

Attachment 5

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From: [Maciel Pantoja, Yolanda](#)
To: [McDougal, Melissa x5146](#)
Subject: STR Comments
Date: Thursday, July 05, 2018 1:35:35 PM

kkcconsults@aol.com

Monterey County Board of Supervisors,

RE: Short Term Rentals

I am writing to weigh in on this controversial issue as a resident of Carmel Valley, because **I AM IN FAVOR OF SHORT TERM RENTALS** and I'm concerned that the voice of those of us IN FAVOR is not being heard. Please note that I am not in favor simply because I stand to benefit financially or in any other way. I do not own property that I am renting on a short term basis, and I never plan to.

My home is in a gated community in Carmel Valley with at least one property listed on short term rental websites and rented as such. There have been no problems whatsoever that I have witnessed nor experienced in having short term renters visiting the occasional property in our area. Most are quiet families and couples seeking pleasant and/or affordable accommodations as a base to appreciate our beautiful area and importantly, to patronize our local restaurants, shops and recreational opportunities.

I have several friends who travel the nation and the world by using short term rental sites. They are responsible adults who care for such properties as if they were their own, and they report delightful experiences using such rentals. This is the norm for such rentals.

Please be aware that I am among the several hundred people who receive emails from the Carmel Valley Association. Carmel Valley Association views ARE NOT reflective nor representative of the views of their membership, because they do not poll those on their extensive email list. Instead, a small group of Board members decide the Association's positions, then falsely represent it as reflective of their "membership". The couple of dozen people the Association manages to rally to show up at official meetings such as yours DO NOT represent those of us who disagree with many of their positions. Especially those of us who are busy professionals who do not have time to attend the hearings, but who care as much about keeping our area safe, beautiful and not over-populated as they do and, I trust, you do as well.

Thank you for considering my input.

Kristi Kurtz Clark
13429 Middle Canyon Road
Carmel Valley, CA 93924

Yolanda Maciel Pantoja

Secretary
RMA - Land Use Division
(831) 759-6618

Cara Weston
caraweston@gmail.com
831-625--0442
Same letter attached as well.

To whom it may concern,

We need a strict ordinance for the STR's. It is getting out of hand with everyone wanting to do STR's to make big money. In my neighborhood of 11 homes two have been doing STR's with the possibility of a total of 6 doing STR's in the future because they all have guest houses!

This could turn our once quiet Big Sur neighborhood into a busy hotel row! Enough is Enough!! I have grandchildren now and I have lived in this same spot for 60 years and I don't want to have my grandchildren growing up in a neighborhood of cars zooming back and forth to town and strange people we don't know wandering around looking for trails thinking they own the place. Our neighborhoods are no longer homes with families and people renting who work here they are now turning into businesses.

The people who live around me are all financially secure except one person and she would not be doing a short term rental as she lives in a very small house. Everyone else is doing it for the money....if you can get \$700 or more a night for a house then why not cash in and that is exactly what so many are doing. There could be a handful of people on the peninsula who do it because of financial need but I do not know of a single one in my neighborhood.

I have already been accused of turning in two of my neighbors for doing STR's and I didn't even turn them in. Even though I called both of them and said I didn't turn them in they both don't talk to me any longer. This has got to stop!!! I have been wrongfully accused just because I am against STR's and now this has created tension in my small neighborhood.

I have one neighbor who when I walk my road for exercise I feel like when he drives by he will hit me with his car someday.

Even in the best circumstances these small private roads can be dangerous to drive when you don't know them and most of these neighborhoods don't have road agreements so now we are going to let stranger after stranger drive these roads (many not owning 4 wheel drives) while endangering our lives! Many of these people who rent think they are the only ones on the road and don't know what to do when the encounter another car. It is a major accident waiting to happen, let alone the liability that goes along if one of these renters gets hurt and sues every easement holder. This is what my attorney said would happen.

Please! Small isolated neighborhoods especially in Big Sur or other isolated areas are for families and people who work in the community. These are people who share the same values...they are not about making money and sacrificing privacy, friendships, security and community! This has to stop before something awful happens.

STR's are about making big money and it is BS if you are told anything else!

Thank you for listening to my real and lived with concerns.

All the best, Cara Weston

From: [DANA CARNAZZO](#)
To: [194-RMAComments](#)
Cc: [Cpoabigsur Info](#)
Subject: Short Term Rentals Big Sur
Date: Tuesday, June 26, 2018 9:23:19 PM

Hello Friends:

My name is Dana Carnazzo and I represent the 17 property owners of Bixby Corp. We each have our own 2.5 acres and jointly own 200 acres that stretch from Bixby Bridge, east to The Old Coast Road and beyond and on the 'mesa' just below the Brazil Ranch.

I hereby request that the county use the same computer program that the City of Carmel uses to identify illegal short-term rentals.

In 1950 when our group was created, the forward-looking founders included in the by-laws a stipulation that none of the properties would be used as vacation rentals.

Please support our Big Sur community by using this program to weed out illegal short-term rentals.

Please support the survival of our Big Sur community by adopting (at the very least) the short-term rental stipulations that Carmel-by-the-Sea has enacted.

Yours,
Dana Carnazzo
40298 Bixby Creek Road
Monterey 93940
831.625.4403 H
831.402.0625 cel/text

From: [Richard Stott](#)
To: [194-RMAComments](#)
Cc: [Battiato, Kate x6560](#)
Subject: July 11 Short-Term Rental Workshop
Date: Thursday, July 5, 2018 7:55:37 AM

July 5, 2018

To: Monterey County Planning Commissioners:
RMAComments@co.monterey.ca.us

RE: Proposed Short-Term Rental Ordinance

I'm out of town next week and won't be able to attend the short-term rental workshop on July 11th but, as a 50 year resident of unincorporated Monterey County, I am very concerned about the proposed ordinance which does not limit the location, type, or number of short-term rentals (STRs).

Monterey County residents have the right to expect that their neighborhoods remain residential, not commercial, and trust our representatives in government to respect that right. STRs, especially unhosted STRs, are essentially commercial hotels and party houses in residentially zoned areas and by any reasonable definition are violations of residential zoning.

Unhosted STRs have also been shown diminish availability of rental housing, which is in short supply in Carmel Valley and coastal areas of Monterey County.

Many jurisdictions, including Carmel, Monterey, and San Francisco, have limited STRs or banned them entirely.

The Carmel Valley Master Plan limits the number of visitor serving units. Data provided by Host Compliance shows that the number of unpermitted STRs east of Via Majorca greatly exceeds that allowance. Limiting STRs to hosted home stays, as community groups are advocating, would assist county officials in reducing the number to the limits required by the Master Plan, reduce enforcement expenses, and limit the county's exposure to the legal liability which would follow if Master Plan limits are exceeded.

Please amend the proposed ordinance to limit STRs to home stays.

Sincerely,

Richard Stott
4000 Rio Road #3
Carmel, CA 93923
831 624 9048
rhstott@comcast.net

cc: Kate Battiato, Management Analyst III
Monterey County Resource Management Agency
1441 Schilling Place, 2nd Floor South
Salinas CA 93901
(831) 759-6560,
battiatok@co.monterey.ca.us

[hard copy to follow]



Virus-free. www.avg.com

From: [Linda Cheatham](#)
To: [194-RMAComments](#)
Subject: short term rentals
Date: Thursday, July 5, 2018 8:24:17 AM

Dear Sirs:

As a resident of Carmel Valley and the neighbor of someone who was illegally providing short term rentals I would like to advocate no short term rentals in the Valley. In the middle of the night people were knocking at our door looking for the rental next door as well as strange people walking our street every weekend. We had moved to the Valley for privacy and protection to find that we had an invasion of cars and people every weekend. It destroyed our quality of life...there was no longer peace, quiet or tranquilly ... all the reasons we bought a retirement home here. It is not responsible that one person be allowed to run a hotel in a residential neighbor.

Linda Cheatham
31455 Via Las Rosas
Carmel Valley

From: [Kirsten Honeyman](#)
To: [194-RMAComments](#)
Cc: [E Honeyman](#)
Subject: STRs in Carmel Valley
Date: Thursday, July 5, 2018 9:16:44 AM

To Whom It May Concern:

I am writing in support of allowing STRs in Carmel Valley with some degree of County regulation.

As a vacation homeowner in Carmel Valley at 150 Hitchcock Rd, I can see both sides of the STR issue. My husband and I can completely understand the frustrations of County residents who are adversely impacted by poorly managed rentals in close proximity to their homes, often owned by absentee investors. And we understand that some neighborhoods have become saturated with rentals to the dismay of year-round residents and to the detriment of the long-term rental market.

However, this situation is not black and white. We, for example, hope to be able to rent our vacation home at times we are not using it ourselves. Our primary residence is in the Fresno area, and we have been spending time at our vacation home in Monterey County for eleven years now. Our Carmel Valley home is not a candidate for the long-term rental market as we use it regularly as a second home. We did NOT purchase it as an investment; we purchased it because we love the area and hope to retire there sometime in the next three years. So, eliminating an opportunity for us to do occasional short-term rentals would not increase the availability of long-term rentals in our area. It would, however, create a hardship for us. Being able to rent out our home with the help of a competent local property manager, able to screen rental candidates and react immediately to any problems, would allow us to bring in much needed revenue and manage the tremendous expense of having two mortgages.

It seems the County could regulate the STR situation while keeping its role to a reasonable level and avoiding a bureaucratic nightmare.

First:

- **Require simple, affordable permits for homeowners operating STRs in primary or secondary homes in Monterey County**
- Allow the use of local property managers for short-term rental of second homes
- Require that all permitted properties carry commercial hazard insurance designed to cover homeowner vacation rentals (which helps reduce the need for excessive County inspections and provides protection for homeowners —

- regular homeowners' insurance does not cover vacation rental)
- Require that all renters of permitted properties carry rental insurance for their stays (usually available through agencies like VRBO), which further protects renters

Second:

- **Require a County business license for absentee investor-owners, essentially operating small hotels and negatively impacting the long-term rental market, and limit the number of such properties in any given zone**
- Require the use of local property managers for such investor-owned STRs
- Require that all licensed properties carry commercial hazard insurance designed to cover investment properties
- Require that all renters of licensed properties carry rental insurance for their stays (usually available through agencies like VRBO)

Finally:

- Collect appropriate TOTs from all permitted and licensed properties
- Funded by permit and license fees, have County resources available to monitor and handle abuses, such as properties that have frequent noise complaints, etc. Permits and licenses could be withdrawn from properties that are a nuisance.

There is a reasonable middle path for the County to follow, and we would urge the County to consider the above feedback in any final determination about STRs.

Thank you! - Elizabeth Honeyman

Mobile: (559)250-1452

Email: ekhoneyman@gmail.com

From: [Julia](#)
To: [194-RMAComments](#)
Subject: STRs
Date: Thursday, July 5, 2018 8:47:52 AM

Please limit these to owner present stays only.

Thank you.

Julia Batchev, 69 Paso Hondo, Carmel Valley, 93924. 832-659-4001.

Sent from my iPad

June 27, 2018

Heidi Hybl
John D Brightwell
37921 Palo Colorado Road
Carmel CA 93923
Ph: 831.625.5158
Email: bigsurpainter@gmail.com

Dear Ms Battiato,

Our main concerns are liability issues. We live on a private road that visitors have to traverse to get to the rentals and we have a private water company that is supplying water to commercial ventures rather than only the residents it originally served. As a lawyer we spoke with said, "Yes, people will sue everyone if something happens." This is worrying.

Palo Colorado Canyon is a one lane road that everyone must travel on to get to their ultimate destinations. Visitors are afraid of driving it and they slow down traffic on a regular basis. The number of visitors has increased dramatically in the last few years. This is an inconvenience to residents.

For your information, many people hosting guests do not have legal water systems or proper sewage. We are surprised that the County has allowed this practice to continue this long. Proper enforcement of whatever plan is passed will be necessary.

We have been to many meetings regarding STR's. The people who are doing them always imply that they need the income and maybe can't make it without it. All of the people who we know in Palo Colorado who are running these businesses have owned their properties for several years, most of them for decades. We don't really care how people make money except when it impacts us personally. We now have the inconvenience of increased traffic and the exposure to lawsuits. Those two issues alone make this practice unfair and unjust.

From: [DANA CARNAZZO](#)
To: [194-RMAComments](#)
Cc: [Cpoabigsur Info](#)
Subject: Short Term Rentals Big Sur
Date: Tuesday, June 26, 2018 9:23:19 PM

Hello Friends:

My name is Dana Carnazzo and I represent the 17 property owners of Bixby Corp. We each have our own 2.5 acres and jointly own 200 acres that stretch from Bixby Bridge, east to The Old Coast Road and beyond and on the 'mesa' just below the Brazil Ranch.

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In 1950 when our group was created, the forward-looking founders included in the by-laws a stipulation that none of the properties would be used as vacation rentals.

Please support our Big Sur community by using this program to weed out illegal short-term rentals.

Please support the survival of our Big Sur community by adopting (at the very least) the short-term rental stipulations that Carmel-by-the-Sea has enacted.

Yours,
Dana Carnazzo
40298 Bixby Creek Road
Monterey 93940
831.625.4403 H
831.402.0625 cel/text

From: [Barbara Woyt](#)
To: [Beretti, Melanie x5285](#)
Subject: Big Sur LUAC meeting
Date: Sunday, May 06, 2018 10:29:02 AM

Hello Melanie,

The meeting in Big Sur last week was heartfelt and presented a passionate plea for respect of this coast's LUP and the protections already established for both the coast resources, the community and the visiting public. My thoughts wonder if you as leader of the STR ordinance development fully appreciate the many challenges to the very existence and quality of life this community is facing at this time.

The STR development task which is your responsibility is a critical element. I hope you can somehow see the bigger picture that certainly the BSLUP represents of foresightedness of the generation before us who could not even imagine the present scale of challenges to the protections crafted for this coast.

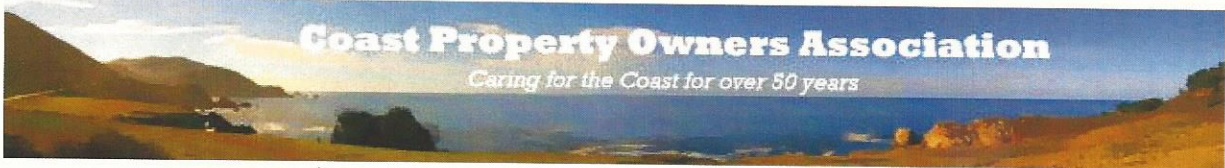
You are recipient of the information presented by knowledgeable leaders of this community who diligently present the guidelines certified to protect this coast for all --residents and visitors.

This letter is to put in writing the "mantra" I repeated on the floor of that last meeting. Those three qualities .. Carrying capacity - Cumulative effect - and Quality of Visitor experience are phrases from various land use documents of the public agencies over the years. They were published in response to the the Big Sur Land Use plan and its certification by the Coastal Commission. Not words of the protective document itself ..but a respectful cooperative response to the precepts it put forth, and crafted into the management documents of State Parks, other entities and USFS consistency declarations to conform with the goals then shared.

The book that has encouraged us of late in this defense is a history written by Shelley Alden Brooks Big Sur: The Making of a Prized California Landscape. We are reading and discussing this excellent history as a basis for our future considerations of the protections of our community. It is a worthy read.

In closing , the bottom line is that STR's by any name are not permitted in the BSLCP for wise reasons.

sincerely ,
Barbara Woyt



The CPOA Survey on Short Term Rentals (Home Stays) in the Big Sur planning area was conducted between October and December, 2014. The survey was mailed to all property owners as listed with the County Assessor. Also included were residents living and or working in Big Sur as contacted through the Big Sur Chamber. The purpose of the survey was to “get the pulse” of the community in determining if Short Term Rentals were or were not desired.

Additionally, if Short Term Rentals were to be allowed in Big Sur, how should they be regulated and where should they be allowed. It was also asked if property owners on private roads should have the right of self-determination to determine if Short Term Rentals should be allowed on private roads.

The results of the survey follow below. 1,230 survey forms were mailed or distributed and of those, 424 were returned. This is a 34% return.

Question		No	Yes	Total
1	Should Short Term Rentals be allowed in the Big Sur Planning Area?	53%	47%	100%
2	If Short Term Rentals are allowed in Big Sur, should they be regulated?	24%	76%	100%
	If they are allowed and regulated, what considerations below are important to include in the regulations?			
3A	Should they be allowed on properties with direct access to public roads?	20%	80%	100%
3B*	Should they be allowed on properties accessed from private roads?	70%	30%	100%
3Ba	If allowed for properties accessed by private roads, should the entities that manage and maintain those roads have the authority to vote to approve or deny use of the road for that purpose?	44%	56%	100%
3Bb	If yes, by what percentage of the vote should allow them? 51% or 66%	38%	62%	100%
3C	Should a full-time resident be required to be present on site when rentals are occurring?	33%	67%	100%
3D	Should the number of Short Term Rentals be limited in Big Sur?	38%	62%	100%
3E	Should only one Short Term Rental be allowed per property?	35%	65%	100%
Time	Do you live in Big Sur full time?	39%	61%	100%
Long Term	Do you currently have a long term rental on your property?	73%	27%	100%
Convert	Would you convert from long term to short term if STR's are approved?	93%	7%	100%

* Because of a ballot error the resulting vote for this question is not statistically significant.

From: [Priscilla Walton](#)
To: [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#); [Dugan, John x6654](#)
Subject: Fw: Case 17CE000357 for STR violation
Date: Saturday, May 05, 2018 10:05:57 AM

FYI

On Friday, May 4, 2018 5:21 PM, Mara Perkins <marabees@romaraenergy.com> wrote:

Reference is made to our email to you dated April 30, 2018.

This email expresses our frustration with the County being unable or unwilling to enforce the code violations of our neighbor on their STR of a house they only use as an investment.

Last weekend we spoke to the tenants occupying the house who confirmed they had rented the house over the weekend through Air B&B.

Now we have new tenants moving into the house over this weekend who have also confirmed they have rented the house for the weekend through Air B&B.

The County's lack of action on this matter is infuriating and especially since we keep hearing that County Counsel is the excuse since they have insufficient proof to enforce the violation.

Since the County is unwilling to send its employees to confirm the violations during the weekend hours where STR tenants occupy the house, we are willing (and have previously provided) affidavits under penalty of perjury of our discussions with the tenants confirming they are renting short term over the weekends.

Please advise what we can do to assist the County enforcement of what is already identified as a violation? We would think the substantial penalty already threatened would have been a deterrent to the owners and a windfall to the County but it obviously isn't.

Bob and Mara Perkins
(831)659-3077

From: [Priscilla Walton](#)
To: [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#); [Dugan, John x6654](#)
Subject: Fw: Los Angles and STR
Date: Friday, May 04, 2018 9:24:01 AM

FYI. There seems to be some consistency emerging from the different places trying to address STRs. Pris

On Friday, May 4, 2018 9:09 AM, Cheatham Richard <rccheatham@whittier.edu> wrote:

Pris,

Looks like the LA City Council is one the move. Here's the link.

