Exhibit B

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Beretti, Melanie x5285

From: callie williams <callierwilliams@yahoo.com>
Sent: Wednesday, May 10, 2017 2:41 PM
To: Beretti, Melanie x5285
Subject: Short Term Ordinance Meeting

Hi,

Thank you for the information about tonight's meeting. I was planning to attend, but my mom is in the hospital. I've been spending as much time with her as possible. This issue, however, is very important to me. I understand the desire by all parties for short term rentals. I often use VRBO and other sites to rent house when traveling. I do love it. I also have a unit on VRBO in San Francisco. I do, however, think it is very important to regulate and have rules as to how short term rentals are used. San Francisco only allows residents to rent out their units for 90 days a year. I hope Monterey County will consider something like this. I also felt the proposal shared years ago to only allow renters to rent out for two weeks every month was fair.

We have a family home in Monterey County next to a short term rental and when the weather turns nice, April - November there are non-stop renters coming and going every weekend. Every weekend there's a new group who are often loud until the early morning. It is unbearable. We think of selling, but really, who wants to live next door to that? I don't think anyone would want to buy a place next to a popular weekend party house. What I hope is for the number of days owners can rent out short-term be reduced, the frequency during a month they are allowed to do so be reduced, (perhaps 1 week each month), and the enforcement of making sure those who rent actually stay for 7 days be enforced. This might help eliminate city people who come down to rent a "weekend party house."

Thank you for working so hard to come up with a new ordinance. Please, please, please take into consideration the residence who live and work in Monterey County full-time. Their wish for a peaceful community should come first.

Williams Family
Arroyo Seco

Beretti, Melanie x5285

From: Alan Buchwald <abuchwa@gmail.com>
Sent: Friday, May 12, 2017 5:57 PM
To: Beretti, Melanie x5285
Subject: Request status of STRs in the Coastal zone

Dear Ms. Beretti: It was announced today at the meeting at Big Sur Lodge that further public input on the ordinance was on hold until the bridge is replaced. There was supposed to be a handout available, but I did not see one on leaving the meeting. Could you send me the update by email attachment? Sincerely, Alan Buchwald, Big Sur

Sent from my Verizon Wireless 4G LTE DROID

Beretti, Melanie x5285

From: Beretti, Melanie x5285
Sent: Wednesday, May 17, 2017 8:13 AM
To: 'Alan Buchwald'
Subject: RE: Request status of STRs in the Coastal zone
Attachments: STR_PCMay102017BigSurActions-2.pdf

Kindly,
Melanie

Melanie Beretti
Resource Management Agency
831-755-5285

WE ARE MOVING!!!!
THE RESOURCE MANAGEMENT AGENCY IS MOVING. OUR OFFICE WILL BE CLOSED FRIDAY, JUNE 2 & MONDAY, JUNE 5, 2017.

WE WILL REOPEN ON TUESDAY, JUNE 6, 2017 AT *8:00am*
COME VISIT US AT:
1441 SCHILLING PLACE
SALINAS CA 93901

From: Alan Buchwald [mailto:abuchwa@gmail.com]
Sent: Friday, May 12, 2017 5:57 PM
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: Request status of STRs in the Coastal zone

Dear Ms. Beretti: It was announced today at the meeting at Big Sur Lodge that further public input on the ordinance was on hold until the bridge is replaced. There was supposed to be a handout available, but I did not see one on leaving the meeting. Could you send me the update by email attachment? Sincerely, Alan Buchwald, Big Sur

Sent from my Verizon Wireless 4G LTE DROID

Beretti, Melanie x5285

From: Beretti, Melanie x5285
Sent: Wednesday, May 17, 2017 8:11 AM
To: 'Erin Weber'
Subject: RE: Question STR Ordinance

Hello Mr.Weber
The preliminary draft ordinance is to set the regulatory framework for all areas in the unincorporated Monterey County except the Big Sur planning area. One of the next steps after the framework is established, the ordinance will be evaluated against each of the land use plans. That is the point where it is possible limitations, exceptions, etc. may be appropriately applied to different areas.

Let me know if you have further questions.
Kindly,
Melanie

Melanie Beretti
Resource Management Agency
831-755-5285

WE ARE MOVING!!!!
THE RESOURCE MANAGEMENT AGENCY IS MOVING. OUR OFFICE WILL BE CLOSED FRIDAY, JUNE 2 & MONDAY, JUNE 5, 2017.

WE WILL REOPEN ON TUESDAY, JUNE 6, 2017 AT *8:00am*
COME VISIT US AT:
1441 SCHILLING PLACE
SALINAS CA 93901

From: Erin Weber [mailto:eweber@calstrat.com]
Sent: Tuesday, May 16, 2017 4:45 PM
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: Question STR Ordinance

Hi Melanie,

I was reviewing the draft STR ordinance online and wondering if the draft regulations include restrictions by zone. Or are STR proposed to be allowed in all zones? It seems that there are three types, each with an assigned review process. Limits by geographic area may be forthcoming?

Thanks,

Erin Weber | Associate | CALIFORNIA STRATEGIES, LLC
cell: 805-440-9021 | eweber@calstrat.com | www.calstrat.com
Sacramento Office
980 9th Street Suite 2000
Sacramento, CA 95814
w: (916) 290-6159
Santa Barbara Office
29 El Paseo
Santa Barbara, CA 93101
w: (805) 695-2350

Beretti, Melanie x5285

From: Erin Weber <eweber@calstrat.com>
Sent: Tuesday, May 16, 2017 4:45 PM
To: Beretti, Melanie x5285
Subject: Question STR Ordinance

Hi Melanie,

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Thanks,

Erin Weber | Associate | **CALIFORNIA STRATEGIES, LLC**
cell: 805-440-9021 | eweber@calstrat.com| www.calstrat.com

Sacramento Office
980 9th Street Suite 2000
Sacramento, CA 95814
w: (916) 290-6159

Santa Barbara Office
29 El Paseo
Santa Barbara, CA 93101
w: (805) 695-2350

Beretti, Melanie x5285

From: Beretti, Melanie x5285
Sent: Wednesday, May 10, 2017 8:55 AM
To: Adrienne Berry
Cc: Nickerson, Jacquelyn x5240
Subject: RE: Short term rentals in the coastal zone

Received

Melanie Beretti
Resource Management Agency
831-755-5285

-----Original Message-----
From: Adrienne Berry [mailto:yankeebeach@sbcglobal.net]
Sent: Tuesday, May 09, 2017 10:16 PM
To: Beretti, Melanie x5285; ClerkoftheBoard; Diehl, Martha; Vandevere, Keith; 100-District 5 (831) 647-7755
Subject: Short term rentals in the coastal zone

Dear Monterey County Supervisors,
As a long term resident of Carmel Highlands I implore you not to allow vacation rentals of homes in our neighborhood. The current zoning laws are for a reasonable level of usage for the existing infrastructure. Over the last several years during popular vacation dates the short term renters have inundated our roads leading to traffic gridlock. More importantly the transition of long term rentals to vacation rentals has led to critical dearth of rental housing for young families trying to make it in Monterey County. Where is the average working person going to live?
Finally do not reward the greedy real estate speculators who run these short term rentals. They are a highly organized group who has deliberately and systematically ignored the laws in Monterey County. Their lies and fraud deserves large fines at the very least and in some cases criminal prosecution.

Glenn W. Berry III, M.D.
Adrienne Berry
Sent from my iPad

Beretti, Melanie x5285

From: Beretti, Melanie x5285
Sent: Wednesday, May 10, 2017 8:54 AM
To: Adrienne Berry
Cc: Nickerson, Jacquelyn x5240
Subject: RE: Short term rentals in the coastal zone

Received.

Melanie Beretti
Resource Management Agency
831-755-5285

From: Adrienne Berry [mailto:yankeebeach@sbcglobal.net]
Sent: Tuesday, May 09, 2017 10:46 PM
To: Beretti, Melanie x5285; ClerkoftheBoard; Diehl, Martha; Onciano, Jacqueline x5193; Vandevere, Keith; 100-District 5 (831) 647-7755
Subject: Short term rentals in the coastal zone

Rental Wanted

Laurel Emsley from Carmel Highlands · 10h ago

I am looking for a rental for a physician at CHOMP and her husband and family- 3 bedrooms, 2 baths in this area would be great. Doesn't need a huge house. She has three children with the youngest graduating high school this spring and then off to college.

Shared with Carmel Highlands + 4 nearby neighborhoods in General
THANK •1 REPLY •1

Long-term Rental Home desired

Wendie Ryter from Carmel Highlands · 23 Apr

2 (or3) Bedroom, 1 to 2 bathrooms for working couple. 1 to 2 year lease preferred.
Please contact us by e-mail: info@deepbodywork.com
Shared with Carmel Highlands in General
THANK REPLY for rent

4-5 Bedroom Rental Home

Caren Cook from Carmel by the Sea · 30 Mar

Hello Neighbors!
Our family is looking for a 4-5 bedroom Long Term Rental in Carmel, Carmel Highlands or Pebble Beach. Our children are in the Carmel Unified School District so we would love to stay in the neighborhood! If you or anyone in your neighborhood has a long term rental please let us know! Thanks!
familyflyer.pages.zip
Shared with Carmel by the Sea + 23 nearby neighborhoods in General
THANK REPLY •9


14

Need rental

Anne Ashley from Carmel Highlands · 1 Apr

A good friend needs a small rental for a couple of months until her place is available. If you know of anything I can provide contact information or have her call you.
Anne 8316200994
Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY Adrienne Berry


14

Need rental

Anne Ashley from Carmel Highlands · 1 Apr

A good friend needs a small rental for a couple of months until her place is available. If you know of anything I can provide contact information or have her call you.
Anne 8316200994

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY

Looking to Rent

Heather Smith from Carmel Highlands · 29 Mar

Recently moved from Laguna Beach California. Employed at the Highlands Inn in Carmel. Looking for a 1-2 bedroom guest house/cottage in Carmel and up to Carmel Mid-Valley. Looking to rent for 1 year. Non-smoker and no pets. Excellent references.

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY •3

Looking to Rent

Heather Smith from Carmel Highlands · 29 Mar

Recently moved from Laguna Beach California. Employed at the Highlands Inn in Carmel. Looking for a 1-2 bedroom guest house/cottage in Carmel and up to Carmel Mid-Valley. Looking to rent for 1 year. Non-smoker and no pets. Excellent references.

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY •3

T

The above are postings from our local next-door website in Carmel Highlands. As you can see, there is a Huge demand for long-term rentals. Our infrastructure, septic systems,and water resources cannot support short term rental use. Facts show that while on vacation one is less concerned with their use of limited resources.
Sincerely,
Adrienne Berry
Sent from my iPad

Beretti, Melanie x5285

From: Beretti, Melanie x5285
Sent: Wednesday, May 10, 2017 8:55 AM
To: SEAN WARD
Cc: Nickerson, Jacquelyn x5240
Subject: RE: Short term rental ordiance

Received.

Melanie Beretti
Resource Management Agency
831-755-5285

-----Original Message-----
From: SEAN WARD [mailto:seanward6@icloud.com]
Sent: Tuesday, May 09, 2017 7:11 PM
To: ClerkoftheBoard
Subject: Short term rental ordiance

Dear Board or Supervisors

Please make sure you know the effect of your decisions to your community. The planning commission is starting to form a ordiance that effects the monterey county directly to all the hard working people that live, work and enjoy this area with their families. Short term rentals bring in 134 million dollars or more a year to this community! I see commercial buildings empty in many parts of this county. These funds are desperately need to help this county grow and survive! Please get involved and have a fair ordiance that can punish the problem rentals and help the good ones flourish and contribute to your community! It's time to embrace the future of the county and make the right decisions for a better place to live that thrives and lives. This decision is in your hands! Please talk with Pacific Grove city manager and know the facts! Make an educated decision!

Please direct Planning Staff to write an ordinance that:
1. Is clear and concise with guidelines that are easy to follow and allow for running a viable Short Term Rental while also reducing potential negative impacts.

2. Provides a clear, simplified, affordable permit process.

If these basic goals are achieved the result will be a higher level of compliance and overall effectiveness of the ordinance including reduction of negative impacts and maximizing collection of TOT taxes.

In the Planning staff's own words from page 6 of Exhibit A "The best regulation is one that is as simple and as clear as possible to ensure it is easy to understand, comply with, and enforce" also it should be affordable to apply to make sure people come forward and get a lic. or permit.

Other communities like Pacific Grove and city of South Lake Tahoe have achieved these goals and if Monterey County can do the same it's citizens will surely benefit.

Please embrace your community and get involved and make a decision that helps everyone thrive.

Sincerely,
Sean Ward
530-314-9202
Concerned Monterey County Citizen
125 7th street Pacific Grove Ca 93950

Sent from my iPhone

Sent from my iPhone

Beretti, Melanie x5285

From: Nickerson, Jacquelyn x5240
Sent: Thursday, May 11, 2017 4:07 PM
To: Beretti, Melanie x5285
Subject: Fwd: Public message regarding the May 10, 2017 Planning Commission Scheduled Matter 8 (PC 17-031)

Melanie,

Please see the public comment below.

Jackie Nickerson

From: bgross50@aol.com <bgross50@aol.com>
Sent: Thursday, May 11, 2017 2:22:58 PM
To: Nickerson, Jacquelyn x5240
Subject: Re: Public message regarding the May 10, 2017 Planning Commission Scheduled Matter 8 (PC 17-031)

Hello,

Regarding The STR ordinance in the Carmel Highlands I would make the following comments:

What constitutes a private street?

We are are behind a security gate with keypad. There is a common driveway for 2 properties. The guest house for the neighbor is on this driveway. Any STR has to be given the gate code.
I think in a situation like this it should be required that everyone effected should have to approve of the STR.

There should be a cap on how many days per year that STR's are allowed, and a minimum of how many days renters can stay.
I suggest 30-60 days per year, and a minimum of a 3 day stay.

It also seems strange people can't build in Carmel Highlands because of the water shortage, but they want to allow short term rentals that use water. The argument about they will use less than long term rentals doesn't wash. Those who want STR's are only concerned with the increased revenue they will receive and they can still use their guest facility when they want to.

Most properties in the Highlands are on Septic. This will only put more stress on the environment.

Sincerely,
Brent Gross

bgross50@aol.com

-----Original Message-----
From: Nickerson, Jacquelyn x5240 <NickersonJ@co.monterey.ca.us>
Cc: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Sent: Mon, May 8, 2017 11:37 am
Subject: Public message regarding the May 10, 2017 Planning Commission Scheduled Matter 8 (PC 17-031)

Good Morning,

The following is on behalf of Melanie Beretti, Special Programs Manager:

REF100042/REF130043 – SHORT-TERM RENTAL ORDINANCES

The STR ordinance item was pulled off the March 29, 2017 Planning Commission calendar due some interested Big Sur residents without reasonable access. With limited access restored, staff noticed the **May 10, 2017 hearing at 1:30 p.m.** for both coastal and inland ordinances. However, recognizing there is still limitation for interested parties in Big Sur to attend, the staff report frames the PC hearing on STRs and actions for this item clarifying that it is within the purview of the PC to provide direction to staff as to how to proceed with ordinance development (e.g. pulling out Big Sur; separating Inland from Coastal; proceed all together; defer all together, etc). We will lead off the STR presentation Wednesday with the options and discussion about process. Similar to considering continuances, we will address the process matter first. Subject to the PC determination on scope and timing of the hearing, the PC may elect to open the hearing on the preliminary regulations at the May 10 meeting.

Respectfully,
Melanie

Melanie Beretti | Special Programs Manager
Monterey County Resource Management Agency
168 W. Alisal, 2nd Floor | Salinas, CA 93901
831-755-5285 | www.co.monterey.ca.us/rma/

Beretti, Melanie x5285

From: Marisa Moret <marisa.moret@airbnb.com>
Sent: Wednesday, May 10, 2017 12:36 PM
To: Beretti, Melanie x5285
Subject: Airbnb Community in Monterey County
Attachments: Monterey County.pdf

Hi:
Please see attached correspondence
Best
Marisa Moret
Public Policy

airbnb

May 10, 2017

VIA E-MAIL - *berettim@co.monterey.ca.us*

Melanie Beretti
Program Manager
Monterey County Resource Management Agency
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

RE: Airbnb Host Community in Monterey County

Dear Ms. Beretti:

We write to share information about the Airbnb Host Community in Monterey County (within the unincorporated areas only). We understand that the Monterey County Planning Commission is considering regulating Short Term Rentals.

As you may know, Airbnb was created out of the economic dislocation of the Great Recession and has always been powered by everyday people who use what is typically their greatest expense -- their homes -- as a way to generate extra income to pay for things like their mortgage, medicine, student loans, or to save money for retirement. As the Planning Commision considers policies affecting short term rentals, we urge it to consider homesharing as a tool to help its citizens make ends meet.

Attached is a short report about the Airbnb Host Community in Monterey County. As set forth in the report:

- There are 90 hosts in unincorporated Monterey County, who welcomed about 11,600 guests last year.
- A typical host earns $16,000 annually, helping them to offset the rising cost of housing in Monterey County.
- The average trip length for guests in Monterey County is 2.2 days.

In addition to providing an important source of income for our individual hosts, we recognize the potential of homesharing in providing much-needed revenue to counties like Monterey County. That's why we proactively sign agreements with

888 Brannan Street
Third Floor
San Francisco, California 94103
United States

airbnb

cities and counties that allow us to collect and remit taxes on our hosts' behalf. As of May 1, Airbnb will be collecting and remitting in over 250 jurisdictions in the US, including Santa Cruz County, Marin County and Sonoma County.

Many of our guests have access to lower cost lodging options in Monterey County, allowing coastal access to those who may not otherwise afford to visit the beach. Homesharing will also help distribute the economic benefits of tourism to Monterey County's small businesses. Airbnb guests spend most of their money in the neighborhoods where they stay, and 75% of listings are outside traditional hotel districts. Moreover, 35% of the people who travel on Airbnb say they would have stayed home or would not have stayed as long but for Airbnb. This results in billions of dollars of positive economic impact in cities across the country.

On behalf of Airbnb, I urge you to consider regulations that support responsible home sharing and the economic value it provides to households and businesses in Monterey County. We hope that Monterey County will follow the lead of municipalities around the world that have crafted common sense regulations that recognize the benefits of responsible home sharing and that strengthen neighborhoods.

We look forward to working with you.

All the best,

Marisa Moret
Public Policy

Attachment

888 Brannan Street
Third Floor
San Francisco California 94103
United States

airbnb

Overview of the Airbnb Community in Monterey Unincorporated Areas

Airbnb hosts in Monterey unincorporated areas have been welcoming guests into their homes since 2011. The following page captures the Airbnb community in Monterey unincorporated areas between May 1, 2016 to May 1, 2017.

Hosts

90
Hosts who have hosted in the past year

$ 2.1M
Total host earnings by host in the past 12 months

$16,000
Typical Host Earnings

50
Average host age

60%
Percent of female hosts

Guests

11,700
Inbound guests in the past year

2.2 nights
Average length of stay per guest

$252
Average price guest paid for a listing per night

Beretti, Melanie x5285

From: MM_Robbins <mm_robbins@comcast.net>
Sent: Thursday, May 11, 2017 12:18 PM
To: Beretti, Melanie x5285
Cc: Holm, Carl P. x5103
Subject: STR Draft

Was planning on saying this in person yesterday but the pollen got to me! Great Draft! So much thought went into this-- congrats! margaret robbins

Look forward to saying hello on the 31st.

Nickerson, Jacquelyn x5240

From: Michael Hulfactor <mh@decisiontrend.com>
Sent: Friday, May 19, 2017 1:33 PM
To: Nickerson, Jacquelyn x5240
Cc: Beretti, Melanie x5285; 'Deborah at DTR'
Subject: SUBMISSION of Comments: STR ordinance
Attachments: Hulfactor and Sutherland to Planning Commission re STRs 05.31.17 meeting.pdf

Thank you for the quick reply!

Please find our attached comments as a pdf for the Planning Commission meeting of the 31st. Can you let us know if they arrived and are satisfactory?

Many thanks and have a lovely weekend.

Michael

Michael Hulfactor
3406 3rd Avenue
Carmel, CA 93923

landline: 831-574-8115
mobile: 650-218-6234

From: Nickerson, Jacquelyn x5240 [mailto:NickersonJ@co.monterey.ca.us]
Sent: Friday, May 19, 2017 12:26 PM
To: mh@decisiontrend.com
Cc: Beretti, Melanie x5285
Subject: RE: STR ordinance public comment question

You may submit comments to me no later than May 23rd by 12pm to be included within the agenda packet that is sent ahead of the meeting to the Planning Commissioners. Any comments after this period will be provided to the Commission at the hearing.

Let me know if you need anything else. ☺

From: Michael Hulfactor [mailto:mh@decisiontrend.com]
Sent: Friday, May 19, 2017 10:48 AM
To: Nickerson, Jacquelyn x5240 <NickersonJ@co.monterey.ca.us>
Subject: STR ordinance public comment question

Dear Ms. Nickerson,

Following up on my vmail, my understanding from the local media is the Planning Commission will continue to take public comment in its May 31st meeting on the proposed STR ordinance. If this is so, my wife and I would like to submit comments to the commission. Is this possible and to whom should we direct comments. We can email a pdf.

Thank you and regards,

Michael

Michael Hulfactor
3406 3rd Avenue
Carmel, CA 93923

landline: 831-574-8115
mobile: 650-218-6234

Michael Hulfactor and Deborah Sutherland
3406 3rd Avenue, Carmel CA 93923
(831-574-8115) mh@decisiontrend.com das@decisiontrend.com

May 19, 2017

To: Monterey County Planning Commission

Re: Comments regarding proposed Short-term Rental (STR) ordinance agenda item for meeting of May 31, 2017

As full-time residents in the Carmel coastal zone, we support planning staff recommendations for comprehensive licensing and regulation of STR properties in Monterey County. Based on our own experience with absentee property owners in two communities, one on the San Francisco peninsula and one on the Monterey peninsula, we have observed the following:

- Absentee property owners we have known tend to maximize STR income above all else, **placing their private gain over the public good**. For example, one owner we knew made changes to his property inconsistent with single-family zoning to increase the number of people who could use the house, then flew under the radar of regulatory and taxing authorities by not reporting his STR business and its income.
- We have discovered absentee property owners of STRs often have little regard for the effects of transient people, number of vehicles, noise, etc. on the surrounding neighborhood.

From a policy standpoint, it appears that loose or no regulation of STR properties could have the following detrimental impacts on a community:

- Unfair competition to regulated and taxed visitor lodging businesses (inns, hotels, B&Bs) and unraveling of longstanding community planning practices that typically place visitor lodging in commercial districts.
- Undermining of rules governing residential-based businesses (e.g., restrictions on the numbers of business clients that can visit a residence).
- Deprivation of licensing and tax revenue that helps pay for local infrastructure and services, while, at the same time, placing additional burdens on them.
- Creation of a perverse incentive for investors, not families/full-time residents, to acquire properties in desirable areas insofar as investors use STR income to recoup their investment.
- Deconstruction of the community fabric of some neighborhoods, especially those experiencing relatively high concentrations of STRs.

We urge the Planning Commission to adopt the comprehensive and stringent regulations as recommended by planning staff, and to develop an effective enforcement component.

Thank you for your consideration of our comments.

Respectfully,

Michael Hulfactor
Deborah Sutherland

Nickerson, Jacquelyn x5240

From: Bruce Britton <Bruce@sancarlosagency.com>
Sent: Monday, May 22, 2017 9:56 AM
To: Beretti, Melanie x5285
Subject: MCVRA response to your STR ordinance
Attachments: STR Memo 4.04.17 - Matthews Edits.pdf; ATT00001.txt

Hi Melanie,

Please look over our changed noted in red and see what you think. We want to write an ordinance that STR operators will sign up for.

Thanks for your help.

Bruce Britton
MCVRA

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
Carl P. Holm, AICP, Director

Building Services / Environmental Services / Planning Services / Public Works & Facilities
168 W. Alisal Street, 2nd Floor (831)755-4800
Salinas, California 93901 www.co.monterey.ca.us/rma

MEMORANDUM

Date: April 4, 2017

To: Planning Commission and Board of Supervisors

From: Melanie Beretti, Special Programs Manager

Subject: Short-Term Rental Preliminary Draft Ordinance (REF100042 – Inland/REF130043 – Coastal)

Review by the Monterey County Vacation Rental Alliance (MCVRA)
May 4, 2017

MCVRA wants to thank the Monterey County staff for bringing this preliminary draft short-term rental (STR) ordinance to the Planning Commission – a first step toward an effective ordinance.

