7-9). The DEIR also correctly recognizes the severe impact of "seasonal, recreational, or occasional-use housing units" on residential vacancy rates and housing prices in areas like Big Sur. (DEIR at 3-9). The California Coastal Commission recently received an Informational Briefing on Housing, where expert witnesses provided concrete data echoing these concerns.¹

¹ <https://documents.coastal.ca.gov/reports/2023/12/Th5/Th5-12-2023-agenda.pdf> (presentation of Dr. David Wachsmuth).

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We note that the Commission staff provided comments noting the “higher residential vacancy rates compared to other planning areas” in Big Sur, and questioning whether these higher vacancy rates suggest that Commercial Vacation Rentals should be permitted. FEIR at 3-13. We appreciate the County’s thoughtful response on this issue (FEIR at 3-7). We additionally note that the current vacancy rates have been greatly influenced by the County’s current lack of enforcement against short-term rentals and other special uses, with significant impacts on housing availability (especially for workers in Big Sur’s tourism industry) and other resources. Rather than supporting an expansion of Commercial Vacation Rentals in the Big Sur Land Use Plan Area, these vacancy rates help explain the need for a strong STR Ordinance and County enforcement.

The BSDC is generally supportive of the concept of Limited Vacation Rentals (“LVRs”) proposed for Big Sur in the draft ordinance. We appreciate the County’s thoughtful response to the Coastal Commission’s request for additional information, and agree that the County has found an appropriate balance between “reasonable interests in serving visitors and the desire to address the sensitivities upon which vacation rental ordinance was developed: preserving neighborhoods, addressing potential nuisances, ensuring reasonable long-term housing opportunities, and other important community values.” FEIR at 3-14. The Commission has recently recognized the importance of addressing these concerns in the consideration of short-term rental ordinances, particularly with respect to housing affordability.

The BSDC’s general support, however, is conditioned on the County being able to implement thorough and effective enforcement mechanisms to ensure that these standards are actually complied with. The DEIR assumes that adoption of the STR Ordinances will result in a decrease of 37 residential units available for commercial vacation rentals in the Big Sur area. DEIR at 2-9. But this reduction—which is warranted for the housing, transportation, and environmental constraints cited by the County in the EIR—will only occur if the County develops and funds appropriate enforcement mechanisms. The BSDC appreciates the additional enforcement details provided in the staff report and urges the Planning Commission to recommend full funding of this program to the Board of Supervisors. The hard work put into the Ordinance will be of limited import if the County continues its lax enforcement efforts.

Moreover, the BSDC remains concerned about the significant lag time that will result from the implementation plan discussed in the vacation rental ordinance and staff report. As proposed, the vacation rental ordinance will still need to be approved by the Planning Commission and considered by the Board of Supervisors (which could take months). Once approved, the regulations for LVRs in Big Sur would need to be certified by the Coastal Commission, which could take approximately one year. Staff Report at

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243. Then, the proposed amortization program would become effective, giving existing operators another year. Finally, the proposed enforcement program would start with education and outreach, with true code enforcement not proposed until year two. All in all, it could be almost *four years* until the County is actively ensuring that current commercial operators in Big Sur come into compliance. This is far too long, given that at least 37 units are currently operating in the Big Sur Land Use Plan area contrary to the requirements of the Land Use Plan.

The BSDC requests two modifications to address this issue, which do not appear to have been considered by County Staff.² First, the amortization program found in proposed Section 20.64.290(F) should not apply in Big Sur. Because of the lengthy Coastal Commission certification process, existing operators will have sufficient notice that commercial operations in Big Sur will no longer be allowed. An additional six-month year phase-out period after certification is unnecessary. Moreover, the phase-out language only contemplates the scenario where an owner or operator needs time to bring an existing operation through the discretionary permitting process. Because Commercial Vacation Rentals will not be allowed in Big Sur, no time is necessary for them to come “into compliance” with such regulations. Commercial Vacation Rental use should immediately cease once the Coastal Commission acts.

Second, the Code Compliance implementation described in the Staff Report should include immediate action to shut down Commercial Vacation Rentals in Big Sur in Phase 1. Because Commercial Vacation rentals will not be permitted, and because of the long lead time associated with this ordinance, the County should immediately pursue enforcement actions against the operators of Commercial Vacation Rentals in Big Sur, rather than giving additional time for “education and outreach.”

Finally, the County has now concluded that LVRs need not comply with the Visitor Serving Unit caps found in the Big Sur Land Use Plan. FEIR at 3-82. Specifically, the County concludes that “Limited vacation rentals do not need to comply with the visitor serving unit caps found in the Big Sur Land Use Plan [because they] are defined in a manner to be similar in character, density, and intensity to residential uses and are not anticipated to remove long-term housing from the market and therefore are allowed uses.” However, under the Land Use Plan, the VSU caps are mandatory for all

² These suggestions were raised in the BSDC’s comments on the DEIR, but were not specifically responded to. This omission is contrary to CEQA’s requirements. See CEQA Guidelines § 15088(b); *Pfeiffer v. City of Sunnyvale* (2011) 2000 Cal.App.4th 1552, 1568; *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 391.

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overnight visitor serving uses. *See* Big Sur LUP, Table 1; *see also* Big Sur Coastal Implementation Plan § 20.145.140(B)(1)(c)(5). They are intended to prevent strain on limited infrastructure, including Highway One and other public access areas. LVRs will likely be used most frequently at peak periods, such as holidays, when such infrastructure is already overburdened. Consequently, application of the VSU caps is necessary to ensure that LVRs do not contribute to this issue.

Thank you for your time and attention on this important matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Sara A. Clark

1792015.1

From: [Doris Fabre](#)
To: [293-pchearingcomments](#)
Subject: STR comment...
Date: Wednesday, June 12, 2024 9:50:01 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

My name is Doris Fabre.

Because I can't seem to "raise my hand" on the zoom screen, please record my position on short term rentals in Carmel Valley as wanting to say no to all STR's (ex. Carmel and Big Sur).

Because I know that is not the direction being taken, I'd like to see some kind of measure included to also heavily penalize any hired management of the unpermitted, illegally operated STR's, so perhaps they think twice about representing property owners who aren't playing by the rules!

I'm terribly confused by our housing issues and the allowance, at all, of STR's. Seems extremely conflicting.

Most of Carmel Valley is considered rural, certainly where I live and own property off of El Caminito Road (where there are many known illegally operated short term rentals).

We do not pay the exorbitant property taxes required to have hotel like situations right next door in our residentially-zoned neighborhood!

I employ the Commissioners and the Board of Supervisors of Monterey County to please listen to the majority of local, residing residents who have tirelessly contributed their time and energy to this matter.

Many thanks,

Doris and Hubert Fabre

Donna Lawson

Sent from my iPhone

From: [Molly Erickson](#)
To: [293-pchearingcomments](#); [Vasquez, Elizabeth](#)
Subject: Item 5 on June 12 agenda: REF 100042 [Inland] & REF 130043 [Coastal] – Vacation Rental Ordinances
Date: Tuesday, June 11, 2024 9:23:43 PM
Attachments: [24.06.11.FANS.ltr.to.PC.re.STRs.item.5.on.24.06.12.agenda.pdf](#)

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Chair Diehl and members of the planning commission,

Please consider the comments in the attached letter on behalf of Friends, Artists, & Neighbors of Elkhorn Slough for the hearing and discussion of short term rentals on your agenda on June 12. Feel free to contact me with any questions. Thank you.

Respectfully,

Molly Erickson
Law Office of Molly Erickson
tel: 831-373-1214

June 11, 2024

Martha Diehl, Chair
Planning Commission
County of Monterey

Subject: item 5, short term rental (STR) ordinances, June 12, 2024 agenda

Dear Chair Diehl and commissioners Getzelman, Gomez, Gonzalez, Work, Mendoza, Roberts, Monsalve, and Daniels:

I represent Friends, Artists & Neighbors of Elkhorn Slough, known as FANS, FANS supports the following statements:

- “Neighbors not AirBnBs.”
- “Homes, not Hotels”

FANS submitted written and oral comments at the May 29 hearing. None of the comments has received a response from the planning staff. FANS reiterates that the newly revised draft ordinances are not ready to be sent to the Board. FANS has many concerns about the impacts of the proposed ordinances on coastal North County. One coastal North County rental is currently advertising online at \$1,049/night, and another advertises itself at \$857/night. You may not be aware that cleaning fees, TOT and AirBnB/VRBO fees are in addition to the nightly rental fee received by the operator.