<http://www.latimes.com/local/lanow/la-me-ln-airbnb-vote-20180502-story.html>



Los Angeles moves to regulate Airbnb rentals

www.latimes.com

The Los Angeles City Council unanimously backed a set of proposed rules Wednesday that would allow Angelenos to host night-to-night rentals only in their own homes, barring them from renting out a house or

From: [Adrienne Otis](#)
To: [Beretti, Melanie x5285](#)
Subject: Fw: Short Term Rentals Ordinance
Date: Monday, April 30, 2018 3:54:34 PM

Dear Ms. Beretti:

We have followed with much interest the current discussion of an updated Short Term Rental (STR) ordinance for Monterey County, and attended meetings in our area (Carmel Valley).

In reading the Carmel Valley Association's letter to RMA regarding STR's, we find that we are in agreement with the sentiments expressed therein.

We do list our guest room on AirBnB, however, we occupy our house full time, have offstreet parking, have a two-person occupancy limit, maintain two septic tanks, pay our TOT taxes in full, and have approval from our neighbors. Our guests, from around the world, patronize local restaurants, wineries, and other businesses on the Peninsula. We truly believe that we are adding something special to the character of Carmel Valley, without disruption or negative impact to our neighborhood.

That said, we feel that a low limit on the percent occupancy rate--such as 25% of nights--should not be implemented for those STR's who qualify as legal and have demonstrated capacity, quality control, and good sense regarding their rentals. Responsible on-site property owners should not be penalized in the same manner as absent ones who allow parties, events, and unruly occupants in their STR's.

We realize that this very contentious, and that we will have to abide by the ordinance that is passed, but it is our hope that a middle-of-the-road solution can be found.

Sincere thanks for your efforts on behalf of Monterey County,

Adrienne Otis
Stephanie Ruskell
Carmel Valley, CA

From: [Battiato, Kate x6560](#)
To: [McDougal, Melissa x5146](#)
Cc: [Beretti, Melanie x5285](#)
Subject: FW: Short Term Rentals
Date: Friday, June 22, 2018 1:59:19 PM

Hi Melissa,

I am forwarding you the message below to add to the correspondence record of STR.

Kate

From: Swanson, Brandon xx5334
Sent: Friday, June 22, 2018 12:21 PM
To: Don Bonsper <dbonsper@outlook.com>; Sidor, Joe (Joseph) x5262 <SidorJ@co.monterey.ca.us>
Cc: Beraz, Mari x5112 <berazm@co.monterey.ca.us>; Battiato, Kate x6560 <BattiatoK@co.monterey.ca.us>; Onciano, Jacqueline x5193 <oncianoj@co.monterey.ca.us>
Subject: RE: Short Term Rentals

Don,

Thank you for reaching out, I hope you have been well. I have copied Melanie Beretti, the RMA Services Managers who is leading the charge on the STR ordinance work. I also believe the next public workshop on the STR Ordinance is July 11th if you are interested in attending and participating.

Take care,

-Brandon

Brandon Swanson
Monterey County Resource Management Agency
1441 Schilling Place - Salinas, CA 93901
Phone: 831-755-5334 - www.co.monterey.ca.us/rma/

From: Don Bonsper [<mailto:dbonsper@outlook.com>]
Sent: Friday, June 22, 2018 11:31 AM
To: Sidor, Joe (Joseph) x5262 <SidorJ@co.monterey.ca.us>; Swanson, Brandon xx5334 <SwansonB@co.monterey.ca.us>
Subject: Short Term Rentals

Hi Brandon and Joe,

I am not sure if you are involved with the STR debate on the part of RMA. The Carmel Valley Association continues to address this issue each week in their bulletin. I would like to say I agree with the RMA recommendation to stay with option 1, which is to respond on a

complaint basis, priority 3.

Don

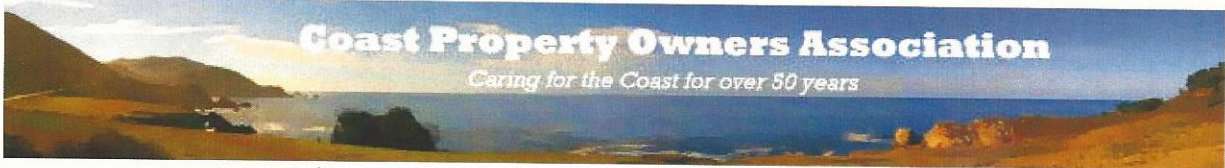
Don Bonsper
Cachagua, CA

From: [Bauman, Lew x5113](#)
To: [Holm, Carl P. x5103](#); [Dugan, John x6654](#); [Beretti, Melanie x5285](#)
Subject: Fwd: CPOA STR Survey.pdf
Date: Friday, May 18, 2018 12:36:32 PM
Attachments: [CPOA STR Survey.pdf](#)
[ATT00001.htm](#)

Sent from my iPhone

Begin forwarded message:

From: Susan Bradley <susanebradley@gmail.com>
Date: May 18, 2018 at 12:08:03 PM PDT
To: "Bauman, Lew x5113" <baumanl@co.monterey.ca.us>
Subject: CPOA STR Survey.pdf



The CPOA Survey on Short Term Rentals (Home Stays) in the Big Sur planning area was conducted between October and December, 2014. The survey was mailed to all property owners as listed with the County Assessor. Also included were residents living and or working in Big Sur as contacted through the Big Sur Chamber. The purpose of the survey was to “get the pulse” of the community in determining if Short Term Rentals were or were not desired.

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From: [Holm, Carl P. x5103](#)
To: [Beretti, Melanie x5285](#); [Dugan, John x6654](#); [Onciano, Jacqueline x5193](#)
Subject: Fwd: Review of PC Staff Records Act Request Documents
Date: Saturday, April 21, 2018 11:03:11 AM
Attachments: [Scan_0081.pdf](#)
[ATT00001.htm](#)

Sent from Carl Holm

Begin forwarded message:

From: John Moore <jmoore052@gmail.com>
Date: April 20, 2018 at 09:23:15 PDT
To: Robert Danziger <bobdanziger@mac.com>
Cc: "Holm, Carl P. x5103" <HolmCP@co.monterey.ca.us>, diehl@co.monterey.ca.us, Mary Adams <maryadams0712@gmail.com>, Big Sur Kate <kwnovoa@mac.com>, Big Sur LCP Defense Committee <bigsur@lcp@gmail.com>, Kenneth Wright <krwbigsur@gmail.com>, Michelle Alway <michellealway@gmail.com>, Lorraine Oshea <lorrainekoshea@gmail.com>, Lynne Boyd <lboyd456@aol.com>, Gwyn De Amaral <preservecarmelhighlands@gmail.com>, Charlotte Hellam <bnest@redshift.com>, Adrienne Berry <yankeebeach@sbcglobal.net>, Kate Hardy <hbodyk@sbcglobal.net>, Katie Coburn <coburn.katie@yahoo.com>, Priscilla Walton <priswalton@sbcglobal.net>, Gary Cursio <GCursio@cgcilc.org>, Stewart Winona <winonas@sbcglobal.net>, "R. Michael Wisner" <wizman@earthlink.net>, "DALE & CHRIS MCCAULEY" <chris_dale@comcast.net>, Callie Williams <callierwilliams@icloud.com>, Martha Danziger <marthalynn@mac.com>
Subject: Re: Review of PC Staff Records Act Request Documents

I am a licensed, but retired trial atty. (JD Stanford School of Law; Pre-eminent Rating from judges and peers). I live in Pacific Grove where short term rentals(STR) have ruined family life(I attach quotes from the Ca. supreme court that defends the govt. right to ban STR and also points out that transient tenants in residential neighborhoods do not contribute to community participation).

The economics of STR is that a store of financial value is stolen from local residents and transferred to special interests, usually outside investors. The city of Santa Cruz recently made a dramatic reduction in STR because of the need for affordable housing. It also put in controls to prevent extreme STR problems(prostitution, drug trades, porno movie locations, etc.) It was named the "swingers capitol of the country" because of STR.

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John M. Moore, 836 2d st. Pacific Grove, Ca. 93950 831-655-4540

On Thu, Apr 19, 2018 at 5:50 PM, Robert Danziger <bobdanziger@mac.com> wrote:

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I would like to organize a conference call with you to discuss our concerns.

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(831) 626-3933

In *Miller* and *Euclid*, the highest courts of this state and of the land recognized that maintenance of the character of residential neighborhoods is a proper purpose of zoning. The California Supreme Court employed language now a bit dated yet plainly relevant to the case at hand: "[W]e think it may be safely and sensibly said that justification for residential zoning may, in the last analysis, be rested upon the protection of the civic and social values of the American home. The establishment of such districts is for the general welfare because it tends to promote and perpetuate the American home. It is axiomatic that the welfare, and indeed the very existence of a nation depends upon the character and caliber of its citizenry. The character and quality of manhood and womanhood are in a large measure the result of home environment. The home and its intrinsic influences are the very foundation of good citizenship, and any factor contributing to the establishment of homes and the fostering of home life doubtless tends to the enhancement not only of community life but of the life of the nation as a whole." (*Miller v. Board of Public Works, supra*, 195 Cal. at p. 493.) The court observed that with home ownership comes stability, increased interest in the promotion of public agencies, such as schools and churches, and "recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community and increased pride in personal achievement which must come from personal participation in projects looking toward community betterment." (*Ibid.*)

1591 *1591 It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes — at least 12 percent in this case, according to the record — are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow — without engaging in the sort of activities that weld and strengthen a community.

Plaintiffs attempt to equate this case with *Parr v. Municipal Court* (1971) 3 Cal.3d 861 [92 Cal. Rptr. 153, 479 P.2d 353], in which the Supreme Court confronted a Carmel zoning ordinance prohibiting, among other things, sitting or lying upon a public lawn. The ordinance was accompanied by a "Declaration of Urgency" explaining that it was geared toward "an extraordinary influx of undesirable and unsanitary visitors to the City, sometimes known as 'hippies'...." (*Id.* at p. 863.) The court concluded that the ordinance violated appellant's right of equal protection by discriminating against a social class. Plaintiffs quote from the concurrence in *Building Industry Assn. v. City of Camarillo* (1986) 41 Cal.3d 810, 825 [226 Cal. Rptr. 81, 718 P.2d 68]: "An impermissible elitist concept is invoked when a community constructs a legal moat around its perimeter to exclude all or most outsiders." Plaintiffs argue that the ordinance challenged in *Parr* and Ordinance No. 89-17 demonstrate Carmel's desire to build a legal moat. The ordinance challenged in *Parr* was struck down; thus, plaintiffs reason, Ordinance No. 89-17 should meet the same fate.

We view the ordinance here as very different from that in *Parr*, in which Carmel sought to ban entirely a certain element from the community. By Ordinance No. 89-17, Carmel does not seek entirely to ban short-term visitors. Indeed, we suspect that short-term visitors provide an economic boon that Carmel would be loath to eliminate. Rather, Carmel wishes simply to confine the accommodations for short-term visitors to areas outside the R-1 District — where, according to the record, there are approximately 950 such transient units.

From: [Holm, Carl P. x5103](#)
To: [Beretti, Melanie x5285](#); [Dugan, John x6654](#); [Onciano, Jacqueline x5193](#)
Subject: Fwd: Review of PC Staff Records Act Request Documents
Date: Friday, April 27, 2018 6:29:51 AM

Sent from Carl Holm

Begin forwarded message:

From: Callie Williams <callierwilliams@icloud.com>
Date: April 26, 2018 at 21:03:05 PDT
To: John Moore <jmoore052@gmail.com>
Cc: Robert Danziger <bobdanziger@mac.com>, "Holm, Carl P. x5103" <HolmCP@co.monterey.ca.us>, <diehlm@co.monterey.ca.us>, Mary Adams <maryadams0712@gmail.com>, BigSur Kate <kwnovoa@mac.com>, Big Sur LCP Defense Committee <bigsurlcp@gmail.com>, kenneth Wright <krwbigsur@gmail.com>, Michelle Alway <michellealway@gmail.com>, Lorraine Oshea <lorrainekoshea@gmail.com>, Lynne Boyd <lboyd456@aol.com>, Gwyn De Amaral <preservecarmelhighlands@gmail.com>, charlotte Hellam <bnest@redshift.com>, Adrienne Berry <yankeebeach@sbcglobal.net>, Kate Hardy <hbodyk@sbcglobal.net>, Katie Coburn <coburn.katie@yahoo.com>, Priscilla Walton <priswalton@sbcglobal.net>, Gary Cursio <GCursio@cgcllc.org>, Stewart Winona <winonas@sbcglobal.net>, "R. Michael Wisner" <wizman@earthlink.net>, DALE & CHRIS MCCAULEY <chris_dale@comcast.net>, Martha Danziger <marthalynn@mac.com>
Subject: Re: Review of PC Staff Records Act Request Documents

Thank you John for your insightful email. My parents live in Arroyo Seco and their peaceful quiet environment has been ruined by a str next door to them. Their neighbor has her house rented every weekend from March-November. It's horrible!

The latest gig rural residence may soon face is, "glamping." Mass fliers are being sent to rural residence in Monterey County offering to set up safari style tents on their land. If a ballot initiative is put forward I hope it includes the whole county. Those, like my parents, that live in unincorporated areas of Monterey County need help.

Sent from my iPhone

On Apr 20, 2018, at 9:23 AM, John Moore <jmoore052@gmail.com> wrote:

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John M. Moore, 836 2d st. Pacific Grove, Ca. 93950 831-655-4540

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To: [Dugan, John x6654](#); [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#)
Subject: Fwd: Review of PC Staff Records Act Request Documents
Date: Friday, April 20, 2018 7:03:27 AM

Sent from Carl Holm

Begin forwarded message:

From: Robert Danziger <bobdanziger@mac.com>
Date: April 19, 2018 at 17:50:01 PDT
To: "Holm, Carl P. x5103" <HolmCP@co.monterey.ca.us>, diehl@co.monterey.ca.us
Cc: Mary Adams <maryadams0712@gmail.com>, BigSur Kate <kwnovoa@mac.com>, Big Sur LCP Defense Committee <bigsur_lcp@gmail.com>, kenneth Wright <krwbigsur@gmail.com>, Michelle Alway <michellealway@gmail.com>, Lorraine Oshea <lorrainekoshea@gmail.com>, Lynne Boyd <lboyd456@aol.com>, Gwyn De Amaral <preservecarmelhighlands@gmail.com>, charlotte Hellam <bnest@redshift.com>, Adrienne Berry <yankeebeach@sbcglobal.net>, Kate Hardy <hbodyk@sbcglobal.net>, Katie Coburn <coburn.katie@yahoo.com>, Priscilla Walton <priswalton@sbcglobal.net>, Gary Cursio <GCursio@CGCLLC.org>, Stewart Winona <winonas@sbcglobal.net>, "R. Michael Wisner" <wizman@earthlink.net>, DALE & CHRIS MCCAULEY <chris_dale@comcast.net>, Callie Williams <callierwilliams@icloud.com>, John Moore <jmoore052@gmail.com>, Martha Danziger <marthalynn@mac.com>
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Memo: Monterey County Vacation Rental Alliance

To: MCVRA Board
From: Gary Patton
Date: June 10, 2015
RE: Big Sur LUP

Attached is a summary of the references I was able to find after reading the entirety of the Big Sur LUP.

In essence, the LUP is focused on new “development,” not the use of existing property. The LUP does reference and support, however, the overarching Coastal Act goal of making the Coastal Zone more accessible to visitors.

There are a few positive references, and nothing in the LUP can properly be understood as a statement disapproving of vacation rentals. The most significant “negative” references are those that emphasize the importance of lower cost workforce housing.

Big Sur Coast Land Use Plan

What It Says About Vacation Rentals

Introduction

This plan has been prepared to carry out the **requirements** of the California Coastal Act of 1976. The Coastal Act places emphasis on environmental protection and **public recreation and access**.... [Page 5]

Philosophy And Goals

Pressures for new residential and commercial development ... are now being felt ... [Page7]

The County's basic policy is that future land use development on the Big Sur coast shall be extremely limited ... [Page 11]

Resource Management

The issue of visual resource protection is probably the most significant and far reaching question ... It is the County's policy to prohibit all future public or private development visible from Highway 1 ... [Page 14]

It is the policy of the County to protect, maintain, and where feasible, enhance and restore the cultural heritage of the County and its man-made resources and traditions. New development shall, where appropriate, protect significant historical buildings, landmarks, and districts because of their unique characteristics and contribution to the cultural heritage of the County. [Pages 60-61]

Highway One And County Roads

Palo Colorado Road carries both residential and recreational traffic and has the highest use of any road intersection Highway 1. It has inadequate capacity to meet significantly increased recreational and residential traffic demands. [Page 64]

To conform to the Coastal Act, most remaining capacity on Highway 1 shall be reserved for coastal priority uses: recreation and visitor-serving facilities, the military, agriculture and other coastal dependent uses. [Page 66]

Land Use And Development

A serious housing shortage exists for employees in Big Sur, particularly in the visitor industry ... Employee housing provided by an employer must be a primary source of affordable housing in the area. Caretaker housing, which has traditionally provided shelter for many long-time residents and employees, will also continue to be an important element of the affordable housing supply. [Page 73]

The plan must meet the Coastal Act's goal of encouraging public recreational use and enjoyment of the coast while ensuring that the very resources that make the coast so valuable for human enjoyment are not spoiled. Undesirable impacts of recreation have been in evidence for some years and must be corrected ... Overuse of existing private and public campgrounds ... are ... problems ... [Page 76]

Development of recreation and visitor-serving facilities at locations suitable for such use is preferred over other types of development in Big Sur... [Page 88]

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. [Page 90]

Summary: Overall Approach

The Big Sur LUP is almost totally focused on new development, and its goal is to discourage and limit such new development. The primary concern of the plan is viewshed protection, and other concerns are related to the need to limit development for environmental protection purposes, and to be sure that any new development takes account of the very limited natural resources (like water) available to support them.

That said, the Big Sur LUP confirms the priority of providing public access and recreational opportunities within the Coastal Zone., and there is every reason to argue that vacation rentals (not really "invented" at the time the LUP was adopted) in fact help achieve many of the goals of the Big Sur Land Use Plan. Most specifically, the use of existing residential properties to provide visitor-serving opportunities will allow lower cost access to the coast for those who would not otherwise be able to enjoy it, and can help reduce pressures for exactly the kind of development that the LUP seeks to discourage.

SIMPLIFY THE SHORT-TERM RENTAL REGISTRATION PROCESS AND REDUCE ADMINISTRATIVE COMPLEXITY

- Allow hosts and property managers to easily register, permit and/or license their short-term vacation rentals 24/7/365
- Allow hosts to apply online using any internet browser or mobile device
- Streamline your application process by incorporating national best practices and Silicon Valley's most innovative technologies
- Automatically collect and verify required documentation such as proofs of permanent residency, landlord permissions, HOA approvals, insurance policies etc.
- Enable applicants to review and electronically sign applications and affidavits under penalty of perjury
- Instantly determine and verify permit eligibility by cross-referencing application info with other data sources such as electronic zoning maps, property ownership records, subsidized housing databases, lists of Ellis Act evictions
- Seamlessly collect debit card, credit card and electronic check (ACH) payments without having to worry about PCI compliance and complex implementation processes
- Reduce back office complexity and unnecessary paperwork to allow existing personnel to focus on higher value activities
- Put renewals on autopilot by automatically notifying permit/license holders of renewal deadlines
- Run or create intuitive dashboards for easy management and reporting

• APPROXIMATELY HOW MANY SHORT-TERM RENTALS OPERATE IN YOUR COMMUNITY?