MCVRA supports a fair ordinance that would permit STRs while protecting neighbors. MCVRA has long advocated for an ordinance that has a reasonable permitting process, that requires owners to operate their STR in compliance with prescribed rules, and that includes provisions for enforcement. An ordinance such as this would gain wide acceptance by owners, would protect neighbors, would benefit the County with increased transient occupancy taxes, would benefit the local economy, and would serve visitors.

Also, the California Coastal Commission has written twice to the County stating it expects the County to come into compliance with the California Coastal Act by permitting short term rentals.

MCVRA desires the same thing that Monterey County wants – an effective ordinance. We want to help guide this preliminary draft into an effective ordinance.

So what will make this draft an effective ordinance? The draft defines six different STR categories (types) based upon whether an owner is present during the rental, rental frequency, sewer service, and public/private road access. See Attachment 2/Figure 1 in the draft.

1. The category that deals with the majority of STRs is Type 3 (c) where the owner is not present during the rental and rental activity is unlimited. Sixty percent of all local STRs have no owner or manager present during the rental. Type 3 (c) requires an expensive land use permit application (think $6,000) and is discretionary so the applicant may not get a permit after paying his application fee.

High land use permit costs and arbitrary permitting is EXACTLY what caused the current inland County ordinance to FAIL. County staff readily admit only 19 inland permits have been issued in 20 years. The draft requires both a land use permit and a business license. A business license is easy to process and easy to revoke. Drop the land use permit requirement as Pacific Grove did.

2. Discretionary, administrative licensing will result in a failed ordinance. If a home meets requirements X, Y, and Z, then it should be granted a license. Drop discretionary licensing, offer ministerial licensing. Owners will then comply.

3. Type 3 (a) and Type 3 (b) are two other categories that deal with no owner present during the rental but these categories limit the rental activity to just two bookings per year! These categories are completely unnecessary. The County has already gone on record stating an owner can do one booking per month with no need for a short term rental permit. Simplify the ordinance by eliminating these two categories.

4. Type 2 (b) and Type 3 (b) deal with homes that are not hooked up to a sewer system. This would be the case for every home on a septic tank. Some large areas of the County are not served by sewer systems. Faced with expensive waste water inspections and possibly even more expensive system changes, owners will ignore the ordinance. Yet that same home can be a full-time residence without any inspection of its waste water system. Furthermore, STRs use less water and create less waste water than full-time residences because STRs typically have only about 50% occupancy. Drop this requirement and owners will sign up.

5. Owner present during a guest stay is an unenforceable requirement. Just require that an owner or property manager respond by a specified time.

6. The draft does not offer any grandfathering provisions for STR owners who have been faithfully paying transient occupancy taxes. The tax collector has been very happy to receive these payments even as the County "interprets" that coastal STRs are prohibited. The County has wanted it both ways. It is time for owners to be treated fairly. The next draft should include provisions for grandfathering.

7. Admittedly, this draft is incomplete. It lacks definition on very important matters including geographic limits (density), operating rules, enforcement and permit revocation.

These are the major issues. Other details in the draft are highlighted in the pages below. Let's develop an effective ordinance, not another failed ordinance such as the current inland ordinance. None of us want to revisit this in future years.

SUMMARY

County staff issued a notice for a public hearing at the Planning Commission on March 29, 2017 to consider preliminary draft regulations on short-term rentals (STR) for overnight accommodations in residential areas in the unincorporated area of Monterey County. The Planning Commission meeting was cancelled. Due to conditions in Big Sur preventing accessibility to participate in this hearing, it was recommended that the Commission continue the STR hearing to a date uncertain until such time that we have a solution for full participation (access, teleconference, etc). This memo is being sent so people are able to review the preliminary draft ordinance. Staff will re-notice the matter when a new hearing date is identified.

On July 13, 2016 the County held a public workshop to discuss regulating STRs in Monterey County. During the July 13th workshop staff solicited direction from the Planning Commission

regarding the primary issue of *if/where STR should be allowed*. The County held a second public workshop to discuss regulating STRs on November 9, 2016. During the November 9th workshop staff solicited direction from the Planning Commission regarding key STR characteristics and if/how to tie these characteristics to relevant thresholds for regulation.

Staff has developed a preliminary draft ordinance that:

- proposes three types of STR with additional sub-classes, and then assigns a review process based on site conditions (owner occupancy, wastewater, access).
- lays out regulations for a number of key regulatory elements addressing the primary issues of concern

Staff has also discussed a number of additional regulatory elements to date, but has not finalized a recommendation for inclusion in a preliminary draft ordinance. Additional elements under consideration include, but are not limited to:

- limitations to the number of STR permits (e.g. by area, by STR type)
  - Note: this is one of the most critical issues in the ordinance
- geographic areas with specific requirements (e.g. land use plans adopted, and approved when in the coastal zone by the Coastal Commission)
- enforcement and revocation (before this draft ordinance can be fully reviewed, enforcement and revocation must be defined); and
- standard STR rules. MCVRA supports operating rules. In order to fully review this draft ordinance, these need to be defined
- Grandfathering permitting current STRs. STRs have paid millions in TOT over the years and should receive fair treatment.

DISCUSSION

On July 13, 2016 the County held a public workshop to discuss regulating STRs in Monterey County. During the July 13th workshop staff solicited direction from the Planning Commission regarding the primary issue of *if/where STR should be allowed*. The County held a second public workshop to discuss regulating STRs on November 9, 2016. During the November 9th workshop staff solicited direction from the Planning Commission regarding key STR characteristics and if/how to tie these characteristics to relevant thresholds for regulation.

The primary direction given to staff at the November 9th Planning Commission workshop included:

- Openness to handle different types of STRs distinctly in the regulations, using the Pacific Grove ordinance as an example;
- Desire to explore business licensing for short-term rentals;
- Direction to staff to meet with and discuss short-term rentals with all of the different Land Use Advisory Committees;
- Consult with California Coastal Commission staff regarding STRs; and
- Target to return to the Planning Commission as soon as possible and ideally in February 2017 with a preliminary draft ordinance.

During the months of November and December 2016 and January 2017, staff met with eleven of the twelve Land Use Area Committees to provide an updated on the STR process and solicit input on the development of the STR ordinances. Due to weather and road conditions the South Coast LUAC was not able to participate in a meeting jointly held with the Big Sur LUAC on this matter. However, staff has discussed STRs with Big Sur and South Coast LUACs in the context of updating the Land Use Plan for that area. Note: The current Big Sur LUP does NOT prohibit STRs. Any update to that LUP will

require review and approval by the Coastal Commission. In addition, staff has met twice with staff from the California Coastal Commission in 2017.

Based on outreach and research efforts to date, groups/individuals have argued of overarching potential benefits of STRs as well as impacts.

STRs benefits include:

- Providing homeowners with rental income;
- Providing increasingly desirable lodging alternatives;
- Supporting the tourism industry;
- Generating local economic activity, and
- Generating transient occupancy tax (TOT) revenue.

STR impacts include the potential for:

- Loss of long-term and affordable housing stock;
    - Note: With the exception of ADUs, STRs do NOT impact long-term and affordable housing. High property values have impacted long-term and affordable housing.
- Degradation of neighborhood character;
- Generating excessive noise (e.g. parties);
- Unfamiliar drivers or parking of vehicles blocking access (emergency and private roads); and
- Security concerns (e.g. private gate codes, strangers in the neighborhood, etc.).

In order to aid in development of a framework for STR policies, staff has focused on three primary categories of issues related to STRs:

1) Housing Availability and Affordability;
2) Neighborhood Character and Integrity; and
3) Health and Safety.

These three categories have ties with most, if not all, of the issues presented by STRs. At the November 9th workshop staff identified what it believes to be the regulatory elements likely to have the greatest influence on the primary issues of concern both now and into the foreseeable future. They included

1) number of guestrooms;
2) number of occupants;
3) owner/proprietor residence;
4) rental frequency;
5) STR occupant turnover;
6) water; and
7) waste.

Staff has developed a preliminary draft ordinance (see Attachment 1) that lays out regulations for the elements likely to have the greatest influence on the primary issues of concern. The intent is to have one ordinance and set of rules that apply to STRs countywide, and as the ordinance is further refined staff will then prepare separate inland (Title 21) and coastal (Title 20) ordinances to reflect differences in process between the inland area and coastal zone as well as layout local area-specific distinctions, as

applicable.

The preliminary draft ordinance outlines a dual process for reviewing and allowing STRs that includes the initial land use permit for property clearance to have an STR, and requirement for a STR business license (to be developed) with annual renewal to ensure STRs to be able to operate a short-term rental. A land use permit requirement will be expensive, will be arbitrary, and will lead to a failed ordinance. See comments in the initial summary.The preliminary draft ordinance defines three distinct types of short-term rentals, and further recognizes sub-categories within each time based on level of discretionary review recommended. See Attachment 2 (Figure 1) for an overview of the STR types and regulatory process proposed.

The preliminary draft ordinance also lays out regulations for a number of key regulatory elements addressing issues of concern including: dwelling types allowed for short-term rental; rental occupancies per year; number of short-term rentals per property; rental duration; number of guestrooms; occupancy; daytime persons allowed; parking requirements; property management; documentation and record-keeping; noise; trash; outdoor fires; emergency access behind locked gates; posting and communicating rules; requirements for advertising and listing. See attachment 3 (Figure 2) for an overview of the key regulatory elements for STRs.

The Environmental Health Bureau is responsible to ensure protection of public health and safety. Minimum standards for onsite solid waste management, onsite wastewater treatment systems, and potable drinking water have been developed for consideration and incorporation into the STR ordinance. See attachment 4 (EHB memo) for specific recommendations.

Staff has also discussed a number of additional regulatory elements to date, but was not able to finalize a recommendation for inclusion in this preliminary draft ordinance. Additional elements under consideration include, but are not limited to: limitations to the number of STR permits (e.g. by area, by STR type); geographic areas with specific requirements (e.g. adopted land use plans and approved when in the coastal zone by the Coastal Commission); enforcement and revocation; and standard STR rules.

ATTACHMENTS
Attachment 1 – Preliminary Draft Ordinance
Attachment 2 – Figure 1: Overview of Preliminary Draft STR Types
Attachment 3 – Figure 2: Overview of Preliminary Draft STR Characteristics
Attachment 4 – Environmental Health Bureau Memo regarding Recommended Requirements for STRs

cc: Front Counter Copy; Planning Commission; Board of Supervisors; Nicki Fowler and Roger Van Horn, Environmental Health Bureau; Water Resources Agency; California Coastal Commission; RMA-Code Compliance; Economic Development; Les Girard, Wendy Strimling, and Cynthia Hasson, County Counsel; Treasure/Tax Collector; Jacqueline R. Onciano, RMA Services Manager; Dan Dobrilovic, RMA Building Official, Dorothy Priolo, Monterey Regional Fire Deputy Fire Marshal; Monterey County Sheriff's Office; All Land Use Advisory Committees; STR Public Distribution List; Planning File REF100042 – Inland/REF130043 – Coastal

ATTACHMENT 1

Repeals and Replace Title 21 – Section 21.64.280 "Transient Use of Residential Properties" with Title 21 – Section 21.64.280 "Short-Term Rental of Residential Properties"
DRAFT – Not Approved by Counsel as to Form (v2017.03.17)

PURPOSE

This Section provides regulations, standards and circumstances under which short-term rentals may be allowed in certain residential areas of the County of Monterey. It is further the purpose of this Section to:

- Preserve and enhance the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of owner-occupied residences. Implement the provisions and advance the purposes and objectives of Title 21.
- Except as provided in this Section, restrict transient use of property for remuneration, which use may be inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in Title 21.
- Promote the public health, safety, and general welfare of the County

APPLICABILITY

This Chapter applies in the unincorporated area of the County of Monterey. Short-term rentals are allowed in some zoning districts that allow residential use: [*not yet determined*]

This section does not apply to legally established bed and breakfast facilities, which are regulated by Section 21.64.100.

DEFINITIONS

Defined in Chapter 21.06 (included here for reference purposes only at this prelim draft stage)

–

"Guesthouse" means an attached or detached living quarters of a permanent type of construction lacking internal circulation with the main dwelling, without kitchen or cooking facilities, clearly subordinate and incidental to the main structure, on the same lot, and not to be rented, let, or leased, whether compensation is provided or not.

"Person" means any individual, partnership, firm, business, or similar entity, public or private agency, municipality, city, State or Federal agency.

"Transient" means temporary, of limited duration or for a short period of time.

"Transient Occupancy" means occupying for consideration a structure designed, intended or used for temporary dwelling, lodging or sleeping purposes by non-family members; any commercial use of a structure or portion thereof which subjects the owner or occupant to the Uniform Transient Occupancy Tax Ordinance of Monterey County.

For the purpose of this Chapter, unless the context otherwise requires, certain terms used in this Chapter shall be as defined below.

"Residential property" means any single- or multiple- family dwelling units, duplexes, guesthouses, caretaker units, or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts in Title 21 which allow residential uses.

"Short Term Rental of Residential Property" means the use, by any person, of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, thirty consecutive calendar days or less. Short-term rental of residential property is not a bed & breakfast facility, hotel, motel, hostel, or inn.

"Guestroom" means a room used or intended to be used by one or more guests for sleeping purposes. A bedroom, living room and guesthouse may be used as guestrooms.

"Bedroom" means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; and 2) has an exterior door or window for egress meeting health and safety code standards; and 3) has a closing door that separates the room from other features 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 of a bedroom.

"Short-Term Rental Tenant" or "STR Tenant" means a person who exercises occupancy of a short-term rental or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Thus a 30 night stay would be considered a 31 day stay.

"Visitor" means a person staying temporarily at an STR site, but that is not a STR occupant and not staying at the STR overnight.

REGULATIONS

Except as provided in Section/Exceptions of this Chapter, short-term rental of residential property for overnight accommodations shall not be allowed in the unincorporated areas of Monterey County without first securing all permits, licenses, certificates or other entitlements required by County regulation.

1. Short-term rentals shall only be allowed in a single family dwelling (SFD) or multi-family dwellings (MFD) and a legally established guest house. A guest house shall not be rented independently of the SFD or MFD. Short-term rentals shall not be permitted in non-habitable structures. Short-term rentals shall not be permitted within accessory dwelling units or in structures or dwellings with county covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farm worker housing, or lands under a Williamson contract. Tents, yurts, Recreational Vehicles (RVs) or other provisions intended for temporary occupancy are not allowed as a part of a short-term rental.

2. Only one (1) STR unit shall be allowed per lot. This limit shall apply to any multi-family dwelling (e.g. duplex). It shall not apply to a property governed by the duly adopted bylaws of a County-

approved homeowners' association (HOA), or to properties held as tenants in common. The limit shall not apply to commercially zoned properties

3. Only one (1) tenant or rental contract allowed per STR at any given time.

4. The STR shall meet the requirements of the California Building Code Title 24 standards for use and occupancy class Residential Group R-3.

5. Maximum overnight occupancy for short-term rentals shall not exceed:
   a. Two (2) persons per guestroom plus two if whole house; and
      - This plus two persons was discussed in the STR workgroup meetings. A 3 bedroom house could have 8 persons overnight.
   b. The requirements of the California Building Code Title 24 standards for use and occupancy class Residential Group R-3, or as determined by the Environmental Health Bureau based on wastewater capacity or water quality, whichever is less.

6. The maximum number of persons, including STR occupants plus visitors, allowed at any time in a single STR shall not exceed the maximum of one and one-half (1.5) times the maximum overnight occupancy, or fifteen (15) persons, whichever is less. Visitors shall not be on the property during quiet hours. Thus a 3 bedroom house could have 12 persons during the daytime.

7. The source of water that serves an STR shall meet bacteriological and primary drinking water standards, and secondary drinking water standards when they exceed the notification level. The applicant shall provide documentation to the Monterey County Environmental Health Bureau that verifies the water quality is adequate for the proposed use.

8. STRs must provide at least one (1) off-street parking space for every two (2) guestrooms allowed in the STR or as required for the dwelling type by Monterey County Code 21.58.040, whichever is more. STRs with one (1) or two (2) guestrooms must provide at least one (1) off-street parking space; STRs with three (3) or four (4) guestrooms must provide at least two (2) off-street parking spaces; and STRs with five (5) guestrooms must provide at least three (3) off-street parking spaces. The off-street parking space(s) shall be entirely on the STR site. Off-street parking requirements may not be met using public right-of-way (street) spaces.

9. All STRs operating within unincorporated Monterey County must have a property manager or a designated person(s) who is available twenty-four (24) hours per day, seven (7) days per week during all times that the property is rented or used on a transient basis. Property managers may be professional property managers, realtors, property owners, or other designated persons. The property manager must be available to respond to complaints and arrive at the STR site within 60 minutes at all times during the rental period.

10. Each contract or tenancy that enables STR use shall be in writing and identify thereon the name, address, phone number and e-mail contact information of the owner, the property manager or a designated person(s) and at least one responsible STR tenant/occupant eighteen (18) years or older who shall be responsible for all the regulations in this section. The STR shall comply with Monterey County Code Chapter 10.60 Noise Control and Chapter 8.36 Nuisance and Nuisance Animals. Quiet time for the STR is between 10:00 p.m. and 7:00 a.m. and the STR

shall adhere to Monterey County Code Section 10.60.040 Regulation of nighttime noise. Outside amplified sound shall not be allowed at anytime associated with the STR.

11. The STR shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal. STR shall have garbage service from franchise waste hauler; no garbage service exemptions shall be allowed for STRs. Some areas of the County have now "franchised" waste hauler. Owners have been hauling out garbage and recycling for years. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of site unless in conformity with neighborhood standards.

12. Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to three (3) feet in diameter shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material.

13. The owner of any STR located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.

14. A copy of the STR permit and license and all applicable rules and regulations shall be included with the STR contract/rental agreement and posted within the STR unit in a prominent place within six (6) feet of the front door of the unit.

15. All contracts, advertisements and listings for the STR shall include the following:
    a. Transient Occupancy License Number for that particular property
    b. Maximum occupancy – nighttime occupants and total daytime limits
    c. Maximum number of vehicles
    d. Notification of quiet hours

16. The use of a residential unit for a short-term renal shall not violate any applicable conditions, covenants, or other restrictions on real property.

17. The owner shall maintain clear and adequate records and documentation of the short-term rental operation that shall at a minimum make a record of the following for each short-term rental occupancy: name, address, phone and e-mail contact of at least one responsible tenant (Strike e-mail address. Some online vacation rental sites specifically block the tenant's personal email address); number of occupants; motor vehicle license number of each motor vehicle used by occupant at the site (Strike vehicle license number. Owners and managers do not have this information. Even the visitor often does not know which vehicle he will bring or whether a relative will join be in the group. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

18. It is prohibited to advertise a short-term rental unless all necessary permits and licenses have been received.

19. Pursuant to [*not yet developed*] Chapter 7.02, Business Licenses, of the Monterey County Code, a license shall be procured immediately from the Treasurer-Tax Collector before the commencement, operation or maintenance of a short-term rental.

20. Prior to the approval or renewal of a STR all real and personal property taxes currently due and payable, as linked to the property on which the STR is located, shall be paid in full to the Treasurer-Tax Collector.

21. Pursuant to Chapter 5.40, Uniform Transient Occupancy Tax, of the Monterey County Code each STR owner shall register with the Treasurer-Tax Collector and obtain a transient occupancy registration certificate with thirty days after commencing business.

22. For Type 1 STRs a zoning clearance or business license shall be required.

23. For Type 2 STRs to following shall be required:
    a. Type 2 (a). A Zoning Clearance or Business License shall be required.
    b. Type 2 (b) STRs. An Administrative permit and Business License shall be required.

24. For type 3 STRS the following shall be required:
    a. Type 3 (a) STR. A Zoning Clearance or Business License shall be required.
    b. Type 3 (b) STRs. An Administrative permit and Business License shall be required.
    c. Type 3 (c) STR. A Use permit and Business License shall be required. Drop the use permit per prior comments.

25. For Type 2 (b) STRs and Type 3 (b) STRs and Type 3 (c) STRs on septic/onsite wastewater treatment system (OWTS) the applicant must provide documentation from the Monterey County Environmental Health Bureau (EHB) that verifies the septic/OWTS is adequate for the proposed use. The EHB shall base this determination on information provided from EHB records and/or a qualified OWTS professional

26. For Type 2 (b) STRs and Type 3 (b) STRs and Type 3 (c) STRs is not accessible directly from a public road, then the STR application is subject to Monterey County Code Section 21.64.320 Regulations relating to applications involving use of private roads. STRs are not exempt under 21.64.320. (Monterey County Code Section 21.64.320 – Proof of Access was rejected by the Coastal Commission and never went into effect in the coastal zone. Hence this requirement is not applicable in the Title 20 version of the ordinance.)

27. In the following areas, the following limitations shall apply: [*not yet determined; e.g. restrictions based on land use plans adopted, and approved when in the coastal zone by the Coastal Commission*]

APPLICATION REVIEW AND REQUIREMENTS

1. Application Requirements. An applicant shall provide the following with any application, and an application will not be deemed complete until the information or documentation required is provided: [*not yet determined*]

2. Upon submittal of an application, the Director of the Resource Management Agency or his designee shall classify the project as belonging within one of the following categories:
    a. Type 1 Short-Term Rental or Type 1 STR. A short-term rental whereby the property owner rents guestrooms in their home and at least one of the owners or managers resides in the home while it is occupied by short-term renters.

b. Type 2 Short-Term Rental or Type 2 STR. A short-term rental whereby the property owner or manager resides at the property in a separate and independent dwelling unit from the STR unit and where the property owner or manager resides at the STR site while it is occupied by short- term renters.
    i. Type 2 (a) STR, is a Type 2 STR whereby the STR unit is 1) hooked up to a sewer system; and 2) accessible directly from a public owned road.

    ii. Type 2 (b) STR, is a Type 2 STR whereby the STR unit is 1) served by a septic system or on –site wastewater treatment system (collectively referred to as OTWS); or 2) accessed by a privately owned road.

c. Type 3 Short-Term Rental or Type 3 STR. A short-term rental whereby the property owner does not reside at the STR site while it is occupied by short-term renters.
    i. Type 3 (a) STR, is a Type 3 STR whereby the property is available for short-term guests/tenants not more two (2) times in a year and is 1) hooked up to a sewer system; and 2) accessible directly from a public owned road. Note: Two booking per year is useless. See comments in the initial summary. Simply delete these two categories.
    ii. Type 3 (b) STR, is a Type 3 STR whereby the property is available for short-term guests/tenants not more two (2) times in a year and the unit is 1) served by a septic system or on –site wastewater treatment system (collectively referred to as OTWS); or 2) accessed by a privately owned road. See note above.
    iii. Type 3 (c) STR, is a Type 3 STR whereby the property is available for short-term guests/tenants three (3) times or more in a year.

3. For each short-term rental permit application, the owner shall submit an inspection report to the County that provides and verifies information, in the form and manner required by the chief building official, to ensure the property is safe and habitable for its intended use, including verification of adequate egress from sleeping quarters and common areas, installation of accessible fire extinguishers, and a carbon monoxide alarm on each level, and that the property exists in accord with appropriate land use and building permits. What is MCVRA's position on inspection reports?

ENFORCEMENT TBD Note: this is critical to fully reviewing this ordinance.

ATTACHMENT 2

FIGURE 1 STR Types

STR Type	Property owner primary residence	Owner/manager present during rental	Rental Unit	Frequency	Hooked up to sewer System	Access Direct from Public Road	Land Use Permit Review Level	Permit/License Type	Land Use Permit Appealable to Coastal Commission? (E)
Type 1	Property owner resides in house/unit	Yes	Room(s) in house	No limit	Yes	Yes	Ministerial	Zoning Clearance or Business License	No
Type 2 (a)	Property owner resides on property	Yes	Whole house/unit	No limit	Yes	Yes	Ministerial	Zoning Clearance or Business License	No
Type 2 (b)	Property owner resides on property	Yes	Whole house/unit	No limit	No	No	Discretionary	Administrative Permit and Business License	No
Type 3 (a)	Property owner may or may not reside on property	No (A)	Whole house/property	2 rental contracts (2 tenants) per year (B)	Yes	Yes	Ministerial	Zoning Clearance or Business License	No
Type 3 (b)	Property owner may or may not reside on property	No (A)	Whole house/property	2 rental contracts (2 tenants) per year (B)	No	No	Discretionary	Administrative Permit and Business License	No
Type 3 (c)	Property owner may or may not reside on property	No (A)	Whole house/property	No limit	Yes or No	Yes or No	Discretionary (C)	Use Permit and Business License (D)	Yes

(A) 60 % of STRs have no owner or manager present and 83% of STRs do over 50 nights per year.
(B) 2 contracts per year if completely unacceptable.
(C) Permits should NOT be discretionary if the property is hooked up to public water, to sewer, and does not use a private road in the Title 21 inland area.
(D) Use permits will again be expensive as in the current inland permitting system.
(E) What does appealable to Coastal Commission mean?