Now is the time to prohibit short term rentals in the coastal North County area for reasons of environmental justice, environmental protection, and social equity because short term rentals decrease housing availability and housing affordability to renters, and North County is in dire need of affordable housing.

Requests

1. FANS urges you to prohibit short term rentals in the residential zones of coastal North Monterey County, as well as all areas of the County.
2. In light of the lack of response to date to the May 29 comments from commissioners and members of the public, FANS urges you to take additional information and comment, give direction to staff, and continue the item.

Housing affordability and environmental justice

Coastal properties tend to be owned by white persons of a certain socioeconomic status. In contrast, rentals in North County are often occupied by persons and families of color and of lower socioeconomic status. North Monterey County is in dire need of affordable housing which has resulted in people living in unpermitted and substandard dwellings in barns, sheds and converted garages. STRs cause unintended

consequences that would include reduction of the already inadequate number of affordable residential units in North County.¹

The evidence is clear that short term rentals (STRs) are making a lot of people's housing situation worse.

- A Harvard Law & Policy Review article found that STRs increase rents, incentivize hotelization and reduce the affordable housing stock. (“How Airbnb Short-Term Rentals Exacerbate Los Angeles’s Affordable Housing Crisis.”)
- Harvard Business review research showed that "When Airbnb Listings in a City Increase, So Do Rent Prices." “Because of Airbnb, absentee landlords are moving their properties out of the long-term rental and for-sale markets and into the short-term rental market.” “Absentee landlords are reducing the housing supply, which, in turn, increases the cost of living for local renters.” (<https://hbr.org/2019/04/research-when-airbnb-listings-in-a-city-increase-so-do-rent-prices>)
- A recent study of Flagstaff, Arizona; St. George, Utah; Bozeman, Montana shows that some 90 percent of short-term rentals that are the entire home. Most are offered up for more than half a year. These are not owners who are in economically precarious situations. Rather, it is nonresidents who see an investment opportunity and buy up property “with the express purpose of housing tourists.” (Running Rampant: How Short-Term Rentals Affect Communities, at <https://shelterforce.org/2024/02/22/how-short-term-rentals-affect-communities-with-loose-restrictions/>)
- “Short-Term Rentals Make Housing Less Affordable” (Feb. 2., 2023, <https://www.purdue.edu/research/features/stories/short-term-rentals-make-housing-less-affordable/>)
- “Short-term rentals and the housing market: Quasi-experimental evidence from Airbnb in Los Angeles” (H.R.A. Koster, et al., July 2021, <https://www.sciencedirect.com/science/article/pii/S0094119021000383>)
- “How short-term rentals contribute to the housing crisis” (N. Mauricio, Jul 27, 2023, at <https://www.poplarhomes.com/real-estate-investment/how-short-term-rentals-contribute-to-the-housing-crisis/>)

¹ Throughout North County there is a dire lack of affordable housing, and people are living in crowded quarters in structures that are unsafe and unpermitted as dwellings. FANS does not condone unsafe and unpermitted dwellings.

- <https://blog.neighborlysoftware.com/2023/10/02/effects-of-airbnb-short-term-rentals-on-affordable-housing/>
- “Some Airbnb hosts run over 20 properties.” (D. Laur et al, May 18, 2024, at <https://www.businessinsider.com/us-cities-dominated-by-airbnb-mega-hosts-with-many-listings-2024-5>)
- “The impact of short-term rentals on housing affordability in high-demand markets” (D. Petramala, Dec. 7, 2023 at <https://www.altusgroup.com/insights/the-impact-of-short-term-rentals-on-housing-affordability/>)
- “Study Finds Airbnb Units Expand Market But Reduce Long-Term Rentals, Including Affordable Housing” (Oct. 13, 2021, Carnegie Mellon Univ., at <https://www.cmu.edu/tepper/news/stories/2021/september/airbnb-market-expansion.html>)
- The County of Humboldt has officially stated that Short Term Rentals “impact the availability and price of long-term housing and can significantly impact the character of the surrounding neighborhood.” (<https://humboldt.gov/3387/Short-Term-Rental-Ordinance>)
- “Study Finds Presence of Short-Term Rentals Associated with Higher Property Prices” Dec 23, 2019 (National Low Income Housing Coalition). Neighborhoods with significant Hispanic and African American populations have experienced greater price inflation because of STRs, even though Washington DC’s regulatory framework discourages the acquisition of properties for exclusive use as STRs because listings can only be rented for 90 business days per calendar year. In DC as a whole, AirBnB alone could account for an increase in single-family home prices in tourist hot spots of more than 5%. (See <https://bit.ly/2YToRcL>)
- Report demonstrates the clear nexus between private short term rentals and the limited and shrinking supply of affordable housing stock in Oakland. (“The Impact of Short Term Rentals on Affordable Housing in Oakland,” 2015).

When workers are displaced, they tend to live farther away and in less adequate conditions, which causes even greater environmental justice issues, harm to public health, increased traffic, longer commute times, and increased harm to public health. The impacts of short term rentals on housing affordability and on the environment have not been adequately considered by this County.

There should not be an amortization period where STRs are prohibited.

The proposed amortization period in the draft ordinances should not apply in North County, Big Sur, Carmel Area, or any other coastal areas where STR operations are prohibited. Existing operators will have ample notice of the prohibitions. Where commercial STRs are not allowed, no time is necessary for them to come “into compliance” with such regulations. Code enforcement action should include immediate action to shut down STRs in phase 1, instead of giving them even more time for “education and outreach.”

County of Monterey should learn from successes and mistakes of other jurisdictions

In Malibu, the owner must be on the property at all times during rentals, the transient occupancy tax (TOT) is 15%, and the property must display on all advertising listings its city permit number that is obtained from the city with an approved short-term rental application,

Pasadena city ordinance 7137 requires that short-term rental properties must be a primary residence, which requires that the owner live on the property for at least nine months of the year. Unhosted stays are capped at a maximum of 90 nights per year, and the STR must pay TOT of 12.11%.

The city of Santa Cruz has a caps of 250 short-term rental permits and administers them on a first come-first served basis; no additional permit applications will be considered. The cap has been reached and no new unhosted STRs are allowed at this time. Municipal Code chapter 24.12 requires that the 250 STRs each hold a permit administered by the city; document that the owner lives in the home for at least six months of the year; and the site of the STR must not have accessory dwelling units (ADUs) because not only are ADUs ineligible, but single-family homes with ADUs are not eligible for an STR permit; and pay TOT of 11%.

Monterey County's draft ordinances fail to implement reasonable parking requirements

At the May 29 hearing, County planning staff made a statement to the commission regarding parking for STRs, specifically that staff had concerns about restricting the use of the public right of way. The comment is puzzling because it appears to focus on parking on the public street, which is not the issue. The issue is that the STR property should have adequate parking at the site for overnight guests, such as one on-site parking space for each bedroom. There is no dispute that the County has the ability to adopt such a regulation. The commission should address this issue and should require adequate on-site parking for each STR if they are allowed.

Recommend that enforcement should be in place prior to STR permits

Enforcing STR regulations entails administrative readiness and coordination. Under-prepared implementation of STR regulations results in unintended

consequences. One such consequence is a cumbersome registration process. San Francisco was one of the first cities to pass STR legislation in 2016. Two years later, in 2018, only 2,168 Airbnb hosts had registered, leaving the majority of its 8,000 STR listings with no legal status (San Francisco Chronicle, 2018).

The requirements for the hosting platforms (such as VRBO or Airbnb) should mandate listing of a County business license number, as suggested by Chair Diehl at the May 29 hearing, because absent a verifiable number for each operation the County and the public and users will not be able to know how to ensure accurate records and accountability. The platforms should only be allowed to advertise permitted numbered vacation rentals in the County and the platforms should be fined if any rental is listed absent the verified number. Los Angeles County's recent regulations require that if AirBnB, VRBO, or other hosting platforms do not verify the short-term rental registration number issued by LA county for each property, or if they don't have it listed on all of those advertisements, the companies can be fined \$1,000 per day, per violation. The County of Monterey's proposed reliance on the rental platforms is unrealistic in light of the weak provisions in the proposed ordinances.