• 400

TREND MONITORING

\$380_{/yr}

- Active monitoring of jurisdiction's STR listings across 15+ STR websites
- Monthly report on aggregate STR activity in jurisdiction
- Monthly analysis of STR trends in jurisdiction
- Automatic alerts if the # of STR listings reach a pre-determined level

ADDRESS IDENTIFICATION

\$10,200_{/yr}

- **Get all Trend Monitoring features PLUS**
 - Detailed monthly report with:
 - Up-to-date list of jurisdiction's active STR listings
 - High resolution screenshots of all active listings
 - Full address and contact information for all identifiable STRs in jurisdiction (where available)

COMPLIANCE MONITORING

\$15,300_{/yr}

- **Get all Address Identification features PLUS**
 - Ongoing monitoring of STRs for zoning and permit compliance
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TAX COLLECTION SUPPORT

\$22,100_{/yr}

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 - The list of evidence that serves as the foundation for the suspicion of tax under-reporting

Custom reports and analysis to support tax audits and other STR related investigations

24/7
HOTLINE
\$**26,180**_{/yr}

- **Get all Tax Collection Support features PLUS**
 - 24/7 staffed telephone and email hotline for neighbors to report non-emergency problems related to STR properties
 - Daily/Weekly staff reports containing:
 - The # and types of reported incidents
 - List of properties for which incidents have been reported
 - Full documentation of all reported incidents
 - Digital recordings and written transcripts of all calls

Custom reports and analysis of hotline related activities

From: [Priscilla Walton](#)
To: [Holm, Carl P. x5103](#); [Dugan, John x6654](#); [Jacqueline Onciano](#); [Beretti, Melanie x5285](#)
Subject: Host Compliance Services and Rates
Date: Thursday, May 03, 2018 4:12:11 PM
Attachments: [Host Compliance Rates.docx](#)

Dear All:

Here is a summary of Host Compliance services. Rates vary with the number of units. Seems like a good cost effective tool to use for the cost. It appears to be a good way to track and monitor a lot of what is out there. Can we set up another meeting just focused on STRs soon? Please let us know. Thanks Very Much. Pris Walton CVA

<https://hostcompliance.com/pricing/>

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LA TIMES

Los Angeles moves to regulate Airbnb rentals

By EMILY ALPERT REYES MAY 02, 2018 | 1:30 PM



ADVERTISEMENT

Anna Ledesma, left, a housekeeper with the Westin Bonaventure Hotel in Los Angeles for the last 21 years, cheers with other workers after the City Council unanimously backed a set of proposed rules Wednesday that would allow Angelenos to host rentals only in their own homes. (Mel Melcon / Los Angeles Times)



The Los Angeles City Council unanimously backed a set of proposed rules Wednesday that would allow Angelenos to host night-to-night rentals only in their own homes but bar them from renting out a house or apartment for short stays if it is not their primary residence.

LATEST L.A. NOW

Mother denies abuse after her 10 children are taken into protective custody

2h

Thousand Oaks man charged in connection with keeping exotic reptiles

3h

The decision comes years after some Los Angeles lawmakers first called for the city to regulate such short-term rentals, which have boomed with the rise of online platforms such as Airbnb and VRBO.

But the rules still must be vetted by the L.A. Planning Commission, whose members are appointed by Mayor Eric Garcetti, before the council can vote them into law.

Housing activists, the hotel industry and some neighborhood groups have pressed local lawmakers to impose restrictions on short-term rentals, arguing that commercial operators have abused the system to run homes like hotels, disrupting neighborhoods and exacerbating the housing crisis.



Airbnb and its hosts counter that night-to-night rentals have helped retirees and families cover their bills, pumped tourist spending into new areas of the city and boosted the city budget.

City officials have estimated that Los Angeles will reap more than \$52 million from lodging taxes on Airbnb and VRBO rentals in the next budget year.

Before Wednesday's vote, Councilman Jose Huizar said the proposed regulations had sought to strike a balance between those two sides. "We crafted an ordinance that allows good operators to thrive and weeds out those who are cited as nuisances to their neighbors," Huizar said.

Attorney for
suspect in
Golden State
Killer case fights
release of search
warrant findings

5-year-old girl among three
killed in Mother's Day
shooting in Stockton

5h

Homeless
outreach
teams ready
to bring
services to
the streets

3:00 AM

Andy Griggs of Echo Park, who is against the proposed short-term rental ordinance, addresses the Los Angeles City Council before the vote. (Mel Melcon / Los Angeles Times)



Under the draft rules, rental hosts would have to register with the city or face fines. Online platforms such as Airbnb could also be fined for advertising unregistered listings or for refusing to hand over their addresses.

Not all apartments would be eligible for such rentals. The L.A. rules would bar people from offering up an apartment for short stays if it is covered by rent stabilization rules or an affordable housing covenant. And the city would cap the number of nights annually that a host can rent out their homes for night-to-night stays, though with many exceptions.

Huizar estimated that the council could vote the rules into law within four months.

But even as lawmakers press forward with that plan, another prickly aspect of the debate has just begun: At a recent committee meeting, Councilman Gil Cedillo floated the idea of a second ordinance on "vacation rentals" that could allow night-to-night rentals of properties that are not the primary residence of the host.

That idea, which was not voted on Wednesday, has heartened some hosts and representatives of the website HomeAway, who argue that vacation rentals provide a long-standing and needed alternative for

traveling families and others who want the comforts of a home rather than a hotel.

But critics fear it could end up undercutting the core restriction in the new rules — that people can only rent out their primary residence.

In the throes of a housing crisis, "our primary concern should be how do we keep housing on the market, and not turn it into a profit vehicle on the short-term rental market," said Cynthia Strathmann, executive director of the nonprofit Strategic Actions for a Just Economy. "If we're in the middle of a housing crisis, we shouldn't be turning housing into other things."

Philip Minardi, HomeAway's director of policy communications, countered that even if the city allows vacation rentals, there are "ways to address concerns about investors buying up whole swaths of properties without damaging the long-standing vacation rental marketplace.

"It's not one size fits all," he added.

Los Angeles City Councilman Jose Huizar addresses fellow council members before they voted to approve the short-term rental ordinance. (Mel Melcon / Los Angeles Times)



Much of the debate at City Hall so far has revolved around curbing how often hosts can rent out their homes night to night.

Under the proposed rules backed by lawmakers Wednesday, Los Angeles would cap such rentals at 120 days annually. But hosts could get city permission to exceed that cap if they do not have multiple or outstanding citations from city departments.

Even if they have had such violations, hosts might still be able to exceed the proposed cap if they can successfully make their case to the city, a process that might include a public hearing. Owners of adjacent properties would be notified if someone wants to go over the cap, but they would not have an automatic veto.

Some critics fear that would make it too easy to rent out a home nonstop: At a recent hearing, Councilman Bob Blumenfield complained it would be "too much like having no cap at all."

Housing activists and the hotel industry had pushed for a lower cap, arguing it would counter the financial incentive to convert homes into "de facto hotels."

Airbnb and its hosts, in turn, have urged the city not to make it too complicated or costly for hosts to exceed the cap, arguing that steep fees would price out the mom-and-pop operators that lawmakers say they want to protect.

At the Wednesday meeting, several council members asked staffers to report back on possible tweaks to the ordinance, including allowing hosts who remain on site to rent out their homes all year, giving hosts a "code of conduct" to encourage neighborly behavior and making it harder for hosts to get city approval to exceed the annual cap if a majority of neighbors object.

None of those changes were approved Wednesday, however, leaving those questions to be decided in the future.

Despite some concerns, "I've decided not to pick any fights today ... because we need to get something in place to replace the mess that we have now," said Councilman Paul Koretz, who has been an outspoken critic of such rentals.

The long debate has fueled heavy lobbying at City Hall. In the last quarter of 2017 alone, Airbnb spent about \$250,000 on efforts related to the city regulations, according to city disclosures. HomeAway and another rental firm, AJJK Inc., spent an additional \$30,000 in that period.

Critics of such rentals, including the American Hotel and Lodging Assn., spent more than \$83,000 on lobbying during those three months, city disclosures show.

The local hotel workers union has packed recent hearings with supporters in red shirts, but it did not report any lobbying on the rules during that period.

emily.alpert@latimes.com

Twitter: [@AlpertReyes](https://twitter.com/AlpertReyes)

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Emily Alpert Reyes

CONTACT



Emily Alpert Reyes covers City Hall for the Los Angeles Times. She previously reported on the census and demographics, tracking how our lives are changing in Los Angeles, California and the country.

Before joining The Times, she worked for the pioneering nonprofit news website voiceofsandiego.org, winning national awards for her reporting on education. She has also traveled to Bolivia as a fellow with the International Reporting Project and survived the University of Chicago.

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Melanie Beretti

18 June, 2018

RMA Property Administration/Special Programs Manager

1441 Schilling Place, South 2nd Floor

Salinas, CA 93901-4527

Dear Melanie,

We would like to express our concerns regarding the Short Term Rental Ordinance being drafted related to the Big Sur Land Use Plan.

We (David Erlach, Gisele Erlach, Jan Doelman and Nicole Chupka) own a vacation property in Southern Big Sur which we rent through VRBO as well as enjoy the property ourselves. We fear that we and our guests will be greatly harmed if our Vacation rental activities are significantly curtailed by a highly restrictive ordinance or sudden code enforcement activities against STRs. We would like to provide some background on our property.

We purchased our 8 acre property at 28900 Plaskett Ridge Road in Feb 2016. It is a classic Big Sur property with redwoods, ocean views and open hillsides. The property has a 2 bedroom, 2 bath house, a separate caretaker unit and a carport. We purchased "Sunshine Alley" from Wells Fargo who foreclosed on the previous owner who had attempted to sell the property for several years. Sunshine Alley had been used off and on as a Vacation Rental through its entire history of owners dating back to the original owners who built the house in 1971. Our property is well maintained and amongst 6 other nearby large parcel view properties that are "off-grid" without utility electrical, gas, mail, water or sewer service. None of these properties are owner occupied. Currently three of these properties are for sale between \$1,500 mil and \$2.25 mil. One property is used as a Vacation Rental, like ours, and the other two are original Plaskett homesteads from days of old. All of the houses in our area are at least 300ft apart and very private.

We rent out our main house part time through VRBO to help with the costs of owning and maintaining the property. We have not turned a profit. We fully pay the required Transit Occupancy Tax for rentals and all property taxes. Our guests are delighted to have the opportunity to visit and relax in this remote area of Big Sur rather than simply "drive by". Some guests have returned to Sunshine Alley for decades. The greatest virtue of Sunshine Alley is expressed by the happiness of our guests.

During our ownership of Sunshine Alley we have received absolutely no complaints from Neighbors or officials. However we recently find ourselves on a code compliance list and are surprised to see that our property is designated as "High Priority" on a recently published code enforcement map. We are not sure how the determination is made between low, medium and high priority.

There are very valid issues with some STRs. Loud guests, parking, crowds, security on private roads to name a few. These issues are especially prevalent in dense communities. Our property has none of these negatives. There are those who press the merits of "owner occupied" houses with rooms for rent. Having caretakers to manage the property actually offers a better guest experience. Our care takers are a local couple that enjoy the benefits of the property and privacy while working at a nearby resort. The

most obvious blight in our local community are the multitudes of car campers who make use of undeveloped sites along the length of Plaskett Ridge road; this is apparently lawful and we don't complain.

We also recognize that there is a general housing shortage in Big Sur; this is especially true in our area. We are happy to provide housing for our caretaker couple. It is not reasonable to expect that large parcel properties will be used as low cost housing for rent or to buy. This housing shortage is a result of development prevention by the Coastal commission and view shed rules. It is a blessing to the character of Big Sur but comes at a price. Fair market price for renting our property would be about \$5000 per month, way outside of the ability for local workers to afford (and the owners would no longer be able to visit).

As owners, we love to visit, work on projects and offer Sunshine Alley to the pleasure of our guests. Our caretakers have also made it their home. The current use of Sunshine Alley is the highest purpose for the property. Nobody is harmed and many benefit. Creating an ordinance that curtails its use will place a hardship on us as owners, devalue our property and deny many visitors the wonderful quality experience of Big Sur.

We would be happy to discuss or correspond regarding this issue at your convenience.

Sincerely,

David Erlach (805) 570-1396: giseledave@cox.net

On behalf of myself and Gisele Erlach, Jan Doelman and Nicole Chupka (owners: Sunshine Alley)



From: boardmember@mcvra.org
To: [Beretti, Melanie x5285](#)
Cc: [Onciano, Jacqueline x5193](#)
Subject: RMA's Preliminary Recommendations on Big Sur STRs
Date: Friday, April 27, 2018 10:04:17 AM
Attachments: [Preliminary Consistency of Draft Ordinance with BSLUP.jpg](#)
[Gary - Big Sur LUP And Short-Term Rentals 2.pdf](#)

April 27, 2018

Re: RMA's Preliminary Recommendations on Big Sur STRs

Dear Melanie:

In your April 19, 2018 memorandum to the Big Sur and South Coast Land Use Advisory Committees, you state that RMA staff has conducted a preliminary analysis of the draft ordinance for consistency with the BSLUP and the staff made preliminary recommendations. Those recommendations would prohibit every type of STR except homestays and "low-frequency" primary residences. This completely eliminates second homes.

Your memorandum provided no basis whatsoever to support these recommendations. Specifically, how did the RMA staff reach these conclusions? We hereby request that the RMA provide MCVRA with the pertinent sections of the BSLUP and an explanation as to how these sections support your recommendations. In our March 29, 2018 meeting, we provided to you our attorney Gary Patton's thorough review of the BSLUP. As you know, he found nothing that prohibits STRs in any form (see attached again for your reference).

If we receive no such supporting documentation from the RMA, we will assume that the recommendations were based upon feedback from opponents, not upon the BSLUP itself and thus is a political decision, not a decision based upon current land use policy.

Respectfully,

The Directors of the MCVRA

CC: Carl Holm

Jacqueline Onciano

Monterey County Planning Commissioners

Monterey County Supervisors

California Coastal Commission

Gary Patton

Attachments:

Memorandum to Big Sur and South Coast Land Use Committees

Gary Patton's Analysis of BSLUP

Memo: Monterey County Vacation Rental Alliance

To: MCVRA Board
From: Gary Patton
Date: June 10, 2015
RE: Big Sur LUP

Attached is a summary of the references I was able to find after reading the entirety of the Big Sur LUP.

In essence, the LUP is focused on new “development,” not the use of existing property. The LUP does reference and support, however, the overarching Coastal Act goal of making the Coastal Zone more accessible to visitors.

There are a few positive references, and nothing in the LUP can properly be understood as a statement disapproving of vacation rentals. The most significant “negative” references are those that emphasize the importance of lower cost workforce housing.

Big Sur Coast Land Use Plan

What It Says About Vacation Rentals

Introduction

This plan has been prepared to carry out the **requirements** of the California Coastal Act of 1976. The Coastal Act places emphasis on environmental protection and **public recreation and access....** [Page 5]

Philosophy And Goals

Pressures for new residential and commercial development ... are now being felt ... [Page7]

The County's basic policy is that future land use development on the Big Sur coast shall be extremely limited ... [Page 11]

Resource Management

The issue of visual resource protection is probably the most significant and far reaching question ... It is the County's policy to prohibit all future public or private development visible from Highway 1 ... [Page 14]

It is the policy of the County to protect, maintain, and where feasible, enhance and restore the cultural heritage of the County and its man-made resources and traditions. New development shall, where appropriate, protect significant historical buildings, landmarks, and districts because of their unique characteristics and contribution to the cultural heritage of the County. [Pages 60-61]

Highway One And County Roads

Palo Colorado Road carries both residential and recreational traffic and has the highest use of any road intersection Highway 1. It has inadequate capacity to meet significantly increased recreational and residential traffic demands. [Page 64]

To conform to the Coastal Act, most remaining capacity on Highway 1 shall be reserved for coastal priority uses: recreation and visitor-serving facilities, the military, agriculture and other coastal dependent uses. [Page 66]

Land Use And Development

A serious housing shortage exists for employees in Big Sur, particularly in the visitor industry ... Employee housing provided by an employer must be a primary source of affordable housing in the area. Caretaker housing, which has traditionally provided shelter for many long-time residents and employees, will also continue to be an important element of the affordable housing supply. [Page 73]

The plan must meet the Coastal Act's goal of encouraging public recreational use and enjoyment of the coast while ensuring that the very resources that make the coast so valuable for human enjoyment are not spoiled. Undesirable impacts of recreation have been in evidence for some years and must be corrected ... Overuse of existing private and public campgrounds ... are ... problems ... [Page 76]

Development of recreation and visitor-serving facilities at locations suitable for such use is preferred over other types of development in Big Sur... [Page 88]

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. [Page 90]

Summary: Overall Approach

The Big Sur LUP is almost totally focused on new development, and its goal is to discourage and limit such new development. The primary concern of the plan is viewshed protection, and other concerns are related to the need to limit development for environmental protection purposes, and to be sure that any new development takes account of the very limited natural resources (like water) available to support them.

That said, the Big Sur LUP confirms the priority of providing public access and recreational opportunities within the Coastal Zone., and there is every reason to argue that vacation rentals (not really "invented" at the time the LUP was adopted) in fact help achieve many of the goals of the Big Sur Land Use Plan. Most specifically, the use of existing residential properties to provide visitor-serving opportunities will allow lower cost access to the coast for those who would not otherwise be able to enjoy it, and can help reduce pressures for exactly the kind of development that the LUP seeks to discourage.

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

(831)755-4800

www.co.monterey.ca.us/rma



MEMORANDUM

Date: April 19, 2018

To: Big Sur & South Coast Land Use Advisory Committees

From: Melanie Beretti, RMA Property Administration/Special Programs Manager

Subject: Considerations for Preliminary Consistency of Short-Term Rental Ordinance Draft with the Big Sur Land Use Plan

cc:

At the March 27, 2018 Joint Meeting of the Big Sur Land Use Advisory Committee (Big Sur LUAC) and South Coast Land Use Advisory Committee (South Coast LUAC), Resource Management Agency (RMA) staff presented and the LUAC convened a discussion of the Short-Term Rental Ordinance (Attachment 1 – Preliminary Conceptual Draft STR Ordinance v. 11.08.2017, referred to herein as “Draft Ordinance”) and consistency with the Big Sur Land Use Plan (BSLUP). RMA staff has since conducted a preliminary analysis of the draft ordinance for consistency with the BSLUP.