As written, the costly and discretionary use permit application process will cause this ordinance to FAIL. This is EXACTLY what caused the current inland ordinance to FAIL.

ATTACHMENT 3

Key STR Characteristics	Preliminary Recommendation	Consideration of Advantages	Consideration of Disadvantages
Allowed Dwellings	*Habitable Single-family dwelling (SFD) or Multi-family dwelling (MFD) and guesthouse (as part of SFD or MFD)*	Helps safeguard renters health/life/safety; Protects dwelling types expressly establsihed for specific purposes (e.g. affordable units, ADUs for long-term housing); Restricts temporary structures from STR use	Many dwellings/structures being advertised on on-line STR platforms in Monterey County are not allowed
Rental Occupancy	1 STR tenant at a time	Single tenant is more consistent with single-family use; Distinguishes STR from other transient occupancy uses such as B&Bs, hotel, motels.	May limit STR operators from maximizing tenancy
STR per Property	1 STR per lot	Keeps properties with multiple units from converting entirely to STR/transient use	Limits properties with multiple units from additional STR opportunities.
Rental Duration	30 consecutive days or less	Provides flexibility to meet STR-renter needs; minimum stay limits are challenging to enforce	Could have STR units that turn-over nightly or more frequently than desirable in a residential area
Number of Guestrooms	CA Building Code Title 24/Residential Class R-3 (2016 = 5 or fewer guestrooms)	Do not change classification in building code from R3 to R1, and thus would not trigger additional build regulations that could alter the residential character; larger groups are more likely to result in disturbances to the neighborhood (e.g. noise, parking, etc.)	Limits properties that could accommodate more than 5 guestrooms and thus limits occupancy
Overnight Occupancy	Shall not exceed: a) 2 persons per guestroom +2; and b) CA Building Code Title 24/Residential Class R-3 (2016 = 10 occupants) or as limited by EHB, whichever is less	Maintains occupancy load consistent with site limitations; limits group size to reduce noice/nuisance impacts	Enforcement of occupancy can be challenging
Number of Daytime Persons	Maximum 1.5 times maximum overnight occupancy or 15 persons, whichever is less	Limits group size to reduce noise/nuisance impacts	Enforcement of number of daytime persons can be challenging
Water Quality	Shall meet water quality standards	Protects renter's health/life/safety re water quality	Is an additional requirements for STR owners to test and demonstrate
Off-Street Parking	At least 1 off-street space for every 2 guestrooms	Limits off-site impact of visitor parking by containing more on-site	Some properties may not have the space to accommodate to meet this requirement
Property Management	Must have property manager available 24 hours per day 7 days per week; ability to arrive on-site within 60 minutes	Provides direct contact and appropriate level of responsiveness for issues that may arrise at STR	Response time to more remote locations in County or where cell phone service is limited may be challenges for some STR sites
Noise	Comply with County Code Chapters 10.60 and 8.36; Quiet time; No outside amplified noise	Protects neighborhood character, reduces noise/nuisance	Enforcement may be challenging
Solid Waste	Comply with County Code 10.41; Must have franchise waste hauler service; appropriate receptacles.	Protects neighborhood character, reduces noise/nuisance	Some rural properties may have exemptions to 10.41 currently
Outdoor Fires	Recognize local/state bans; Limit size, location, time of day.	Protects neighborhood character and reduces risk of unintended fire and damage	Enforcement may be challenging
Emergency Access	lockbox w keys for emergency personnel if gated	Protects renter's and neighbor health/life/safety	Could be concerns with others that share gate
Advertisement and Communication	Rules, Permits, Licenses, key STR restrictions must be in contract, advertisements, listings, at STR	Provides accountability and transparency; Helps ensure rules are followed;	None

ATTACHMENT 4

COUNTY OF MONTEREY
HEALTH DEPARTMENT

MEMORANDUM

ENVIRONMENTAL HEALTH BUREAU

Date: March 16, 2017
To: Melanie Beretti, RMA Service Manager
From: Nicki Fowler, REHS and Roger Van Horn, REHS

Subject: Recommended Requirements for Short Term Rentals (STR)

Solid Waste Management

STR shall not be eligible for Mandatory Garbage exemptions outlined in MCC, Section 10.41.030 (C). Monterey County Code (MCC) Section 10.41.030 requires all residents and businesses located in the unincorporated county to maintain curbside garage collection.

Minimum Capacity of Solid Waste Containers

# of Occupants	Garbage	Recyclables	Yard Waste
6 or Fewer	35 gallon	64 gallon	64 gallon
7 - 10	64 gallon	96 gallon	64 gallon

Prior to approval of an STR application, the applicant shall provide evidence that adequate solid waste services are in place. The Environmental Health Bureau (EHB) will develop an 8 ½"x11" recycling guide that STR operators may elect to post near the indoor garbage facilities for reference by STR occupants; this will not be required.

Onsite Wastewater Treatment Systems

When an STR is served by an onsite wastewater treatment system ("OWTS" or septic systems), the OWTS shall include two functional disposal field systems separated by a diversion valve.
MCC, Chapter 15.20, includes the minimum capacity of a disposal field based on the number of bedrooms in the SFD it serves. Prior to approval of an STR application, the applicant shall provide evidence that the septic tank is in good condition and that the OWTS includes two functional disposal field systems, each meeting the minimum capacity specified by MCC and separated by a diversion valve, by having a performance evaluation of the OWTS (septic tank and two disposal field systems) completed by a qualified wastewater professional.

Drinking Water Quality

The source of water that serves an STR shall meet bacteriological and primary drinking water standards, and secondary drinking water standards when they exceed the notification level.
Prior to approval of an STR application, the applicant shall provide comprehensive water quality analysis to EHB for review and acceptance, pursuant to MCC Chapters 15.04 and 15.08 and Titles 17 and 22 of the California Code of Regulations. If the STR meets the definition of a water system, then an application shall be submitted to EHB for issuance of a water system permit prior to approval of a STR application.

Looking forward, EHB is considering a new water system permit category that would be specific to STR and include more frequent bacteriological monitoring requirements. Ongoing monitoring of primary or secondary drinking water standards may be required when results of the initial analysis indicate the water is nearing the MCL. For EHB to recommend approval of an STR permit or STR permit renewal application, the property owner would be required to maintain an annual water system permit with ongoing water quality monitoring requirements.

Excerpt from Title 22, California Code of Regulations, Division 4, Chapter 15 (updated 9/23/2016)
http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/lawbook/dwregulations-2016-09-23.pdf

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

Chemical	*Maximum Contaminant Level, mg/L*
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

*MFL = million fibers per liter; MCL for fibers exceeding 10 um in length.

Please Note: Chromium-6 shall also be tested when the Total Chromium level is 10 mg/L or above

Tables 64449-A and 64449-B
Secondary Maximum Contaminant Levels
"Consumer Acceptance Contaminant Levels"

Constituents	*Maximum Contaminant Levels/Units*
Aluminum	0.2 mg/L
Color	15 Units
Copper	1.0 mg/L
Foaming Agents (MBAS)	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Methyl-*tert*-butyl ether (MTBE)	0.005 mg/L
Odor—Threshold	3 Units
Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 Units
Zinc	5.0 mg/L

"Consumer Acceptance Contaminant Level Ranges"

Constituents, Units	*Maximum Contaminant Level Ranges*		
	Recommended	*Upper*	*Short Term*
Total Dissolved Solids, mg/L or Specific Conductance, µS/cm	500 900	1,000 1,600	1,500 2,200
Chloride, mg/L	250	500	600
Sulfate, mg/L	250	500	600

A written request to waive sampling requirements for asbestos, cyanide, MTBE and thiobencarb may be submitted to the EHB for consideration.

Beretti, Melanie x5285

From: Adrienne Berry [yankeebeach@sbcglobal.net]
Sent: Tuesday, May 09, 2017 10:46 PM
To: Beretti, Melanie x5285; ClerkoftheBoard; Diehl, Martha; Onciano, Jacqueline x5193; Vandevere, Keith; 100-District 5 (831) 647-7755
Subject: Short term rentals in the coastal zone

Rental Wanted

Laurel Emsley from Carmel Highlands · 10h ago

I am looking for a rental for a physician at CHOMP and her husband and family- 3 bedrooms, 2 baths in this area would be great. Doesn't need a huge house. She has three children with the youngest graduating high school this spring and then off to college.

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK •1 REPLY •1

Long-term Rental Home desired

Wendie Ryter from Carmel Highlands · 23 Apr

2 (or3) Bedroom, 1 to 2 bathrooms for working couple. 1 to 2 year lease preferred.
Please contact us by e-mail: info@deepbodywork.com

Shared with Carmel Highlands in General

THANK REPLY for rent

4-5 Bedroom Rental Home

Caren Cook from Carmel by the Sea · 30 Mar

Hello Neighbors!
Our family is looking for a 4-5 bedroom Long Term Rental in Carmel, Carmel Highlands or Pebble Beach. Our children are in the Carmel Unified School District so we would love to stay in the neighborhood! If you or anyone in your neighborhood has a long term rental please let us know! Thanks!

familyflyer.pages.zip

Shared with Carmel by the Sea + 23 nearby neighborhoods in General

THANK REPLY •9


14

Need rental

Anne Ashley from Carmel Highlands · 1 Apr

A good friend needs a small rental for a couple of months until her place is available. If you know of anything I can provide contact information or have her call you.
Anne 8316200994

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY Adrienne Berry


14

Need rental

Anne Ashley from Carmel Highlands · 1 Apr

A good friend needs a small rental for a couple of months until her place is available. If you know of anything I can provide contact information or have her call you.
Anne 8316200994

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY

Looking to Rent

Heather Smith from Carmel Highlands · 29 Mar

Recently moved from Laguna Beach California. Employed at the Highlands Inn in Carmel. Looking for a 1-2 bedroom guest house/cottage in Carmel and up to Carmel Mid-Valley. Looking to rent for 1 year. Non-smoker and no pets. Excellent references.

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY •3

Looking to Rent

Heather Smith from Carmel Highlands · 29 Mar

Recently moved from Laguna Beach California. Employed at the Highlands Inn in Carmel. Looking for a 1-2 bedroom guest house/cottage in Carmel and up to Carmel Mid-Valley. Looking to rent for 1 year. Non-smoker and no pets. Excellent references.

Shared with Carmel Highlands + 4 nearby neighborhoods in General

THANK REPLY •3

The above are postings from our local next-door website in Carmel Highlands. As you can see, there is a Huge demand for long-term rentals. Our infrastructure, septic systems,and water resources cannot support short term rental use. Facts show that while on vacation one is less concerned with their use of limited resources.

Sincerely,

Adrienne Berry

Sent from my iPad

Beretti, Melanie x5285

From: Martha V Diehl [mvdiehl@mindspring.com]
Sent: Tuesday, May 09, 2017 10:37 PM
To: Beretti, Melanie x5285
Subject: FW: Meeting Tomorrow

Here is an additional emailed comment I just received wrt the STR ordinance process for the hearing tomorrow. Would you please circulate it & add it to the file?

Thank you

Martha

------ Forwarded Message
From: Kris Swanson <kris@cornerstorearts.org>
Date: Wed, 10 May 2017 01:24:11 -0400
To: Martha Diehl <mvdiehl@mindspring.com>
Cc: Kris Swanson <kris@cornerstorearts.org>
Subject: Meeting Tomorrow

Hi,

Hoping to share this one thought for the record tomorrow, while considering short term/vacation rentals in Monterey County:

Big Sur really should NOT be folded into any decision to do with other parts of the County when it comes to short term rentals.

As both a world reknowned tourist destination and a fragile overloaded ecosystem, Big Sur stands quite apart from other unincorporated areas of the county.

Cachagua and King City should not be subject to restrictions based on an over abundance of tourist traffic, for instance.

Please separate Big Sur from the overall discussion with respect for the truly special case- perhaps unique in all the world- that it is.

Thanks for noting my concerns as a proponent of sensible regulation for short term rentals- while keeping in mind that one size does not fit all in our unique area.

Sincerely,

Kris Swanson

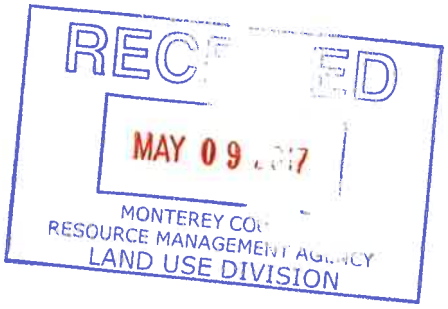
------ End of Forwarded Message

Beretti, Melanie x5285

From: Adrienne Berry [yankeebeach@sbcglobal.net]
Sent: Tuesday, May 09, 2017 10:16 PM
To: Beretti, Melanie x5285; ClerkoftheBoard; Diehl, Martha; Vandevere, Keith; 100-District 5 (831) 647-7755
Subject: Short term rentals in the coastal zone

Dear Monterey County Supervisors,
As a long term resident of Carmel Highlands I implore you not to allow vacation rentals of homes in our neighborhood. The current zoning laws are for a reasonable level of usage for the existing infrastructure. Over the last several years during popular vacation dates the short term renters have inundated our roads leading to traffic gridlock. More importantly the transition of long term rentals to vacation rentals has led to critical dearth of rental housing for young families trying to make it in Monterey County. Where is the average working person going to live?
Finally do not reward the greedy real estate speculators who run these short term rentals. They are a highly organized group who has deliberately and systematically ignored the laws in Monterey County. Their lies and fraud deserves large fines at the very least and in some cases criminal prosecution.

Glenn W. Berry lll, M.D.
Adrienne Berry
Sent from my iPad



Beretti, Melanie x5285

From: SEAN WARD [seanward6@icloud.com]
Sent: Tuesday, May 09, 2017 7:11 PM
To: ClerkoftheBoard
Subject: Short term rental ordiance

Dear Board or Supervisors

Please make sure you know the effect of your decisions to your community. The planning commission is starting to form a ordiance that effects the monterey county directly to all the hard working people that live, work and enjoy this area with their families. Short term rentals bring in 134 million dollars or more a year to this community! I see commercial buildings empty in many parts of this county. These funds are desperately need to help this county grow and survive! Please get involved and have a fair ordiance that can punish the problem rentals and help the good ones flourish and contribute to your community! It's time to embrace the future of the county and make the right decisions for a better place to live that thrives and lives. This decision is in your hands! Please talk with Pacific Grove city manager and know the facts! Make an educated decision!

Please direct Planning Staff to write an ordinance that:
1. Is clear and concise with guidelines that are easy to follow and allow for running a viable Short Term Rental while also reducing potential negative impacts.

2. Provides a clear, simplified, affordable permit process.

If these basic goals are achieved the result will be a higher level of compliance and overall effectiveness of the ordinance including reduction of negative impacts and maximizing collection of TOT taxes.

In the Planning staff's own words from page 6 of Exhibit A "The best regulation is one that is as simple and as clear as possible to ensure it is easy to understand, comply with, and enforce" also it should be affordable to apply to make sure people come forward and get a lic. or permit.

Other communities like Pacific Grove and city of South Lake Tahoe have achieved these goals and if Monterey County can do the same it's citizens will surely benefit.

Please embrace your community and get involved and make a decision that helps everyone thrive.

Sincerely,
Sean Ward
530-314-9202
Concerned Monterey County Citizen
125 7th street Pacific Grove Ca 93950

Sent from my iPhone

Sent from my iPhone

Beretti, Melanie x5285

From: Jerri Hansen [jerrihansen@att.net]
Sent: Tuesday, January 31, 2017 9:34 AM
To: Beretti, Melanie x5285
Subject: Big Sur Land Use Plan

berettim@co.monterey.ca.us

Please include the following....

Concern for our Big Sur Land Use Plan Area Project File Name - Short Term Rental Ordinance
Project File No. - REF130043 & REF100042

Melanie - Thank you for your kind attention regarding this issue of Short Term Rentals In the Coastal Zone..

I have written and spoken many times at past meetings and will keep speaking out to ensure that small voices are heard .. I am agents STR's in the Coastal Zone ...
My main concern...
The STR 's in my aria The Palo Colorado cyn ..

Many have to cross multiple neighbors privet lands... on my road I believe at least 11 property's are crossed including mine ..This is not fare and and I SHOULD HAVE A SAY IN THIS ISSUE ..I have at least 4 STR"S in my neighborhood.. My neighbors continue to say they rent for 30 days or more and yet advertise with a 3 day minimum and rent multiple times in that 30 day period...

Please DO NOT.... allow Short stay visitor to cross privet lands ... to cross multiple property's

This raises liability issues, privacy, road upkeep, dust and loss of the enjoyment of our own privet property as so much traffic crosses in front of my home .. my family has lived here for more the 55 years and for more than 5 years now this illegal renting on a short term basis has been going on .. I am still speaking out in hopes my needs will be heard and addressed.. Thank you !

Jerri Masten Hansen
37931 Palo Colorado Rd
Carmel Ca.93923

Land use intensities for this designation are set forth below for Section ___, Land Use Intensities.

6. Employee Housing Overlay over Visitor and Community Serving Commercial Land Use Designation

Employee Housing Overlay is over the Visitor and Community Serving Commercial land use designation, or any parcel located contiguous to a parcel or parcels with Visitor and Community Serving Commercial land use designation (as reviewed on a case-by-case basis). The purpose of the Employee Housing Overlay is to encourage and facilitate development of employee housing. The Overlay shall permit residential development of any type (i.e., multi-family or single family) to provide for employee housing.

Long term housing shall not be converted to short term rental. To protect against conversion of employee housing to other uses such as short term rentals, each employee unit shall be deed restricted to allow families that earn up to 160% of the median income (often teachers, nurses, etc.) to qualify for the housing, and the County shall develop a mechanism to track and penalize violators of the deed restriction.

Employee housing proposed within the Employee Housing Overlay shall be encouraged using the following means:

- No zoning variance shall be required for employee housing on a case by case basis.
- Higher than minimum required density (such as dormitories and bunk houses) may be allowed as a bonus for development of employee housing.
- Development standards may be modified to permit residential development within the mixed-use projects at higher densities by regulating developmental intensity for the mixed-use project floor area ratio, rather than by calculating dwelling units per acre.
- Development of pre-approved building plans (e.g., prefabs, yurts, trailers, etc.) shall be encouraged as a mean to reduce costs and minimize the review process.
- Development review process shall be expedited so that carrying costs for the land being developed with employee housing can be minimized.
- Density bonus, incentives, concessions and other provisions shall be utilized in compliance with State legislation (SB1818 and AB 2280) to encourage the development of employee housing.

Uses	Location on Land Use Map	Overall Density Standard/Cap	Site Development Standards[3]	Estimated Additional Units[1] or Beds in Big Sur
Visitor and Community Servicing Commercial Uses (e.g., restaurants, retail)	VCSC		Maximum 50% lot coverage or maximum of 15,000 square feet, whichever is less; Structure cannot exceed two stories.	
Visitor Accommodations				
New Inns, Resorts	SOUTH COAST (SOUTH OF ESALEN)	30 UNITS (SPECIAL ALLOWANCE)	30 UNITS	30
	Westmere	24 units (special allowance)	24 units	24
	VCSC	5 unit per acre	3-acre minimum parcel; 30 units per cluster maximum	
Expansion of Existing Inn, Resort, or RV Campground[3]				
	VCSC	5 units per acre	30 units per cluster maximum	
Hostels	WSC; PQP	Maximum 50 beds per hostel	2--acre minimum parcel requires unshared direct access to Highway One.4	100 beds
	VCSC		1--acre minimum parcel	
Bed & Breakfast	RR; WSC; VCSC	4 units per Bed & breakfast facility; 50 units maximum total	Unshared Direct Access to Highway One[4]	50 Units[5]
Campgrounds				
Developed Campgrounds with water and electrical infrastructure (Not allowed in RR)	VCSC, PQP	10 spaces per acre		

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[4] For RR & WSC, the parcel must have unshared direct access to Highway 1, not using Palo Colorado or Sycamore Canyon Road.

[5] "Unit" for bed & breakfast facilities equals one bedroom.

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 uses, 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

1. All development and use of the land whether public or private shall conform to all applicable policies of this LUP~~plan~~ and shall meet the same resource protection standards. ~~The Big Sur River and Little Sur River Protected Waterway Management Plans are incorporated by reference into this plan. The goals, objectives and policies of the plans shall apply in those areas, as will all provisions of this plan.~~

2. Development of any area of Big Sur will be ~~limited to~~consistent with uses for that area illustrated on the ~~plan map~~Land Use Diagram and to the use intensities described in the text. Uses not shown on the Diagram~~plan map~~ or described in the text will not be permitted.

3. Agriculture, low intensity~~passive~~ recreation, and rural residential uses traditionally established in Big Sur are the most appropriate activities on private lands.

Comment [V18]: Define

~~4. Land divisions in general are discouraged and are especially inappropriate on large ranches.~~

5.4. Existing parcels of record are considered buildable parcels and are suitable for development of uses consistent with the Land Use Diagram~~plan map provided all~~ and resource protection policies ~~can be fully satisfied, there is adequate building areas of less than 30% cross slope, and they are not merged by provisions elsewhere~~ in this LUP~~plan~~.

6.5. Many types of land use found in other locations in the County are inappropriate to the Big Sur coast and are in conflict with the rural environment, the protection of natural resources, and the general peace of the area and are not therefore provided for in the LUP~~plan~~. Among these uses are intensive recreational activities such as tennis, golf, cinemas, mechanized recreation, boating facilities, industrial development, manufacturing other than cottage industry or art production, on-shore or off-shore energy facilities, large scale mineral extraction or mining, fracking, oil extraction, commercial timber harvesting, and any non-coastally dependent industries other than cottage industries.

6. In general, any land use or development of a character, scale, or activity level inconsistent with the goal of preserving the coast's natural, undeveloped beauty and tranquility will not be

9.12. (EXISTING POLICY 5.4.2.9). The following density standards ~~for inn unit development are designed to~~ allow up to a maximum of 5300 units for ~~new~~ visitor serving lodge, ~~or~~ inns, cabins, and bed and breakfast rooms and other similar facilities on the Big Sur cCoast, based on protection of the capacity of Highway One to accommodate recreational use, the avoidance of overuse of areas of the coast, and the need for development to respect the rural character of the Big Sur cCoast and its many natural resources.

Comment [V19]: County will confirm the number of existing legal units

The number of visitor-serving lodging units on any one site is limited to 30, reflecting the small scale character of the special Big Sur community. As specified in Table 1, the maximum inn unit density for new inns or resort in the Visitor and Community Serving Commercial land use designation shall be one unit per acre, with a minimum parcel size of three ~~ten~~ acres. The maximum inn (or resort) unit density for existing inns or resorts that are being proposed for expansion shall be five units per acre.

~~In other locations where inn unit development is allowed in the land use designations, the number of allowable new inn units shall be two lodging units for each potential subdivision lot that is permanently retired by action of the applicant. An applicant must determine from Policy 5.4.2.8, above, the allowable residential density on land that can be further subdivided and then multiply that density times two to determine the allowable number of visitor-serving units. However, the maximum inn unit density allowance for any one ownership in the Watershed and Scenic Conservation land use designation shall not in any event exceed a net of 8 per existing parcel, which may be aggregated into clusters up to the maximum per site specified aboveOpen space approved as a part of a development proposal shall be secured by a scenic easement, assuring its retention in perpetual open space or agricultural usBefore any development (other than agricultural improvements and a hostel at the Pt. Sur lighthouse) is approved for the area adjacent to Naval Facility Pt. Sur, the Commanding Officer shall be consulted to insure that the proposed development will not constitute a hazard to military security. The area is defined as that area bounded by Highway One on the east, the first ridge south of the facility, and the Pt. Sur Lighthouse access road on the north, including the Pt. Sur Lighthouse Reservation and extending perpendicularly to the seaward limit of the coastal zone.~~

10. Off-site advertising signs shall not be allowed.

On-site a~~A~~dvertising signs ~~only~~are allowed in connection with commercial or visitor-serving uses, to a maximum 35 square feet. The size, design, materials, and location of all signs should be in keeping with the local character, appropriate for the intended use, and be subject to the ~~Development Permit Process~~permit process. Materials shall be limited to those which are natural, including unpainted wood (except for lettering) and stone, whenever feasible. No exterior or interior neon plastic, moving, or flashing signs will be allowed.