There is no enforcement proposed to be in place when the Monterey County ordinances go into effect, and in any event the proposed ordinances lack teeth for effective enforcement. The staff report has made inaccurate representations made to the Planning Commission that "each and every violation of any regulation in the ordinances constitutes a separate and unique violation, and every day the violation continues to exist, it will be deemed a separate and distinct offense. This will ensure that operators that are continuing to operate in violation of the ordinances will face mounting penalties that will continue until the violation is remedied." (Staff report, Exhibit B – Detailed Discussion, pp. 11-12.) The claims are not true. Instead, the face of the ordinance shows that enforcement is discretionary, and the County has no funding mechanism in place for enforcement in any event. And even if the County enforces, and if the County decides to pursue a violation, the County official reviewing the fine or the appeal has discretion to waive the fine or reduce it. In other words, everything is discretionary: enforcement, prosecution, and fine.

The fines proposed by Monterey County are a mere pittance compared with other jurisdictions that have more experience and success with meaningful enforcement. The County's proposed fine of one night's rent is de minimis. The \$1,049 North County rental has 57 comments; a conservative assumption of two nights per comment would mean \$119,586 in income to the off-site operators. In the face of that income, a one-night fine, if imposed at all, would be ineffective and mere "cost of doing business" for an STR operator. In contrast, Los Angeles County recently adopted regulations that "For each violation, hosts may also face a \$2,000 fine per day, or two times the average nightly rate charged, whichever is higher." The City of Monterey ordinance doubles the fines for each subsequent violation, and the ordinance has been tested in Monterey Superior Court and survived challenge.

June 11, 2024
Page 6

In short, staff's claim that the County of Monterey's proposed administrative citations would "ensure that properties with high rental rates do not ignore financial penalties" has no basis in the financial realities of STR rentals and thus the STR ordinance would have more significant and unmitigated adverse consequences than the County has concluded in its EIR.

Let there be no mistake: the proposed ordinances would pit neighbor against neighbor. Safety is a very serious concern. Much of the unincorporated county areas are relatively rural, with houses at a distance from each other. Neighbors who report STR violations on nearby properties would place their lives, their property, and their pets at risk. The County should remember the murders of Mel and Elizabeth Grimes by the next door property owner in a dispute over a property line. Short term rentals would up the ante materially because they can involve major financial windfalls to STR operators. The risks are real. The only reliable way to reduce the risks is to prohibit short term rentals outright.

Recommend that the board require a monthly enforcement fee
and that violators pay the costs of enforcement

There appears to be no effort to fund enforcement or to recover the County's costs of enforcement. The County of Monterey should require a monthly enforcement fee that is adequate to fund a robust enforcement program. Beginning on September 1, 2017, Berkeley has required STRs to pay a 12% Transient Occupancy Tax, a 2% enforcement fee, and a \$225.50 non-refundable annual application fee. Berkeley's low enforcement fee reflects its modest size of less than 10.5 square miles of urban land and public streets that are easily traveled. In contrast, the County of Monterey has 3,000+ square miles of unincorporated lands that are sprawling and difficult to access, and where private road miles far outnumber the public roads. The County also should require that violators pay the costs of enforcement.

Request:

Prohibit short term rentals in the residential zones of the County

To recap, FANS urges you to prohibit short term rentals in the residential zones of coastal North Monterey County, as well as all areas of the County. The North County area's natural resources, its infrastructure limitations, and its rural nature should not be compromised in exchange for the financial gain of a few.

FANS thanks you for your consideration of these important issues.

Sincerely,
/s/ Molly Erickson
Molly Erickson

From: [p laughing horse](#)
To: [293-pchearingcomments](#)
Cc: p.laughinghorse@gmail.com
Subject: STRs, homestays, etc.
Date: Tuesday, June 11, 2024 2:33:02 PM

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Hello Planning Commissioners:

Short term rentals were first discussed for Big Sur on 1996. They are illegal in Big Sur. Still, 40 years later, by simply changing the language, the names and abbreviations of whatever current terminology has been thought up, to shove the idea through, that short term rentals etc. are legal in Big Sur.

Short term rentals, except true "homestays", where the owner shares their house while in residence themselves, is a violation of the existing LUP policies.

In a moment when proposed increases in housing density is being also mooted about, every single dwelling being rented out is a space not being used for housing.

The County has not the staff to oversee the existing few illegal STRs, so how much enforcement will be possible if more of these entities is allowed?

And this isn't even including the properties in residential neighborhoods that have been allowed to be willy-nilly rezoned commercial, as the new landowners create "Event Centers", complete with glamping sites, noisy events that disrupt the residential neighborhoods they occupy. Those illegal entities have been turned in, multiple times, I'd imagine, with zero response from the County.

Where is the enforcement????? Even now?

How about just, finally, acknowledging and accepting existing limits?

This Highway is for the greatest number of visitors to pass through, to be amazed at the wild wonder of a coast which humans have had the wisdom to leave alone.

Thank you for your focus and work
P. Goodale, Big Sur

From: sur1954janet@aol.com
To: [293-pchearingcomments](#)
Subject: June 12, 2024 Vacation Rental Ordinance REF100042 (Inland) & REF130043 (Coastal)
Date: Tuesday, June 11, 2024 2:44:52 PM

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Dear all,

Do guesthouses really qualify as being counted as one of the bedrooms of the main single-family dwelling?
I question that ...

Exhibit A - Attachment 1

Digital pg. 13 or real page 4

7.120.020 Definitions

C. "Bedroom" means any habitable room of a dwelling unit which is: 1) 70 square feet or greater in size for the first individual in the room and 50 square feet of space for each additional individual in the room; 2) has an exterior door or window for egress meeting the Health and Safety Code standards at the time the dwelling was constructed; and 3) **has a closing door that "separates the room from other areas of the dwelling". The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.**

I don't think most guesthouses within the Big Sur Land Use Plan Area could qualify as being a bedroom for a single-family dwelling (main house) as they don't seem to meet the above requirements. Most of the Airbnb/VRBO vacation rental guesthouses are open floor studios with the beds being in the same room as the living, dining and kitchens, areas etc.

I also question whether Code Enforcement will be able to address illegal Vacation Rental activity in the Big Sur area as they are not able to enforce non-permitted Event Venues in our residential homes and elsewhere at this time?

And again, I would like to say ... Vacation Rentals whether Limited (now Commercial) or not are not consistent with our Big Sur Land Use Plan!

Thank you,
Janet Hardisty

Attachment I

From: sur1954janet@aol.com
To: [293-pchearingcomments](#)
Subject: June 12, 2024 Vacation Rental Ordinance
Date: Wednesday, June 12, 2024 8:58:03 AM

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Commissioners,

Thank you again for allowing me to voice my concerns. Thank you also for the many years you have all worked with us on these many drafts ...

One thing I wanted to make clear was, I keep hearing from the MCVRA that the CCC states a Coastal Development Permit (CDP) is not needed for vacation rentals in the coastal zone, but it was in fact made very clear that a CDP was needed in Steve Kinsey's Dec. 6, 2016 letter to all Coastal Planning/Community Development Directors in the coastal zone ... below is a portion of that letter stating this.

"First please note that vacation rental regulation in the coastal zone must occur within the context of your local coastal program (LCP) and/or be authorized pursuant to a coastal development permit (CDP). **The regulation of short-term/vacation rental represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply.**"

Other concerns ...

May I ask again that either County HCD or a Fire Marshall or Chief be the one that inspects these units rather than a Home Inspector that works with realtors, as its the real estate industry that is the main driving force behind the vacation rental industry.

That any Vacation Rental (LVR or CVR) caught advertising without the necessary permits & licenses by way of Word of Mouth, Flyer, TV, Radio, News Paper, Real estate/Management Office, any Short-Term Rental/Vacation Rental Platform, etc. Also via the hosts own personal websites or by Social Media (Instagram, Facebook, etc.)

That the Vacation Rental have a "Landline" as so many areas have no cell service ...