Based on this input and preliminary analysis, staff makes the following preliminary recommendation:

- STRs that are defined as homestays, are consistent with the BSLUP and should be allowed.
- STRs that would require a Coastal Development Permit (equivalent to the “Use Permit” in the Draft Ordinance), are not consistent with the BSLUP and should not be allowed.
- STRs that are to be rented 12 times per year or fewer and not more than 2 times per year (referred to herein as “low-frequency STR”) and:
 - *Are not a primary residence*, are not consistent with the BSLUP and should not be allowed
 - *Are a primary residence*, are consistent with the BSLUP and should be allowed.

For low-frequency STRs that are a primary residence, staff is seeking discussion and input from the LUACs whether or not these STRs should be counted as visitor serving units and, therefore, subject to caps included in the BSLUP.

Staff does not recommend counting homestays as visitor serving units in the BSLUP.

In *Miller* and *Euclid*, the highest courts of this state and of the land recognized that maintenance of the character of residential neighborhoods is a proper purpose of zoning. The California Supreme Court employed language now a bit dated yet plainly relevant to the case at hand: "[W]e think it may be safely and sensibly said that justification for residential zoning may, in the last analysis, be rested upon the protection of the civic and social values of the American home. The establishment of such districts is for the general welfare because it tends to promote and perpetuate the American home. It is axiomatic that the welfare, and indeed the very existence of a nation depends upon the character and caliber of its citizenry. The character and quality of manhood and womanhood are in a large measure the result of home environment. The home and its intrinsic influences are the very foundation of good citizenship, and any factor contributing to the establishment of homes and the fostering of home life doubtless tends to the enhancement not only of community life but of the life of the nation as a whole." (*Miller v. Board of Public Works, supra*, 195 Cal. at p. 493.) The court observed that with home ownership comes stability, increased interest in the promotion of public agencies, such as schools and churches, and "recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community and increased pride in personal achievement which must come from personal participation in projects looking toward community betterment." (*Ibid.*)

1591 *1591 It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes — at least 12 percent in this case, according to the record — are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow — without engaging in the sort of activities that weld and strengthen a community.

Plaintiffs attempt to equate this case with *Parr v. Municipal Court* (1971) 3 Cal.3d 861 [92 Cal. Rptr. 153, 479 P.2d 353], in which the Supreme Court confronted a Carmel zoning ordinance prohibiting, among other things, sitting or lying upon a public lawn. The ordinance was accompanied by a "Declaration of Urgency" explaining that it was geared toward "an extraordinary influx of undesirable and unsanitary visitors to the City, sometimes known as 'hippies'...." (*Id.* at p. 863.) The court concluded that the ordinance violated appellant's right of equal protection by discriminating against a social class. Plaintiffs quote from the concurrence in *Building Industry Assn. v. City of Camarillo* (1986) 41 Cal.3d 810, 825 [226 Cal. Rptr. 81, 718 P.2d 68]: "An impermissible elitist concept is invoked when a community constructs a legal moat around its perimeter to exclude all or most outsiders." Plaintiffs argue that the ordinance challenged in *Parr* and Ordinance No. 89-17 demonstrate Carmel's desire to build a legal moat. The ordinance challenged in *Parr* was struck down; thus, plaintiffs reason, Ordinance No. 89-17 should meet the same fate.

We view the ordinance here as very different from that in *Parr*, in which Carmel sought to ban entirely a certain element from the community. By Ordinance No. 89-17, Carmel does not seek entirely to ban short-term visitors. Indeed, we suspect that short-term visitors provide an economic boon that Carmel would be loath to eliminate. Rather, Carmel wishes simply to confine the accommodations for short-term visitors to areas outside the R-1 District — where, according to the record, there are approximately 950 such transient units.

From: [John Cromwell](#)
To: [Beretti, Melanie x5285](#)
Subject: Short Term Rental Ordinances
Date: Saturday, May 19, 2018 3:21:49 PM

Hi Melanie,

We live at 2459 San Antonio Avenue in Carmel. Over the past several months, a number of neighboring properties have sold to what appear to be investors who rent their properties on a weekly basis. Most appear to be marketed through a local company called San Carlos. It has greatly changed the character of the neighborhood.

I was trying to determine from the Monterey County Code Enforcement website what the minimum rental periods were for the coastal district. I had assumed it was one-month. But it is difficult to discern exactly what the code is, from my review.

With the influx of investors who are able to take advantage of internet based marketing programs, it is very easy for them to monetize their properties, changing the nature of the neighborhood. Rather than neighbors, we have a continuous rotation of short term renters, from Texas, Oregon, Washington, etc. And it changes the economics both for people seeking long term rentals (because what might be a \$5-6K monthly rental changes into \$12K in monthly income to the landlord) so they get priced out of the market, and for prospective home buyers because the investors kick up the value of the properties, knowing they can command a higher rental rate than if they were having to actually occupy their properties (or rent them for longer terms).

In any event, I want to know whether there is really a code violation or if I just have to live with this. Hopefully there are some remedies.

Greatly appreciate your guidance on this.

Kind regards,

John

John Cromwell
2459 San Antonio Avenue
Carmel, CA 93923

From: [Priscilla Walton](#)
To: [Dugan, John x6654](#); [Holm, Carl P. x5103](#)
Cc: [Beretti, Melanie x5285](#)
Subject: Short Term Rentals Boston FYI
Date: Wednesday, June 13, 2018 4:17:07 PM

BOSTON (CBS) – Boston is cracking down on short-term rentals like Airbnb.

The City Council just approved new rules that would ban certain property owners from renting apartments for short terms through a variety of apps. The biggest losers would be so-called investor units, homes where the owner doesn't actually live.

It took the Boston City Council a couple of years and several different proposals to get to today. The house was packed with people on both sides of the issue. After debating amendment after amendment, the Councilors voted 11-2 to impose strict regulations on short-term rentals like Airbnb and Home Away.

The most significant change, the new ordinance bans people from renting out units they don't live in for short periods. Those are called investor units and critics say they're a type of hotel.

The regulations do allow short-term rentals of owner occupied units as often as the owners want, and allows owners of two and three family homes to rent out one unit all year long.

Airbnb is not happy, telling WBZ in a statement: "The new ordinance unfortunately creates a system that violates the privacy of our hosts, and prevents Boston families from making much needed extra income in one of the country's most expensive cities."

Outside the council chambers, Airbnb host Terrence Heinen wasn't happy either. "What they did is just mind boggling. It's just crushing a whole industry. We have cleaners, we have maintenance people, they're all going to be put out of work," he says.

But the city argues the new regulation will help traditional renters. "I think we're really hopeful it will return some housing to the rental market, that these people go back to renting long term leases," says Colleen Fitzpatrick who also attended the Council meeting.

The ordinance also forces hosts to register with the city and pay a yearly registration fee.

Late this afternoon Boston Mayor Marty Walsh told us he will sign the new law.

Paula Ebben

From: [Lorraine Oshea](#)
To: [Beretti, Melanie x5285](#)
Cc: [maryadams0712@gmail.com](#); [100-District 5 \(831\) 647-7755](#); [michellealway@gmail.com](#); [bobdanziger@mac.com](#); [preservecarmelhighlands@gmail.com](#); [dlbnet@sbcglobal.net](#)
Subject: Short Term Rentals
Date: Tuesday, June 05, 2018 3:22:16 PM

Dear Ms Beretti,

I first want to thank you for coming to our area (Carmel Highlands and Carmel Valley) to update us on the county's current draft for Short Term Rentals and receive input from your constituents.

I am opposed to Short Term Rentals in the unincorporated areas of Monterey County which include the costal zone. I have written letters to the Planning Commission several times in the past five years on this subject and have attended many of the meetings on the subject. I also serve on the Board for the Carmel Highlands Association, but I am writing to you as a concerned citizen.

My concerns are as follows:

1. If permits are issued, will they be tied to the property and sold with it?
2. If a permit is requested will the county inform neighbors so they may contest the permit issuance?
3. Has any analysis been done on the hotel/motel/Bed and Breakfast establishments occupancy rates? Are they at capacity?
4. Carmel Highlands already has two visitor serving hotels: The Highlands Inn and the Tickle Pink Inn. Isn't this enough visitor serving units in our area?
5. I am very concerned about my property value decreasing due to short term rentals on my street. We live on small quarter acre lot on a nonconforming street. Will I as a seller have to alert a future property owner buyer that a short term rental business is operating on my street?
6. The Highlands and many other areas in the county are on septic and propane. Some are also on well water. Is the county going to do safety inspections on these properties? Will they be ADA compliant? Will properties be inspected for smoke and CO2 detectors?
7. As private citizens, we do not want to be the enforcement officers. How is the county going to hold property owners accountable to the rules in the ordinance?
8. By having Short Term rentals the character of our street has changed. We already have been impacted by a short term rental business and Home Stays business on my street. The property owner has cut down many trees to improve the view and encroached on the neighboring vacant land by putting trails and other items on the property.
9. Will these short term rental businesses cause a commercial rezoning of our streets?
10. We have also observed houses in our neighborhood changing hands and immediately start doing short term rentals businesses. These are not long term residents who are trying to make ends meet. They are running a business at our expense.

Thank you,
Lorraine O'Shea, property owner
21 Sonoma Lane
Carmel Highlands

Sent from my iPhone



Carmel Valley Association

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

Date: June 19, 2018

To: Board of Supervisors, Chair Luis Alejo, Mary Adams, Simon Salinas, Jane Parker and John Phillips

From: Carmel Valley Association, President, Priscilla Walton

Subject: Current Short Term Rental Ordinance Enforcement

With regard to items 17 a. and b. on the agenda, the staff recommendation of Option 1 (No Change) until new ordinances are developed and adopted **amounts to a dereliction of duty** in implementing an existing ordinance. It will exacerbate the current illegality of non-permitted Short Terms Rentals by announcing that there will be no enforcement of existing regulations. By the time a consensus is achieved and a Short Term Rental Ordinance is adopted and implemented, the violations will be so egregious that it will be far more difficult to enforce, as precedent will be set. If RMA is not able to implement the current ordinance, it will also undermine public confidence in its ability to enforce the new draft ordinance, which will require far more resources to enforce.

The staff completely ignores the current impact of non-enforcement of the current ordinance. Omitted is the impact of uncontrolled non-permitted short term rentals on both the quality of life in residential neighborhoods, and on the availability of affordable housing in Carmel Valley and the surrounding area. The impact of STRs on local housing stock is well documented nationally and internationally in cities and small towns, especially in tourist areas. This is a time of an affordable housing crisis for residents of Monterey County and the Carmel Valley.

Other local cities have recognized that there is a relatively simple and inexpensive way to enforce the current ordinance now, which could readily be implemented despite of the lack of resources of RMA. **CVA recommends that the Board of Supervisors immediately replicate the third party vendor option currently and effectively being used by the cities of Carmel-by-the Sea- and Monterey.** It would be far less costly than the projected financing costs of approximately \$500,000 cited by staff. (As an example, please see attached appendix 1 from third party vendor Host Compliance that includes a range of enforcement actions and their costs). This can be implemented immediately and relieve the current situation of uncontrolled short term rentals. We urge you to act on this option today.

Appendix:

SIMPLIFY THE SHORT-TERM RENTAL REGISTRATION PROCESS AND REDUCE ADMINISTRATIVE COMPLEXITY

- Allow hosts and property managers to easily register, permit and/or license their short-term vacation rentals 24/7/365
- Allow hosts to apply online using any internet browser or mobile device
- Streamline your application process by incorporating national best practices and Silicon Valley's most innovative technologies
- Automatically collect and verify required documentation such as proofs of permanent residency, landlord permissions, HOA approvals, insurance policies, etc.
- Enable applicants to review and electronically sign applications and affidavits under penalty of perjury
- Instantly determine and verify permit eligibility by cross-referencing application info with other data sources such as

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

WEB www.carmelvalleyassociation.org | EMAIL president@carmelvalleyassociation.org

electronic zoning maps, property ownership records, subsidized housing databases, lists of Ellis Act evictions

- Seamlessly collect debit card, credit card and electronic check (ACH) payments without having to worry about PCI compliance and complex implementation processes

\$ 15,300 /yr

- Get all Address Identification features PLUS
- Ongoing monitoring of STRs for zoning and permit compliance
- Proactive and systematic outreach to unpermitted and/or illegal short-term rental operators (using jurisdiction's form letters)
- Monthly staff report on jurisdiction's zoning and permit compliance:
 - ♣ Up-to-date list of STRs operating illegally or without the proper permits
 - ♣ Full case history for non-compliant listings

TAX COLLECTION SUPPORT

\$ 22,100 /yr

- Get all Compliance Monitoring features PLUS
- Ongoing monitoring of jurisdiction's listings for tax compliance
- Pro-active, systematic and data-informed outreach to short-term rental operators regarding their tax remittance obligations (using jurisdiction's form letters)
- Monthly staff report on jurisdiction's STR tax compliance:
 - ♣ Up-to-date list of STRs suspected of under-reporting taxes
 - ♣ The list of evidence that serves as the foundation for the suspicion of tax under-reporting
- Custom reports and analysis to support tax audits and other STR related investigations 2 4 / 7

HOTLINE

\$ 26,180 /yr

- Get all Tax Collection Support features PLUS
- 24/7 staffed telephone and email hotline for neighbors to report non-emergency problems related to STR properties
- Daily/Weekly staff reports containing:
 - ♣ The # and types of reported incidents
 - ♣ List of properties for which incidents have been reported
 - ♣ Full documentation of all reported incidents
 - ♣ Digital recordings and written transcripts of all calls
- Custom reports and analysis of hotline-related activities

From: [ClerkoftheBoard](#)
To: [100-BoS Everyone](#); [Bauman, Lew x5113](#); [Girard, Leslie J. x5365](#); [McKee, Charles J](#)
Cc: [Chiulos, Nick x5145](#); [Harris, Lisa x4879](#); [Holm, Carl P. x5103](#); [McDougal, Melissa x5146](#); [Nickerson, Jacquelyn x5240](#); [Onciano, Jacqueline x5193](#); [Ruiz-Ignacio, Maegan x5508](#)
Subject: Correspondence: Letter from Adrienne Berry, FW: Carmel Unincorporated/Carmel Highlands LUAC member
Date: Monday, May 07, 2018 5:31:43 PM

Good Afternoon, All-

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

Respectfully,

Joel G. Pablo

Senior Secretary

Clerk of the Board

168 W. Alisal St., 1st Floor

Salinas, CA 93901

Phone: (831) 755-5066

Fax: (831) 755-5888

From: Adrienne Berry [mailto:yankeebeach@sbcglobal.net]
Sent: Monday, May 07, 2018 5:06 PM
To: Marthas email <mvdiehl@mindspring.com>; 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; diehl@co.monterey.ca.us; ClerkoftheBoard <cob@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: Fwd: Carmel Unincorporated/Carmel Highlands LUAC member

Dear Ms. Diehl,

I just attended the highlands LUAC meeting today. Mr. Clyde Freedman is still on the committee along with other members who've had knowledge of him illegally operating three short term rentals. I am requesting that you remove all of the members from this committee and start with all new members. They have all proven themselves to disregard county ordinances and their own disclosures signed with the county. I asked each committee member on the record whether they had any financial interest in illegal short term rentals and they all refused to answer. I also asked on the record whether any members had knowledge or information of other members operating illegal short term rentals, they also all refused to answer. Members of a land-use advisory committee have no right to tell others in the community about land use when they are not following important county ordinances. Because of alliances, friendships among the members of the committee all proceedings have been tainted and thus must be disbanded. Mr. Clyde Freedman because he did not recuse himself from the previous LUAC meeting on short term rentals has tainted the entire process. Also Mr. Freedman was on the 18 month group discussing short term rentals run by Melanie Beretti. And that was never disclosed that he was operating an illegal short term rental during that entire process. I am formally requesting that the board of planners take action and remove Clyde Freedman and the rest of the members. They should all be removed as they had

knowledge and still will not state whether they are operating or have financial interest in any illegal short term rental.

Thank you in advance for your public service,

Adrienne Berry

Sent from my iPad

Begin forwarded message:

From: Michelle Alway <michellealway@gmail.com>

Date: April 11, 2018 at 2:38:22 PM PDT

To: Martha V Diehl <mvdiehl@mindspring.com>, vandeverek@co.monterey.ca.us, wizardj@co.monterey.ca.us, amydroberts@gmail.com, mduflock@gmail.com, getzelmanpc@co.monterey.ca.us, padillac1@co.monterey.ca.us, MendezJ@co.monterey.ca.us, ambriza1@co.monterey.ca.us, "Beretti, Melanie x5285" <berettim@co.monterey.ca.us>, "Onciano, Jacqueline x5193" <oncianoj@co.monterey.ca.us>, "Rosales-Nava, Susan J. x4907" <rosales-navasj@co.monterey.ca.us>

Cc: Mary Adams <district5@co.monterey.ca.us>, Mary Adams <maryadams2016@gmail.com>, COB@co.monterey.ca.us, BuiltEnviro@aol.com

Subject: Carmel Unincorporated/Carmel Highlands LUAC member

Dear Sir/Madam,

It has come to our attention since the April 2, 2018 meeting that one of the members of the Carmel Unincorporated/Carmel Highlands LUAC, Clyde (C.W.) Freedman, has an undisclosed conflict of interest due to his owning/operating 3 short term rentals in the Coastal Zone, one of which is in Carmel Highlands. The importance of transparency has been stressed by the Monterey County Zoning administrators. He failed to disclose this fact at the meeting and recuse himself.

There are multiple advertisements and reviews on-line of his short term rentals, as well as a quote in a Pine Cone article after the Big Sur meeting on March 29. .

As per Monterey County Board Order, File ID RES 15-043 No. 7 dated April 29, 2015, page 8:

“g. Committee members will consider each application fairly and impartially on its merits, according to the applicable standards and regulations.”

“i. Members with any financial interest in a matter before the LUAC must and shall disqualify themselves from participation as LUAC members in any discussion or vote on the matter. Members who have disqualified themselves from participating as LUAC members may however comment on the item as members of the general public. LUAC members may speak as individuals before any official body deliberating on a matter from which they disqualified themselves. Such a member so speaking must state that they are not representing the LUAC.”

“j. LUAC members may speak as individuals before any official body deliberating on a matter. However, the LUAC member must state that he or she is not representing the LUAC unless that member has been authorized by the LUAC to represent it.”

In The Carmel Pine Cone, April 6-12, 2018 and as a supporter of vacation stays, Clyde Freedman warned: “You had better work really closely with the coastal commission so they don't say, ‘You have to go back to the drawing board’.” In response to opponents' testimony that short term rentals are driving long term employees out of Big Sur and forcing those who remain to commute long distances to work, Freedman said property owners shouldn't be expected to house local

employees. "It's the responsibility of employers to build housing".

We are concerned that any input given to the County has been tainted by having Clyde Freedman as a member of our local LUAC.

We hereby request that Clyde Freedman resign as a member of the Carmel Unincorporated /Carmel Highlands LUAC committee, based on the above mentioned Board Order, and/or as follows:

13. Removal of a LUAC member:

a. A LUAC member serves at the pleasure of the Planning Commission, and may be removed by a majority vote of the Planning Commission at a regular meeting.