Caltrans should not allow any private signs or advertising structures within the state right-of-way.

environment from recreational overuse and to the protection of adjacent residents from fire hazard by maintaining the historic Big Box fuelbreak as recommended in the MCCWPP and water pollution resulting from recreational use.

~~3.~~2. The County sha~~w~~ill consult with the U.S. Forest Service prior to the issuance of a coastal development permit for any parcel adjacent to the National Forest lands, roads, or access trails.

~~4.~~3. ~~The "National Forest" land use designation may include some lands not currently managed by the U.S. Forest Service. Non-federal development within the "National Forest" land use designation will be subject to the policies for "Watershed and Scenic Conservation". Lands added to Los Padres National Forest outside the certified "National Forest" designation will not be redesignated without Plan amendments.~~Federal and State land management plans shall address, carrying capacity, traffic flow and safety, fire hazard, and impacting the quality of visitor experience. For example, areas that have been overused and neglected, such as, but not limited to, Sykes Camp, Pfeiffer Beach and JP Burns State Park, are in desperate need of protections. Solutions to these problems shall be included in management plans at their next update and thereafter.

B. Agriculture

1. Agricultural resource protection policies presented in Chapter 3 provide the basic framework to guide agricultural activities and shall be considered in all development applications where existing or potential grazing land is concerned. Management of agricultural operations should be particularly sensitive to the protection of water quality and vegetation in riparian areas.

~~2.~~

~~3.~~

~~4.~~2. Aquaculture activities are considered agriculture uses and are generally compatible with the goals of this LUP~~plan~~. Processing facilities will be carefully considered to assure compatibility with the area.

C. Development of New or Expanded Recreation and Visitor-Serving Facilities

1. Development of recreation and visitor-serving facilities at locations suitable for such use is ~~preferred over other types of development~~desired in Big Sur because of Big Sur's national significance as a recreation area.

2. Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted.

b. Deed restrictions must be recorded to preclude rental or subdivision of the inn units as separate residential dwelling units.

~~b.~~c. Deed restriction must be recorded to preclude use of employee housing as inn units.

No portion of acreage necessary for one facility shall be credited to a different facility. ~~For example, pursuant to Table 1, a 25-acre parcel in a Rural Community Center could have 25 inn units, or 50 RV campsites or 10 inn units and 30 RV campsites.~~

Inns shall provide at least one parking space per room. Free-standing restaurants (not part of an inn) shall provide at least one space per four seats or per 100 sq. ft. of both open and enclosed dining area, whichever is greater. In addition, adequate and separate employee parking shall be provided.

New free-standing restaurant development shall be limited to the ~~Rural Community Centers~~Visitor and Community Serving Commercial (VCSC) land use designation and the sites specified in LUP~~Plan~~ Ppolicy 5.4.3.E-1. The maximum size for such new restaurant structures shall be that amount of space needed for a 120-seat enclosed dining room facility. Elsewhere, restaurants shall not be larger than required to serve the maximum size inn allowed on the parcel (generally, at the ratio of two seats per inn unit). Expansion of existing restaurant buildings shall be limited in scale to that which is in character with Big Sur, not to exceed a 10% expansion in area or an area sufficient for 120 dining room seats, whichever is greater.

~~Projects for new or extensively expanded recreation and visitor-serving facilities shall provide low-cost recreational facilities as part of the development. The establishment of low-cost hostels in Big Sur is encouraged as part of a comprehensive hostel system for the California coast.~~

~~7.~~ Applicants for commercial developments shall submit a profile of the number of expected employees. The profile shall indicate, in general ranges, the income of the prospective employees and other information that would allow for an assessment of the employee housing needs to be created by the development. An employee housing plan shall be submitted that indicates how the employer shall, as part of the development or otherwise, satisfy all, or a substantial portion of, the housing needs of the employees. The employee housing plan shall be implemented prior to or concurrently with the commercial development. A deed restriction shall be recorded to preclude the use of employee housing for any other use than for providing housing for the commercial establishment's employees.

6. The County requests that State and Federal agencies prepare long range recreational development plans for areas under their jurisdiction. The County requests that these plans contain traffic components describing the portion of Highway One~~1~~ capacity required to serve the proposed recreational development, including public transportation potential. The County will seek to assure that approval of these plans will be made jointly and on a cooperative basis, by all agencies involved in the management of Highway One ~~1~~. Environmental assessments will be required for all such proposals. Development of public and private recreational facilities will be phased as part of a recreational growth management program based on available

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Greetings to all who are in attendance at this meeting concerning short term rentals. I'm sending this letter today because I don't know what kind of road conditions there will be between now and the meeting, or if I will be able to be at the meeting in person.

I live south of the road closure at Anderson Creek, and out on the South Coast Ridge Road, which is at this time so clogged up with downed trees and branches that it is a hazard to drive, and has already done significant damage to my vehicle. The crews may be coming out today to clear it, although I have heard no saws as of 10 AM. Later today there is supposed to be an announcement about conditions at Anderson.

In February, I will celebrate 44 years in the remote back-country homestead where I live, among the trees and buildings that my family put into place. The South Coast is always a challenge, and this year is a reminder of that. It's a challenge to build, to live, to make a living.

There is no town, and only one gas station. Small lodgings and a few restaurants make up the entire economy. Some of my neighbors drive for two hours each way for their commutes to higher-paying jobs out of the area. Internet service is by satellite, or not at all. Many people drive miles to use their cell phones in the few locations where service is available.

I work from home as an entrepreneur, having evolved from a peddler of many types of goods, and a dairy farmer, to having more valuable offerings. Because of modern telecommunications, people in the area now have more options than we used to have.

This section of the coast has been dogged by persistent poverty for decades, and yet the people who love it still live here. In recent years, some of that poverty has been mitigated by the growth of local business.

There have also been purchases of large pieces of land that are now permanently removed from community use by people who have no interest in local issues. We don't see them, and they don't see us.

People in the area, some of whom have also been here for many years, vary in points of view about how much they want to be involved with the outside world. Some of my neighbors would love to be able to welcome travelers into their homes, and stop going out to work, or to work part-time. They have a room or two that can be the source of them being able to have time to work on their property, and the funds to do so. They don't want to rent long term, and/or do not have anything suitable to rent long term.

Others would never open up their homes. They have the solitude that sits their nature.

The thing is, the choice should be our own. We bought our land. We pay our taxes. We want to open our hearts and our homes to the world, and give a place for people to land that they would not have, otherwise.

The income derived from short-term rentals is a boon to our community in helping people who are interested in our local issues to maintain their properties, improve them, and give back to the land that sustains us.

If all the land is bought up by outsider entities, people who aren't interested in our communities, and there are no community members left, what kind of preservation is that? Why should people who spent their lives and their energy to develop their property, going through so many difficulties to do so, be denied the right to enjoy what they have created in the way they see fit?

People who come to this area and stay in short term rentals are curious about how they can support the local economy, and they are very grateful for the opportunity to see things in the way that locals make available to them.

They spend money that goes directly into the pockets of the people who live here, not on some hotel bill paying into a corporate profit structure.

They want to know who the local artists are and what kinds of events are there that they can support. They have a strong interest in the local culture. They care about this area in a deep way, having made the journey to see something that is rare and precious for them.

Some of them will be our future neighbors, coming to this area to find ways to join our community.

This is not to deny the concerns that people have about how to house those who work here. Intelligent solutions can and must be generated for the needs of the work force. The county has the ability to create incentives for businesses to build or create housing for their employees. This will require re-thinking the ideas put forth in the 1970s to accommodate the needs of today. Changes in zoning and the like take time to consider and put in place, but they are needed if we are to break out of the conflict orientation that has dominated so much of the discussion to date.

One example could be re-routing the transient occupancy taxes to more accurately reflect the amount of contribution that Big Sur makes to the economy of Monterey County, and using those funds to subsidize innovative designs and ideas that our creative minds can put together.

We have far more people than anyone could have ever predicted, visiting us now. We need to make room for them in creative ways that enhance our local culture. We need to find ways to take care of our workers. These are not mutually exclusive ideas.

It is time to put together a plan that includes everyone.

Thanks for your attention.

Betty Withrow

Dear Monterey County Planning and Review Committee,

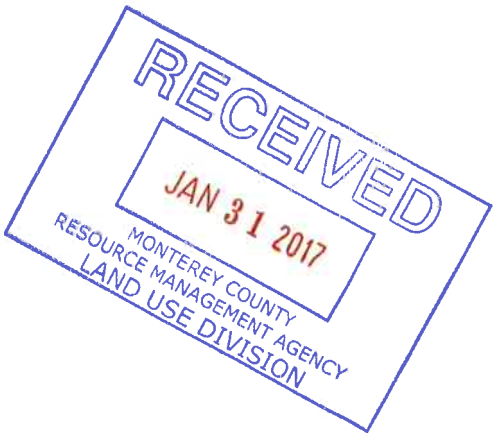
I will not be able to attend the LUAC meeting on Jan 31st due to my mother having a medical condition.

I am writing this letter to express my concern for the Monterey County Ordiance to allow and regulate Short Term Rental homes in the Coastal region. We are aware from studies that STR homes will help bring income to the county of 134 million dollars that help support hard working people in the service industry. The service industry that is the biggest source of income for many of the families in the monterey county. Your review and decisions will effect a lot of families that work hard to pay their bills and live here in Monterey. Also it will eliminate families that want to travel together as families to this region of california.

Monterey is a family vacation destination so lets work together to make it a family destination! Like we were taught in kindergarten, lets share! Don't be selfish in your decision and share the area with a firm but fair ordinance.

Lets work together to enjoy this beautiful coast together!

Sean Ward
Fireman Paramedic
Cell 530-314-9202



Mike Caplin

The point that I would make is the same one I make at every STR meeting, which is that whatever is allowed or not, it is critical that the rules be such that investment groups not be able to participate, as they are already securitizing long term rentals, which gives them almost limitless funding to buy homes then rent them long term. It is only a matter of time before they start figure out how to securitize short term rentals. You may remember that Pam S. said she knew of a company that is currently buying up multiple homes for similar reasons.

The LUACs' existing solution, that a person cannot own more than one short term rental, seems like as good a solution for the problem I describe as I can think of, which will allow mom and pop to do a short term rental to pay help pay the mortgage, or buy food.

Project File No. REF130043 & REF100042

Short-Term Rental Ordinance

January 30, 2017

Dear Melanie Beretti,

Could you please see that 16 copies of this packet of information get made up and distributed to all.

Having read through the AIRBNB, RISING RENT, AND THE HOUSING CRISIS IN LOS ANGELES (Laane, March 2015) I found the results for high intensity use indicates hotel conversion on page 10 quite interesting.

In their study they report that the average occupancy rate for a Limited Service Hotel is **67.8%**. Than they go on about how they gathered the data for this report.

This brought to mind what I had found back in late 2015. AIRDNA had examples of some of our local STRs in the unincorporated Monterey County, one of those being in Big Sur and the other in Carmel Valley.

Airdna's study took place I believe in 2014 - 2015. In the case of the STR in Big Sur here is the data they gave ..... Reviews: 208 - Annual Reservations: 114 - Annual Occupancy Rate: **71.93%** - Annual Est Revenue: $61,625.

So combining both the data gathered from the 2015 LAANE Report, and the data from the 2015 Airdna results leads me to believe that the STR above would be considered a **High Intensity Use** which indicates hotel conversion, or in other words NO longer considered a Residential Use just as all the other STRs in Big Sur.

As reported the occupancy rate for a Limited Service Hotel was 67.8% and the occupancy rate for this STR is **71.93%**, or **4.13%** above what is considered a High Intensity Use.

Janet Hardisty
Big Sur, CA

Big Sur

The Top Performing Airbnb Properties in the USA

Posted on July 3, 2015 by Scott Shepherd

Customers frequently ask, "What cities is the best place to start a new Airbnb vacation rental." Every city has it's pro's and con's; regulation, seasonality, cost of ownership and so on. We thought we'd let the performance of the best properties speak for themselves. 4,500 of the nearly 300,000 active Airbnb listings in the United States made the list.

The interactive map below shows where the top 1% of Airbnb properties in the USA are located. We filtered every single Airbnb listings to identify only those properties that had more than 20 reviews and achieved at least a 70% occupancy rate in the last twelve months.

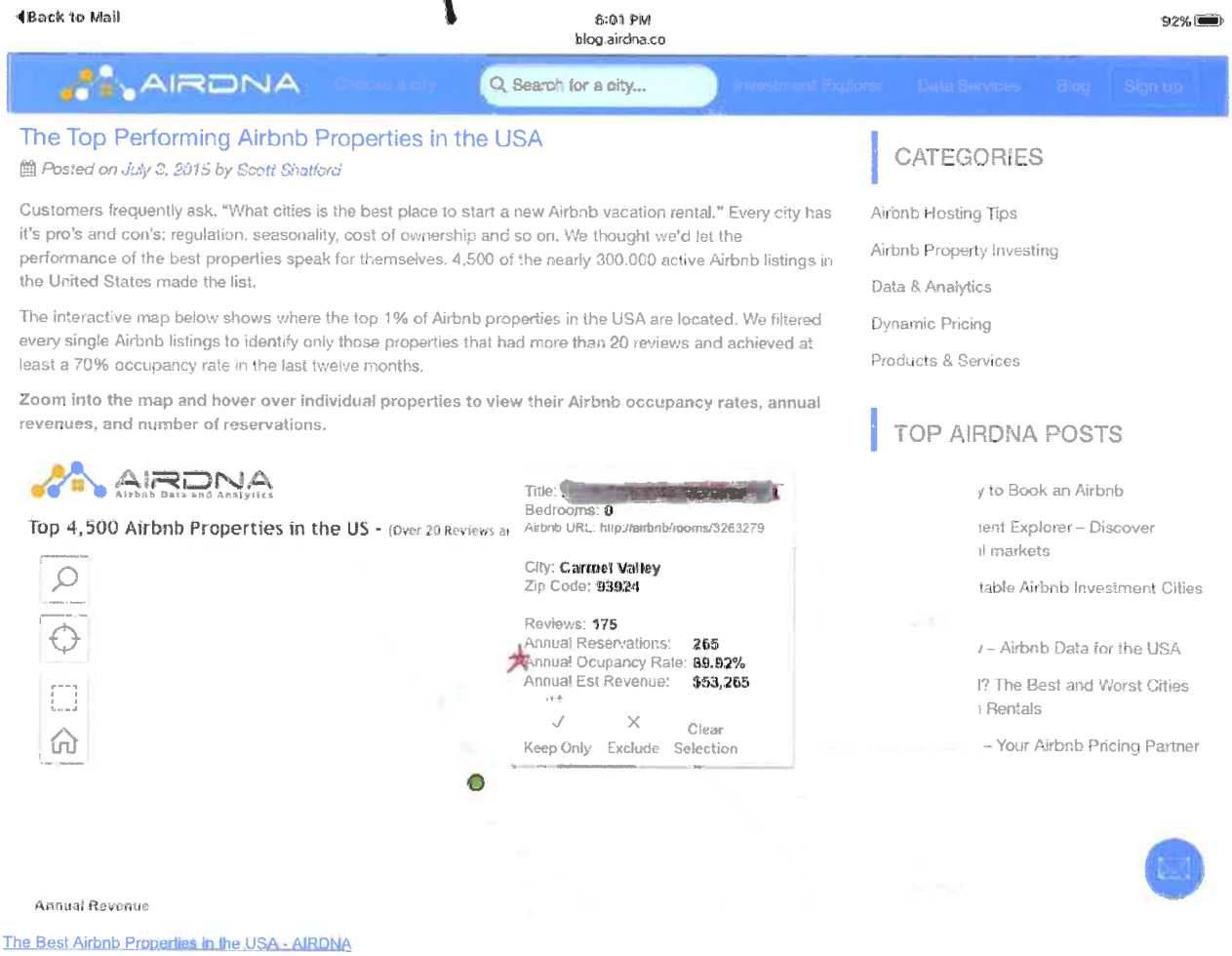
Zoom into the map and hover over individual properties to view their Airbnb occupancy rates, annual revenues and number of reservations

AIRDNA

Top 4,500 Airbnb Properties in the US

[The Best Airbnb Properties in the USA - AIRDNA]

Carmel Valley



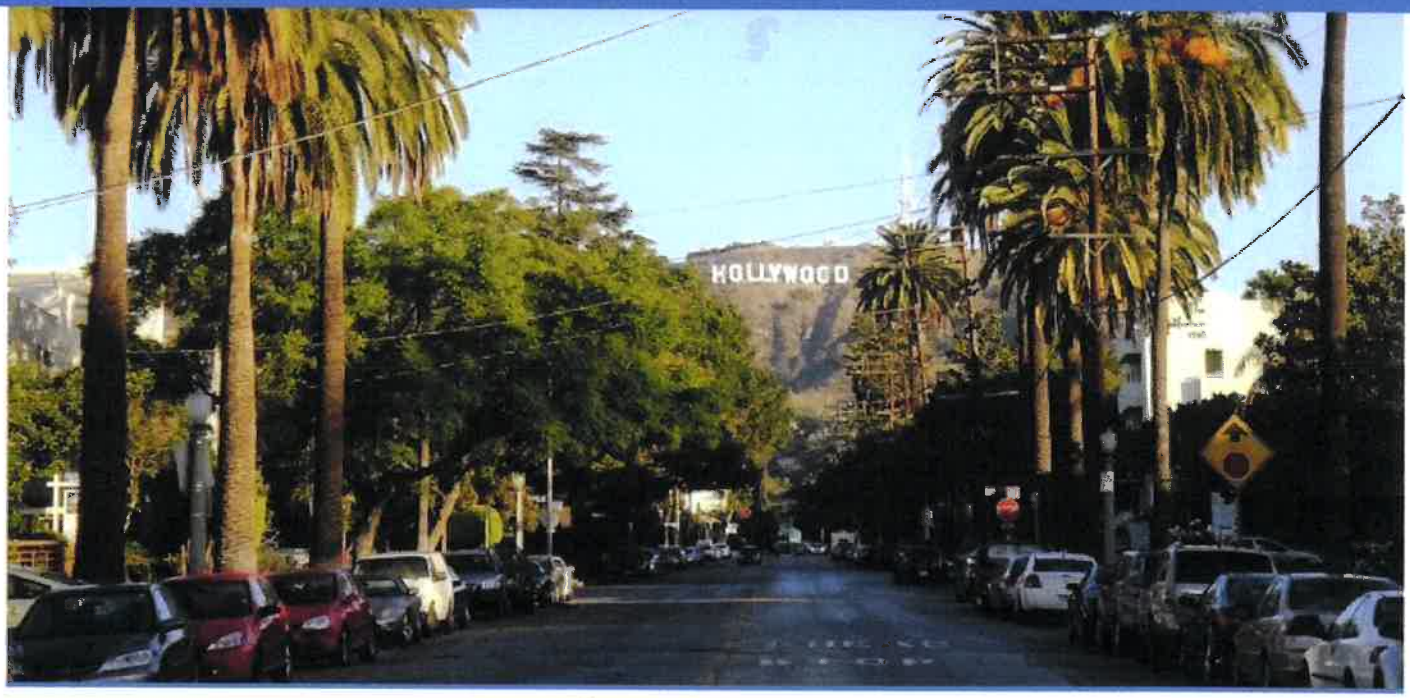
No its NOT Big Sur .... but its a High Intensity Use!

Take a LOOK at this Carmel Valley STR .... 89.92% occupancy rate, that's a whopping 22.12% over what's considered a High Intensity Use which indicates hotel conversion.

Plus the owner just OPENED another STR, bringing the total number of STRs on his property to 3.

AIRBNB, RISING RENT, AND THE HOUSING CRISIS IN LOS ANGELES

MARCH 2015



laane»
A NEW ECONOMY FOR ALL

Roy Samaan

High intensity use indicates hotel conversion

Commercial entities—the combination of leasing companies and individual lessors—are responsible for the most intensively used AirBnB units in the city. Rather than representing "surplus capacity" in the housing market, listings with hundreds of reviews present the clearest evidence of the conversion of residential uses into hotels.

For example, the most reviewed listing in our dataset is a Venice Beach guest home with 326 reviews and a minimum stay of two nights.[20] In Appendix B we describe how we estimate occupancy based on this information.

These adjusted booking data show this Venice guest house was likely to have been booked for 1,231 days, or 3.4 years.[22] The listing's hosts have been AirBnB members since 2009, meaning this unit had an occupancy rate of 69 percent. The average occupancy rate for a limited service hotel is 67.8 percent, according to PKF Hospitality Research's 2014 Trends in the Hotel Industry.[23]

The most reviewed AirBnB listing in Los Angeles is this Venice Beach guest house.

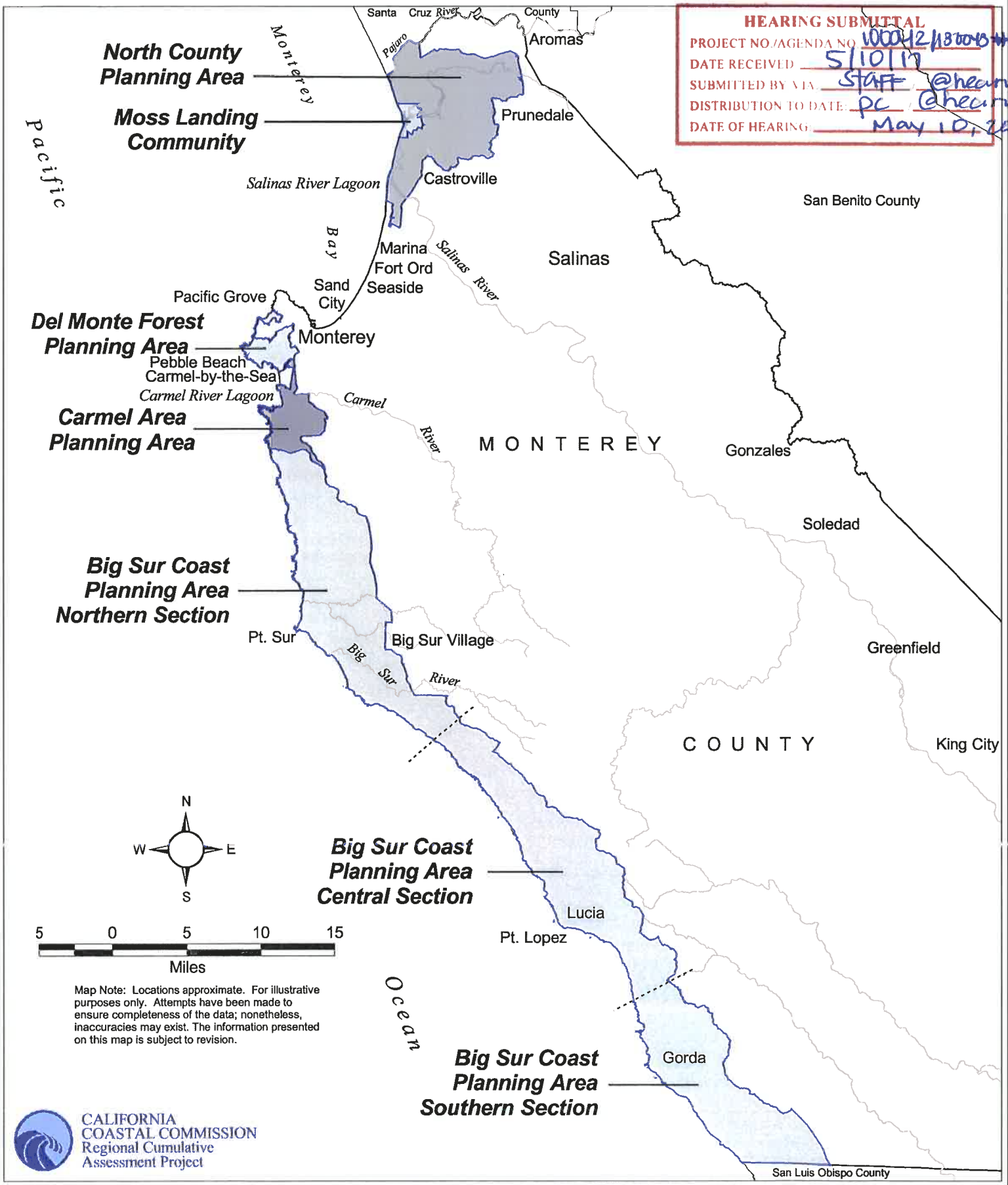
This rent-controlled Venice apartment building has an AirBnB unit with a 93 percent occupancy rate.