What about pools and spas/hot tubs. Hotels, motels, inns and the like all have to follow Health & Safety regulations.

And don't forget, these unregulated Vacation Rentals take away businesses that are heavily regulated to protect the public, but not vacation rentals ... why is that?

Always,
Janet Hardisty

From: [John T. Heyl](#)
To: [Mlmartin4](#)
Cc: [ClerkoftheBoard](#); [100-District 2 \(831\) 755-5022](#); [Foxrich@aol.com](#); [Magana, Sophia](#); [Marianne.gawain@gmail.com](#); [Monsalve-Campos, Etna](#); [Vasquez, Elizabeth](#); [amydroberts@ymail.com](#); [andy_sudol@yahoo.com](#); [ben.workranch@gmail.com](#); [brennan_janet@comcast.net](#); [carmelvalleyassociation@gmail.com](#); [charliewahle@gmail.com](#); [cmshaw.district2@gmail.com](#); [cualrmg@gmail.com](#); [daniels.kate@gmail.com](#); [100-District 1 \(831\) 647-7991](#); [district1@countyofmonterey.gov](#); [100-District 2 \(831\) 755-5022](#); [district3@countyofmonterey.gov](#); [100-District 3 \(831\) 385-8333](#); [100-District 4 \(831\) 883-7570](#); [district4@countyofmonterey.gov](#); [100-District 5 \(831\) 647-7755](#); [district5@countyofmonterey.gov](#); [egonzalezsr56@gmail.com](#); [eric.sand@icloud.com](#); [eric.sand@sand-realty.com](#); [fiorelle@redshift.com](#); [Getzelman, Paul C.](#); [jeff_wood07@comcast.net](#); [karinsk@me.com](#); [laslomasmtk@hotmail.com](#); [llamontwiltsee@comcast.net](#); [luanaconley@gmail.com](#); [manningrick009@gmail.com](#); [mibsmccarthy@comcast.net](#); [Martha Diehl](#); [293-pchearingcomments](#); [priswalton@sbcglobal.net](#); [rhstott@comcast.net](#); [robtisiegfried@gmail.com](#); [schachtersj@comcast.net](#); [Vasquez, Elizabeth](#)
Subject: Re: Recommendation on vacation rental ordinance from CVA
Date: Tuesday, June 11, 2024 8:38:45 PM

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Even though Charlie Wahle suggested it first, as I read the emails!

Good work by all.

Yrs,
John Heyl
Carmel Valley, CA

On Tue, Jun 11, 2024 at 8:34 PM Mlmartin4 <mlmartin4@aol.com> wrote:

This is the wise response and leadership I have come to expect from Pris.

In a message dated 6/11/2024 7:12:33 PM Pacific Daylight Time, schachtersj@comcast.net writes:

Dear Chair Diehl and Planning Commissioners

Attached is a memo from Pris Walton, president of the Carmel Valley Association, concerning a suggested amendment to the short-term rental ordinances to be discussed at the June 11th Planning Commission meeting. We appreciate your careful consideration of this recommendation.

Please acknowledge receipt of this email.

Thank you,
Sandra Schachter, Secretary, CVA

From: [Robert Korstanje](#)
To: [Navarro, Janet](#); [Vasquez, Elizabeth](#)
Subject: Re: Public Correspondence Received for Agenda Item No. 5 on Planning Commission Agenda for June 12, 2024
Date: Wednesday, June 12, 2024 9:11:40 AM
Attachments: [image001.png](#)

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Enforcement is the only effective way to show your laws, intend and its positive results!
Without this critical effort all will be waisted!
Your and our efforts deserve more and better controles!
Robert korstanje

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From: Navarro, Janet <NavarroJ1@countyofmonterey.gov>
Sent: Wednesday, June 12, 2024 8:50:16 AM
To: Vasquez, Elizabeth <VasquezE4@countyofmonterey.gov>; Navarro, Janet <NavarroJ1@countyofmonterey.gov>
Subject: Public Correspondence Received for Agenda Item No. 5 on Planning Commission Agenda for June 12, 2024

Good morning,

Please see the attached public correspondence received for Agenda Item No. 5 - Vacation Rentals Ordinances (REF130043 [Coastal] & REF100042 [Inland]). This item is scheduled before the County of Monterey Planning Commission on Wednesday, June 12, 2024.

Thank you,



Janet Navarro
Secretary (WOC)
Housing and Community Development
1441 Schilling Place, 2nd Floor, Salinas, CA 93901
Direct: (831) 784-5657
HCD Main Line: (831) 755-5025
Email: NavarroJ1@countyofmonterey.gov

Effective April 19, 2024 our domain changed to CountyofMonterey.gov. Kindly update your records accordingly. This change is part of the County's commitment to meeting the rigorous security standards of the Department of Homeland Security.

Attachment I

From: [Richard Matthews](#)
To: [293-pchearingcomments](#); [Beretti, Melanie](#); [Spencer, Craig](#)
Cc: [Shaun Murphy](#); [Katie](#); [Dan Carl](#)
Subject: MCVRA Letter to Planning Commission re Vacation Rental Ordinances
Date: Tuesday, June 11, 2024 7:20:27 AM
Attachments: [Letter to Planning Commission 6-10-24.docx](#)
[Coastal Commission Rejection of Proof of Access.pdf](#)

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Dear Planning Commissioners:

Please review and consider the letter attached from the Monterey County Vacation Rental Alliance (MCVRA).

Respectfully,
The MCVRA Directors



P.O. Box 221816
Carmel, CA 93922
831-250-6801

June 10, 2024

Dear Monterey County Planning Commissioners,

In this letter, the Monterey County Vacation Rental Alliance (MCVRA) expresses its review of the draft vacation rental ordinances dated May 16 and 17, 2024 and Commission discussion in the May 29 Planning Commission hearing. We do not believe the ordinances are ready to be forwarded to the Board of Supervisors. There are issues that need resolution by the Planning Commission.

Cap on Commercial Vacation Rentals (CVRs)

We have yet to hear an explanation for why the 6% cap on CVRs was reduced to 4%. It wasn't based upon the environmental study. The DEIR concluded vacation rentals cause no significant impact.

A 4% cap across all planning areas fails to recognize that some areas are favored by tourists more than other areas. This cap reduces available short-term lodging in districts favored by tourists and unnecessarily allows more short-term lodging in other areas.

We can only guess that the rationale for reducing the CVR cap from 6% to 4% was based upon concern for residential lodging. But there is a much better solution than an across-the-board 4% cap in all planning areas. During the DEIR review, MCVRA endorsed the "No Growth Option." The DEIR authors called it the environmentally superior option. That option would freeze the number of permitted CVRs in each planning area to no more than the current level. This recognizes tourist wishes. And best of all, under the No Growth Option, CVRs would make up only 2.4% of housing County-wide. With all the concern about housing, this has got to be a better solution!

Discrimination Against Children and Larger Families

The dwelling headcount limit of 2 persons per bedroom plus NONE discriminates against children. The California apartment industry allows 2 persons per bedroom plus one in tiny apartments. This allows a couple with a child to rent a one-bedroom apartment or a couple with 3 children to rent a 2-bedroom apartment.

The ordinance headcount limit should not pertain to children 12 years or younger.

The Limited Vacation Rental (LVR) maximum guest limit of just 4, no matter how many bedrooms exist, discriminates against larger families. This limit makes LVRs unavailable to a couple with 3 children or a multi-generational family of grandparents, parents, and children. LVRs should be limited to no more than 8 adult guests excluding the bedroom used by the Operator.

The Commercial Vacation Rental (CVR) bans in Big Sur, the low density residential (LDR) portion of the Carmel Area, and in all residentially zoned areas of Carmel Valley, and the overly restrictive 4 person LVR limit tells larger families to STAY AWAY.

CVR Bans in Big Sur and the Low-Density Residential Portion of the Carmel Area

Coastal Commission staff have communicated to Monterey County that the Coastal Act places a higher priority on visitor lodging than on residential housing. These bans do the exact opposite and are inconsistent with the Coastal Act.