We appreciate your assistance in this matter.

Regards,

Carmel Highlands Residents:

Gwyn DeAmaral - califwayoflife@aol.com

John Willsen - califwayoflife@aol.com

Robert Danziger - BobDanziger@mac.com

Martha Drexler Lynn - marthalynn@mac.com

Adrienne Berry - yankeebeach@sbcglobal.net

Glenn Berry - yankeebeach@sbcglobal.net

Lorraine O'Shea - lorrainekoshea@gmail.com

Mark O'Shea - moshea@csumb.edu

Don Burnett - dlbnet@sbcglobal.net

Linda Burnett - dlbnet@sbcglobal.net

Michelle Alway - michellealway@gmail.com

Charlotte Hallam - bnest@redshift.com

Lynne Boyd - lboyd456@aol.com

PreserveCarmelHighlands@gmail.com

PreserveMontereyNeighborhoods.Community

From: [Adrienne Berry](#)
To: [Beretti, Melanie x5285](#)
Cc: [Onciano, Jacqueline x5193](#); [100-District 5 \(831\) 647-7755](#); [ClerkoftheBoard](#); [Diehl, Martha](#); [Vandevere, Keith](#)
Subject: Short term rental ordinance with web site
Date: Friday, November 17, 2017 3:49:24 PM

Dear Melanie,

I know you are very diligent in your research and have studied up on other cities ordinances. Just in case you haven't seen West Hollywood's short term rental ordinance, I have attached it for your review. Their ordinance is extremely well written and vetted by legal authorities as has Carmel by the sea and the city of Monterey's. Please note West Hollywood's fee structure and enforcement of advertising as offenses. Monterey county should adopt West Hollywood's short term rental ban in the coastal zone without further ado. Simple and succinct. The housing shortage in Monterey county is reaching epidemic proportions. Short term rentals are destroying the ability of individuals to live and work in Monterey county.. <http://www.weho.org/city-hall/city-departments-divisions/public-works/code-compliance/short-term-rentals>

Sincerely,

Adrienne Berry

Sent from my iPad

From: [Adrienne Berry](#)
To: [Beretti, Melanie x5285](#)
Cc: [Onciano, Jacqueline x5193](#); [100-District 5 \(831\) 647-7755](#); [ClerkoftheBoard](#); [Diehl, Martha](#); [Vandevere, Keith](#)
Subject: Short term rental ordinance
Date: Friday, November 17, 2017 3:47:53 PM

Dear Melanie,

I know you are very diligent in your research and have studied up on other cities ordinances. Just in case you haven't seen West Hollywood's short term rental ordinance, I have attached it for your review. Their ordinance is extremely well written and vetted by legal authorities as has Carmel by the sea and the city of Monterey's. Please note West Hollywood's fee structure and enforcement of advertising as offenses. Monterey county should adopt West Hollywood's short term rental ban in the coastal zone without further ado. Simple and succinct. The housing shortage in Monterey county is reaching epidemic proportions. Short term rentals are destroying the ability of individuals to live and work in Monterey county.

Sincerely,

Adrienne Berry

Sent from my iPad

From: [Adrienne Berry](#)
To: [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#); [Vandevere, Keith](#); [Diehl, Martha](#); [ClerkoftheBoard](#); [100-District 5 \(831\) 647-7755](#)
Subject: Fwd: * CCC & Entities - NEW NEWS
Date: Tuesday, March 20, 2018 3:19:50 PM

Dear Melanie,
Please see the attached and let's try to learn from other areas mistakes. The following examples have led to good short-term rental ordinances - West Hollywood, Carmel by the Sea and Monterey City have had little to no complaints and are working wonderfully.

[Save San Diego Neighborhoods - Home | Facebook](#)
<https://www.facebook.com> › Places › San Diego, California

Posts



[Save San Diego Neighborhoods](#)

13 hrs ·

Alert: Airbnb Falsehoods Spreading Quickly

We received many reports that Airbnb proponents are aggressively spreading two falsehoods through complicit Council Members, lobbyists and proxies. The facts are below.

1) Short-term rentals can be limited to 1 per person.

Not true. Cities, like Seattle, fell for this trick and cannot stop unlimited short-term rental ownership due to a simple workaround. Investors own multiple short-term rentals by creating a quick corporate entity and putting the property in its name. The entire process takes about two hours and is inexpensive. Because corporations are considered "persons" under the law, Seattle cannot prevent multiple unit ownership.

2) The California Coastal Commission won't let us enforce our existing prohibition on short-term rentals.

Not true. The Coastal Commission cannot stop San Diego from enforcing its prohibition on short-term rentals. Airbnb sued Hermosa Beach over this and lost (<https://www.leagle.com/decision/incaco20180117015>). The real threat to San Diego is the potential for the Coastal Commission to prevent us from undoing any laws legalizing short-term rentals. Laguna Beach is learning this the hard way. They changed their laws to allow short-term rentals and then tried to undo their mistake. Because short-term rentals had been

legalized, the Coastal Commission was able to stop Laguna Beach from making them illegal again
(<https://www.ocregister.com/.../california-coastal-commission.../>).

[San Diego City Attorney Mara Elliott](#),

We call on you to officially and publicly refute these falsehoods.
Your faithful interpretation of our laws and skills are exactly
what the city needs to avoid irreversible harm.

Thank you,
Save San Diego Neighborhoods

From: [Adrienne Berry](#)
To: [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#); [100-District 5 \(831\) 647-7755](#); [Vandevere, Keith](#); [Diehl, Martha](#); [ClerkoftheBoard](#)
Subject: California Appeals Court - STR's
Date: Tuesday, March 20, 2018 3:27:29 PM

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The court disagreed, stating that the Act (and the Commission charged with enforcing the Act) is primarily concerned with issuing coastal development permits, not city-

enacted zoning rules. At the lower court level, the homeowners had asserted (and lost) claims that the ordinance violated their First Amendment rights (commercial speech) and real property

erty
rights
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From: hkp100@aol.com
To: Mlmartin4
Cc: karinsk@redshift.com; tds@oxy.edu; ClerkoftheBoard; burbidgedj@netscape.net; chris_dale@comcast.net; rhstott@comcast.net; crmlidonna@aol.com; eric.sand@icloud.com; frankjhennessy@gmail.com; Brennan_Janet@comcast.net; jeff_wood07@comcast.net; joeh@mbay.net; cvabookkeeping@gmail.com; luanaconley@gmail.com; mibsmccarthy@comcast.net; priswalton@sbcglobal.net; Foxrich@aol.com; ruthandrick@msn.com; r2dolan@att.net; schachtersj@comcast.net; jzs@caltech.edu; j.e.bileci@gmail.com
Subject: Re: Short Term Rentals in Monterey County
Date: Tuesday, March 20, 2018 4:44:17 PM

Thank you, Tim and Jane,

And everyone else who continues to be active in opposing STRs in residentially zoned areas of unincorporated Monterey County.

I also appreciated the inclusion of Joseph Bileci's excellent letter.

Keep up the great -and hard - work.

Hannah Priestley

Sent from my iPhone

On Mar 19, 2018, at 10:10 PM, Mlmartin4 <mlmartin4@aol.com> wrote:

I will have today's SF Chronicle front page about short term rentals at our meeting Sunday. Check it. out.
Marlene

In a message dated 3/19/2018 5:45:53 PM Pacific Standard Time, karinsk@redshift.com writes:

Excellent letter, Tim — most eloquent as well. Basically Short Term Rentals are a change in zoning without any public hearing or environmental review.

Our community and Monterey County worked long and hard on the zoning in the Carmel Valley Master Plan, and there are many good reasons for lot size restrictions, residential zoning and ancillary uses adopted. Short Term Rentals make short shrift of that.

Thank you for speaking out! Karin

On Mar 19, 2018, at 3:48 PM, Timothy Sanders <tds@oxy.edu> wrote:
Monterey County Board of Supervisors
Monterey County Planning Commission
Monterey County Agencies Charged with Commenting o
Advising on Short Term Rentals

March 19, 2018

Subject: SHORT TERM RENTALS IN MONTEREY COUNTY

Dear Supervisors, Commissioners and Agencies:

We are writing in VIGOROUS OPPOSITION TO SHORT TERM RENTALS (STRs) in residential zones in Monterey County. Reasons for my opposition are well-summarized in the June 17, 2017 letter to the Board and the Commission, from Attorney Joseph E. Bileci, Jr., regarding Short Term Rentals (attached).

Those reasons include especially that

- Short Term Rentals undermine the fundamental and reasonable purposes of residential zoning. "The establishment of [residential zoning] districts", support home ownership and the concomitant "stability, interest in the promotion of public agencies, and recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community ... which must come from personal participation in projects looking toward community betterment' ". That is, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor." They do not "[engage] in the sort of activities that weld and strengthen a community." (See Bileci letter for citations from relevant court documents.).
- Failure to exclude STRs from residential zones produces numerous unmitigatable adverse environmental impacts" within those zones (many such impacts listed and discussed in the Bilechi letter). The introduction of STRs in residential zones effectively nullifies legal protections and circumvents environmental protections provided to residents through zoning.
- Conditions, restrictions and limitations on STRs proposed by advocates of STRs typically do not in fact mitigate STRs' disruptive effects on the local community, but instead offer to substitute alternative supposed recompense for the disruption. Community integrity and civic coherence are sacrificed to potential commercial advantage, even in the face of land use plans' implicit guarantees of well-defined residential

community character. (See the list of fallacies and facts, pages 3-5 of the Bileci letter).

Again, I join many County residents and citizens who vigorously oppose the injection of STRs, a clearly commercial use, into residential planning zones. We regard STRs in residential zones as an inexcusable betrayal of our agreement with the County as expressed in the County's land use plans.

We urge your rejection of any plan provisions that would include STRs in residential zones.

We appreciate your preservation and protection of residents' zoning interests and rights in the County.

Sincerely,

Timothy D. Sanders and Jane Z. Sanders
25075 Pine Hills Dr.
Carmel, CA 93923
(831) 625-4324

<18.0319.str.bileci.letter to county 6.2017-signed.pdf>

From: [Luana Conley](#)
To: [Hanna Priestly](#)
Cc: [Mlmartin4](#); [Karin Strasser Kauffman](#); [Timothy D. Sanders](#); [ClerkoftheBoard](#); [David Burbidge](#); [Dale McCauley](#); [Richard Stott](#); [Donna Kneeland](#); [Eric H. Sand](#); [Frank J Hennessy](#); [Janet Brennan](#); [Jeff Wood](#); [joeh@mbay.net](#); [Kim Williams](#); [Mibs McCarthy](#); [Priscilla Walton](#); [Rich Fox](#); [Manning, Rick](#); [r2dolan@att.net](#); [Sandy Schachter](#); [jzs@caltech.edu](#); [j.e.bileci@gmail.com](#)
Subject: Re: Short Term Rentals in Monterey County
Date: Tuesday, March 20, 2018 8:00:07 PM

fyi There was exceptional response to various facebook postings from local residents on this subject the last couple days.

Most are virulently opposed, some want regulation, esp. allowing STRs by resident-owners only, a few tout the myth of trickle down economic benefit, fewer still are adherents of the Free Market Religion and want unfettered property rights - and they end up sounding just like rabid NRA members!

On Tue, Mar 20, 2018 at 4:44 PM, <hkp100@aol.com> wrote:

Thank you, Tim and Jane,

And everyone else who continues to be active in opposing STRs in residentially zoned areas of unincorporated Monterey County.

I also appreciated the inclusion of Joseph Bileci's excellent letter.

Keep up the great -and hard - work.

Hannah Priestley

Sent from my iPhone

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Thank you for speaking out! Karin

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[<tds@oxy.edu>](mailto:tds@oxy.edu) wrote:

Monterey County Board of Supervisors

Monterey County Planning Commission

Monterey County Agencies Charged with Commenting o

Advising on Short Term Rentals

March 19, 2018

Subject: SHORT TERM RENTALS IN MONTEREY COUNTY

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Those reasons include especially that

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We urge your rejection of any plan provisions that would include STRs in residential zones.

We appreciate your preservation and protection of residents' zoning interests and rights in the County.

Sincerely,

Timothy D. Sanders and Jane Z. Sanders
[25075 Pine Hills Dr.](#)
[Carmel, CA 93923](#)
[\(831\) 625-4324](#)

<18.0319.str.bileci.letter to county 6.2017-signed.pdf>

From: [Adrienne Berry](#)
To: [Spencer, Craig x5233](#)
Cc: [ClerkoftheBoard](#); diehl@co.monterey.ca.us; vandeverek@co.monterey.ca.us; [100-District 5 \(831\) 647-7755](#); [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#)
Subject: LUAC
Date: Monday, May 07, 2018 7:13:30 PM

Dear Mr. Spencer,

It was nice to meet you today. I am wondering why public servants are not required to answer whether they have a conflict of interest in a public forum? How is the public to know whether they have a conflict of interest without specifically asking. It is clear they are not policing themselves. Mr. Clyde Freedman is protecting millions of dollars of commercial property operating illegal short term rentals by being on the Luac committee. How do we know that other members are also not breaking the county ordinance by operating illegally short term rentals? Is the public supposed to research each one? Or should we just ask in a public form if they have any financial interest at all, so they can state the truth? I am formally requesting a copy of any and all disclosures or requirements the county required for them to sign to be on the Luac committee. Thank you in advance for all of your hard work.

Sincerely,

Adrienne Berry

831-625-6039

Sent from my iPad

From: [Adrienne Berry](#)
To: [Spencer, Craig x5233; ClerkoftheBoard; Beretti, Melanie x5285; diehlm@co.monterey.ca.us; vandeverek@co.monterey.ca.us; Onciano, Jacqueline x5193; 100-District 5 \(831\) 647-7755; mvdiehl@mindspring.com](#)
Subject: LUAC
Date: Monday, May 07, 2018 10:06:19 PM
Attachments: [Image-1.jpg](#)

Dear Mr. Spencer,

It was a pleasure speaking with you this afternoon at the Highlands fire station LUAC meeting. The application to serve on the committee makes it clear the public has a right to know if any of the members have financial conflicts concerning agenda items. See attached below:

As I am sure you are aware the county is in possession of multiple documents that offer proof Clyde Freedman, one of the committee members, operates illegal short term rentals in the coastal zone in violation of the ordinance. More concerning is the county has knowledge of this specific conflict of interest in the short term rental issue and he is still being allowed to participate in the adjudication of this matter by participating on this committee. He never recused himself in the last LUAC meeting when short term rentals were discussed.

As you heard in the meeting today, I asked each of the committee members if they had an economic conflict of interest in the short term rental matter, everyone of them declined to answer. Further, I asked if any of the committee members were aware others on the committee that had conflicts with respect to the short term rental deliberations. Again they all declined to answer. Does the public need to do research on every individual? Why is one not able to ask about conflict of interest in a public forum and have members answer in a public forum? The fact the entire committee is at the very least concealing a violation of county and state law with respect to this conflict and feels they are under no obligation to divulge their own conflicts pertaining to this public matter is very troubling.

I am making a formal request for minutes of these two meetings and the applications and any other documents members have signed disclosing conflicts of interest each of the members filled out.

The proponents of short term rentals are funded by billion dollar corporations and are well organized locally. A logical question to ask is how many individuals participating in county positions either paid or unpaid or even on advisory positions overseeing the short term rental issue have failed to disclose pertinent financial conflicts.

I look forward to your reply.

Sincerely,
Adrienne Berry

Adrienne Berry
831-625-6039



Adrienne Berry
Sent from my iPad

From: [Walter Sleeth](#)
To: [ClerkoftheBoard](#)
Cc: [100-District 5 \(831\) 647-7755](#)
Subject: Fwd: Proposed STR Regulations
Date: Monday, May 07, 2018 10:58:47 PM
Attachments: [Dear Ms.Adams.docx](#)
[image001.png](#)

Dear Clerk of the Monterey County Supervisors,

In accordance with Ms. Moore's suggestion in the email below, attached is the letter I sent to Ms. Adams relating to consideration of a very anti-competitive regulation with regard to short term rentals (STR) as they would apply to areas of the County which would be severely economically injured. I would appreciate it if the letter were shared with the other Supervisors.

Thank you very much,

Walter Sleeth
650-325-7595

Begin forwarded message:

From: "100-District 5 (831) 647-7755" <district5@co.monterey.ca.us>
Subject: RE: Proposed STR Regulations
Date: April 30, 2018 at 8:47:02 AM PDT
To: Walter Sleeth <wjsleeth@comcast.net>

Mr. Sleeth: If you would like all Monterey County Supervisors to see your letter, please resend it to the Clerk of the Board's office at: cob@co.monterey.ca.us That office will distribute it to all supervisors and their staff as well as other County personnel. In the meantime, I will bring your e-mail and attachment to the attention of Supervisor Adams and her aides as soon as possible. Thank you.

Susan Moore
Office Manager / Scheduler
Office of Supervisor Mary L. Adams
County of Monterey, District 5
Phone: 831-647-7755



Please consider the environment before printing this e-mail.

To get news & updates from Supervisor Mary Adams delivered to your inbox, please [click here](#)

To get an update on the Hwy One Climbing Lane Project, [click here](#)

From: Walter Sleeth [<mailto:wjsleeth@comcast.net>]

Sent: Sunday, April 29, 2018 4:55 PM

To: 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>

Subject: Proposed STR Regulations

Dear Ms Moore,

Please bring the attached letter to the attention of Supervisor Adams and the other supervisors. If there are future public meetings, please put my email address on the notification list.

Thank you so much,

Walter Sleeth

Dear Ms. Adams,

I am writing you concerning the proposed regulation of 'short time residencies' (STR). I am not a resident of Monterey County, but greatly enjoy the sights and scenery of the County, particularly the South County area of Big Sur going on toward Ragged Point and Hearst Castle. My wife and I try to regularly visit the area as a beautiful and peaceable haven. We certainly spend money in the area, which pleases us as the population of the area benefits.

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

Even if the County government wishes to cater to large multi-state moneyed interests in the large metropolitan areas, although that is not a good idea, unincorporated areas of Monterey County should remain unregulated. In the South County and Big Sur area a number of residents run activities, including 'overnight' accommodations, which compliment your County's wonderful vacation activities and beauty. There is little or no infringement on other owners' enjoyment of their own properties. Some residents'

positions seem to have little evidence of why they are against the free enterprise of their neighbors, such freedom being a long tradition of the area.

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

Smaller more intimate places encourage the type of non-invasive tourism, which benefit the area and visitors from out of town, who enjoy a 'natural' vacation or just a weekend away from home. Please don't push such vacationers into the sterile 'motel' environment.