The top 10 most highly reviewed AirBnB units had average occupancy rates of 66 percent, in line with industry rates. While not the most reviewed unit in our database one Venice studio, had an occupancy rate of 93 percent indicating this rent controlled unit is a near-constantly occupied hotel.[24]

Hosts with multiple units may be professional management companies

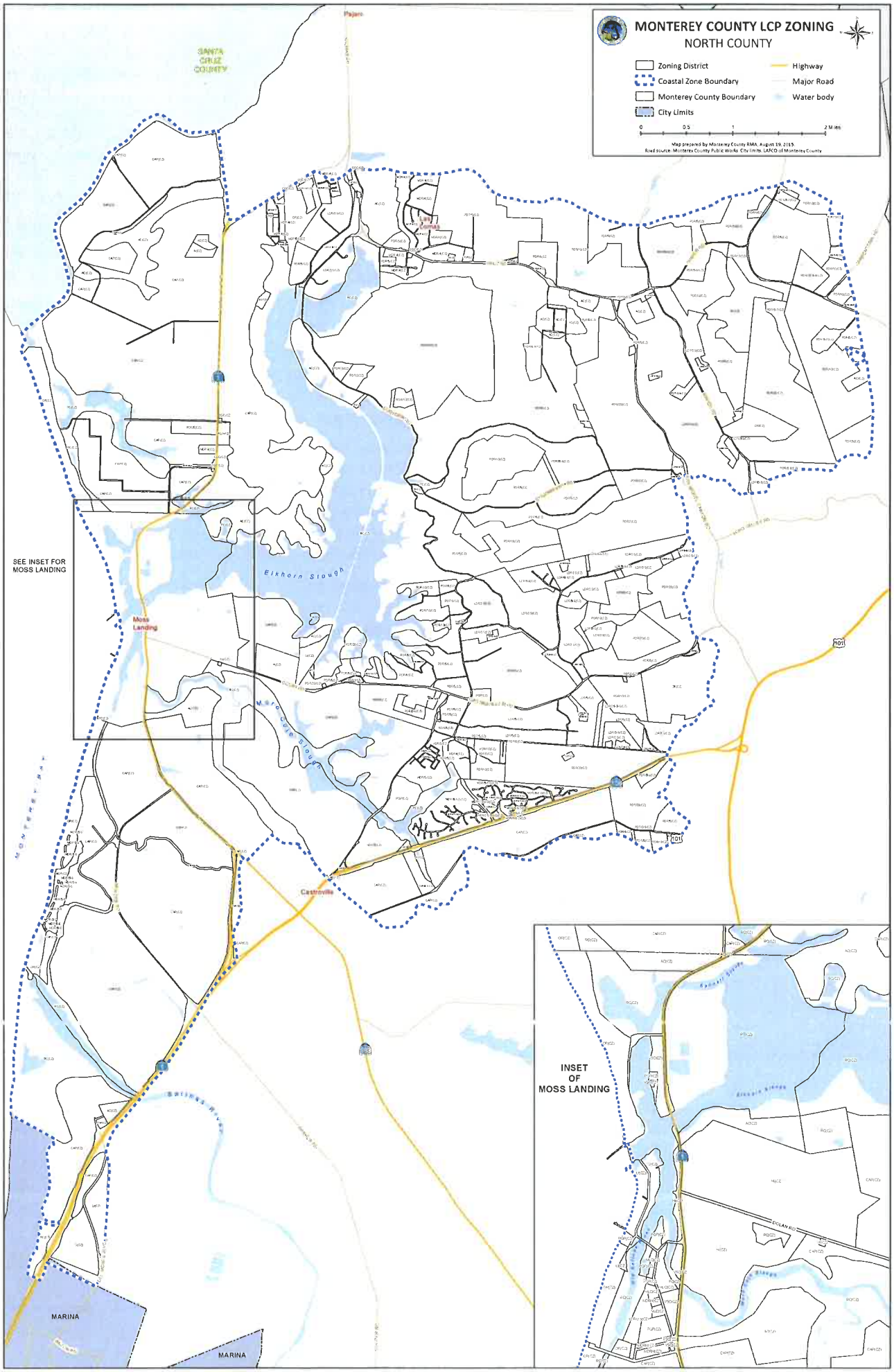
As our category name suggests, "leasing companies" are not individuals. Instead, listing agencies have consolidated AirBnB listings under an assumed AirBnB host. A host going by the name "Ghc" is the most prolific host in our Los Angeles AirBnB database, with 78 whole units in a dense cluster spanning the border between Santa Monica and Venice. Ghc's host page is pictured in Figure 3.[25] Ghc is, in fact, the AirBnB page for Globe Homes and Condos, a company that describes itself as a "full service vacation rental management company."[26]

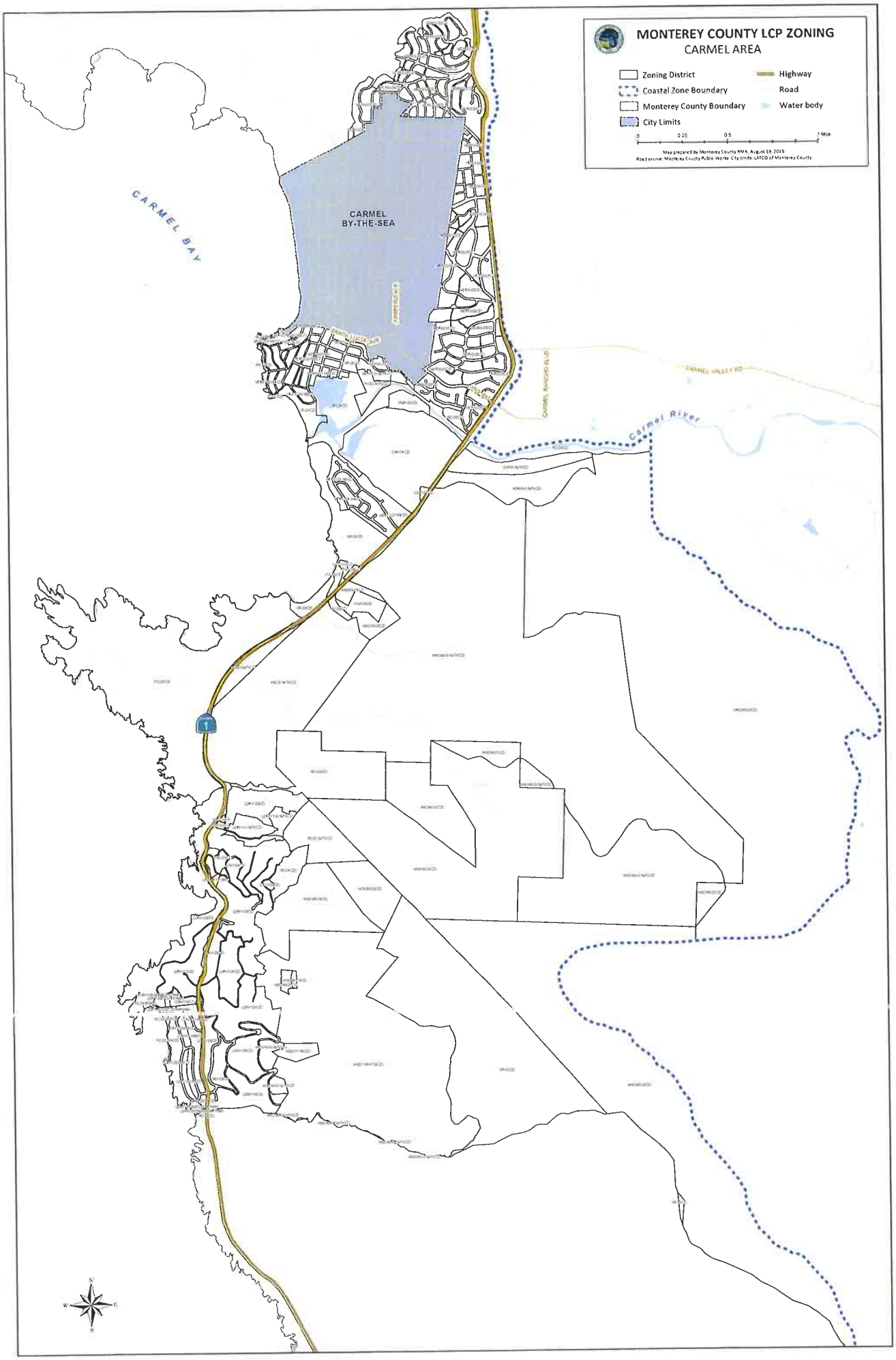
Monterey County Communities and Coastal Planning Areas

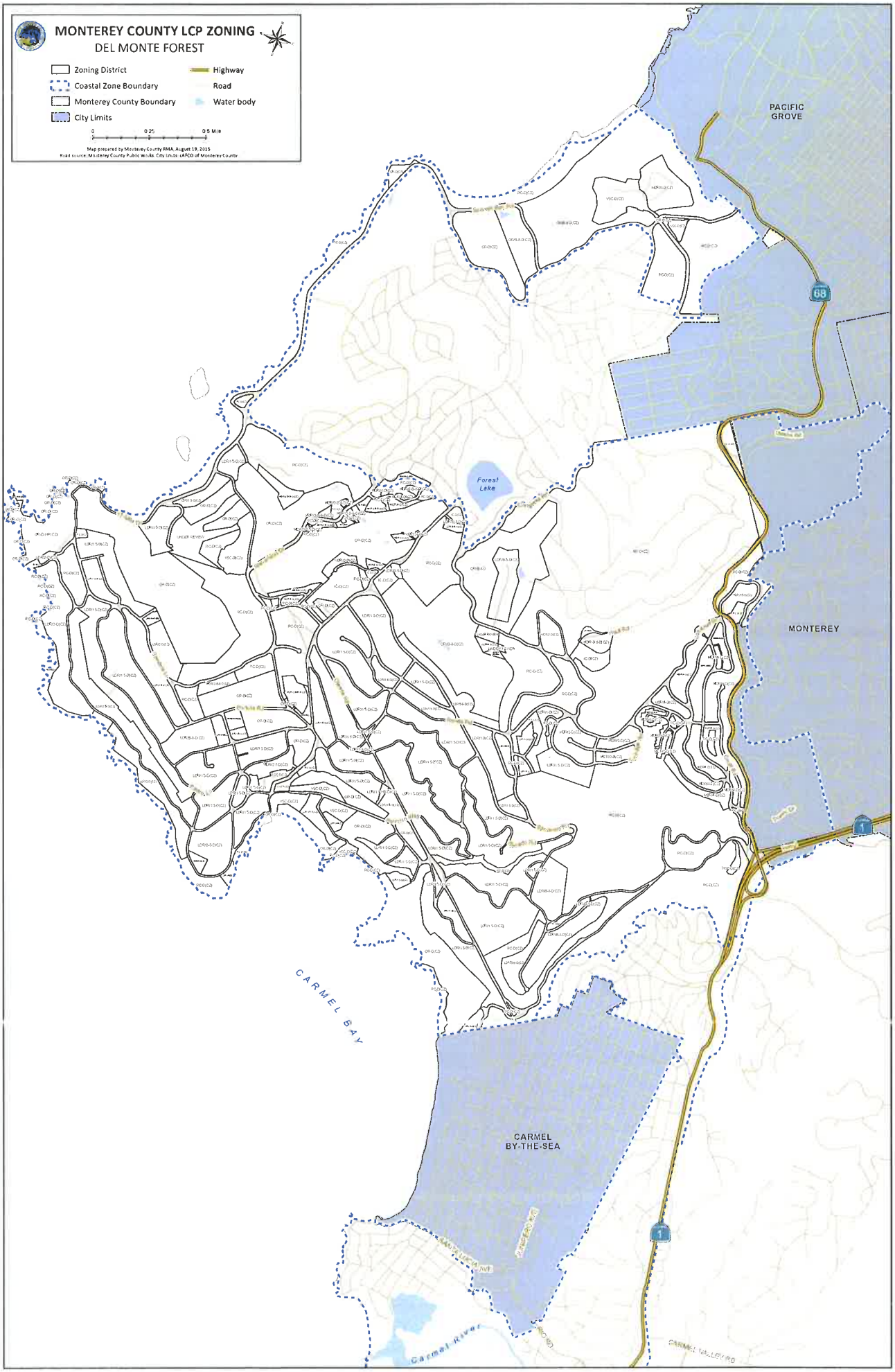


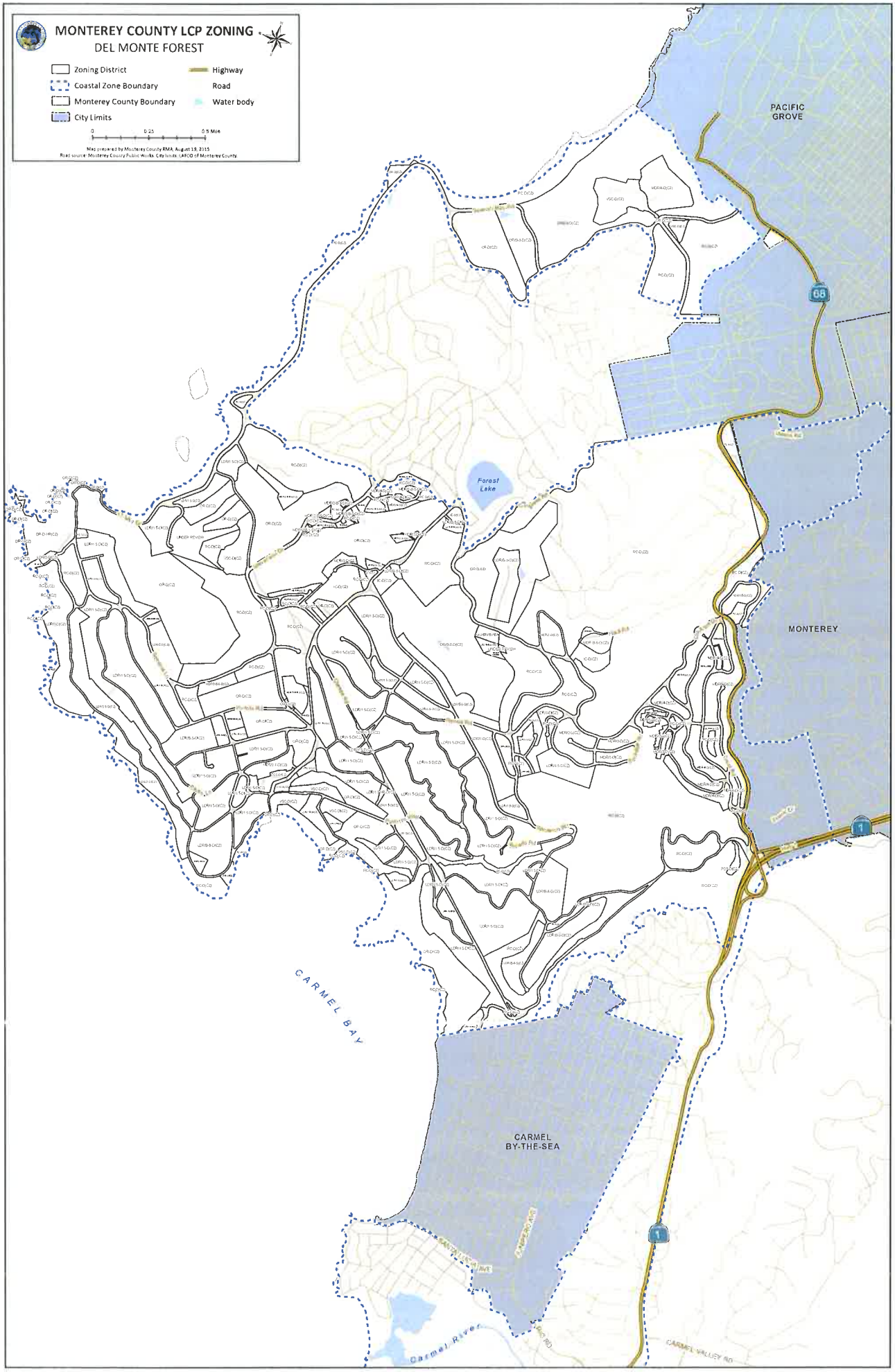
Map Note: Locations approximate. For illustrative purposes only. Attempts have been made to ensure completeness of the data; nonetheless, inaccuracies may exist. The information presented on this map is subject to revision.

CALIFORNIA COASTAL COMMISSION
Regional Cumulative Assessment Project


MONTEREY COUNTY LCP ZONING
NORTH COUNTY
Zoning District
Coastal Zone Boundary
Monterey County Boundary
City Limits
Highway
Major Road
Water body
0
0.5
1
2 Miles
Map prepared by Monterey County RMA, August 19, 2015.
Road source: Monterey County Public Works. City limits: LAFCO of Monterey County
SANTA CRUZ COUNTY
Pajaro
Las Lomas
SEE INSET FOR MOSS LANDING
Elkhorn Slough
Moss Landing
Moro Cojo Slough
Castroville
Salinas River
MARINA
MARINA
INSET OF MOSS LANDING
Elkhorn Slough
Moss Landing
DOLAN RD
Salinas River
101


MONTEREY COUNTY LCP ZONING
CARMEL AREA
Zoning District
Coastal Zone Boundary
Monterey County Boundary
City Limits
Highway
Road
Water body
0
0.25
0.5
1 Mile
Map prepared by Monterey County RMA, August 19, 2015
Road source: Monterey County Public Works City limits: LAFCO of Monterey County
CARMEL BAY
CARMEL BY-THE-SEA
Carmel River
CARMEL VALLEY RD
CARMEL RANCHO BLVD
1


MONTEREY COUNTY LCP ZONING
DEL MONTE FOREST
Zoning District
Coastal Zone Boundary
Monterey County Boundary
City Limits
Highway
Road
Water body
0
0.25
0.5 Mile
Map prepared by Monterey County RMA, August 19, 2015
Road source: Monterey County Public Works. City limits: LAFCO of Monterey County
PACIFIC GROVE
MONTEREY
CARMEL BY-THE-SEA
Forest Lake
CARMEL BAY
Carmel River
68
1


MONTEREY COUNTY LCP ZONING
DEL MONTE FOREST
Zoning District
Coastal Zone Boundary
Monterey County Boundary
City Limits
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0
0.25
0.5 Mile
Map prepared by Monterey County RMA, August 19, 2015
Road source: Monterey County Public Works. City limits: LAFCO of Monterey County.
PACIFIC GROVE
Forest Lake
MONTEREY
CARMEL BAY
CARMEL BY-THE-SEA
Carmel River
CARMEL VALLEY RD
68
1

May 10, 2017

Don Rochester (Chair)
Monterey County Planning Commission

Procedural Question Regarding Public Comment on Agenda Item 8 - Short-Term Rental Ordinances

Referring to agenda item 8 copied below, members of the public on both sides of this issue may wish to address the Commission twice:

- First on 8.a …separating the process for developing inland and coastal…, and
- Second on 8.b ….input on the preliminary draft regulations….

These are distinctly different discussions that cannot be covered in a single, short statement.

We ask that you clarify that a person may address the Commission in this manner if they wish. Also, please indicate if a person who wishes to speak at two separate times must fill out two separate speaker request forms or if a single form is sufficient.

Respectfully,
The Monterey County Vacation Rental Alliance

Reference:
Agenda Item 8. PC 17-031 REF100042/REF130043 - SHORT-TERM RENTAL ORDINANCES
a. Consider separating the process for developing inland and coastal Short-Term Rental ordinances;
b. Conduct a public hearing to obtain input on preliminary draft regulations of Short-Term Rentals for overnight accommodations in residential areas in the unincorporated area of Monterey County;

May 10, 2017 **REF100042-Inland & REF130043-Coastal**

Hello, my name is Janet Hardisty and I live in Big Sur...I was not going to speak today because I heard that this discussion was to be ONLY for the INLAND ZONE - Not my zone, but since people from other areas such as Newport Beach, Los Gatos, Santa Cruz, etc. will be speaking I thought I'd join in. It seems its all about the Commercial Industry of Vacation Rentals against the Residents that truely make our area what it is...has anyone else noticed this? I also believe our Big Sur LUP does not allow these kinds of STRs!

2. One STR per LOT - I would like to asked that you change the wording on this to ONE STR per OWNER in Monterey County....WHY? Because their are to many Property Owners in Monterey County that have anywhere between 2 and 5 different Properties that OFFER STRs. I would prefer only 1 STR per California...

7. Source of Water - STR hosts should have to comply to the same standards of any small private Water Company with 2,3 ? or more households on it. After all think of how many customers they have coming through every year.

9. Responce Time - I would like to suggest the time limit to be 30 minutes instead of the 60 minutes....and that time limit would mean "Physically" present.

12. Outdoor Fires - I would like for you to NOT allow any outdoor fire at all.

18. Advertisement - All forms, including but not limited to, newspaper, magazine, flyers, handbills, television, radio, direct mail, email, blogs (Facebook & the like), websites, text messages, Realtors, Property Managers, ANY MEDIA.

NOT MENTIONED .... I would like to ask you to include in the Regulation Section that STRs will not be **Affiliated with hotels, motel, inns, lodges, etc.** After all **NO** B&B in Monterey County can be Affiliated with them -

I would also like to ask you at this time that STRs not be allowed on any **Private/ Shared Road** as none of the Tax dollars PAYED in by Monterey County residents goes to the upkeep and maintaince of these said roads - But my Tax dollar maintaines the County and State Road systems that bring in all these STRs to all areas of the County.

Thank you!

REF130043

HEARING SUBMITTAL
PROJECT NO./AGENDA NO: PLN170042 / #8
DATE RECEIVED: 5-10-17
RELATIONSHIP TO APPLICANT: Public @ Hearing
DISTRIBUTION TO/DATE: BC / 5-10-17
DATE OF HEARING: 5-10-17

Monterey County Preliminary Draft Short-Term Rental Ordinance

Review by the Monterey County Vacation Rental Alliance (MCVRA)
May 4, 2017

MCVRA wants to thank the Monterey County staff for bringing this preliminary draft short-term rental (STR) ordinance to the Planning Commission – a first step toward an effective ordinance.

MCVRA supports a fair ordinance that would permit STRs while protecting neighbors. MCVRA has long advocated for an ordinance that has a reasonable permitting process, that requires owners to operate their STR in compliance with prescribed rules, and that includes provisions for enforcement. An ordinance such as this would gain wide acceptance by owners, would protect neighbors, would benefit the County with increased transient occupancy taxes, would benefit the local economy, and would serve visitors.

Also, the California Coastal Commission has written twice to the County stating it expects the County to come into compliance with the California Coastal Act by permitting short term rentals.

MCVRA desires the same thing that Monterey County wants – an effective ordinance. We stand here today to help guide this preliminary draft into an effective ordinance.

So what will make this draft an effective ordinance? The draft defines six different STR categories (types) based upon whether an owner is present during the rental, rental frequency, sewer service, and public/private road access. See Attachment 2/Figure 1 in the draft.

1. The category that deals with the majority of STRs is Type 3 (c) where the owner is not present during the rental and rental activity is unlimited. Sixty percent of all local STRs have no owner or manager present during the rental. Type 3 (c) requires an expensive land use permit application (think $6,000) and is discretionary so the applicant may not get a permit after paying his application fee.

High land use permit costs and arbitrary permitting is EXACTLY what caused the current inland County ordinance to FAIL. County staff readily admit only 19 inland permits have been issued in 20 years. The draft requires both a land use permit and a business license. A business license is easy to process and easy to revoke. Drop the land use permit requirement as Pacific Grove did.

2. Discretionary, administrative licensing will result in a failed ordinance. If a home meets requirements X, Y, and Z, then it should be granted a license. Drop discretionary licensing, offer ministerial licensing. Owners will then comply.