Coastal Commission Central Coast District Supervisor Katie Butler's January 2024 letter stated, "We see homestays as a reasonable middle ground since they provide a visitor-serving use in a manner that does not preclude long-term housing and would suggest the proposed ordinance affirmatively provide for such use." "Middle ground" implies homestays could provide the visitor lodging that would be lost by banning CVRs – a balance. But no balance would result. Non-hosted vacation rentals make up 71% of vacation rentals in Monterey County with only 29% being hosted vacation rentals. There simply are not enough hosted vacation rentals to fill the void if CVRs are banned. The very restrictive LVR headcount limit makes the situation even worse. Homes that could be lodging for visitors would just sit empty most of the year. Another review by the Coastal Commission staff is now needed.

Use Permit and Coastal Development Permit (CDP) Requirement for CVRs

The draft coastal ordinance specifies a coastal development permit (CDP) for a CVR. Monterey County has repeatedly been told by the Coastal Commission that they do not want CDPs to be the permitting method. Ms. Butler suggests the Vacation Rental Operation License should be sufficient. And MCVRA argues that a Vacation Rental Operation License should be sufficient for inland CVRs as well.

Ministerial Versus Discretionary Use Permit for CVRs

Let's step back a bit. Why did the 1997 inland ordinance fail so miserably? Two reasons:

- An expensive, burdensome, protracted, and uncertain use permit process and
- Lack of enforcement.

The draft ordinances define a permit process for CVRs that uses the exact same permitting process. And the County will never have the budget to enforce low priority code violations. This is trying the same thing and expecting different results! Let's have

an ordinance where owners voluntarily comply. You have already defined a ministerial Vacation Rental Operation License. Use it for CVRs and LVRs. If all the requirements are met, the permit is approved. You can still have caps in each area. This is how Santa Cruz County successfully does it. Why does Monterey County have to be different?

Private Roads and Proof of Access

The draft Section 7 ordinance applies Chapter 16.80 of the Monterey County Code (Regulations Relating to Applications Involving Use of Private Roads) to all private roads in the County. Chapter 16.80 does NOT apply to private roads in the coastal zone. The Proof of Access ordinance was rejected by Coastal Commission staff. See Katie Butler's letter to Craig Spencer dated October 21, 2016, attached. That ordinance was never certified by the Coastal Commission.

Covenants, Conditions, and Restrictions (CC&Rs) and Homeowner's Associations

The draft ordinances wisely do not address CC&Rs, homeowner's associations (HOA), or other entities claiming authority. In a recent Planning Commission hearing, the Commission made it very clear, the County does not enforce CC&Rs or HOA rules. If STR ordinances even mention CC&Rs, HOAs, or other entities claiming authority, the County would very definitely be enforcing if a permit application is not approved because of these private property agreements. The ordinance must be "blind" to CC&Rs, HOAs, and other entities claiming authority.

Vehicle license plate numbers

The draft ordinance requires that the license plate number for every vehicle be recorded. In many cases this is impossible. Guests fly into San Francisco or San Jose and rent a car. They do not know beforehand the license plate number. The lead guest will not know the license plate number of his brother-in-law's car. We question what is the purpose of this requirement?

Name of CVRs and LVRs

The multiple draft ordinance iterations finally defined two categories of vacation rentals: CVRs and LVRs. Owners and operators will have to read pages of ordinance text just to learn where their vacation rental fits. MCVRA has already responded to many, many owners who do not understand. We suggest that CVRs be called Non-Hosted Vacation Rentals (NHVRs) and LVRs be called Hosted Vacation Rentals (HVRs). Owners will immediately know what applies to them.

Let's Create Ordinances That Will Work

Please carefully consider each of these issues.

Respectfully,

Attachment I

The Directors of the Monterey County Vacation Rental Alliance

CC: Melanie Beretti
Craig Spencer
Shaun Murphy
Katie Butler
Dan Carl

Attachment: Katie Butler's letter to Craig Spencer

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



October 21, 2016

Craig Spencer
Associate Planner
Monterey County Resource Management Agency, Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: LCP-3-MCO-14-0841-1-Part B (Proof of Access)

Dear Mr. Spencer:

This letter is in follow-up to our discussion today with County staff regarding the LCP amendment application for the Proof of Access ordinance (Coastal Commission file number LCP-3-MCO-14-0841-1-Part B, dated received on November 24, 2014). The proposed ordinance includes a new section (20.64.320) of Title 20 (Monterey County Coastal Implementation Plan, Part 1) that would establish regulations for the issuance of permits and entitlements for development on properties using private streets and roads. The ordinance provides for the resolution of disputes regarding the use of such roads during the development review process.

As we discussed, Commission staff supports the County in its desire to ensure that civil matters regarding private roads are addressed outside the County's and the public's forum(s) for land use applications. We understand that the intent of the proposed ordinance is to provide a framework to address these issues without the need for County or public involvement, and thus we support the ordinance's overarching goal.

However, the County's proposal to include the ordinance *in the LCP* presents a range of potential issues, unintended consequences, and opportunities for misuse. More broadly, we are concerned that putting the ordinance in the LCP, to be used as a standard of review for coastal development permits (CDPs), explicitly requires the County (and the Commission on appeal) to be directly involved in addressing private disputes through the public regulatory process, thereby frustrating the intent and purpose of the ordinance. We are concerned that the ordinance as written would give power to one or a few individuals when the LCP is designed to maximize the public's ability to participate equally. Finally, and perhaps most importantly, LCP Implementation Plan amendments such as this are required to carry out and be consistent with the Land Use Plan, and it is unclear in this case how the proposed amendment would meet those LUP tests (including how the Commission can find the proposed IP amendment consistent with and adequate to carry out the Land Use Plan's coastal resource protection policies).

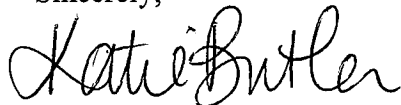
Commission staff believes that the proposed regulations are better suited to a different, non-LCP section of the County code that deals with procedural matters, and/or as a filing requirement at

Page 2

the application stage. **We therefore strongly recommend that the County withdraw this LCP amendment**, and instead insert the Proof of Access regulations elsewhere in the County code. That way, the Proof of Access provisions will be in effect, but will not be used as standards of review for CDPs, including being used for appeal purposes.

If you have any questions, please feel free to contact me at katie.butler@coastal.ca.gov or (831) 427-4863.

Sincerely,



Katie Butler
Coastal Planner
Central Coast District Office



From: [Mlmartin4](#)
To: [schachtersj@comcast.net](#); [Vasquez, Elizabeth](#); [Vasquez, Elizabeth](#); [egonzalezsr56@gmail.com](#); [laslomasmt@hotmail.com](#); [Getzelman, Paul C.](#); [amydroberts@ymail.com](#); [Monsalve-Campos, Etna](#); [daniels.kate@gmail.com](#); [Martha Diehl](#); [cualrmg@gmail.com](#); [cmshaw.district2@gmail.com](#); [ben.workranch@gmail.com](#); [293-pchearingcomments](#); [Magana, Sophia](#)
Cc: [100-District 1 \(831\) 647-7991](#); [100-District 2 \(831\) 755-5022](#); [100-District 5 \(831\) 647-7755](#); [100-District 4 \(831\) 883-7570](#); [100-District 3 \(831\) 385-8333](#); [100-District 2 \(831\) 755-5022](#); [district4@countyofmonterey.gov](#); [district1@countyofmonterey.gov](#); [district5@countyofmonterey.gov](#); [district3@countyofmonterey.gov](#); [ClerkoftheBoard](#); [fiorelle@redshift.com](#); [carmelvalleyassociation@gmail.com](#); [luanacoley@gmail.com](#); [Foxrich@aol.com](#); [Marianne.gawain@gmail.com](#); [johntheyl@gmail.com](#); [brennan_janet@comcast.net](#); [manningrick009@gmail.com](#); [mibsmccarthy@comcast.net](#); [eric.sand@sand-realty.com](#); [eric.sand@icloud.com](#); [robsiegfried@gmail.com](#); [rhstott@comcast.net](#); [karinsk@me.com](#); [andy_sudol@yahoo.com](#); [charliewahle@gmail.com](#); [priswalton@sbcglobal.net](#); [llamontwiltsee@comcast.net](#); [jeff_wood07@comcast.net](#)
Subject: Re: Recommendation on vacation rental ordinance from CVA
Date: Tuesday, June 11, 2024 8:34:42 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

This is the wise response and leadership I have come to expect from Pris.