Sincerely yours,

Walter Sleeth

227 Catalpa Drive
Atherton, CA. 94027

650-325-7595

From: [ClerkoftheBoard](#)
To: [100-BoS Everyone](#); [Bauman, Lew x5113](#); [Girard, Leslie J. x5365](#); [McKee, Charles J](#)
Cc: [Chiulos, Nick x5145](#); [Harris, Lisa x4879](#); [Holm, Carl P. x5103](#); [McDougal, Melissa x5146](#); [Nickerson, Jacquelyn x5240](#); [Onciano, Jacqueline x5193](#); [Ruiz-Ignacio, Maegan x5508](#)
Subject: Correspondence: Letter from Katherine Wenglikowski, FW: Addendum to previous email: Yes to short term rentals in the Carmel Highlands
Date: Monday, May 07, 2018 4:44:26 PM

Good Afternoon, All-

Please see below e-mail correspondence from the desk of Katherine Wenglikowski.

Respectfully,

Joel G. Pablo
Senior Secretary
Clerk of the Board
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Phone: (831) 755-5066
Fax: (831) 755-5888

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

From: Katherine Wenglikowski [<mailto:kathweng@gmail.com>]
Sent: Monday, May 07, 2018 1:49 PM
To: 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; maryadams2016@gmail.com; 100-District 1 (831) 647-7991 <district1@co.monterey.ca.us>; 100-District 2 (831) 755-5022 <district2@co.monterey.ca.us>; 100-District 3 (831) 385-8333 <district3@co.monterey.ca.us>; 100-District 4 (831) 883-7570 <district4@co.monterey.ca.us>
Cc: ClerkoftheBoard <cob@co.monterey.ca.us>
Subject: Addendum to previous email: Yes to short term rentals in the Carmel Highlands

With regards to STRs and your decision to either vote in favor of or oppose, I would like to add to my statement below that the use of homes by movie companies is also considered a short term rental and falls under the same tax jurisdiction for owners. Seemingly the County of Monterey benefits monetarily from film productions as reported by both the Film Bureau and The Monterey Herald. That's a good thing and I for one would like to see it continue. But it makes a wide statement when we look at the finer details - with the recent return of Big Little Lies renting a home in the Carmel Highlands for a second time and getting permits from the County to film which indicates Countywide approval, I think it can then be officially stated that currently the County (and its supervisors) stand in favor of Short Term Rentals. And it would be unwise to say that one person can rent their house out this generating an income from it when another cannot.

County Supervisors, I urge you to use this argument as a way of supporting STRs for all residents.

Kind regards,

Katherine Wenglikowski

Sent from Katherine's iPhone

> On Mar 26, 2018, at 11:48 AM, Katherine Wenglikowski <kathweng@gmail.com> wrote:

>

> Dear Monterey County Supervisors and Staff,

>

> In re-reading my original letter to you dated March 24th, I would like to redact Lynne Boyd's name. I do not want

this to read like a personal vendetta. It is not. I think my statements below are merely examples and can be considered equally valid without the use of personal names. If possible, please substitute the following letter.

>

>

>>

>> Our neighbor is currently running a campaign to eliminate short term rentals through companies such as as Airbnb and VRBO. Personally, in these uncertain economic times, we are in favor of people being able to make money anyway they inclusive of being able to rent their homes for less than 30 days. Granted we don't love the idea of people being able to rent if there is no property manager within 30 miles of said property but we do feel people should have the right to make money (a la "the American Dream") any way they want if it doesn't pose a threat to those around them and we feel confident that the people who can afford to rent in the Highlands generally aren't in town to rape, pillage or plunder. Certainly, one could cite (and has cited) issues of a Red Solo cup having been maliciously tossed into a yard or trash being left behind, but as I see it here in our neighborhood, it is the exception not the rule. My experience with our neighbor who occasionally rents is one of mutual respect and understanding. He manages the place beautifully and we have his number in the event of an issue.

>>

>> One of the concepts/arguments you Supervisors are presented with when considering an appeal requesting variance for a remodel or renovation is "Why is it fair for one person to be allowed something in a neighborhood when another is not" i.e. expansion of one's home footprint beyond 15% lot coverage. Case in point, I had to appeal for a deck addition by arguing, "How can it be fair that one person in a neighborhood be allowed to have a deck but another homeowner gets denied or if everyone else in the neighborhood already has a deck, why can't I have one too?"

>>

>> Here is where I must call our neighbor's kettle black. This particular woman works from home. She uses her home as an office. She runs a business from her home. And yet, this neighbor does not want anyone else running a business from their home. To put it more bluntly, she wants to dictate which businesses are okay to run from one's home and which ones are not. To argue her point of why STRs are bad, she cites non-issues such as increased traffic to the neighborhood and cars parked on the street, or it's scary to have strangers in your neighborhood as to why STRs should be banned. Really? If my cousin came to visit for two weeks, that person would also be a stranger to her, but that doesn't make my cousin is a danger. As for traffic on Hwy 1 or in the hood? We all know there is no increased traffic of any measurable means due to the fact that someone has rented out their home out to a family. In fact one or two or even three visiting cars from a renter's entourage would be the same number of cars if indeed the owner of said house were living in it.

>>

>> To address another neighbor who opposes STRs, she is upset because someone (maliciously - according to her) threw trash in her yard. Might it have been an accident? Probably not. The woman literally accosts people she doesn't recognize in the neighborhood and does not speak kindly to them as she is aggressively quizzes them about who they are, where they are staying and what reason they may have for being in her neighborhood. This woman also goes around posting notices on gates and leaving leaflets on people's driveways (eh hem - creating trash) to point out that if you're a Short Term Renter you are breaking the law and you are not welcome in this neighborhood as if she speaks for all. Not very neighborly in my humble opinion. And certainly not portraying the friendliness we think of the Highlands as exhibiting in its character.

>>

>> Going back to my main point though, we would like to reiterate, why should one person be able to work from home (or use their home for business) and make money but others cannot? I'd like to state that a great many people make money from home, consultants, artists, telecommuters, writers, basically any professional who uses a computer or chooses to work from a home office. And it's okay for all of them but this new concept of renting a room or house to a family is not okay. Seems like a flawed argument to us.

>>

>> Thank you for taking the time to read our statement in favor of all people being able to make money in a way that's legal and law abiding (inclusive of paying the appropriate taxes).

>>

>> Katherine and Floyd Wenglikowski (full time residents)

>> 138 Carmel Riviera Dr.

>> Carmel Highlands

>

From: [ClerkoftheBoard](#)
To: [100-BoS Everyone](#); [Bauman, Lew x5113](#); [Girard, Leslie J. x5365](#); [McKee, Charles J](#)
Cc: [Chiulos, Nick x5145](#); [Harris, Lisa x4879](#); [Holm, Carl P. x5103](#); [McDougal, Melissa x5146](#); [Nickerson, Jacquelyn x5240](#); [Onciano, Jacqueline x5193](#); [Ruiz-Ignacio, Maegan x5508](#)
Subject: Correspondence: Letter from Martha Diehl, FW: Carmel Unincorporated/Carmel Highlands LUAC member
Date: Thursday, May 10, 2018 8:08:42 AM

Good Morning, All-

Please see below e-mail correspondence from the desk of Martha Diehl.

Respectfully,

Joel G. Pablo

Senior Secretary

Clerk of the Board

168 W. Alisal St., 1st Floor

Salinas, CA 93901

Phone: (831) 755-5066

Fax: (831) 755-5888

From: Martha V Diehl [mailto:mvdiehl@mindspring.com]
Sent: Wednesday, May 09, 2018 3:15 PM
To: Adrienne Berry <yankeebeach@sbcglobal.net>; 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; ClerkoftheBoard <cob@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Cc: Onciano, Jacqueline x5193 <oncianoj@co.monterey.ca.us>; Strimling, Wendy x5430 <strimlingw@co.monterey.ca.us>
Subject: Re: Carmel Unincorporated/Carmel Highlands LUAC member

Dear Ms. Berry,

Thank you for your note. As you have likely heard, County staff will respond to your concerns formally. This informal note is just my own thoughts.

WRT legal standards, conflict of interest is a very complex and non-intuitive area of the law, and I look forward to legal guidance from County Counsel to help all LUAC members be sure they are supporting a fair and open process. I understand this is something being developed and will be shared as soon as it is available. If you would like to better understand how it works now, I highly recommend contacting the CA Fair Political Practices Commission www.fppc.ca.gov/ They offer an excellent informal advice service: I have used it myself and found it to be very helpful.

Speaking entirely for myself (and likely against the advice of professionals) I need to say here that I personally value the input of the volunteers who serve on our LUACs very highly indeed. Their work helps make sure that all the voices in our local communities are part of our planning discussions, and that issues specific to local areas are not overlooked. In recruiting LUAC members I actively look for the widest possible variety of backgrounds, skills, experiences and opinions to help us understand

local concerns in all our many and different land use areas. In other words, with respect to providing recommendations to the Planning Commission on both individual project proposals and proposed policy changes, LUAC members having opinions is in my view a feature not a bug.

Further, I would like to point out that there are openings on most if not all of our LUACs for residents willing and able to provide this kind of volunteer public service, and that most applications are gratefully accepted. The work includes bi-monthly meetings, careful review of individual projects, and occasional requests for input on policy matters before the PC.

It is important to note that LUACs provide recommendations to the Planning Commission that help in our deliberations. They don't 'decide' these things per se.

Again, speaking entirely personally, I actively strive for inclusion and avoid excluding anyone from the public conversation if at all possible. I firmly believe that our best answers to public policy issues come thru through open and comprehensive public process, with everyone possible at the table. To do this effectively I try to avoid personalizing policy debates, and instead try myself and ask all involved to speak exclusively to the issues involved. This is part of making sure that the public conversation truly is open to all and not just to those with whom I may personally agree or those who are strong enough to speak up in an environment that feels unwelcoming. People need to feel safe to speak. For this reason I personally strongly object to any critical commentary in any public forum focused on or directed at individuals whether they are serving on a board, staff, or are participating as member of the public. Allowing such behavior is in my view fundamentally anti-democratic. It can also btw be bullying, since those of us serving (including staff) are prohibited from responding to public comment unless and until a given matter were to be on an agenda so everyone who might be interested could participate.

WRT code enforcement neither the LUACs nor the Planning Commission have jurisdiction – or influence - over code enforcement complaints. I have asked and I am assured that your complaints have been received by the people who do have jurisdiction and that they will be handled through the established process which of course includes due process for all concerned. Part of that is that those accused are presumed innocent of wrongdoing unless and until that process concludes with a determination that they are not.

Again, thank you for your note and your interest in your community and the process around creating a new County ordinance governing short term rentals. Your participation, and that of all the other passionate community members on all sides of this issue are our best hope of creating a fair and useful new ordinance. It is my continued hope that we can pursue our common interests in healthy and vibrant communities in a way that supports kind and neighborly relations among all concerned as this process goes forward!

BRgds
Martha

--

Martha Diehl

Garrapata Trout Farm
35811 Hwy 1
Monterey, CA 93940

831.625.9621 home & messages
831.915.7653 mobile

On 5/7/18, 5:05 PM, "Adrienne Berry" <yankeebeach@sbcglobal.net> wrote:

Dear Ms. Diehl,

I just attended the highlands LUAC meeting today. Mr. Clyde Freedman is still on the committee along with other members who've had knowledge of him illegally operating three short term rentals. I am requesting that you remove all of the members from this committee and start with all new members. They have all proven themselves to disregard county ordinances and their own disclosures signed with the county. I asked each committee member on the record whether they had any financial interest in illegal short term rentals and they all refused to answer. I also asked on the record whether any members had knowledge or information of other members operating illegal short term rentals, they also all refused to answer. Members of a land-use advisory committee have no right to tell others in the community about land use when they are not following important county ordinances. Because of alliances, friendships among the members of the committee all proceedings have been tainted and thus must be disbanded. Mr. Clyde Freedman because he did not recuse himself from the previous LUAC meeting on short term rentals has tainted the entire process. Also Mr. Freedman was on the 18 month group discussing short term rentals run by Melanie Beretti. And that was never disclosed that he was operating an illegal short term rental during that entire process. I am formally requesting that the board of planners take action and remove Clyde Freedman and the rest of the members. They should all be removed as they had knowledge and still will not state whether they are operating or have financial interest in any illegal short term rental.

Thank you in advance for your public service,
Adrienne Berry
Sent from my iPad

Begin forwarded message:

From: Michelle Alway <michellealway@gmail.com>
Date: April 11, 2018 at 2:38:22 PM PDT

To: Martha V Diehl <mvdiehl@mindspring.com>, vandeverek@co.monterey.ca.us, wizardj@co.monterey.ca.us, amydroberts@gmail.com, mduflock@gmail.com, getzelmanpc@co.monterey.ca.us, padillac1@co.monterey.ca.us, MendezJ@co.monterey.ca.us, ambriza1@co.monterey.ca.us, "Beretti, Melanie x5285" <berettim@co.monterey.ca.us>, "Onciano, Jacqueline x5193" <oncianoj@co.monterey.ca.us>, "Rosales-Nava, Susan J. x4907" <rosales-navasj@co.monterey.ca.us>
Cc: Mary Adams <district5@co.monterey.ca.us>, Mary Adams <maryadams2016@gmail.com>, COB@co.monterey.ca.us, BuiltEnviro@aol.com
Subject: Carmel Unincorporated/Carmel Highlands LUAC member

Dear Sir/Madam,

It has come to our attention since the April 2, 2018 meeting that one of the members of the Carmel Unincorporated/Carmel Highlands LUAC, Clyde (C.W.) Freedman, has an undisclosed conflict of interest due to his owning/operating 3 short term rentals in the Coastal Zone, one of which is in Carmel Highlands. The importance of transparency has been stressed by the Monterey County Zoning administrators. He failed to disclose this fact at the meeting and recuse himself.

There are multiple advertisements and reviews on-line of his short term rentals, as well as a quote in a Pine Cone article after the Big Sur meeting on March 29. .

As per Monterey County Board Order, File ID RES 15-043 No. 7 dated April 29, 2015, page 8:

"g. Committee members will consider each application fairly and impartially on its merits, according to the applicable standards and regulations."

"i. Members with any financial interest in a matter before the LUAC must and shall disqualify themselves from participation as LUAC members in any discussion or vote on the matter. Members who have disqualified themselves from participating as LUAC members may however comment on the item as members of the general public. LUAC members may speak as individuals before any official body deliberating on a matter from which they disqualified themselves. Such a member so speaking must state that they are not representing the LUAC."

"j. LUAC members may speak as individuals before any official body deliberating on a matter. However, the LUAC member must state that he or she is not representing the LUAC unless that member has been authorized by the LUAC to represent it."

In The Carmel Pine Cone, April 6-12, 2018 and as a supporter of vacation stays, Clyde Freedman warned: "You had better work really closely with the coastal commission so they don't say, 'You have to go back to the drawing board'." In response to opponents' testimony that short term rentals are driving long term employees out of Big Sur and forcing those who remain to commute long distances to work, Freedman said property owners shouldn't be expected to house local employees. "It's the responsibility of employers to build housing".

We are concerned that any input given to the County has been tainted by having Clyde Freedman as a member of our local LUAC.

We hereby request that Clyde Freedman resign as a member of the Carmel Unincorporated /Carmel Highlands LUAC committee, based on the above mentioned Board Order, and/or as follows:

13. Removal of a LUAC member:

a. A LUAC member serves at the pleasure of the Planning Commission, and may be removed by a majority vote of the Planning Commission at a regular meeting.

We appreciate your assistance in this matter.

Regards,

Carmel Highlands Residents:

Gwyn DeAmaral - califwayoflife@aol.com

John Willsen - califwayoflife@aol.com

Robert Danziger - BobDanziger@mac.com <<mailto:BobDanziger@mac.com>>

Martha Drexler Lynn - marthallynn@mac.com <<mailto:marthallynn@mac.com>>

Adrienne Berry - yankeebeach@sbcglobal.net

Glenn Berry - yankeebeach@sbcglobal.net

Lorraine O'Shea - lorrainekoshea@gmail.com

Mark O'Shea - moshea@csumb.edu

Don Burnett - dlbnet@sbcglobal.net

Linda Burnett - dlbnet@sbcglobal.net

Michelle Alway - michellealway@gmail.com

Charlotte Hallam - bnest@redshift.com

Lynne Boyd - lboyd456@aol.com

PreserveCarmelHighlands@gmail.com

PreserveMontereyNeighborhoods.Community

From: [MImartin4](#)
To: tds@oxy.edu; [ClerkoftheBoard](#)
Cc: burbidgedj@netscape.net; chris_dale@comcast.net; rhstott@comcast.net; crmlidonna@aol.com; eric.sand@icloud.com; frankjhennessy@gmail.com; hkp100@aol.com; Brennan_Janet@comcast.net; jeff_wood07@comcast.net; joeh@mbay.net; karinsk@redshift.com; cvabookkeeping@gmail.com; luanaconley@gmail.com; mibsmccarthy@comcast.net; priswalton@sbcglobal.net; Foxrich@aol.com; ruthandrick@msn.com; r2dolan@att.net; schachtersj@comcast.net; tds@oxy.edu; jzs@caltech.edu; j.e.bileci@gmail.com
Subject: Re: Short Term Rentals in Monterey County
Date: Monday, March 19, 2018 9:49:21 PM

Yes. Interesting article on the front page of the San Francisco Chronicle about the problem in Tahoe with these rentals.

In a message dated 3/19/2018 3:49:02 PM Pacific Standard Time, tds@oxy.edu writes:

Monterey County Board of Supervisors
Monterey County Planning Commission
Monterey County Agencies Charged with Commenting o Advising on Short Term Rentals

March 19, 2018

Subject: SHORT TERM RENTALS IN MONTEREY COUNTY

Dear Supervisors, Commissioners and Agencies:

We are writing in VIGOROUS OPPOSITION TO SHORT TERM RENTALS (STRs) in residential zones in Monterey County. Reasons for my opposition are well-summarized in the June 17, 2017 letter to the Board and the Commission, from Attorney Joseph E. Bileci, Jr., regarding Short Term Rentals (attached).

Those reasons include especially that

- Short Term Rentals undermine the fundamental and reasonable purposes of residential zoning. "The establishment of [residential zoning] districts", support home ownership and the concomitant "stability, interest in the promotion of public agencies, and recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community ... which must come from personal participation in projects looking toward community betterment' ". That is, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor." They do not "[engage] in the sort of activities that weld and strengthen a community." (See Bileci letter for citations from relevant court documents.).
- Failure to exclude STRs from residential zones produces numerous unmitigatable adverse environmental impacts" within those zones (many such impacts listed and discussed in the Bilechi letter). The introduction of STRs in residential zones effectively nullifies legal protections and circumvents environmental protections provided to residents through zoning.

- Conditions, restrictions and limitations on STRs proposed by advocates of STRs typically do not in fact mitigate STRs' disruptive effects on the local community, but instead offer to substitute alternative supposed recompense for the disruption. Community integrity and civic coherence are sacrificed to potential commercial advantage, even in the face of land use plans' implicit guarantees of well-defined residential community character. (See the list of fallacies and facts, pages 3-5 of the Bileci letter).

Again, I join many County residents and citizens who vigorously oppose the injection of STRs, a clearly commercial use, into residential planning zones. We regard STRs in residential zones as an inexcusable betrayal of our agreement with the County as expressed in the County's land use plans.

We urge your rejection of any plan provisions that would include STRs in residential zones.