3. Type 3 (a) and Type 3 (b) are two other categories that deal with no owner present during the rental but these categories limit the rental activity to just two bookings per year! These categories are completely unnecessary. The County has already gone on record stating an owner can do one booking per month with no need for a short term rental permit. Simplify the ordinance by eliminating these two categories.

4. Type 2 (b) and Type 3 (b) deal with homes that are not hooked up to a sewer system. This would be the case for every home on a septic tank. Some large areas of the County are not served by sewer systems. Faced with expensive waste water inspections and possibly even more expensive system

changes, owners will ignore the ordinance. Yet that same home can be a full-time residence without any inspection of its waste water system. Furthermore, STRs use less water and create less waste water than full-time residences because STRs typically have only about 50% occupancy. Drop this requirement and owners will sign up.

5. Owner present during a guest stay is an unenforceable requirement. Just require that an owner or property manager respond by a specified time.

6. The draft does not offer any grandfathering provisions for STR owners who have been faithfully paying transient occupancy taxes. The tax collector has been very happy to receive these payments even as the County "interprets" that coastal STRs are prohibited. The County has wanted it both ways. It is time for owners to be treated fairly. The next draft should include provisions for grandfathering.

7. Admittedly, this draft is incomplete. It lacks definition on very important matters including geographic limits (density), operating rules, enforcement and permit revocation.

These are the major issues. MCVRA will address other details in the draft directly with County staff. Let's develop an effective ordinance, not another failed ordinance such as the current inland ordinance. None of us want to revisit this in future years.

Let's not withhold the beauty of this area from visitors. Most STR owners truly love offering their homes to guests. Allow the world to visit us without requiring more development.

Respectfully,
The MCVRA Directors

See WATER page 16A

William Overstreet gets a grave marker

CARMEL PINE Cone founder William Overstreet and his wife, Katheryn, were honored Wednesday morning with the installation of a marker at their side-by-side graves in Pacific Grove's El Carmelo Cemetery. Attending the ceremony were (above, from left) grandson Gary Appleton and great-grandchildren Terri Dee Appleton, Joe Flores and Michele Perrault.

Second from right is Pine Cone publisher Paul Miller, who told the family, "I'd especially like to thank Mr. Overstreet for giving our newspaper such an unusual, but perfect, name."

After launching the newspaper in 1915, Overstreet went on to serve in many capacities in the City of Carmel-by-the-Sea, including postmaster. His wife died of cancer in 1932; he was struck by a car and killed in April 1941 while walking along the highway from Monterey to Carmel. The driver was never identified.

PHOTOS BY KELLY NIX

The gravesite is about 50 feet inside and just to the right of the cemetery's main entrance off Asilomar Boulevard.

New rules for granny units are on the way

By MARY SCHLEY

A STATE law that makes it easier to build granny units took effect Jan. 1, and last week, the city council took its first step toward adopting ordinances that would comply with the state's new rules while still protecting the town's character and charm.

Planning director Marc Wiener told the council April 4 that the California Legislature recently determined that allowing people to build rentals on the same land as their own homes, or remodeling their houses to accommodate additional tenants in separate living spaces inside, will help ease housing shortages. As a result, it enacted bills that allow second units in all residential districts and require local governments to approve them without public hearings. The state

See UNITS page 18A

charge for things like using a city park, blocking streets or needing signs and barricades.

"Special events benefit the community in many ways. They provide cultural, educational and recreational opportunities that enrich people's lives while at the same time enhancing the local economy," community services director Janet Bombard said in a report to the commission. "The City of Carmel-by-the-Sea has a history of allocating funding to encourage and support special events."

But the problem, Bombard said, is how much to give to which groups has proved daunting to city hall, as groups compete to show not only how worthy they are but how needy.

To be fair to all, Bombard suggested commissioners provide "grants" to offset a percentage of the city's fees (not including direct costs to taxpayers like police overtime). "Because the city does need to collect fees to offset its costs for facilitating special events, but also wishes to help event organizers hold events in the city," she suggested a reduction

See EVENTS page 10A

right now."

Right place, right time leads to rescue of girl

By MARY SCHLEY

HE CONSIDERS it divine intervention, and she calls it "a miracle," but either way, Stephanie Travaille still has her 5-year-old daughter because of John Burton, who jumped into the Carmel River Lagoon and pulled out the submerged girl after she was swept into the lagoon by a large wave April 2.

Travaille, who grew up here but has since moved away, was walking with her dad and two daughters, ages 5 and 7, along the beach between the ocean and the lagoon, and observed that some of the waves were crashing over the top of the sand dune.

"A giant wave crested over, knocked my dad down and got us completely wet, and swept up my little daughter and pushed her way into the lagoon," she recalled. The last thing she remembered seeing was the little girl's feet as the rest of her disappeared under water.

"And she can't swim," Travaille said.

Screaming at her father to hold onto the older girl, who was panicking, Travaille plunged into the lagoon after her younger daughter, Teah.

"I swam out there, and suddenly, this man burst up out of the water, and he had my daughter in his arms," said Travaille. "And I was like,

See RESCUE page 17A

Hearing a mother's scream and seeing a dark form beneath the surface of the lagoon, artist John Burton jumped in and rescued Teah, age 5, last Sunday.

Business Santa Clara gets Porsche office. C9

Sports Warriors ready for next two games and Gordon Hayward. C1

Sports Cain gives up 9 runs as Reds hammer Giants 13-3. C1

Local Settlement reached in collapse. B1

The newspaper of Silicon Valley

The Mercury News

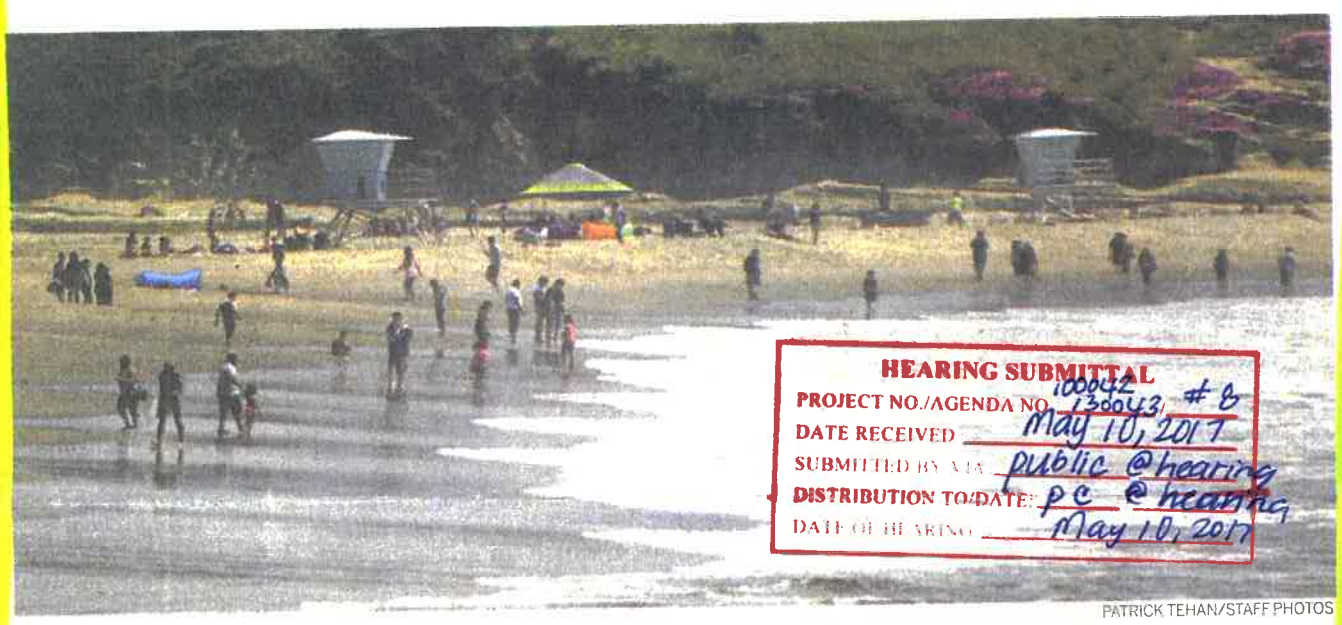
SATURDAY, MAY 6, 2017

24/7 COVERAGE: WWW.MERCURYNEWS.COM ‖ $1.50

BayArea NewsGroup 111

Costly digs keep visitors at bay

TOO STEEP TO STAY



PATRICK TEHAN/STAFF PHOTOS

While beaches this summer in Santa Cruz and elsewhere will be popular destinations, many visitors can't afford to stay the night.

Rising room rates near the beach are pricing out many

By Paul Rogers

progers@bayareanewsgroup.com

As the weather warms up, families across California are planning summertime visits to the beach. But overnight trips to the state's famous coastline are becoming increasingly difficult for middle-class residents to enjoy because the price of admission is soaring.

Thousands of old, relatively low-cost motel rooms along the coast have been closed in recent years, replaced with luxury hotels that are out of reach for many.

The average summer ho-

See **Coast** on Page 8

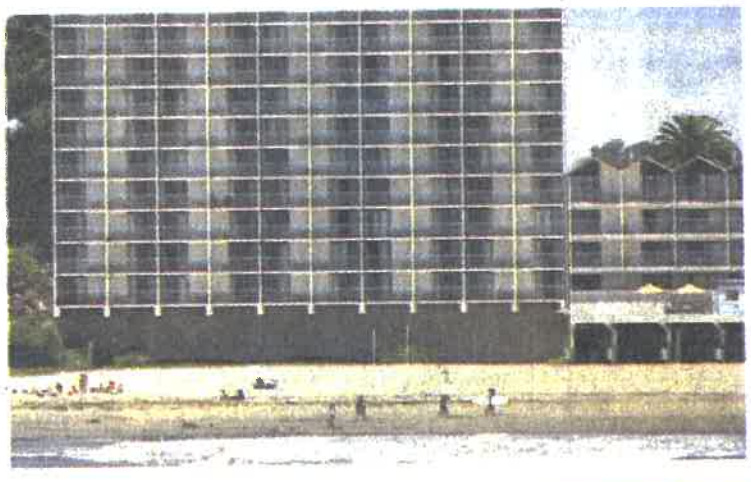
EXPENSIVE COAST

As older motels close or are purchased, they are increasingly being replaced by higher-priced hotels. Average summer room rates for hotels within one mile of the coast:

	County	Average room rate
1	Del Norte	$135
2	Humboldt	$153
3	Mendocino	$193
4	Sonoma	$223
5	Marin	$180
6	San Francisco	$182
7	San Mateo	$302
8	Santa Cruz	$245
9	Monterey	$274
10	San Luis Obispo	$248
11	Santa Barbara	$343
12	Ventura	$194
13	Los Angeles	$254
14	Orange	$287
15	San Diego	$211

Source: California Coastal Conservancy

BAY AREA NEWS GROUP



The Dream Inn offers rooms with ocean views in Santa Cruz, but those rooms come at a price. The average summer hotel room in Santa Cruz County is $245 a night, according to a study out last month by the State Coastal Conservancy.

Potential health care changes

Trump states to bear burden?

Costs expected to be higher in Southern states where many have pre-existing conditions

By Max Ehrenfreund

Washington Post

WASHINGTON — Republicans in the House have successfully moved a bill forward that could make insurance more costly — especially for those living in places around the country where President Donald Trump is most popular. There is no guarantee the bill will make it out of the Senate, but as it stands it would dramatically change the health care market.

The bill passed Thursday would undo and rewrite some of the most consequential elements of the Affordable Care Act, also called Obamacare. The GOP legislation would limit the financial help the ACA makes available to middle-class house-

See **Overhaul** on Page 7

MORE INSIDE

MONTEREY COUNTY PLANNING COMMISSION
MAY 10, 2017
AGENDA ITEM NO. 8

Additional Correspondence

SHORT TERM RENTALS REF100042/REF130043

Contact Info:
Melanie Beretti, Special Programs Manager
Monterey County Resource Management Agency
168 West Alisal St, 2nd Floor, Salinas CA, 93901
(831) 755-5285 or berettim@co.monterey.ca.us

Nickerson, Jacquelyn x5240

From: R. Michael Wisner <wizman@earthlink.net>
Sent: Thursday, May 4, 2017 5:58 PM
To: Nickerson, Jacquelyn x5240
Subject: Re: Monterey County Planning Commission - Wednesday, May 10, 2017

Ms. Nickerson

As a contributing member of the 16-month Monterey County Short Term Rental Working Group last year and before, I want it placed on the public record that at the inception of the Working Group which was a cross section of active and dedicated citizens from the Coastal Zone representing a wide disparity and often conflicting positions re: Short Term Rentals, that the organizing principle was the statement and commitment by Supervisor Dave Potter at initial meeting "there will be no ordinance on Short Term Rentals unless we have dedicated enforcement." If not for this statement and commitment, the Short Term Rental Working Group would not have proceeded. It was the one organizing principle that the majority, if not all, could agree on. It is disappointing and possibly even duplicitous that dedicated enforcement and statutory penalties do not even appear in the current draft ordinance.

In Carmel Highlands there is a serious concern that STR's do not conform to land use. Private and narrow roads are a further consideration. Lastly, the community environment and neighborhood character would be drastically affected. As stated at the last hearing, we are not talking about an owner who lives on-site renting out there guest house. We are not talking about a homeowner renting their home during the car show and taking a vacation. We are talking about a purely commercialized industry destroying the quality of life in our community. There are already numerous reports of STR's, which are deemed presently unpermitted, disrupting neighborhoods in the Highlands.

I stated this publicly at the first hearing in Salinas. I am out of town and on a writing assignment, so will not be able to attend the 10 May hearing. Please publish my statement for the record. I serve on the Carmel Highlands Association as Vice President and as Editor of the local paper, *The Piper*. My statement does not speak for these, but are my own.

Michael Wisner
29705 Peter Pan Road
Carmel Highlands, CA 93923

On May 3, 2017, at 6:53 PM, Nickerson, Jacquelyn x5240 <NickersonJ@co.monterey.ca.us> wrote:

> Good Evening,
>
> Please find the attached agenda for next Wednesday's meeting. You may also view the agenda with live links at:https://monterey.legistar.com/Calendar.aspx or by searching by PLN through https://aca.accela.com/monterey/ .
>
> Thank you,
> *Jacquelyn Nickerson*
> Administrative Secretary
> Monterey County

Resource Management Agency
Land Use Division
831-755-5240

<PC Agenda 051017.pdf>

Nickerson, Jacquelyn x5240

From: Lynne Semeria <lssemeria@sbcglobal.net>
Sent: Thursday, May 4, 2017 5:45 PM
To: Nickerson, Jacquelyn x5240
Subject: Re: Monterey County Planning Commission - Wednesday, May 10, 2017

Dear Ms. Nickerson:

Unfortunately I will not be able to attend the Wednesday, May 10 meeting regarding STRs. Once again, please add my name to the list of those against STRs. I am adamantly, unchangingly, vehemently, absolutely opposed to any STRs in the Carmel Highlands.

Most sincerely,

Lynne Semeria
30776 San Remo Road
Carmel Highlands

On Wed, 5/3/17, Nickerson, Jacquelyn x5240 <NickersonJ@co.monterey.ca.us> wrote:

Subject: Monterey County Planning Commission - Wednesday, May 10, 2017
To:
Date: Wednesday, May 3, 2017, 6:53 PM

Good Evening,

Please find the attached
agenda for next Wednesday's meeting. You may also view the agenda with live links at:
https://monterey.legistar.com/Calendar.aspx
or by searching by PLN through
https://aca.accela.com/monterey/
.

Thank you,
Jacquelyn Nickerson
Administrative
Secretary
Monterey County

Resource Management
Agency
Land Use Division

831-755-5240

Nickerson, Jacquelyn x5240

From: Mark O'Shea <moshea@csumb.edu>
Sent: Thursday, May 4, 2017 11:47 AM
To: Alan
Cc: Robert Danziger; Beretti, Melanie x5285; Bowling, Joshua x5227; 100-District 5 (831) 647-7755; Flores, Bryan; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; Nickerson, Jacquelyn x5240; R. Michael Wisner; kenneth Wright; Big Sur LCP Defense Committee; Magnus Toren; Mary Ann Vasconcellos; Carmel Highlands; Scott Colglazier; Jason Burnett; Stephen Unger; Gwyn De Amaral; Lorraine Oshea; Kate Hardy; Carly Mayberry; Senator.Monning@outreach.senate.ca.gov; Paul Miller; Swanson, Brandon xx5334; Ford, John H. x5158; Mary Trotter (quailmeadows@gmail.com); Jaci Pappas; Kendra Morgenrath; Martha Danziger; martha Karstens (bigsurfire@gmail.com); Marty Morgenrath Morgenrath; Holm, Carl P. x5103; Steve Beck (stevebeck2@gmail.com); Molly Erickson; Pamela Gillooly; Paul Smith; Tim Allen; Michelle Alway; Mary Adams; charlotte Hellam; Jim Rossen; Jimmy Panetta; David Epel; William Minor; Jennifer & George Penley; Donald Burnett; Emmitt Summers; jdrake3@kc.rr.com; Ben Heinrich; jherrera@montereyherald.com; Claudia Melendez; Cody Oliver
Subject: Re: Official Comments on Proposed STR Regulations

I also endorse the comments provided by Robert Danziger. I have observed violations of current regulations against short term rentals on my street for several years (Sonoma Lane) that include the construction of pathways and outdoor structures on adjacent private land and the removal of trees and tree limbs on adjacent properties for the apparent purpose of enhancing view shed, entertainment value of a property for multiple tenants, and access to a local beach and hence the market value of a property used for short term rental purposes. These actions have taken place under the cover of insufficient resources to enforce existing regulations. The third option in the proposed regulations would permit this sort of abuse to expand without limitation, leading to further environmental degradation of coastal lands.

On Thu, May 4, 2017 at 8:01 AM, Alan <ALaschiver@aol.com> wrote:

> Robert Danziger's comments are salient and should be taken very seriously. Your proposed regulations are flawed and deserve additional study and modification.
>
> A. Laschiver

> On 5/3/2017 8:29 PM, Robert Danziger wrote:
>
> > The proposed regulations make progress in some areas and are deficient in others.
> >
> > I just received the errata letter, agree and support holding off on Coastal Zone regulatiosn because of the situation in Big Sur, and the need to collect more data in light of Enforcement and other sections that will be produced at a later date by the MPC.
> >
> > Options 1 and 2 may have merit, but obviously the lack of inclusion about anything related to Enforcement makes thorough analysis impossible. One can imagine both positive and negative results, but the only way to know is to see the whole package.
> >
> > Also, to do the analysis we need to know the distribution (total number in each category) of expected STR's among the 3 options. This is also crucial for analyzing water use, traffic impacts, and whether this policy set increases or decreases access to coastal resources by

visitors and residents. Experience in other communities both in the United States and Internationally suggests that Option 3 type of STR's proliferate rapidly and beyond all initial estimates, largely because of the influx of major investors in to this sector who demand institutional rates of return and are willing to change residential neighborhoods in to commercial zones to meet those ends.

With respect to water use, traffic impacts and access to coastal resources, these appear to be ignored in your proposed rules and your analysis. I believe this is a significant omission that everyone on all sides fo this issue should be concerned about. I note that my comments on these points are included in the Exhibit B Correspondence. So as not to burden fututre reports with my lengthy correspondence again, I incorporate by reference the aforementioned Exhibit B and retain the right to challenge the rules or process for the reasons stated in the previous correspondence. But more or less, the omitted analysis is in the areas of water use, traffic, and coastal access, and which concludes that Option 3 fails to satisfy a majority of issues involved in the CEQA process, and cannot be mitigated.

I object completely to Option 3. Communities including Pacific Grove and hundreds of others around the Country are having enormous problems as a result of policies reflected in Option 3. Monterey County deserves a thorough analysis of these problems: economic, social, safety, water use, traffic and parking problems, noise, enforcement issues - issues that go way beyond environmental issues to the very core of what out Communites are about.

Option 3 is the largest hotel-equivalent land use decision in Monterey County since the average-age person alive today was born. It robs neighbors of the Quiet Enjoyment of their homes in favor of large businesses building huge hotel businesses in residential neighborhoods. It turns the entire Coastal Zone in to a commercial area. The studies on this point are absolutely definitive - there is no contrary data. The now-exploded myth of a homeowner helping to pay the mortgage under Option 3 policies is simply not applicable to Option 3.

I note that one mitigation proposed by Staff is in Paragraph 9:

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Originally proposed a few years ago, actual experience shows that this just doesn't work. As several of us have told the MPC, and are included in my previous comments, we had that exact situation at 101 Lower Walden between 2011 and 2014, and not on one single occasion did the property manager ever reign in their short-term renters from noise, trespassing and other offenses to the neighborhood. One on-call manager went so far as to tell me that she got her revenue from the renters, and that she was there to make sure they had a good time, not to get them to comply with the law or neighborhood norms. This requirement is simply not working in the majority of jurisdictions where it has been tried, and has little, even negative value to the neighborhood.

I also hope, and believe that Staff is obligated to provide, an alternative of strict enforcement of the existing policies, and suggestions as to which penalties have the potential to act as a real deterrent.

Yours truly,

Robert Danziger
Carmel Highlands

Nickerson, Jacquelyn x5240

From: Alan <ALaschiver@aol.com>
Sent: Thursday, May 4, 2017 8:02 AM
To: Robert Danziger; Beretti, Melanie x5285; Bowling, Joshua x5227
Cc: 100-District 5 (831) 647-7755; Flores, Bryan; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; Nickerson, Jacquelyn x5240; R. Michael Wisner; kenneth Wright; Big Sur LCP Defense Committee; Magnus Toren; Mary Ann Vasconcellos; Carmel Highlands; Scott Colglazier; Jason Burnett; Stephen Unger; Gwyn De Amaral; Lorraine Oshea; Kate Hardy; Carly Mayberry; Senator.Monning@outreach.senate.ca.gov; Paul Miller; Swanson, Brandon xx5334; Ford, John H. x5158; Mary Trotter (quailmeadows@gmail.com); Jaci Pappas; Kendra Morgenrath; Martha Danziger; martha Karstens (bigsurfire@gmail.com); Mark O'Shea; Marty Morgenrath Morgenrath; Holm, Carl P. x5103; Steve Beck (stevebeck2 @gmail.com); Molly Erickson; Pamela Gillooly; Paul Smith; Tim Allen; Michelle Alway; Mary Adams; charlotte Hellam; Jim Rossen; Jimmy Panetta; David Epel; William Minor; Jennifer & George Penley; Donald Burnett; Emmitt Summers; jdrake3@kc.rr.com; Ben Heinrich; jherrera@montereyherald.com; Claudia Melendez; Cody Oliver
Subject: Re: Official Comments on Proposed STR Regulations

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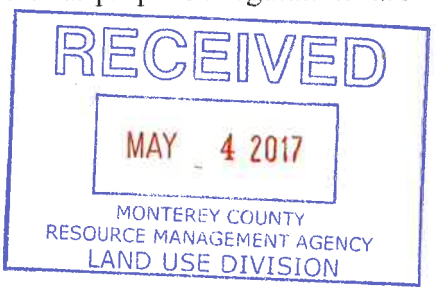

A. Laschiver

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Yours truly,

Robert Danziger
Carmel Highlands

Nickerson, Jacquelyn x5240

From: Robert Danziger <bobdanziger@mac.com>
Sent: Wednesday, May 3, 2017 8:29 PM
To: Beretti, Melanie x5285; Bowling, Joshua x5227
Cc: 100-District 5 (831) 647-7755; Flores, Bryan; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; Nickerson, Jacquelyn x5240; R. Michael Wisner; kenneth Wright; Big Sur LCP Defense Committee; Magnus Toren; Mary Ann Vasconcellos; Carmel Highlands; Scott Colglazier; Jason Burnett; Stephen Unger; Gwyn De Amaral; Lorraine Oshea; Kate Hardy; Carly Mayberry; Alan Laschiver; Senator.Monning@outreach.senate.ca.gov; Paul Miller; Swanson, Brandon xx5334; Ford, John H. x5158; Mary Trotter (quailmeadows@gmail.com); Jaci Pappas; Kendra Morgenrath; Martha Danziger; martha Karstens (bigsurfire@gmail.com); Mark O'Shea; Marty Morgenrath Morgenrath; Holm, Carl P. x5103; Steve Beck (stevebeck2@gmail.com); Molly Erickson; Pamela Gillooly; Paul Smith; Tim Allen; Michelle Alway; Mary Adams; charlotte Hellam; Jim Rossen; Jimmy Panetta; David Epel; William Minor; Jennifer & George Penley; Donald Burnett; Emmitt Summers; jdrake3@kc.rr.com; Ben Heinrich; jherrera@montereyherald.com; Claudia Melendez; Cody Oliver
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Yours truly,

Robert Danziger
Carmel Highlands

Nickerson, Jacquelyn x5240

From: Beretti, Melanie x5285
Sent: Wednesday, May 3, 2017 4:34 PM
To: Nickerson, Jacquelyn x5240
Subject: FW: * November 23, 2016 - The Hart of Santa Barbara's Short-Term Rental Ban

Found 1 more...Please include this article...