In a message dated 6/11/2024 7:12:33 PM Pacific Daylight Time, [schachtersj@comcast.net](#) writes:

Dear Chair Diehl and Planning Commissioners

Attached is a memo from Pris Walton, president of the Carmel Valley Association, concerning a suggested amendment to the short-term rental ordinances to be discussed at the June 11th Planning Commission meeting. We appreciate your careful consideration of this recommendation.

Please acknowledge receipt of this email.

Thank you,
Sandra Schachter, Secretary, CVA

From: [Sharon Wilson](#)
To: [Sharon Wilson](#); [293-zahearingcomments](#); [293-pchearingcomments](#)
Subject: short term rental comment
Date: Monday, June 10, 2024 5:57:22 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Monterey Planning Department:

I am writing to express my strong opposition to the proliferation of short-term rentals in Big Sur and to highlight specific regulatory and definitional concerns related to this issue.

Community Displacement and Environmental Impact

The surge in properties being converted to short-term rentals significantly reduces the availability of affordable housing for local families and workers, undermining the stability and diversity of our community. Additionally, the increased foot traffic, litter, and overuse of natural resources from the influx of tourists threaten Big Sur's fragile ecosystems. Protecting our environment and maintaining affordable housing should be top priorities, necessitating strict regulation of short-term rentals. You will have plenty of homes for our local employees if you don't permit STR.

Guesthouses and Guestrooms

Monterey County has clear definitions in place for guesthouses and guestrooms (Sections 20.06.620, 21.06.620, 20.06.625, 21.06.625). These structures should not be counted as rooms within the main house nor should they be rented out short-term. The definitions adopted by the Board of Supervisors on September 15, 2020, for the coastal zone (Title 20) align with this interpretation, maintaining the distinction between transient and non-transient use consistent with the Big Sur Local Use Plan (LUP) and Coastal Implementation Plan (CIP).

Inconsistency with Big Sur Land Use Plan

The new Countywide Vacation Rental Ordinance is inconsistent with the Big Sur LUP and CIP. Specifically, the LUP emphasizes that residential areas should remain for residential purposes only and are not suitable for commercial or visitor uses, which include short-term vacation rentals. The 1986 LUP clearly differentiated between visitor-serving and residential uses.

Development Policies and Environmental Standards

Future land use development on the Big Sur Coast should be extremely limited, preserving the area as a scenic natural landscape. Any new land uses must meet strict environmental standards and contribute to the preservation of Big Sur's scenery. Short-term vacation rentals do not meet these criteria and are not illustrated or described in the plan map or text, thus violating the LUP.

Specific Policies for New Developments

Development of new or expanded recreation facilities must have direct access to public roads, excluding certain roads like Sycamore Canyon or Palo Colorado Roads. This stipulation further restricts the potential for short-term rentals in many areas of Big Sur.

Definitions of "Dwelling" and "Family"

According to Title 20, Section 20.06.360, a "dwelling" is a structure designed for non-transient residential purposes, explicitly excluding transient occupancy facilities like hotels and motels. Title 20, Section 20.06.450 defines "family" as non-transient individuals living together. These definitions reinforce that short-term rentals do not align with the intended use of residential properties in Big Sur.

These STRS create chaos, more traffic and don't respect the environment. I heard one representative say, "well, just call in to report them". that was the funniest thing I've heard in a long time. THERE IS NO ENFORCEMENT NOW????!!!! There will be even less. You will ruin Monterey's "golden goose" (Big Sur) . Keep it as is and follow the Big Sur Land Use Plan that has protected Big Sur for all these years.

In conclusion, I urge you to consider the adverse effects of short-term rentals on Big Sur and to uphold the existing regulations that protect our community and environment. Implementing stricter regulations and limitations on these rentals is essential to preserve our community's integrity, protect our environment, and ensure the well-being of all residents.

Thank you for your time and consideration.

Sincerely,

Sharon L PetrosinoWillson

From: [Sandra Schachter](#)
To: [Vasquez, Elizabeth](#); [Vasquez, Elizabeth](#); [egonzalezsr56@gmail.com](#); [laslomasmt@hotmail.com](#); [Getzelman, Paul C.](#); [amydroberts@ymail.com](#); [Monsalve-Campos, Etna](#); [daniels.kate@gmail.com](#); [Martha Diehl](#); [cualrmg@gmail.com](#); [cmshaw.district2@gmail.com](#); [ben.workranch@gmail.com](#); [293-pchearingcomments](#); [Magana, Sophia](#)
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Subject: Recommendation on vacation rental ordinance from CVA
Date: Tuesday, June 11, 2024 7:12:37 PM
Attachments: [cva letter June 11,2024vacation rentalsx.docx](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Chair Diehl and Planning Commissioners
Attached is a memo from Pris Walton, president of the Carmel Valley Association, concerning a suggested amendment to the short-term rental ordinances to be discussed at the June 11th Planning Commission meeting. We appreciate your careful consideration of this recommendation.
Please acknowledge receipt of this email.
Thank you,
Sandra Schachter, Secretary, CVA



Carmel Valley Association

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

DATE: June 11, 2024

TO: Chair Martha Diehl and Planning Commissioners

From: Pris Walton, President, Carmel Valley Association

cc: Monterey County Board of Supervisors, CVA Board of Directors

Subject: Amendment to Short-Term Rental Ordinance

The Carmel Valley Association appreciates the opportunity to provide another important recommendation to the Planning Commission related to the Short-Term Rentals ordinance. We believe that the matter of enforcement and effectiveness of that enforcement on short-term vacation rentals is central to the success of a new STR ordinance. To achieve that, a periodic evaluation and analysis of findings will be necessary. Therefore, we recommend that the following amendment be included in the final ordinance:

Regular Evaluation of STR Program - Every five years after the initial implementation of STR ordinance(s), HCD will conduct an objective, public review of the effectiveness of the overall program and quickly undertake necessary steps to address any problems or opportunities that review t reveals.

Issues examined by the reviews will include but are not limited to: permitting and licensing; monitoring and

enforcement; funding and staffing; consistency with existing municipal, county and state land use regulations and policies; and, impacts of STRs on local environments, economies and quality of life.

These periodic STR reviews will involve substantive and structured input from the community - both individuals and organizations. HCD will provide to the Board of Supervisors and the public an action plan to address actions identified by the reviews.

Thank you for seriously considering this recommendation.

From: [Jeff Wood](#)
To: [Larry Bacon](#)
Cc: [293-pchearingcomments](#)
Subject: Re: Vacation Rental Ordinances-June 12 Agenda
Date: Wednesday, June 12, 2024 9:42:25 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Perfect Larry; short and sweet!
Cheers, Jeff
831-917-0814

Sent from my iPhone

On Jun 12, 2024, at 9:35 AM, Larry Bacon <baconco92@gmail.com> wrote:

Proposal: Regulate VRs by **permits**, not by **business licenses**.

VRs are now issued permits under Titles 20 (coastal) and 21 (inland), with no requirement for a business license.

Title 21 appropriately exists as "Administrative permits for transient use of residential property for remuneration."

HCD proposes amending Title 7 to require VRs to obtain business licenses.

Under Title 7 the only business activity in Monterey County that now requires a business license is cannabis.

If Title 7 is amended for VRs, a hospitality business, all Monterey hotels will need business licenses - an unintended and unwanted consequence.

Action: Leave Title 7 unchanged, amend Titles 20 and 21 to incorporate conditions for a Vacation Rental Operations Permit.

Larry Bacon
Carmel Valley

Attachment I

From: [Chris Clark](#)
To: [293-pchearingcomments](#)
Subject: Public Comments on Agenda Item 6 -REF130034 & REF1000042. Response
Date: Tuesday, June 4, 2024 3:50:18 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

This is in response to Kathleen Lee's comments from the Pebble Beach Company, dated May 29, 2024.