We appreciate your preservation and protection of residents' zoning interests and rights in the County.

Sincerely,

Timothy D. Sanders and Jane Z. Sanders
25075 Pine Hills Dr.
Carmel, CA 93923
(831) 625-4324

From: [Jeff's Home Email](#)
To: [Karin Kauffman](#)
Cc: [Timothy Sanders](#); [ClerkoftheBoard](#); [Burbidge David](#); [Dale McCauley](#); [Dick Stott](#); [Donna Kneeland](#); [Eric Sand](#); [Frank Hennessy](#); [Hanna Priestly](#); [Janet Brennan](#); [Joe Hertlein](#); [Kim Williams](#); [Luana Conley](#); [Marlene martin](#); [Mibs McCarthy](#); [Priscilla Walton](#); [Rich Fox](#); [Ruth carter](#); [Roger Dolan](#); [Sandy Schachter](#); [Jane Sanders](#); [j.e.bileci](#)
Subject: Re: Short Term Rentals in Monterey County
Date: Monday, March 19, 2018 6:01:40 PM

Dear All,

Yes, excellent letter from Tim and Jane Sanders and comments from Karin Strasser Kauffman. I agree with them both completely.

Jeffrey Wood
28051 Hawk Court
Carmel, CA 93923

Sent from my iPhone

On Mar 19, 2018, at 5:45 PM, Karin Kauffman <karinsk@redshift.com> wrote:

Excellent letter, Tim — most eloquent as well. Basically Short Term Rentals are a change in zoning without any public hearing or environmental review.

Our community and Monterey County worked long and hard on the zoning in the Carmel Valley Master Plan, and there are many good reasons for lot size restrictions, residential zoning and ancillary uses adopted. Short Term Rentals make short shrift of that.

Thank you for speaking out! Karin

On Mar 19, 2018, at 3:48 PM, Timothy Sanders <tds@oxy.edu> wrote:

Monterey County Board of Supervisors
Monterey County Planning Commission
Monterey County Agencies Charged with Commenting o Advising
on Short Term Rentals

March 19, 2018

Subject: SHORT TERM RENTALS IN MONTEREY COUNTY

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regarding Short Term Rentals (attached).

Those reasons include especially that

- Short Term Rentals undermine the fundamental and reasonable purposes of residential zoning. "The establishment of [residential zoning] districts", support home ownership and the concomitant "stability, interest in the promotion of public agencies, and recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community ... which must come from personal participation in projects looking toward community betterment' ". That is, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor." They do not "[engage] in the sort of activities that weld and strengthen a community." (See Bileci letter for citations from relevant court documents.).
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Again, I join many County residents and citizens who vigorously oppose the injection of STRs, a clearly commercial use, into residential planning zones. We regard STRs in residential zones as an inexcusable betrayal of our agreement with the County as expressed in the County's land use plans.

We urge your rejection of any plan provisions that would include STRs in residential zones.

We appreciate your preservation and protection of residents' zoning interests and rights in the County.

Sincerely,

Timothy D. Sanders and Jane Z. Sanders
25075 Pine Hills Dr.
Carmel, CA 93923
(831) 625-4324

<18.0319.str.bileci.letter to county 6.2017-signed.pdf>

From: [Karin Kauffman](#)
To: [Timothy Sanders](#)
Cc: [ClerkoftheBoard](#); [Burbidge David](#); [Dale McCauley](#); [Dick Stott](#); [Donna Kneeland](#); [Eric Sand](#); [Frank Hennessy](#); [Hanna Priestly](#); [Janet Brennan](#); [Jeff Wood](#); [Joe Hertlein](#); [Kim Williams](#); [Luana Conley](#); [Marlene martin](#); [Mibs McCarthy](#); [Priscilla Walton](#); [Rich Fox](#); [Ruth carter](#); [Roger Dolan](#); [Sandy Schachter](#); [Jane Sanders](#); [j.e.bileci](#)
Subject: Re: Short Term Rentals in Monterey County
Date: Monday, March 19, 2018 5:45:56 PM

Excellent letter, Tim — most eloquent as well. Basically Short Term Rentals are a change in zoning without any public hearing or environmental review.

Our community and Monterey County worked long and hard on the zoning in the Carmel Valley Master Plan, and there are many good reasons for lot size restrictions, residential zoning and ancillary uses adopted. Short Term Rentals make short shrift of that.

Thank you for speaking out! Karin

On Mar 19, 2018, at 3:48 PM, Timothy Sanders <tds@oxy.edu> wrote:

Monterey County Board of Supervisors
Monterey County Planning Commission
Monterey County Agencies Charged with Commenting o Advising on Short Term Rentals

March 19, 2018

Subject: SHORT TERM RENTALS IN MONTEREY COUNTY

Dear Supervisors, Commissioners and Agencies:

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Those reasons include especially that

- Short Term Rentals undermine the fundamental and reasonable purposes of residential zoning. "The establishment of [residential zoning] districts", support home ownership and the concomitant "stability, interest in the promotion of public agencies, and recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community ... which must come from personal participation in projects looking toward community betterment' ". That is, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor." They do not "[engage] in the sort of activities that weld and strengthen a community." (See Bileci letter for citations from relevant court documents.).

- Failure to exclude STRs from residential zones produces numerous unmitigatable adverse environmental impacts" within those zones (many such impacts listed and discussed in the Bilechi letter). The introduction of STRs in residential zones effectively nullifies legal protections and circumvents environmental protections provided to residents through zoning.
- Conditions, restrictions and limitations on STRs proposed by advocates of STRs typically do not in fact mitigate STRs' disruptive effects on the local community, but instead offer to substitute alternative supposed recompense for the disruption. Community integrity and civic coherence are sacrificed to potential commercial advantage, even in the face of land use plans' implicit guarantees of well-defined residential community character. (See the list of fallacies and facts, pages 3-5 of the Bileci letter).

Again, I join many County residents and citizens who vigorously oppose the injection of STRs, a clearly commercial use, into residential planning zones. We regard STRs in residential zones as an inexcusable betrayal of our agreement with the County as expressed in the County's land use plans.

We urge your rejection of any plan provisions that would include STRs in residential zones.

We appreciate your preservation and protection of residents' zoning interests and rights in the County.

Sincerely,

Timothy D. Sanders and Jane Z. Sanders
25075 Pine Hills Dr.
Carmel, CA 93923
(831) 625-4324

<18.0319.str.bileci.letter to county 6.2017-signed.pdf>

From: [Mlmartin4](#)
To: [karinsk@redshift.com](#); [tds@oxy.edu](#)
Cc: [ClerkoftheBoard](#); [burbidgedj@netscape.net](#); [chris_dale@comcast.net](#); [rhstott@comcast.net](#); [crmlonna@aol.com](#); [eric.sand@icloud.com](#); [frankjhennessy@gmail.com](#); [hkp100@aol.com](#); [Brennan_Janet@comcast.net](#); [jeff_wood07@comcast.net](#); [joeh@mbay.net](#); [cvabookkeeping@gmail.com](#); [luanaconley@gmail.com](#); [mibsmccarthy@comcast.net](#); [priswalton@sbcglobal.net](#); [Foxrich@aol.com](#); [ruthandrick@msn.com](#); [r2dolan@att.net](#); [schachtersj@comcast.net](#); [jzs@caltech.edu](#); [j.e.bileci@gmail.com](#)
Subject: Re: Short Term Rentals in Monterey County
Date: Monday, March 19, 2018 10:10:46 PM

I will have today's SF Chronicle front page about short term rentals at our meeting Sunday. Check it. out.
Marlene

In a message dated 3/19/2018 5:45:53 PM Pacific Standard Time, [karinsk@redshift.com](#) writes:

Excellent letter, Tim — most eloquent as well. Basically Short Term Rentals are a change in zoning without any public hearing or environmental review.

Our community and Monterey County worked long and hard on the zoning in the Carmel Valley Master Plan, and there are many good reasons for lot size restrictions, residential zoning and ancillary uses adopted. Short Term Rentals make short shrift of that.

Thank you for speaking out! Karin

On Mar 19, 2018, at 3:48 PM, Timothy Sanders <[tds@oxy.edu](#)> wrote:
Monterey County Board of Supervisors
Monterey County Planning Commission
Monterey County Agencies Charged with Commenting o Advising on
Short Term Rentals

March 19, 2018

Subject: SHORT TERM RENTALS IN MONTEREY COUNTY

Dear Supervisors, Commissioners and Agencies:

We are writing in VIGOROUS OPPOSITION TO SHORT TERM RENTALS (STRs) in residential zones in Monterey County. Reasons for my opposition are well-summarized in the June 17, 2017 letter to the Board and the Commission, from Attorney Joseph E. Bileci, Jr., regarding Short Term Rentals (attached).

Those reasons include especially that

- Short Term Rentals undermine the fundamental and reasonable purposes of residential zoning. "The establishment of [residential zoning] districts", support home ownership and the concomitant "stability, interest in the promotion of public agencies, and

recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community ... which must come from personal participation in projects looking toward community betterment' ". That is, "Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor." They do not "[engage] in the sort of activities that weld and strengthen a community." (See Bileci letter for citations from relevant court documents.).

- Failure to exclude STRs from residential zones produces numerous unmitigatable adverse environmental impacts" within those zones (many such impacts listed and discussed in the Bilechi letter). The introduction of STRs in residential zones effectively nullifies legal protections and circumvents environmental protections provided to residents through zoning.
- Conditions, restrictions and limitations on STRs proposed by advocates of STRs typically do not in fact mitigate STRs' disruptive effects on the local community, but instead offer to substitute alternative supposed recompense for the disruption. Community integrity and civic coherence are sacrificed to potential commercial advantage, even in the face of land use plans' implicit guarantees of well-defined residential community character. (See the list of fallacies and facts, pages 3-5 of the Bileci letter).

Again, I join many County residents and citizens who vigorously oppose the injection of STRs, a clearly commercial use, into residential planning zones. We regard STRs in residential zones as an inexcusable betrayal of our agreement with the County as expressed in the County's land use plans.

We urge your rejection of any plan provisions that would include STRs in residential zones.

We appreciate your preservation and protection of residents' zoning interests and rights in the County.

Sincerely,

Timothy D. Sanders and Jane Z. Sanders
25075 Pine Hills Dr.
Carmel, CA 93923
(831) 625-4324

From: [Beretti, Melanie x5285](#)
To: [McDougal, Melissa x5146](#); [Maciel Pantoja, Yolanda](#)
Subject: FW: Our Vacation Property at 28900 Plaskett Ridge Road
Date: Monday, June 18, 2018 6:29:14 AM
Attachments: [Letter to Melanie Beretti, 6-18-18.docx](#)

STR Public Comment

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

From: DAVID ERLACH [mailto:giseledave@cox.net]
Sent: Sunday, June 17, 2018 9:20 PM
To: 194-RMAComments <RMAComments@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Cc: Jon Doelman <jpdoelman@gmail.com>; Gisele Goetz Erlach <gmgoetz@hbsb.com>; Nichole Chupka <nikki.chupka@gmail.com>; David.Erlach@flir.com
Subject: Our Vacation Property at 28900 Plaskett Ridge Road

Hi Melanie,

attached is a letter that summarizes the situation with our Vacation Property in Southern Big Sur. I plan to attend the Board meeting on Code enforcement on Tuesday, 6/19.

Thank you for your consideration.

Best regards ----- Dave Erlach

Melanie Beretti

18 June, 2018

RMA Property Administration/Special Programs Manager

1441 Schilling Place, South 2nd Floor

Salinas, CA 93901-4527

Dear Melanie,

We would like to express our concerns regarding the Short Term Rental Ordinance being drafted related to the Big Sur Land Use Plan.

We (David Erlach, Gisele Erlach, Jan Doelman and Nicole Chupka) own a vacation property in Southern Big Sur which we rent through VRBO as well as enjoy the property ourselves. We fear that we and our guests will be greatly harmed if our Vacation rental activities are significantly curtailed by a highly restrictive ordinance or sudden code enforcement activities against STRs. We would like to provide some background on our property.

We purchased our 8 acre property at 28900 Plaskett Ridge Road in Feb 2016. It is a classic Big Sur property with redwoods, ocean views and open hillsides. The property has a 2 bedroom, 2 bath house, a separate caretaker unit and a carport. We purchased "Sunshine Alley" from Wells Fargo who foreclosed on the previous owner who had attempted to sell the property for several years. Sunshine Alley had been used off and on as a Vacation Rental through its entire history of owners dating back to the original owners who built the house in 1971. Our property is well maintained and amongst 6 other nearby large parcel view properties that are "off-grid" without utility electrical, gas, mail, water or sewer service. None of these properties are owner occupied. Currently three of these properties are for sale between \$1,500 mil and \$2.25 mil. One property is used as a Vacation Rental, like ours, and the other two are original Plaskett homesteads from days of old. All of the houses in our area are at least 300ft apart and very private.

We rent out our main house part time through VRBO to help with the costs of owning and maintaining the property. We have not turned a profit. We fully pay the required Transit Occupancy Tax for rentals and all property taxes. Our guests are delighted to have the opportunity to visit and relax in this remote area of Big Sur rather than simply "drive by". Some guests have returned to Sunshine Alley for decades. The greatest virtue of Sunshine Alley is expressed by the happiness of our guests.

During our ownership of Sunshine Alley we have received absolutely no complaints from Neighbors or officials. However we recently find ourselves on a code compliance list and are surprised to see that our property is designated as "High Priority" on a recently published code enforcement map. We are not sure how the determination is made between low, medium and high priority.

There are very valid issues with some STRs. Loud guests, parking, crowds, security on private roads to name a few. These issues are especially prevalent in dense communities. Our property has none of these negatives. There are those who press the merits of "owner occupied" houses with rooms for rent. Having caretakers to manage the property actually offers a better guest experience. Our care takers are a local couple that enjoy the benefits of the property and privacy while working at a nearby resort. The

most obvious blight in our local community are the multitudes of car campers who make use of undeveloped sites along the length of Plaskett Ridge road; this is apparently lawful and we don't complain.

We also recognize that there is a general housing shortage in Big Sur; this is especially true in our area. We are happy to provide housing for our caretaker couple. It is not reasonable to expect that large parcel properties will be used as low cost housing for rent or to buy. This housing shortage is a result of development prevention by the Coastal commission and view shed rules. It is a blessing to the character of Big Sur but comes at a price. Fair market price for renting our property would be about \$5000 per month, way outside of the ability for local workers to afford (and the owners would no longer be able to visit).

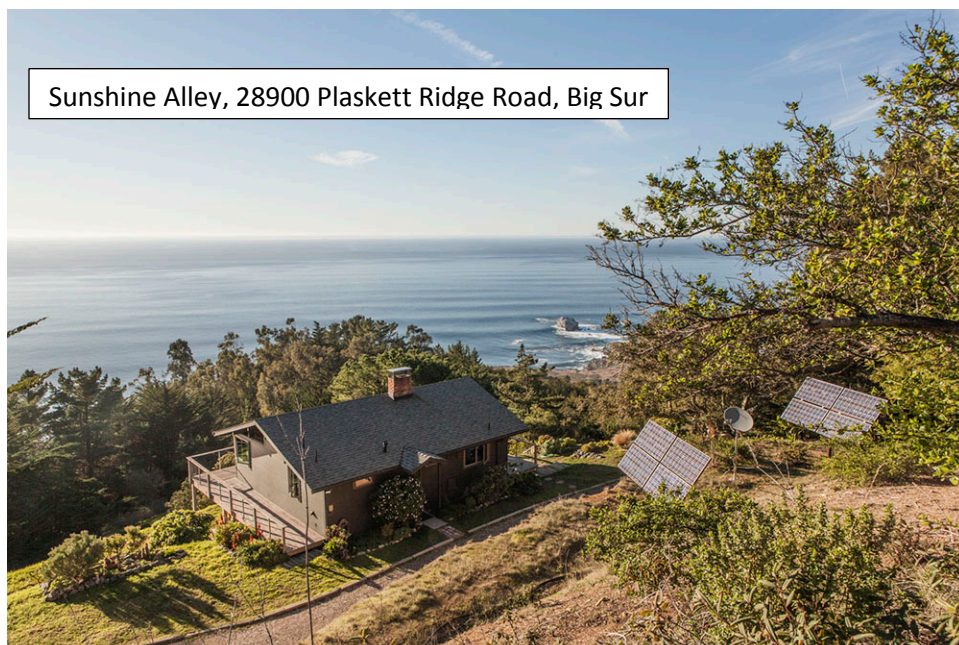
As owners, we love to visit, work on projects and offer Sunshine Alley to the pleasure of our guests. Our caretakers have also made it their home. The current use of Sunshine Alley is the highest purpose for the property. Nobody is harmed and many benefit. Creating an ordinance that curtails its use will place a hardship on us as owners, devalue our property and deny many visitors the wonderful quality experience of Big Sur.

We would be happy to discuss or correspond regarding this issue at your convenience.

Sincerely,

David Erlach (805) 570-1396: giseledave@cox.net

On behalf of myself and Gisele Erlach, Jan Doelman and Nicole Chupka (owners: Sunshine Alley)



From: [Beretti, Melanie x5285](#)
To: [McDougal, Melissa x5146](#); [Maciel Pantoja, Yolanda](#)
Subject: FW: Short Term Rental Ordinances
Date: Monday, June 18, 2018 10:45:17 AM

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

From: John Cromwell [<mailto:john@cromwell.net>]
Sent: Saturday, May 19, 2018 3:22 PM
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: Short Term Rental Ordinances

Hi Melanie,

We live at 2459 San Antonio Avenue in Carmel. Over the past several months, a number of neighboring properties have sold to what appear to be investors who rent their properties on a weekly basis. Most appear to be marketed through a local company called San Carlos. It has greatly changed the character of the neighborhood.

I was trying to determine from the Monterey County Code Enforcement website what the minimum rental periods were for the coastal district. I had assumed it was one-month. But it is difficult to discern exactly what the code is, from my review.

With the influx of investors who are able to take advantage of internet based marketing programs, it is very easy for them to monetize their properties, changing the nature of the neighborhood. Rather than neighbors, we have a continuous rotation of short term renters, from Texas, Oregon, Washington, etc. And it changes the economics both for people seeking long term rentals (because what might be a \$5-6K monthly rental changes into \$12K in monthly income to the landlord) so they get priced out of the market, and for prospective home buyers because the investors kick up the value of the properties, knowing they can command a higher rental rate than if they were having to actually occupy their properties (or rent them for longer terms).

In any event, I want to know whether there is really a code violation or if I just have to live with this. Hopefully there are some remedies.

Greatly appreciate your guidance on this.

Kind regards,

John

John Cromwell
2459 San Antonio Avenue
Carmel, CA 93923

From: [Beretti, Melanie x5285](#)
To: [McDougal, Melissa x5146](#); [Maciel Pantoja, Yolanda](#)
Subject: FW: Short Term Rentals Boston FYI
Date: Monday, June 18, 2018 7:56:51 AM

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

From: Priscilla Walton [<mailto:priswalton@sbcglobal.net>]
Sent: Wednesday, June 13, 2018 4:17 PM
To: Dugan, John x6654 <DuganJ@co.monterey.ca.us>; Holm, Carl P. x5103 <HolmCP@co.monterey.ca.us>
Cc: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: Short Term Rentals Boston FYI

BOSTON (CBS) – Boston is cracking down on short-term rentals like Airbnb.