Melanie Beretti
Resource Management Agency
831-755-5285

From: sur1954janet@aol.com [mailto:sur1954janet@aol.com]
Sent: Wednesday, November 23, 2016 7:01 PM
To: 100-District 5 (831) 647-7755; Lee, Kathleen M. 647-7755; Beretti, Melanie x5285
Subject: * November 23, 2016 - The Hart of Santa Barbara's Short-Term Rental Ban

The Hart of Santa Barbara's Short-Term Rental Ban

May 5, 2017

Santa Barbara Independent WHO. WHAT. NOW.

Opinion: The Hart of Santa Barbara's Short-Term Rental Ban

Connecting the Dots Between Hotels and City Hall

Wednesday, November 23, 2016

By James Fenkner

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James Fenkner writes this opinion piece after his experiences owning a condo in Santa Barbara's R-4 hotel zone. An investigative financial analyst who moved from Russia to Santa Barbara in 2009, Fenkner has also rented out his home during the summer occasionally, which has allowed him to travel with his wife and children. Both properties, which he owns with his wife, have been fully licensed and paid taxes. The majority of their renters have been families with children.

Starting January 1, 2017, all short-term vacation rentals in the City of Santa Barbara will be unlawful. The mom and pop or, as is often the case, grandma and grandpa owners who continue to rent out even one room for less than 30 days will face the city's wrath. Miscreants will be heavily fined. For those who ask forgiveness, a magnanimous City Council has decided they may pay a lesser fine in exchange for waiving their First and Fourth Amendment rights and swearing to never rent less than 30 days again. Life will be harder for those who resist. If Grandma ignores warnings to cease and desist, the city may search her home and seize evidence of illicit conduct — which would presumably include misplaced family photos, packed suitcases, or a tourist map of State Street.

To fund this war on small-time hospitality, the city has summoned awesome resources. The city's attorney has been apportioned an additional $150,000 to his budget and will get three new employees. Their mission: to scour the Internet in search of a public enemy so addicted to new friendships, ambassadorial pride, home beautification, and the thrill of making ends meet that they occasionally rent out their own homes for less than 30 days. Already the city attorney has sprung into action and subpoenaed 44 websites that advertised short-term rental sites.

There's something un-American about the vociferous prosecution of residents for what they do in their homes. Rather than update a decades old municipal code to properly recognize and regulate vacation rentals, the city has chosen to criminalize what for years has been a licensed, tax-paying practice. Enforcement will have to compete with the city's other core priorities — police, fire, parks, libraries, public works, homeless shelters, under-funded pensions, as well as the weeding out of city waste and corruption.

Why would the city want to do this? Proponents of the ban weave a deeply seductive tale based on Santa Barbara's housing shortage. They'll tell you that those loud, obnoxious tourists are parking on your street, sleeping in your bed, deflowering your fair city, and having a far better time doing it than you'll ever have, all at your expense. Never mind that these urban myths have been thoroughly debunked. The truth lies elsewhere. To find it, follow the money.

Dug in at the money trailhead you'll find the city's hotels. By eliminating competition from the hundreds of short-term vacation rentals, Santa Barbara's hotels snatched control of a valuable monopoly to lodge any and all guests staying less than 30 days. Beginning in 2017, well over $20 million a year in revenue, that was previously shared amongst short-term vacation rentals owners, will flow to the hotels. And this valuable, corporate handout comes just in the nick of time. The long derelict Californian Hotel is in the process of being redeveloped, renamed, and vastly expanded as the 123 room La Entrada de Santa Barbara, slated to open its doors in early

2017. Absent short-term rental competition, demand for all hotel rooms should easily absorb this increased supply, and then some. To understand how one business clique came to eliminate competition from short-term rentals and monopolize all lodging choices, follow the money.

Look no further than Santa Barbara City Councilmember Gregg Hart, the undisputed force behind the city's ban of short-term rentals, and the money trail appears to run dry. Or does it? Like other City Council members, Hart is required by state law to file an annual ethics Form 700 disclosing his outside financial interests. What makes Hart's disclosure forms so remarkable is what precious little he discloses. In fact, Hart disclosed less information than any other Santa Barbara councilperson on record, ever.

During Hart's 2013 campaign, he boasted of running a "small family business". Does he still own it, did he sell it, what ever happened to the money? All Hart's personal investment disclosures are completely blank. As the City Council's sole representative to both Downtown Santa Barbara and Visit Santa Barbara (a marketing group funded by the largest hotels), Hart regularly meets with the city's well-heeled entertainment and hospitality interests. Could it be that over the past three years no one hosted the affable Hart at a single event, picked up his tab, or sent him a Christmas basket?

There is one other minor detail missing: Hart's other full-time job. Nowhere on the city's ethics forms does Hart make reference to his $100,000/year-plus-benefits public relations job at Santa Barbara County Association of Governments, a transportation bureaucracy partially funded by Measure A that has a hand in everything that moves along the central coast. Even if you have trouble comprehending why an intergovernmental bureaucracy needs such an expensive PR employee to primarily prepare "press releases and marketing material," don't give up now. Follow the money.

Hotel owners, managers, investors, and even hotel consultants have all openly contributed to Hart's 2013 city council campaign. The only hotel-related group that did not is the one Hart pretends are his core constituents, the hotel workers. Depending on how it is sliced, hotel and development-related monies account for over $30,000 or one out of very four dollars of Hart's record 2013 campaign funding. In all fairness, Frank Hotchkiss, to a lesser degree, and Bendy White also received money in 2013 from some of these same hotel/developer interests. What sets Hart apart is his lobbyist enthusiasm in presenting the hotel owners' side of the vacation rental story, which is what I heard when I originally asked him about the ordinance. To find the genesis of this errant affair, follow the money.

The Hart and Hotel romance was consummated nearly two decades ago during Hart's first two terms on City Council. Public campaign records from this era have been destroyed by the city clerk's office, but, thankfully, private newspaper archives somehow survived. In a revealing January 2004 article, (*Santa Barbara News-Press*, "SB Losing Hart"), Bill Levy, Hart's "financial supporter," bemoaned the fact that the once-promising Hart was then exiting politics. Levy, it should be noted, is the very same developer who received city approval for, and ultimately lost in bankruptcy, the hotel project now revived as La Entrada de Santa Barbara. What happens next may be pure coincidence, but it smells fishy: Hart, who discloses no investments, claims to have made a $10,000 interest-free loan to his own 2013 campaign around the time that La Entrada de Santa Barbara was passing the city's Historic Landmarks review but before millions of development dollars were put at risk. What is clear is that the $10,000 loan is the only recorded campaign loan outstanding among the entire City Council, and it has not yet been repaid. Future campaign contributions, perhaps from appreciative hoteliers, could enable that $10,000 to slide, like an anonymous hotel key, into Hart's own back pocket. Stay tuned, and follow the money.

Only an independent investigation, with power of subpoena and enforcement, could clarify the full symbiotic financial relationship between Hart and the hotels. Gauge, if you will, the prevalence of self-dealing within the Santa Barbara City Council by the enthusiasm upon which they proceed. In the meantime, ponder the public good subverted and the public access denied by gifting a small clique of hotels a monopoly to underserve the full diversity of guests who visit our lovely, world-renowned city.

Be succinct, constructive, and relevant to the story. Leaving a comment means you agree to our Discussion Guidelines. We like civilized discourse. We don't like spam, lying, profanity, harassment or personal attacks.

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SAT, MAY 13

Feng Shui & Sacred Space

La Casa de Maria R...

BEST BETS

FRIDAY, MAY 5 ›

6:45 PM

Mega Shabbat

Chabad at UCSB

7:00 PM

Bullets Over Broadway - The

Santa Barbara High...

7:00 PM

Damn Yankees

San Marcos High Sc...

7:30 PM

1st Fri Swing Dance

The Carrillo Ballroom

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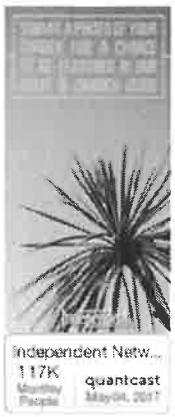


Nickerson, Jacquelyn x5240

From: Richard <bigsur@sprynet.com>
Sent: Friday, April 28, 2017 3:16 PM
To: Nickerson, Jacquelyn x5240
Cc: Martha V Diehl; Beretti, Melanie x5285; Onciano, Jacqueline x5193
Subject: Re: Notices for the Monterey County Planning Commission - Wednesday, May 10, 2017
Attachments: Comments to Monterey County RMA April 4 memo on STRs.doc

Hello Jacquelyn,

Thank you for this notice. I will not be able to attend the hearing on May 10th to make comments on short term rentals. I would appreciate your distributing my initial comments, attached, to the April 4th memorandum to commissioners and staff before the hearing and have them included in the comments from the public.

I would appreciate, if and when Title 20 draft ordinance language is prepared and specifically for the Big Sur Planning area, receiving a copy for review.

Thanks,
Dick Ravich
Big Sur resident

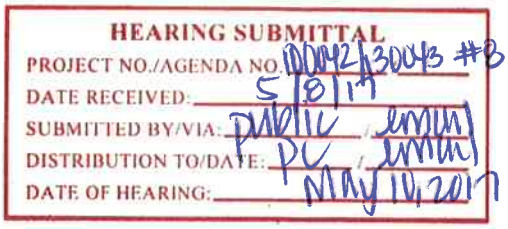
At 02:00 PM 4/27/2017, you wrote:
>Good Afternoon,
>
>Please find the attached notices for the following projects the May 10,
>2017 Planning Commission hearing:
>
>- PLN130516 – Lopez Point
>- PLN020398-AMD1 – Monterey Holdings
>- PLN140089 – Carmel Rio Road
>- PLN160059 – Salinas Self Storage
>- Short Term Rentals
>
>Thank you,
>
>Jacquelyn Nickerson
>Administrative Secretary
>Monterey County
>Resource Management Agency
>Land Use Division
>831-755-5240

Comments to Monterey County RMA memo on Short Term Rentals dated April 4, 2017.

1. It is difficult to comment fully in the absence of a number of critical elements including enforcement and others listed at the bottom of page 1 of the Memorandum.
2. On page 3 of the memorandum, reference is made to have one County wide ordinance, but then goes on to say there would be separate inland (Title 21) and coastal (Title 20) ordinances. Distinctions and differences are not delineated in this ordinance language.
3. The draft ordinance submitted for review is for the inland areas (Title 21) and while some of the language will be used in the coastal ordinance, it is substantially incomplete for review for the coastal areas.
4. Review of any ordinance for the Big Sur Planning area should be done after the adoption of the revised Land Use Plan.
5. Page 1, Applicability. Areas to be included are not fully delineated.
6. Page 1, Definitions. Some missing terms include Habitable Structure, Commercial Use, Residential Use, Permitted Structure, among others.
    a. Transient Occupancy definition refers to commercial use of a structure. Therefore, STRs should be considered to a Commercial Use.
    b. Residential property should state – "means any **permitted** single- or multiple…."
7. Page 2 Regulations. Number 1 should state - "Short Term Rental of Residential Property" means the use, by any person, of **permitted** residential property…
8. Page 3, Number 8. Should state on-street parking not allowed.
9. Page 3, Number 9. 60minute response time is far too long to respond to many violations.
10. Page 4, Number 12. "No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material". Many fires are built on decks, hopefully in a proper structure for that purpose. This is almost impossible to enforce.
11. Page 4, Number 18. A section on advertising needs to be developed including restrictions of signs and advertising at the site.
12. Page 6, Number 3. Add smoke detectors.
13. Page 6, Enforcement. As stated, this needs to be developed and is a critical part of the ordinance.
14. The following also need to be included:
    a. Permits do not run with the property upon sale or transfer.
    b. Term of permit.
    c. Number of permits.
    d. A section should be added for "Private Roads" where the liability and maintenance are fully borne by the property owners. Road and water companies should have the ability to vote to restrict STRs on shared private roads.
    e. STRs shall not be affiliated with any motel or hotel to avoid "commercializing" the residential neighborhoods. No two STRs shall have any common ownership interest.
15. Figure 1 STR Types. I find this quite ambiguous. Also, Frequency of "no limit" is not acceptable.

Nickerson, Jacquelyn x5240

From: Beretti, Melanie x5285
Sent: Monday, May 8, 2017 4:33 PM
To: Steve
Cc: Nickerson, Jacquelyn x5240
Subject: RE: comments on STR draft



Received.

Melanie Beretti
Resource Management Agency
831-755-5285

From: Steve [mailto:stevebeck2@gmail.com]
Sent: Monday, May 08, 2017 1:50 PM
To: Beretti, Melanie x5285; 100-District 5 (831) 647-7755; Holm, Carl P. x5103
Cc: bigsurlcp@gmail.com
Subject: comments on STR draft

Thoughts on the preliminary draft of short term rental regulations included in the Memorandum from Melanie Beretti to the Planning Commission and Board of Supervisors dated April 4, 2017.

Melanie,

Congratulations and thanks to you and all others that have contributed to assembling this preliminary draft. It is well considered, nuanced for this early stage and obviously the product of many hours of collaborative effort.

I understand that this is an attempt to come up with baseline rules for all of Monterey County and will be tailored later to fit inland and coastal areas, and area specific distinctions.

My concerns about str's in Big Sur are the effect on housing, the effect on neighborhoods and the difficulty of enforcement. Because illegal str's have been operating in Big Sur for many years I think there is good evidence to show that those concerns are well grounded.

Housing.

As the number of short term rentals grew over the last decade from a few to dozens, land owners have evicted long-term tenants in favor of the lucrative vacation renter. At first this was a loss of very scarce local housing but then as this new industry grew it was multiplied by the housing needed for gardeners, cleaners and greeters for the str's. The result has been more former locals being forced to move to the Monterey Penninsula and beyond to find available and affordable housing and then commute to Big Sur for work.

Although Big Sur real estate has grown expensive due to many factors (real estate inflation, the wealthy buying second homes), both the availability and affordability of parcels is threatened by the short term rental industry. Homes for sale have been explicitly advertised for their proven income potential and implicitly have become

part of the calculation for an offering price. It has always been a struggle for middle income folks to buy in Big Sur, it would seriously damage the viability of the Big Sur community if it's population is a mix of absentee wealthy owners and unhoused workers.

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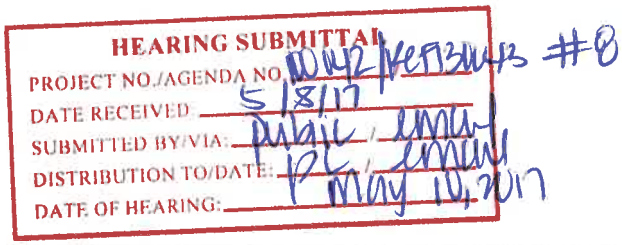
Although a tiered system would, for example, only allow a limited rental of a few nights, it seems to me that this makes enforcement very difficult.

The Big Sur Land Use Plan currently allows for both bed and breakfasts and hostels. Neither provision has been utilized in the 30 years of the plan's existence. Rather than moving to the str format, changes and encouragement for what is in the land use plan seems a better option particularly regarding enforcement.

I hope you will find these thoughts useful as you consider ordinances. Thanks,
Steve Beck Big Sur

Nickerson, Jacquelyn x5240

From: Beretti, Melanie x5285
Sent: Monday, May 8, 2017 4:24 PM
To: Michelle Alway; Nickerson, Jacquelyn x5240
Subject: RE: Public message regarding the May 10, 2017 Planning Commission Scheduled Matter 8 (PC 17-031)



Received.

Melanie Beretti
Resource Management Agency
831-755-5285

From: Michelle Alway [mailto:michellealway@gmail.com]
Sent: Monday, May 08, 2017 2:41 PM
To: Nickerson, Jacquelyn x5240
Cc: Beretti, Melanie x5285
Subject: Re: Public message regarding the May 10, 2017 Planning Commission Scheduled Matter 8 (PC 17-031)

Melanie and Jacquelyn,
I am opposed to separating Big Sur out from this important issue. It seems a waste of County's time and money. It should not be much longer before we can attend together - the way ordinances should be adopted or altered.

Michelle Alway

> On May 8, 2017, at 11:36 AM, Nickerson, Jacquelyn x5240 <NickersonJ@co.monterey.ca.us> wrote:
>
> Good Morning,
>
> The following is on behalf of Melanie Beretti, Special Programs Manager:
>
> *REF100042/REF130043 – SHORT-TERM RENTAL ORDINANCES*
>
> The STR ordinance item was pulled off the March 29, 2017 Planning Commission calendar due some interested Big Sur residents without reasonable access. With limited access restored, staff noticed the **May 10, 2017 hearing at 1:30 p.m.** for both coastal and inland ordinances. However, recognizing there is still limitation for interested parties in Big Sur to attend, the staff report frames the PC hearing on STRs and actions for this item clarifying that it is within the purview of the PC to provide direction to staff as to how to proceed with ordinance development (e.g. pulling out Big Sur; separating Inland from Coastal; proceed all together; defer all together, etc). We will lead off the STR presentation Wednesday with the options and discussion about process. Similar to considering continuances, we will address the process matter first. Subject to the PC determination on scope and timing of the hearing, the PC may elect to open the hearing on the preliminary regulations at the May 10 meeting.
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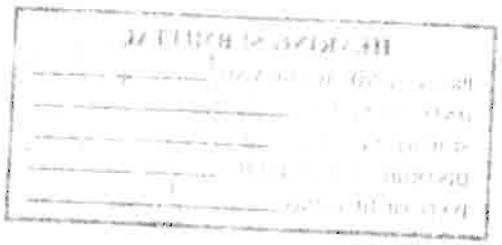
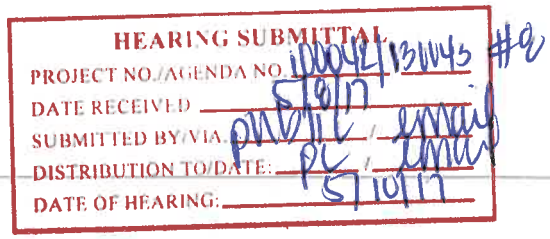
> Respectfully,
> Melanie
>
> ***Melanie Beretti*** | Special Programs Manager

Monterey County Resource Management Agency
168 W. Alisal, 2nd Floor | Salinas, CA 93901
831-755-5285 | www.co.monterey.ca.us/rma/



Nickerson, Jacquelyn x5240

From: Holm, Carl P. x5103
Sent: Monday, May 8, 2017 3:22 PM
To: Nickerson, Jacquelyn x5240
Subject: FW: comments on STR draft



From: Steve [mailto:stevebeck2@gmail.com]
Sent: Monday, May 08, 2017 1:50 PM
To: Beretti, Melanie x5285; 100-District 5 (831) 647-7755; Holm, Carl P. x5103
Cc: bigsurlcp@gmail.com
Subject: comments on STR draft

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Nickerson, Jacquelyn x5240

From: Michelle Alway <michellealway@gmail.com>
Sent: Monday, May 8, 2017 2:41 PM
To: Nickerson, Jacquelyn x5240
Cc: Beretti, Melanie x5285
Subject: Re: Public message regarding the May 10, 2017 Planning Commission Scheduled Matter 8 (PC 17-031)

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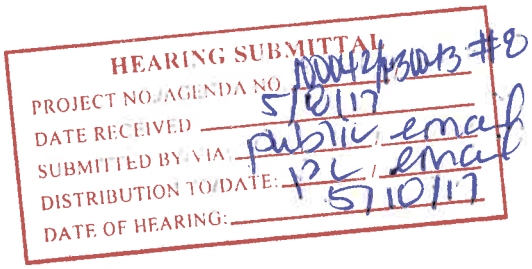
Melanie Beretti | Special Programs Manager
Monterey County Resource Management Agency
168 W. Alisal, 2nd Floor | Salinas, CA 93901
831-755-5285 | www.co.monterey.ca.us/rma/

Nickerson, Jacquelyn x5240

From: Beretti, Melanie x5285
Sent: Monday, May 8, 2017 12:16 PM
To: Lorraine Oshea
Cc: Nickerson, Jacquelyn x5240
Subject: RE: Comments on Proposed STR Regulations



Received.

Melanie Beretti
Resource Management Agency
831-755-5285

From: Lorraine Oshea [mailto:lorrainekoshea@gmail.com]
Sent: Sunday, May 07, 2017 6:11 PM
To: califwayoflife@aol.com
Cc: bobdanziger@mac.com; Beretti, Melanie x5285; Bowling, Joshua x5227; 100-District 5 (831) 647-7755; Flores, Bryan; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; Nickerson, Jacquelyn x5240; wizman@earthlink.net; krwbigsur@gmail.com; admin@bigsurlcp.com; magnus@henrymiller.org; mavthyme@earthlink.net; thecarmelhighlands@gmail.com; rscolglazier@gmail.com; jason.burnett@gmail.com; Steve@KSMUconsulting.com; hbodyk@sbcglobal.net; cmayberry@montereyherald.com; ALaschiver@hotmail.com; Senator.Monning@outreach.senate.ca.gov; paul@carmelpinecone.com; Swanson, Brandon xx5334; FordJH@co.monterey.ca.us; quailmeadows@gmail.com; jaci@redshift.com; KendraMorgenrath@gmail.com; marthalynn@mac.com; bigsurfire@gmail.com; moshea@csumb.edu; martymorgenrath@gmail.com; Holm, Carl P. x5103; stevebeck2@gmail.com; erickson@stamplaw.us; plgillooly@yahoo.com; paul@torreengineering.com; TimAllen1@aol.com; michellealway@gmail.com; maryadams0712@gmail.com; bnest@redshift.com; endodoc81@earthlink.net; jimmypanettaforcongress@gmail.com; depel@stanford.edu; bminor@redshift.com; jenpen512@gmail.com; dlbnet@sbcglobal.net; emmitt_summers@msn.com; jdrake3@kc.rr.com; Ben@benheinrich.com; jherrera@montereyherald.com; claudiasmelendez@gmail.com; cody@bigsurlandscape.com
Subject: Re: Comments on Proposed STR Regulations

Jacquelyn,

I am in totally against short term rentals in Carmel Highlands and Big Sur. I am concerned about my property value decreasing and already the character of my street has changed since persons are renting rooms on STR basis. The county has not been able to enforce the regulations and tax collections. The county seems to be depending on the goodwill of the persons renting out their houses to pay. People are advertising on multiple sites and the county has no one to investigate how often rentals are occurring.

The traffic on Highway One is congested on weekends. There is no relief to this problem in the near future. Increasing the number of occupants in a house adds to this problem.

Recently California American Water Company has quadrupled the water bills due to our conservation of water usage. If more water will be used because of more occupants in a home, will that also causes more increases?

The people who own and live in there homes are being taken advantage of by others doing a business of STR's in a residential area. We are not sharing in their profits and their is no benefit to us who are providing the environment on which they are profiting.

Sincerely,
Lorraine O'Shea
Carmel Highlands

Sent from my iPhone

On May 7, 2017, at 4:25 PM, califwayoflife@aol.com wrote:

Jacquelyn,

My position is that operating Short Term Rentals is an illegal activity in Carmel Highlands ,which is zoned as a Low Density Residential area . By Permitting STR' s ,County will be forcing homeowners and their home asset to be in a NEGATIVE position of financial loss and depreciation, subjecting them to live in a Commercial Zone. Furthermore , it will deteriorate the potential for others to seek affordable housing .

The current proposed regulations from your staff shed light on the highly controversial issue of STR's . However, previously expressed concerns around the negative impact of STR's and the proper code enforcements (Fines based on repeated STR home owners, offenses & Suspension, and transparency of actual home owners of STRs , are not addressed thoroughly.) County must impose heavy fines against STR abusers . A second offense should restrict further activity in the areas that STR's are allowed to operate their commercial use.