Dear Kathleen Lee,

I am writing in response to Item 5 in the letter you sent on May 29, 2024 to the Monterey County Planning Commission with preliminary comments from the Pebble Beach Company (PBC). In that letter you wrote:

5. "We note that this version of the ordinance does not require the consent of those responsible for the enforcement of CC&Rs prior to issuance of a County License. This is a mistake. We wish to inform you that this version of the ordinance, standing alone, is a violation of the CC&Rs applicable to most single-family lots in Del Monte Forest. Landowners wishing to operate a Vacation Rental in Del Monte Forest will need to obtain PBC's consent on its terms before doing so, and we believe many other areas of the County will have similar restrictions. For this reason, the ordinance should alert applicants to this potential step in the process."

To use your words, this is a mistake. I am a long-term owner of a single-family lot in the Del Monte Forest and I can attest that there **are no CC&Rs** in my deed that require PBC's consent for operating vacation rentals. For PBC to cause any restrictions or require any approvals would violate my deed and would result in an immediate lawsuit. If the County were to be involved, it would be named in the lawsuit, so that is why it has wisely chosen not to be involved with CC&Rs and HOA issues.

The Pebble Beach Company is a privately-owned, for-profit company in the hotel business in the Del Monte Forest. In a number of cases, including this one, it states authority that it does not have. Simply assuming and asserting authority does not create it. PBC needs to back off.

Very truly yours,

Christopher Clark

Attachment I

From: davidpicus@gmail.com
To: [Navarro, Janet](#)
Subject: FW: Board of Supervisors Agenda - Short Term Rentals
Date: Monday, June 3, 2024 11:55:45 AM
Attachments: [STR letter to County Supervisors May 28 2024.docx](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

From: davidpicus@gmail.com <davidpicus@gmail.com>
Sent: Tuesday, May 28, 2024 6:49 PM
To: cob@co.monterey.ca.us; 'Kate Daniels' <electkatedaniels@gmail.com>
Cc: info@kate.vote
Subject: Board of Supervisors Agenda - Short Term Rentals

To: Board of Supervisors, Monterey County
CC: Kate Daniels, Supervisor District 5

May 28, 2024

Dear Ms. Daniels and County Supervisors,

Attachment I

While I will not be able to attend the county meeting on May 29th to discuss the Environmental Impact Study and new Short Term Rental (STR) proposed ordinances, I did want to share my thoughts in this letter.

My wife and I have run an owner occupied STR “studio” for the last several years and it’s been wonderful for our guests, for the county, and for us.

For Our Guests:

We’ve worked hard to provide an immaculate, memorable, private, and personable lodging experience for our guests which has enhanced their vacations. Can you imagine how hard we work to maintain a 4.99 Star Rating? We urge you to read our References on Airbnb, and see the warmth expressed for our hospitality and the experience we’ve provided our guests. Our guests’ personal experience can not be matched in even the most luxurious hotel.

For the County:

Regarding the contribution we make to the County’s revenue and economy, we diligently pay our TOT, and contribute more than \$5000 annually in County Taxes. But the money we earn has a multiplying effect in the community. The guests spend money around the peninsula in shops, restaurants, and leisure activities. For us, the STR gives us a bit of spending money that allows us to eat out a bit more, and not delay further required improvements to our home, supporting craftsmen throughout the Peninsula. Our STR income is spent in the community. Compare this to hotels, mostly owned outside of the County, to whom the revenue flows.

For Ourselves:

Running our STR has been a wonderful part time retirement job. We correspond with guests and provide hospitality. We do the cleaning ourselves, to ensure an immaculate experience; each glass polished, not a single spec of dirt when a guest arrives. And most importantly, we get a chance to meet and chat with very interesting guests from all over the world. Almost all of our guests are wonderful, vibrant, interesting people, and we’ve enjoyed meeting them. We’ve made some good friends, and have shared our experiences, including favorite restaurants and things to do in the Peninsula. This is not only of value to our guests, but also gives us great satisfaction.

Housing Affordability and Neighborhood Integrity:

Back when we were house hunting in 2014, we knew that moving to the Carmel area would be unaffordable without some rental income. We had been exploring California looking for a place to live, and enjoying our stays in STR’s. From day one, our budgetary planning including mortgage affordability, and later, our renovation choices were based on hosting an STR. Only families considerably wealthier than us could have qualified for the type of mortgage payments necessary for housing in the Carmel area. We would never consider a full time rental of this bedroom, that doesn’t even have kitchen facilities. Our guests spend their money in local restaurants. Our STR contributes to affordable housing for middle income people, namely us. It allows us to live in Carmel.

Regarding neighborhood integrity, our “studio” STR, consisting of a single bedroom only

Attachment I

accommodates 2 guests at a time. Our neighbors are all aware of our STR and are supportive of our business. Parking is all within our premises. We vet all of our guests for their previous STR stays, to make sure we're only accepting good people. We've never had a complaint. In fact, in almost all cases, our neighbors don't even know when we have guests. There is zero impact on the integrity of the neighborhood.

Environmental Impact Study:

Regarding the Environmental Impact Study, the County has missed probably the major environmental factor. Assume that the county does not want to greatly diminish tourism in the Peninsula. And assume that the approximately 600 STR's, with approximately 1200 Rooms ceased operations. The only alternative would be to construct new hotels and parking to accommodate the visitors. The excavation, concrete and materials, environmental impact of new construction, etc. to complete these hotels and parking was not considered in the county's EIR. That environmental impact is HUGE. And in the end, whether those rooms are based in existing housing, or in new hotels, the water and energy usage would be about the same. And in the hotel scenario, the traffic impact would be the same— just more concentrated.

-

Final Thoughts:

Imagine the tourism landscape in Monterey County in 10 or 20 years. The challenge is to balance sustainability of resources with granting access to visitors, while growing our economy. Hotels, including new hotels, are surely a part of this tourism fabric. But imagine a Monterey County that embraces some portion of these tourists, being personally housed by regulated responsible STR owners within our existing infrastructure. Many of these homes, such as mine, have an extra separate unoccupied living space, and many others are second homes, unoccupied for many weeks in the year. Do we really prefer these rooms and houses go dark, rather than be occupied with spending tourists? We agree that capacity limits on STR's are required to maintain the integrity of the neighborhoods.

For many of our guests, the experience of chatting personally with a host about how to best experience the Peninsula, in a quiet private setting is such a memorable part of their tourist experience. Increasing numbers of travelers greatly prefer this option to sterile hotels. Rather than resisting this trend, Monterey County should come up with reasonable and relatively easy ways to regulate the STR's and prohibit bad actors, while showing guests some true Monterey hospitality, organically and sustainably.

We have been waiting for many years for a reasonable permitting process and look forward to applying for a permit under the new regulations.

Thanks very much for your consideration.

Best Regards,

David Picus
Carmel, Ca. 93923

Attachment I

Enclosing Above Letter as a Word Document

Attachment I

To: Board of Supervisors, Monterey County
CC: Kate Daniels, Supervisor District 5

May 28, 2024

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Regarding neighborhood integrity, our “studio” STR, consisting of a single bedroom only accommodates 2 guests at a time. Our neighbors are all aware of our STR and are supportive of our business. Parking is all within our premises. We vet all of our guests for their previous STR stays, to make sure we’re only accepting good people. We’ve never had a complaint. In fact, in almost all cases, our neighbors don’t even know when we have guests. There is zero impact on the integrity of the neighborhood.

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Final Thoughts:

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Best Regards,

David Picus

Attachment I

From: [Sandra Schachter](#)
To: [Martha Diehl](#); [egonzalezsr56@gmail.com](#); [laslomasmt@hotmail.com](#); [Getzelman, Paul C.](#); [amydroberts@ymail.com](#); [Monsalve-Campos, Etna](#); [daniels.kate@gmail.com](#); [cualrmg@gmail.com](#); [cmshaw.district2@gmail.com](#); [ben.workranch@gmail.com](#); [Vasquez, Elizabeth](#)
Cc: [ClerkoftheBoard](#); [100-District 1 \(831\) 647-7991](#); [100-District 4 \(831\) 883-7570](#); [100-District 5 \(831\) 647-7755](#); [100-District 2 \(831\) 755-5022](#); [100-District 3 \(831\) 385-8333](#); [Priscilla Walton](#); [John Heyl](#)
Subject: Letter from Pris Walton of the Carmel Valley Association
Date: Monday, June 3, 2024 11:30:22 AM
Attachments: [CVA Revised 6_3_24 Addendum Comments VR Ordinances on LH 6.1.pdf](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Chairperson Diehl and Planning Commissioners,
Attached is a letter from Pris Walton, president of the Carmel Valley Association, with further CVA recommendations concerning the county Vacation Rental Ordinances. Please send notice of your receipt of this message.
We appreciate your careful consideration of our views.
Sincerely,
Sandra Schachter, Secretary, CVA



Carmel Valley Association

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

Date: June 3, 2024

To: Martha, Diehl, Chair, Monterey County Planning Commission
Cc: Monterey County Board of Supervisors
From: Priscilla Walton, President, Carmel Valley Association
Subject: Revised Vacation Rental Ordinances: **An Addendum to CVA's Original Comments and Recommendations**

The Carmel Valley Association, wishes to recommend additional considerations to the revised Vacation Rental Ordinances for the unincorporated areas of Monterey County. The Commissioners' thoughtful questioning raises other issues that we believe are important to creating effective ordinances for Short Term Rentals. The public discussion at the hearing on Wednesday, May 29, was both robust and extensive. It very much highlighted the public interest and concern about this issue. We thank you for facilitating and encouraging the meaningful discussion.

As a result, two major issues arose during questioning at the Hearing that we would like to add as recommendations to consider:

1. Length of Stay

While the original Title 20 and 21 codes called for no less than 7 days rental period for the use of residential property for remuneration, the revised ordinances do not list any length of stay criteria.

CVA recommends that wording be added to provide the following restriction to minimize neighborhood impacts from either Limited or Commercial Vacation Rentals: "The Owner(s) or his/her/their designated Host shall not write more than 4 rental contracts within any thirty day period, whether permitted to rent three times per year or 365 days a year."

2. Parking Requirements for Permit

Former codes required specifying spaces of off-street parking on a site map as part of any permit application. In the revised ordinances this requirement seems to have been eliminated. In order to provide the least impact on neighborhoods and to promote safe

vacation rental activities, CVA recommends that sufficient off-street parking for cars to accommodate the maximum allowable number of guests either day or night be a requirement for all ministerial and discretionary vacation rental permits.

3. Visitor Serving Units allowable in the Carmel Valley Master Plan

At the hearing Staff referred to a Board of Supervisor ruling that the use of residential property for remuneration does not constitute a visitor serving unit although hotels, motels and bed & breakfasts do.

The Carmel Valley Association has always maintained that Vacation Rentals are visitor serving units, much like the other allowed visitor serving applications, and should hence be counted as such. The Carmel Valley Master Plan allows 175 units West of Majorca and 24 on the former airport property near Carmel Valley Village. These should be included in the count of Short Term Rentals.

Thank you for including these requests in the documents generated through the hearing process.

Sincerely,

A handwritten signature in cursive script that reads "Priscilla Walton". The signature is written in dark ink on a light yellow rectangular background.

Priscilla Walton, President

Carmel Valley Association

Attachment I

From: [Katherine Wenglikowski](#)
To: [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](#); [Vasquez, Elizabeth](#); [Bowling, Joshua](#); [293-pchearingcomments](#); [Ruiz, Elizabeth](#); [ceqacomment](#); [Katie@Coastal Butler](#); [Ellie@Coastal Oliver](#); [centralcoast@coastal.ca.gov](#); [Dan.Carl@coastal.ca.gov](#); [brittney.cozzolino@coastal.ca.gov](#); [Peter.Allen@coastal.ca.gov](#)
Subject: Airbnb Gets Help From Hosts To Fight Lawmakers - The Wall Street Journal
Date: Wednesday, June 5, 2024 9:57:05 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]



Airbnb Gets Help From Hosts To Fight Lawmakers
wallstreetjournal-ny.newsmemory.com

The Wall Street Journal printed this article detailing how the “face of pro short term rentals” is the little people (homeowners) who are trying to make a buck, but in actuality the money behind pro STR campaigns is financed by international corporate money (Expedia which owns Airbnb) who want to protect their financial interests and investments. Corporations such as Expedia have a huge portfolios of STRs and aim to protect these by fighting with every city, county and state in the nation.

To the staff at Monterey County and the California Coastal Commission, please don't let the multinationals win. Keep California out from underneath the thumbs of “Big Money.” Do the right thing; protect our residential neighborhoods.

Many thanks for your continued consideration,

Katherine Wenglikowski
138 carmel Riviera Dr.

https://wallstreetjournal-ny.newsmemory.com/?publink=2e896faaa_134d301

The Wall Street Journal

“The fires provided a lot more fuel for this fight,” said Jennifer Wilkinson, vice president of the state host group Hawai’i Mid and Short-Term Rental Alliance. The bill became law in May, and the mayor of Maui has proposed a county law that would remove thousands of short-term rental listings on the island.

In New York, hosts last year staged protests outside City Hall and filed a lawsuit alongside Airbnb, but failed to stop the de facto short-term rental ban.

‘Community leader’

Aside from independent, politically active host groups such as Clara, there are also more informal groups set up by Airbnb. Andrea Henderson, a short-term rental host in Denver, received an Airbnb email soliciting applications to be a host “community leader” and run one of these groups. She was selected in 2022.

She isn’t on the company’s payroll, but said she does get funding to put on local meetups. The Denver group grew from 10 members in 2022 to more than 1,000 in 2024, she said.

Many hosts hadn’t heard of the Colorado Senate bill. Henderson corresponded with a member of Airbnb’s advocacy team, shared information about the legislation with hosts and encouraged those interested to testify at hearings.

Some independent groups also get support from Airbnb and Expedia. “They speak authentically because they’re not hired consultants, they’re not PR agencies,” said Jay Carney, global head of policy and communications at Airbnb.

In Pennsylvania, the Poconos Association of Vacation Rental Owners has biweekly calls with members of the two companies’ policy teams who help draft letters to homeowners associations and community boards, said the group’s executive director Ricky Cortez.

Still, for the most part the companies stay in the background, and hosts said

they are happy with that.

“If Airbnb walks in the door, no one is going to support them,” Marks said.

“But if Julie Marks and her three friends, who are also Vermonters, walk through the door, they’ll listen.”



(Please click on the link above to finish this well detailed article)

Attachment I

From: [Susan Layne](#)
To: [Price, Taylor](#)
Subject: Fwd: Comments for No. 6 – REF130043 & REF1000042.
Date: Friday, May 31, 2024 12:56:40 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Taylor,

Great job with your presentation on Wednesday! Very thorough, clearly explained, though by the end of the meeting I was confused about unlimited hosted rentals.

Anyway, I submitted comments late, but am not sorry that they weren't distributed (to my knowledge) as I tend to editorialize in spite of my efforts to not do so.

I do believe that you can easily verify the occupancy standards that HUD sets forth in order to comply with Fair Housing standards—2 per bedroom plus one. I really believe it would be a grievous error to establish a different policy.

Thank you Taylor.

Susan

Sent from my iPhone

Begin forwarded message:

From: Susan Layne <sjlayneappraiser@gmail.com>
Date: May 29, 2024 at 5:33:05 PM PDT
To: vasqueze4@co.monterey.ca.us
Subject: Comments for No. 6 – REF130043 & REF1000042.

1) Re: Occupancy HUD Fair Housing Occupancy requirements are 2 per bedroom plus 1.

Anything other than that can be construed to be prima facie discrimination, which I am sure the County does not want to engage in, by requiring this of participants in the program(s).

2) I think the requirements regarding private roads, private water systems and septic system inspections should definitely be left in.....a residential septic system, designed for a single family use that is then used for 16 transient occupants at a time, or 13 plus the daytime guests as is already happening in out neighborhood, is insufficient. So, not just that the system works, but that it has the capacity for 10 occupants or whatever. Likewise, a private water system---when scarcity of water has long been an issue in the area.

3) The phase in is absurd! When the law goes into effect, that's it! You're bringing in some sort of "bleeding heart" subjectivity to a process that should be objective. If an investor gets "burned" because they have taken advantage of the lack of policy and or lack of enforcement, oh well!!! Too bad, that's business.

Thank you,
Susan Layne

Attachment I

Susan Layne
831-383-2441

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