Monterey County currently meets the State conservation water standards and is the best in the state. However, if STRs and Air BNB are permitted , there will be over occupancy and additional water used . This will exceed past conservation levels and Monterey County residents WILL have penalties imposed on them by the State. Is this fair to the tax paying residents of Monterey County ?

Staff was instructed to meet with representatives from Pacific Grove to assist them with the draft that is now being presented . More attention must be added to the existing proposal if County is going to approve this illegal activity in its current STR standing. Public should hear the pros and cons that Pacific Grove is experiencing with the STR's.

Carmel Highlands is an unincorporated community located just south of Point Lobos. Both State Parks and County are overwhelmed with code enforcement related complaints & parking violations due to the increased amount of visitors parked on Highway 1, that are encroaching into Carmel Highlands.

Furthermore , this policy would re -write the land use plan in Carmel Highlands and Big Sur. Permitting this Commercial use in Carmel Highlands and Big Sur. Zoning Administrators will be changing the level and use of our legal lots of record if passed .

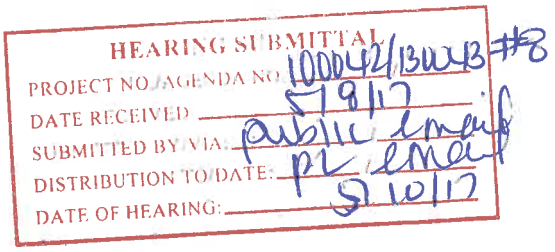
Monterey County Vacation Rental Alliance/AIR BNB seem adamant to force their business in any demographic location where they can find an applicant with a room. MCVRA state that they are creating jobs ,when in fact they are tapping out the resources of Code Enforcement who are responding to their illegal violations in many of the homes that are currently being used for STR and hosting special events . We choose to live in Carmel Highlands (LDR) so we could enjoy the peace and tranquility of our home and community.

We urge County to deny STR 's in both Carmel Highlands and Big Sur .

Thank you
Gwyn De Amaral

Nickerson, Jacquelyn x5240

From: Beretti, Melanie x5285
Sent: Monday, May 8, 2017 12:16 PM
To: califwayoflife@aol.com
Cc: Nickerson, Jacquelyn x5240
Subject: RE: Comments on Proposed STR Regulations



Received.

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Resource Management Agency
831-755-5285

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Sent: Sunday, May 07, 2017 4:25 PM
To: bobdanziger@mac.com; Beretti, Melanie x5285; Bowling, Joshua x5227
Cc: 100-District 5 (831) 647-7755; Flores, Bryan; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; Nickerson, Jacquelyn x5240; wizman@earthlink.net; krwbigsur@gmail.com; admin@bigsurlcp.com; magnus@henrymiller.org; mavthyme@earthlink.net; thecarmelhighlands@gmail.com; rscolglazier@gmail.com; jason.burnett@gmail.com; Steve@KSMUconsulting.com; lorrainekoshea@gmail.com; hbodyk@sbcglobal.net; cmayberry@montereyherald.com; ALaschiver@hotmail.com; Senator.Monning@outreach.senate.ca.gov; paul@carmelpinecone.com; Swanson, Brandon xx5334; FordJH@co.monterey.ca.us; quailmeadows@gmail.com; jaci@redshift.com; KendraMorgenrath@gmail.com; marthalynn@mac.com; bigsurfire@gmail.com; moshea@csumb.edu; martymorgenrath@gmail.com; Holm, Carl P. x5103; stevebeck2@gmail.com; erickson@stamplaw.us; plgillooly@yahoo.com; paul@torreengineering.com; TimAllen1@aol.com; michellealway@gmail.com; maryadams0712@gmail.com; bnest@redshift.com; endodoc81@earthlink.net; jimmypanettaforcongress@gmail.com; depel@stanford.edu; bminor@redshift.com; jenpen512@gmail.com; dlbnet@sbcglobal.net; emmitt_summers@msn.com; jdrake3@kc.rr.com; Ben@benheinrich.com; jherrera@montereyherald.com; claudiasmelendez@gmail.com; cody@bigsurlandscape.com
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Nickerson, Jacquelyn x5240

From: Beretti, Melanie x5285
Sent: Monday, May 8, 2017 12:15 PM
To: Michelle Alway
Cc: Nickerson, Jacquelyn x5240
Subject: RE: STR hearing May 10

Received.

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 10042/130B #8
DATE RECEIVED: 5/8/17
SUBMITTED BY/VIA: public / email
DISTRIBUTION TO/DATE: PC / email 5/10/17
DATE OF HEARING: 5/10/17

Melanie Beretti
Resource Management Agency
831-755-5285

-----Original Message-----
From: Michelle Alway [mailto:michellealway@gmail.com]
Sent: Sunday, May 07, 2017 3:28 PM
To: Nickerson, Jacquelyn x5240; Beretti, Melanie x5285; Bowling, Joshua x5227; 100-District 5 (831) 647-7755; Flores, Bryan; Senator.Monning@outreach.senate.ca.gov; Holm, Carl P. x5103; jimmypanettaforcongress@gmail.com; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; FordJH@co.monterey.ca.us; Martha V Diehl
Subject: STR hearing May 10

Dear Sirs/Madams,

May 10 is the one day in the entire month that I cannot attend the hearing in Salinas, so I am hopeful you will consider my comments.

I urge the County to consider the integrity of Carmel Highlands and Big Sur before changing the zoning and/or land use in our areas by allowing STRs. They are a business, and would make our residential community a commercial area. This would affect our lives greatly. The County cannot enforce the ordinance now — I have not seen a specific plan for increased enforcement staff, nor where the money will come from to finance it. Having additional out-of-towners vacation for weekends in Carmel Highlands will greatly affect our septic systems, water use and parking problems on our narrow streets.

The proposed draft ordinance is not specific enough to preserve our residential neighborhoods. The unenforced STRs will create further health and safety issues.

Regards,

Michelle Alway
Carmel Highlands

Nickerson, Jacquelyn x5240

From: Jean <twjw8790@aol.com>
Sent: Monday, May 8, 2017 12:10 PM
To: Nickerson, Jacquelyn x5240
Cc: Beretti, Melanie x5285
Subject: Re: Public message regarding the May 10, 2017 Planning Commission Scheduled Matter 8 (PC 17-031)

Thank you for the delay. We are part of the stranded Big Sur residents. The challenges for daily life have been many and very frustrating. We appreciate your understanding as the STR decisions are important to us and impact our lives greatly.

Best,
Jean and Tim Weiss
Coastlands, Big Sur

Sent from my iPhone

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Sent: Sunday, May 7, 2017 6:11 PM
To: califwayoflife@aol.com
Cc: bobdanziger@mac.com; Beretti, Melanie x5285; Bowling, Joshua x5227; 100-District 5 (831) 647-7755; Flores, Bryan; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; Nickerson, Jacquelyn x5240; wizman@earthlink.net; krwbigsur@gmail.com; admin@bigsurlcp.com; magnus@henrymiller.org; mavthyme@earthlink.net; thecarmelhighlands@gmail.com; rscolglazier@gmail.com; jason.burnett@gmail.com; Steve@KSMUconsulting.com; hbodyk@sbcglobal.net; cmayberry@montereyherald.com; ALaschiver@hotmail.com; Senator.Monning@outreach.senate.ca.gov; paul@carmelpinecone.com; Swanson, Brandon xx5334; FordJH@co.monterey.ca.us; quailmeadows@gmail.com; jaci@redshift.com; KendraMorgenrath@gmail.com; marthalynn@mac.com; bigsurfire@gmail.com; moshea@csumb.edu; martymorgenrath@gmail.com; Holm, Carl P. x5103; stevebeck2 @gmail.com; erickson@stamplaw.us; plgillooly@yahoo.com; paul@torreengineering.com; TimAllen1@aol.com; michellealway@gmail.com; maryadams0712@gmail.com; bnest@redshift.com; endodoc81@earthlink.net; jimmypanettaforcongress@gmail.com; depel@stanford.edu; bminor@redshift.com; jenpen512@gmail.com; dlbnet@sbcglobal.net; emmitt_summers@msn.com; jdrake3@kc.rr.com; Ben@benheinrich.com; jherrera@montereyherald.com; claudiasmelendez@gmail.com; cody@bigsurlandscape.com
Subject: Re: Comments on Proposed STR Regulations

Jacquelyn,

I am in totally against short term rentals in Carmel Highlands and Big Sur. I am concerned about my property value decreasing and already the character of my street has changed since persons are renting rooms on STR basis. The county has not been able to enforce the regulations and tax collections. The county seems to be depending on the goodwill of the persons renting out their houses to pay. People are advertising on multiple sites and the county has no one to investigate how often rentals are occurring.

The traffic on Highway One is congested on weekends. There is no relief to this problem in the near future. Increasing the number of occupants in a house adds to this problem.

Recently California American Water Company has quadrupled the water bills due to our conservation of water usage. If more water will be used because of more occupants in a home, will that also causes more increases?

The people who own and live in there homes are being taken advantage of by others doing a business of STR's in a residential area. We are not sharing in their profits and their is no benefit to us who are providing the environment on which they are profiting.

Sincerely,
Lorraine O'Shea
Carmel Highlands

Sent from my iPhone

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 100042/130040 #8
DATE RECEIVED 5/8/17
SUBMITTED BY/VIA Public / email
DISTRIBUTION TO/DATE: PC / email
DATE OF HEARING: 5/10/17

On May 7, 2017, at 4:25 PM, califwayoflife@aol.com wrote:

Jacquelyn,

My position is that operating Short Term Rentals is an illegal activity in Carmel Highlands ,which is zoned as a Low Density Residential area . By Permitting STR' s ,County will be forcing homeowners and their home asset to be in a NEGATIVE position of financial loss and depreciation, subjecting them to live in a Commercial Zone. Furthermore , it will deteriorate the potential for others to seek affordable housing .

The current proposed regulations from your staff shed light on the highly controversial issue of STR's . However, previously expressed concerns around the negative impact of STR's and the proper code enforcements (Fines based on repeated STR home owners, offenses & Suspension, and transparency of actual home owners of STRs , are not addressed thoroughly.) County must impose heavy fines against STR abusers . A second offense should restrict further activity in the areas that STR's are allowed to operate their commercial use.

Monterey County currently meets the State conservation water standards and is the best in the state. However, if STRs and Air BNB are permitted , there will be over occupancy and additional water used . This will exceed past conservation levels and Monterey County residents WILL have penalties imposed on them by the State. Is this fair to the tax paying residents of Monterey County ?

Staff was instructed to meet with representatives from Pacific Grove to assist them with the draft that is now being presented . More attention must be added to the existing proposal if County is going to approve this illegal activity in its current STR standing. Public should hear the pros and cons that Pacific Grove is experiencing with the STR's.

Carmel Highlands is an unincorporated community located just south of Point Lobos. Both State Parks and County are overwhelmed with code enforcement related complaints & parking violations due to the increased amount of visitors parked on Highway 1, that are encroaching into Carmel Highlands.

Furthermore , this policy would re -write the land use plan in Carmel Highlands and Big Sur. Permitting this Commercial use in Carmel Highlands and Big Sur. Zoning Administrators will be changing the level and use of our legal lots of record if passed .

Monterey County Vacation Rental Alliance/AIR BNB seem adamant to force their business in any demographic location where they can find an applicant with a room. MCVRA state that they are creating jobs ,when in fact they are tapping out the resources of Code Enforcement who are responding to their illegal violations in many of the homes that are currently being used for STR and hosting special events . We choose to live in Carmel Highlands (LDR) so we could enjoy the peace and tranquility of our home and community.

We urge County to deny STR 's in both Carmel Highlands and Big Sur .

Thank you
Gwyn De Amaral

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 100042/130048 #8
DATE RECEIVED: 5/10/17
SUBMITTED BY/VIA: public / email
DISTRIBUTION TO/DATE: PC / 5/10/17
DATE OF HEARING: 5/10/17

Nickerson, Jacquelyn x5240

From: califwayoflife@aol.com
Sent: Sunday, May 7, 2017 4:25 PM
To: bobdanziger@mac.com; Beretti, Melanie x5285; Bowling, Joshua x5227
Cc: 100-District 5 (831) 647-7755; Flores, Bryan; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; Nickerson, Jacquelyn x5240; wizman@earthlink.net; krwbigsur@gmail.com; admin@bigsurlcp.com; magnus@henrymiller.org; mavthyme@earthlink.net; thecarmelhighlands@gmail.com; rscolglazier@gmail.com; jason.burnett@gmail.com; Steve@KSMUconsulting.com; lorrainekoshea@gmail.com; hbodyk@sbcglobal.net; cmayberry@montereyherald.com; ALaschiver@hotmail.com; Senator.Monning@outreach.senate.ca.gov; paul@carmelpinecone.com; Swanson, Brandon xx5334; FordJH@co.monterey.ca.us; quailmeadows@gmail.com; jaci@redshift.com; KendraMorgenrath@gmail.com; marthalynn@mac.com; bigsurfire@gmail.com; moshea@csumb.edu; martymorgenrath@gmail.com; Holm, Carl P. x5103; stevebeck2@gmail.com; erickson@stamplaw.us; plgillooly@yahoo.com; paul@torreengineering.com; TimAllen1@aol.com; michellealway@gmail.com; maryadams0712@gmail.com; bnest@redshift.com; endodoc81@earthlink.net; jimmypanettaforcongress@gmail.com; depel@stanford.edu; bminor@redshift.com; jenpen512@gmail.com; dlbnet@sbcglobal.net; emmitt_summers@msn.com; jdrake3@kc.rr.com; Ben@benheinrich.com; jherrera@montereyherald.com; claudiasmelendez@gmail.com; cody@bigsurlandscape.com
Subject: Comments on Proposed STR Regulations

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We choose to live in Carmel Highlands (LDR) so we could enjoy the peace and tranquility of our home and community.

We urge County to deny STR 's in both Carmel Highlands and Big Sur .

Thank you
Gwyn De Amaral

Nickerson, Jacquelyn x5240

From: Michelle Alway <michellealway@gmail.com>
Sent: Sunday, May 7, 2017 3:28 PM
To: Nickerson, Jacquelyn x5240; Beretti, Melanie x5285; Bowling, Joshua x5227; 100-District 5 (831) 647-7755; Flores, Bryan; Senator.Monning@outreach.senate.ca.gov; Holm, Carl P. x5103; jimmypanettaforcongress@gmail.com; Max.Gomberg@waterboards.ca.gov; jrobertson@waterboards.ca.gov; FordJH@co.monterey.ca.us; Martha V Diehl
Subject: STR hearing May 10

Dear Sirs/Madams,

May 10 is the one day in the entire month that I cannot attend the hearing in Salinas, so I am hopeful you will consider my comments.

I urge the County to consider the integrity of Carmel Highlands and Big Sur before changing the zoning and/or land use in our areas by allowing STRs. They are a business, and would make our residential community a commercial area. This would affect our lives greatly. The County cannot enforce the ordinance now — I have not seen a specific plan for increased enforcement staff, nor where the money will come from to finance it. Having additional out-of-towners vacation for weekends in Carmel Highlands will greatly affect our septic systems, water use and parking problems on our narrow streets.

The proposed draft ordinance is not specific enough to preserve our residential neighborhoods. The unenforced STRs will create further health and safety issues.

Regards,

Michelle Alway
Carmel Highlands

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 1000412/12VAR3 #8
DATE RECEIVED 5/8/17
SUBMITTED BY/VIA: public / email
DISTRIBUTION TO/DATE: PC / 5/10/17
DATE OF HEARING:

Nickerson, Jacquelyn x5240

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 100042/130043-#2
DATE RECEIVED 5/8/17
SUBMITTED BY/VIA: public email
DISTRIBUTION TO/DATE: pc / email 5/10/17
DATE OF HEARING:

From: Gwyn De Amaral <preservecarmelhighlands@gmail.com>
Sent: Sunday, May 7, 2017 2:45 PM
To: Nickerson, Jacquelyn x5240
Subject: Fwd: Monterey County Planning Commission - Wednesday, May 10, 2017

Jacquelyn,

My position is that operating Short Term Rentals is an illegal activity in Carmel Highlands ,which is zoned as a Low Density Residential area . By Permitting STR' s ,County will be forcing homeowners and their home asset to be in a NEGATIVE position of financial loss and depreciation,subjecting them to live in a Commercial Zone. Furthermore , it will deteriorate the potential for others to seek affordable housing .

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We urge County to deny STR 's in both Carmel Highlands and Big Sur .

Thank you

Gwyn De Amaral
Carmel Highlands

Nickerson, Jacquelyn x5240

From: Beretti, Melanie x5285
Sent: Friday, May 5, 2017 5:35 PM
To: Nickerson, Jacquelyn x5240
Subject: FW: Monterey County STR ordinance draft

STR Public Comment

Melanie Beretti
Resource Management Agency
831-755-5285

From: Betty Withrow [mailto:hatatmama@yahoo.com]
Sent: Thursday, May 04, 2017 10:57 AM
To: Beretti, Melanie x5285
Subject: Fw: Monterey County STR ordinance draft

May 4, 2017

To the Monterey County Planning Commission, the Coastal Commission, and the Monterey County Supervisors:

Regarding the draft ordinance for the regulation of short-term rentals, now under discussion, I have a number of concerns about the scope and intent of the various provisions. Many of them are not in line with creation of an ordinance that is fair, workable, and enforceable.

This ordinance as written will be a guaranteed failure. Inspections, etc., are costly, not needed, and discriminatory. Especially in rural areas, such as the south county, with the prevalence of poverty, and lack of proper county services of any kind, it is a rank example of discrimination.

People in this area of the county have a hard time finding decent jobs. It is a struggle to keep our properties and avoid selling out to the wine growers and billionaires who want to take our county for their own. Why should the county want to make it harder for rural property owners to keep our land and pass it along to our families?

This is simply setting up a continuation of the existing "snitch enforcement" and is not a real solution to any concerns for rural use. Grandfathering in and existing or well planned use is a sane way to do it, that is realistic, cost effective, and will motivate people to get into compliance.

Our current poor management of resources by Monterey County RMA, and near non-existent water and waste water treatment solutions for rural areas is not

solved by harassing a small business like STRs which already reduce the problem by 50% (50% occupancy).

Of the major concerns, the septic tank issue is not in line with any form of economic realities. Installation of secondary lines and so on creates a prohibitive level of expense for property owners who have been using their systems without problems for many years.

Also, the ordinance is requiring a "franchised" waste hauler. We have none in this remote South Coast area so I see this as another way to eliminate STRs. People in this area have packed out own own trash for many years as a normal part of ranch maintenance.

The requirement that a property may only have one STR is unreasonable. The limitation to twice a year for properties that do not have owners on site is preposterous and invites non-compliance. Creating a system that limits the number of rental days to 90, such as is done in Pacific Grove, creates an ordinance that will limit negative impacts and still allow STR owners to manage their operations in a way that makes sense.

A reasonable ordinance makes provisions for actual conditions and does not impose an undue burden on the citizens in order to be in compliance with the law. What is the intent of making things more difficult?
I suggest that any existing STR party whom has been paying TOT tax faithfully to the county for 12 months or longer, who has not had any complaints has already proved viability.
Such parties should be subject to an administrative permit process only and at minimal cost.

Some suggestions:
1. Ordinance should more closely reflect PG's ordinance with the 3 classifications.
2. License rather than a permit. Less established bureaucracy, easier to manage. Also for anti STRs it may be easier to suspend if an STR presents verifiable problems.
3. Separate rules for owner occupied vs none should be replaced by near by oversite requirements that allow property managers to be located nearby. "Living on site" is not an enforceable criteria, just as "whole house" is not an enforceable criteria. Requirements of owner OR property manager to respond by a specified time is much more reasonable and fair, as well as enforceable.
4. Coast should look like inland.
5.San Luis Obispo has developed a excellent fining system for tenants aka students that have parties,etc. The fine goes to the tenant if the sheriff is called to address a situation.

The word "discretionary" has no place in ANY legislation.
Who decides? Bodies with discretionary authority are subject to corruption and bias.
Criteria for inclusion should be drafted which are specific, and not subject to the whims of a chosen few.
To add to this : conflicts with the entity who exercises discretionary authority

opens the county up to potential litigation, especially since they have made the process such an investment of time and expense. The burden of litigation will be upon the taxpayers of this county.

STR owners are sincere in wanting to make a positive contribution to Monterey County that is in line with the positive growth of our county's economy without causing secondary impacts that degrade the environment, and forward-looking ways of serving the needs of our posterity.

IN SUM: Let us not withhold the beauty of this area from outsiders.
STR owners offer an experience that allows the world to visit us, without adding to the destruction of our beautiful area by more hotel and franchise hospitality. We offer an opportunity for people to learn directly from us about our area, and to find the hidden treasures that our local artisans create, to take part in small and valuable cultural experiences that they would otherwise miss.

Frankly, we should be praised for that!

Sincerely,

Betty Withrow
info@bettyofbigsur.com
(831)667-234

Betty Withrow, Author of "Prevail: Seven Keys to Create a Personal Victory".
www.bettyofbigsur.com
831-667-2314
amazon.com/author/bettywithrow

Nickerson, Jacquelyn x5240

From: Donald Burnett <dlbnet@sbcglobal.net>
Sent: Tuesday, May 9, 2017 11:25 AM
To: Nickerson, Jacquelyn x5240
Subject: Fw: STR hearing May 10, 2017

On Tuesday, May 9, 2017 11:10 AM, Donald Burnett <dlbnet@sbcglobal.net> wrote:

Dear Sirs/Madams,

I am opposed to allowing short term rentals in the Carmel Highlands Big Sur Coastal Zone. We are zoned for single family housing.

I am a 51 year resident of the Carmel Highlands, and have enjoyed living on our quite street. About five years ago a couple moved to our street which is a narrow, non-conforming road, and started changing the house into one with multiple bedrooms,
and then started listing it on Airbnb. The ad listed the vacation house that can sleep ten people.They started renting to multiple families that parked their cars in the street and on Highway One shoulder bike lane,.making it difficult for others to exit,
or turn on to Highway One. Or next door neighbor's daughter was hit because she could not see the traffic coming in the south bound lane. The house has no garage and only a small parking area for two cars, and NO street parking.

Also, we are concerned about the house value when we have a motel on the street..

Please don't change our Big Sur Coastal Zoned, Single Family Residential Homes.

Donald Burnett DDS
Carmel Highlands

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 1000421 130043 #9
DATE RECEIVED: 5/9/17
SUBMITTED BY/VIA: public / email
DISTRIBUTION TO/DATE: PC / email
DATE OF HEARING: 5/10/17

Nickerson, Jacquelyn x5240

From: Moore, Susan x7664
Sent: Tuesday, May 9, 2017 2:07 PM
To: Nickerson, Jacquelyn x5240
Cc: Onciano, Jacqueline x5193; Holm, Carl P. x5103
Subject: May 10th Planning Commission Meeting (Big Sur Land Use Planning Area/Short Term Rental Preliminary Regulations)

Importance: High

Ms. Nickerson: Could you please forward the following message to the Planning Commissioners on behalf of Supervisor Mary Adams? Thank you very much!

Dear Chair Rochester and Commissioners,

I respectfully request that you consider removing the Big Sur Land Use Planning Area from your consideration of the Short Term Rental preliminary regulations that will be coming before the Planning Commission on May 10. When considering the extraordinary challenges facing Big Sur, we must ensure that the process is inclusive. This request is not to express any opinion as to the content of the regulations, but rather to maximize the participation of the Big Sur community.

I do not wish for the exclusion of the Big Sur Land Use Planning Area to last any longer than it must. I recommend addressing Short Term Rentals in the Big Sur Land Use Planning Area after the Pfeiffer Canyon Bridge is back in place.

Thank you for consideration of this request.

Best,
Supervisor Mary L. Adams

HEARING SUBMITTAL
PROJECT NO./AGENDA NO. 130043 #8
DATE RECEIVED: 5/9/17
SUBMITTED BY/VIA: public / email
DISTRIBUTION TO/DATE: PC / email
DATE OF HEARING: 5/10/17

Susan Moore
Office Manager
Office of Supervisor Mary L. Adams
County of Monterey, District 5
1200 Aguajito Road, Suite 1
Monterey, CA 93940
Phone: Monterey: 831-647-7755 / Salinas: 831-755-5055
Fax: 831-647-7695
Direct: 831-647-7664
E-mail: moores@co.monterey.ca.us