The City Council just approved new rules that would ban certain property owners from renting apartments for short terms through a variety of apps. The biggest losers would be so-called investor units, homes where the owner doesn't actually live.

It took the Boston City Council a couple of years and several different proposals to get to today. The house was packed with people on both sides of the issue. After debating amendment after amendment, the Councilors voted 11-2 to impose strict regulations on short-term rentals like Airbnb and Home Away.

The most significant change, the new ordinance bans people from renting out units they don't live in for short periods. Those are called investor units and critics say they're a type of hotel.

The regulations do allow short-term rentals of owner occupied units as often as the owners want, and allows owners of two and three family homes to rent out one unit all year long.

Airbnb is not happy, telling WBZ in a statement: "The new ordinance unfortunately creates a system that violates the privacy of our hosts, and prevents Boston families from making much needed extra income in one of the country's most expensive cities."

Outside the council chambers, Airbnb host Terrence Heinen wasn't happy either. "What they did is just mind boggling. It's just crushing a whole industry. We have cleaners, we have maintenance people, they're all going to be put out of work," he says.

But the city argues the new regulation will help traditional renters. "I think we're really hopeful it will return some housing to the rental market, that these people go back to renting long term leases," says Colleen Fitzpatrick who also attended the Council meeting.

The ordinance also forces hosts to register with the city and pay a yearly registration fee.

Late this afternoon Boston Mayor Marty Walsh told us he will sign the new law.

Paula Ebben

From: [Beretti, Melanie x5285](#)
To: [McDougal, Melissa x5146](#); [Maciel Pantoja, Yolanda](#)
Subject: FW: Short Term Rentals
Date: Monday, June 18, 2018 10:16:36 AM

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

From: Lorraine Oshea [<mailto:lorrainekoshea@gmail.com>]
Sent: Tuesday, June 5, 2018 3:22 PM
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Cc: maryadams0712@gmail.com; 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>;
michellealway@gmail.com; bobdanziger@mac.com; preservecarmelhighlands@gmail.com; dlbnnet@sbcglobal.net
Subject: Short Term Rentals

Dear Ms Beretti,

I first want to thank you for coming to our area (Carmel Highlands and Carmel Valley) to update us on the county's current draft for Short Term Rentals and receive input from your constituents.

I am opposed to Short Term Rentals in the unincorporated areas of Monterey County which include the costal zone. I have written letters to the Planning Commission several times in the past five years on this subject and have attended many of the meetings on the subject. I also serve on the Board for the Carmel Highlands Association, but I am writing to you as a concerned citizen.

My concerns are as follows:

1. If permits are issued, will they be tied to the property and sold with it?
2. If a permit is requested will the county inform neighbors so they may contest the permit issuance?
3. Has any analysis been done on the hotel/motel/Bed and Breakfast establishments occupancy rates? Are they at capacity?
4. Carmel Highlands already has two visitor serving hotels: The Highlands Inn and the Tickle Pink Inn. Isn't this enough visitor serving units in our area?
5. I am very concerned about my property value decreasing due to short term rentals on my street. We live on small quarter acre lot on a nonconforming street. Will I as a seller have to alert a future property owner buyer that a short term rental business is operating on my street?
6. The Highlands and many other areas in the county are on septic and propane. Some are also on well water. Is the county going to do safety inspections on these properties? Will they be ADA compliant? Will properties be inspected for smoke and CO2 detectors?
7. As private citizens, we do not want to be the enforcement officers. How is the county going to hold property owners accountable to the rules in the ordinance?
8. By having Short Term rentals the character of our street has changed. We already have been impacted by a short term rental business and Home Stays business on my street. The property owner has cut down many trees to improve the view and encroached on the neighboring vacant land by putting trails and other items on the property.
9. Will these short term rental businesses cause a commercial rezoning of our streets?
10. We have also observed houses in our neighborhood changing hands and immediately start doing short term rentals businesses. These are not long term residents who are trying to make ends meet. They are running a business at our expense.

Thank you,
Lorraine O'Shea, property owner
21 Sonoma Lane
Carmel Highlands

Sent from my iPhone

From: [Beretti, Melanie x5285](#)
To: [McDougal, Melissa x5146](#); [Maciel Pantoja, Yolanda](#)
Subject: FW: STR - Big Sur proposal
Date: Monday, June 18, 2018 10:17:13 AM

From: Michael linder [mailto:bigsurlaw@gmail.com]
Sent: Tuesday, June 5, 2018 10:26 AM
To: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>
Subject: STR - Big Sur proposal

Hi Melanie,

Thank you for working on a solution for STRs in Big Sur. I know this is a complicated issue. In general I believe that STRs are inconsistent with the BSLUP which tries to minimize commercial development and direct it to only certain areas. The county's proposal for Homestays is somewhat reasonable in that it is very limited in scope. However, there seems to be a general a general disconnect between how hard it is to establish an overnight accommodation in a commercial zone versus how it would be simpler to do it in residential zone as an STR. I am proposing that if the county feels the need to provide a new type of accommodation for the visiting public, they create a new way for small, under utilized commercial properties to have limited overnight accommodations. This would be consistent with the intention of the BSLUP and direct the visiting public out of residential neighborhoods, which is what is causing all the conflict. Please consider a new use for VSC zoned property which could accommodate visitors without commercializing our precious neighborhoods. This proposal is developed in more detail below:

Short Term Rentals are commercial, visitor serving uses that are not well suited to residential areas. STR's pose a threat to the quality of life in residential communities and extremely limited housing stock that exists in Big Sur. Both the Big Sur Land Use Plan and the Coastal Act exist to protect special communities like Big Sur, which differ from other parts of Monterey County. The BSLUP attempts to minimize adverse impacts and "protect special communities" by directing these activities to commercially zoned properties within Big Sur but will be ineffective if the county ordinance does not also prioritize and incentivize commercial, visitor serving uses occurring in commercially zoned areas over residentially zoned areas.

1-The BSLUP clearly states commercial visitor uses that are not well suited to residential areas:

- *The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. Unlike the*

*larger properties or commercial centers, **they are not well suited for commercial agriculture, commercial, or visitor uses**; use of these areas, to the extent consistent with resource protection, should continue to be for residential purposes. (5.1.1)*

2- The BSLUP requires that new commercial uses be directed to commercial centers:

- *Development of new commercial uses serving community and visitor needs be directed to the existing Rural Community Centers of the Big Sur Valley, Lucia, Gorda, and Pacific Valley. (5.4.3.E (1))*

3- The Coastal Act exists to protect special communities like Big Sur, which differ from other parts of Monterey County.

Section 30116 Sensitive coastal resource areas

- (e) Special communities or neighborhoods which are significant visitor destination areas.

Section 30253 Minimization of adverse impacts

- New development shall do all of the following:
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.
- *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 plan. 5. 4. 2. 6*

4- The current draft of the County ordinance prioritizes residential properties over commercial properties in accommodating visitors by creating a substantially less expensive, less time consuming process for residents to obtain permits for a commercial use than for property and business owners within commercially zoned properties to capture the same customers. In fact, the STR ordinance specifically

omits any property that would require a coastal development permit, which restriction generally omits most commercially zoned properties.

5- If STRs are to be permitted in conflict with the BSLUP, the sensitivities of residential neighborhoods, and the quality of life in sensitive coastal communities that are protected by the Coastal Act, the county ordinance should adopt a policy of first, prioritizing and incentivizing visitor serving zones properties as the most appropriate location for commercial, visitor serving activities.

6- Though the physical infrastructure described by the STR ordinance (parking, noise abatement, property management oversight, code compliant improvements) may be easier to accommodate in commercially zoned areas, the costs and time associated with a coastal development permit are prohibitive for commercial property owners and businesses who do not anticipate the scale of operations or revenue to support such a commitment of time and expense. There presently exists no channel available to these owners that is similar to home-stays or STRs.

PROPOSAL:

Allow the STR ordinance to prioritize commercial lots vs residential zones, by adding a section to the STR ordinance pertaining to underutilized VSC or other commercially zoned properties in the Big Sur Area that are of a certain size, scale and frequency of use that differs from full-fledged inns, hotels and motels.

Thank you for your time,

Mike Linder

From: [Beretti, Melanie x5285](#)
To: [McDougal, Melissa x5146](#); [Maciel Pantoja, Yolanda](#)
Subject: FW: STR's
Date: Monday, June 18, 2018 10:15:42 AM

From: Adrienne Berry [mailto:yankeebeach@sbcglobal.net]
Sent: Tuesday, June 5, 2018 8:21 PM
To: 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>; Onciano, Jacqueline x5193 <oncianoj@co.monterey.ca.us>; vandeverek@co.monterey.ca.us; diehlm@co.monterey.ca.us; ClerkoftheBoard <cob@co.monterey.ca.us>; Parson, Kristina A. x5317 <ParsonKA@co.monterey.ca.us>; Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>
Subject: STR's

Dear Sir/Madam,

Attached is West Hollywood's short term rental ordinance that was recently amended. Please consider **amending** our Monterey county **current short term rental ordinance** using West Hollywood enforcement and fee structure. Until a new ordinance can be enacted this is a good compromise. Please submit this for the record at the next meeting on short term rental enforcement.

<https://www.weho.org/city-hall/city-departments-divisions/public-works/code-compliance/short-term-rentals>

AirBnB, FlipKey, VRBO, HomeAway, etc.

On September 21, 2015, the West Hollywood City Council adopted ordinance 15-958 which further clarifies the City's long-standing prohibition of short term vacation rentals in the City. This ordinance went into effect on October 21, 2015.

On March 5, 2018, the City Council approved an amendment to the short term rental ordinance allowing owner-occupied units to be used for hosted home sharing. Rental units continue to be disallowed for home sharing/ short term rental use. This amendment goes into effect on April 4, 2018.



What the law means:

1. No person shall rent a dwelling unit, or part of a dwelling unit, to anybody, for a period of 30 days or less. All rentals must be for 31 or more days.

EXCEPTION: Homeowners and condo owners may apply for a Home Sharing Business License to allow for the short-term renting of a private or shared room in their unit as

long as they reside in the unit during the guest's stay.

2. The advertising of this activity is also prohibited. Flyers, posters, emails, online ads, and the like, are all prohibited.

Does the law apply to single family homes, apartments, condos, and guest houses?

Yes. This prohibition applies to all rental units in the City. Homeowners and condo owners may apply for the Home Sharing license. Condo owners must provide written approval from their HOA.

Is there an enforcement "grace period"?

No.

How the City responds to complaints:

When Code Compliance receives a complaint about this issue, a case will be generated and the enforcement process will begin. The following is a general guideline on how enforcement will proceed.

Step 1 - A warning notice will be issued to the tenant or property owner informing them that they are in violation of the prohibition on short-term rentals. They will be directed to take the appropriate steps to correct the violation. This means the immediate stoppage of short term rentals and the taking down of any advertisement for such an activity.

Step 2 - If the violation continues, citations will be issued to the violating party. These fines will begin at 400% of the advertised rental rate and go up to 800%. Advertised Rental Rate shall be defined as the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

For ads that do not have a listed rental price, fines range from \$1000.00 to \$5000.00.

Step 3 - Although we do not anticipate the need to do so, continued non-compliance may result in this matter being referred to the City Prosecutor's Office for criminal prosecution.

How to Report a Short Term Rental:

If you believe that a violation of this law is taking place, please contact Code Compliance so that we can begin the enforcement process.

- Call us at [323-848-6516](tel:323-848-6516)
- [Email](#) us
- Use the City's [Service Request](#)
- Use the City's Mobile App
 - [IOS](#)
 - [Android](#)

****When filing a concern, please provide a link to a website or advertisement for this rental**

if possible.

The text of the law reads as follows:

WHMC 19.36.331 Short-Term Rentals.

1. *Rental Prohibited.* No person or entity shall offer, facilitate an offer, or provide a dwelling unit, or any portion thereof, for rent for 30 consecutive calendar days or less to any transient.
2. *Advertisement.* No person or entity shall maintain any advertisement of a rental prohibited by this section.
3. *Exception.* This section shall not apply to home sharing that takes place in accordance with Chapter 5.66 of the West Hollywood Business License Code.

WHMC 19.90.020 - Definitions of Specialized Terms and Phrases

Advertisement. Any printed or lettered announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, Internet website or application, or any other form.

Rent. Consideration charged, whether or not received, for the occupancy of space in a dwelling unit valued in money, whether to be received in money, goods, labor or otherwise.

Transient. Any person who exercises occupancy or is entitled to occupancy of a dwelling unit for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

Sincerely,
Adrienne Berry
Sent from my iPad

received
May 29, 2018

DRAFT CONSENSUS POSITION

Compromise Proposal to Allow Home Stay Short-Term Rentals while Protecting and Preserving our Neighborhoods and Communities.

1. Owner must be a natural person, or Living Trust for a Natural Person who is a permanent year-round resident, and the home is his or her primary residence.
2. No absentee owners, property management companies, corporations, LLC's , or other forms of ownership is permitted.
3. The owner would be required to live in and be present on site during the short-term rental period.
4. The "Home Stay" will at all times operate the "Home Stay" as if it were a residence and not a hotel, party house, special event location, or other use inconsistent with the zoning in which it is located.
5. STR's must, of course, be counted as Visitor Serving Units (VSU's), The limits on the number of new Visitor Serving Units under their Land Use Plans needs to be observed for all areas, including:
 - Carmel Area Land Use Plan, Local Coastal Program certified April 14, 1983;
 - Provides for 28 new Visitor Serving Units in Carmel Area Land Use Plan, all in the area of Point Lobos Ranch.
 - Big Sur Land Use Plan/Big Sur Coast Planning Area.
 - *The total of Visitor Serving Units including all STR's not exceed the total number of allowable Visitor Serving Units remaining in Big Sur.
 - Carmel Valley Master Plan
 - *The total of Visitor Serving Units including all STR's not exceed the total number of allowable Visitor Serving Units remaining in the Carmel Valley.
6. Effective and verifiable self-policing.

14. STR's are subject to the rules and restrictions of private roads, and may be banned along such roads.

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

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

15. The remedies provided by this [ordinance] are cumulative and in addition to any other remedies available at law or in equity.
16. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of an infraction. No proof of knowledge, intent, or other mental state is required to establish a violation.
17. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapters 1.22 of this Code, and any other action authorized by law.
18. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the short-term rental activity or persons related thereto, or associated with, the short-term rental activity.
19. For violations of short term rental codes, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

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

From: [Michael linder](#)
To: [Beretti, Melanie x5285](#)
Subject: STR - Big Sur proposal
Date: Tuesday, June 05, 2018 10:26:29 AM

Hi Melanie,

Thank you for working on a solution for STRs in Big Sur. I know this is a complicated issue. In general I believe that STRs are inconsistent with the BSLUP which tries to minimize commercial development and direct it to only certain areas. The county's proposal for Homestays is somewhat reasonable in that it is very limited in scope. However, there seems to be a general a general disconnect between how hard it is to establish an overnight accommodation in a commercial zone versus how it would be simpler to do it in residential zone as an STR. I am proposing that if the county feels the need to provide a new type of accommodation for the visiting public, they create a new way for small, under utilized commercial properties to have limited overnight accommodations. This would be consistent with the intention of the BSLUP and direct the visiting public out of residential neighborhoods, which is what is causing all the conflict. Please consider a new use for VSC zoned property which could accommodate visitors without commercializing our precious neighborhoods. This proposal is developed in more detail below:

Short Term Rentals are commercial, visitor serving uses that are not well suited to residential areas. STR's pose a threat to the quality of life in residential communities and extremely limited housing stock that exists in Big Sur. Both the Big Sur Land Use Plan and the Coastal Act exist to protect special communities like Big Sur, which differ from other parts of Monterey County. The BSLUP attempts to minimize adverse impacts and "protect special communities" by directing these activities to commercially zoned properties within Big Sur but will be ineffective if the county ordinance does not also prioritize and incentivize commercial, visitor serving uses occurring in commercially zoned areas over residentially zoned areas.

1-The BSLUP clearly states commercial visitor uses that are not well suited to residential areas:

- *The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. Unlike the larger properties or commercial centers, **they are not well suited for commercial agriculture, commercial, or visitor uses**; use of these areas, to the extent consistent with resource protection, should continue to be for residential purposes. (5.1.1)*

2- The BSLUP requires that new commercial uses be directed to commercial centers:

- *Development of new commercial uses serving community and visitor needs be directed to the existing Rural Community Centers of the Big Sur Valley, Lucia, Gorda, and Pacific Valley. (5.4.3.E (1))*

3- The Coastal Act exists to protect special communities like Big Sur, which differ from other parts of Monterey County.

Section 30116 Sensitive coastal resource areas

- (e) Special communities or neighborhoods which are significant visitor destination areas.

Section 30253 Minimization of adverse impacts

- New development shall do all of the following:
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.
- *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 plan. 5. 4. 2. 6*

4- The current draft of the County ordinance prioritizes residential properties over commercial properties in accommodating visitors by creating a substantially less expensive, less time consuming process for residents to obtain permits for a commercial use than for property and business owners within commercially zoned properties to capture the same customers. In fact, the STR ordinance specifically omits any property that would require a coastal development permit, which restriction generally omits most commercially zoned properties.

5- If STRs are to be permitted in conflict with the BSLUP, the sensitivities of residential neighborhoods, and the quality of life in sensitive coastal communities that are protected by the Coastal Act, the county ordinance should adopt a policy of first, prioritizing and incentivizing visitor serving zones properties as the most appropriate location for commercial, visitor serving activities.

6- Though the physical infrastructure described by the STR ordinance (parking, noise abatement, property management oversight, code compliant improvements) may be easier to accommodate in commercially zoned areas, the costs and time associated with a coastal development permit are prohibitive for commercial property owners and businesses who do not anticipate the scale of operations or revenue to support such a commitment of time and expense. There presently exists no channel available to these owners that is similar to home-stays or STRs.

PROPOSAL:

Allow the STR ordinance to prioritize commercial lots vs residential zones, by adding a section to the STR ordinance pertaining to underutilized VSC or other commercially zoned properties in the Big Sur Area that are of a certain size, scale and frequency of use that differs from full-fledged inns, hotels and motels.

Thank you for your time,

Mike Linder

From: [Adrienne Berry](#)
To: [100-District 5 \(831\) 647-7755](#); [Beretti, Melanie x5285](#); [Onciano, Jacqueline x5193](#); [vandeveerek@co.monterey.ca.us](#); [diehl@co.monterey.ca.us](#); [ClerkoftheBoard](#); [Parson, Kristina A. x5317](#); [Bowling, Joshua x5227](#)
Subject: STR's
Date: Tuesday, June 05, 2018 8:21:25 PM

Dear Sir/Madam,

Attached is West Hollywood's short term rental ordinance that was recently amended. Please consider **amending** our Monterey county **current short term rental ordinance** using West Hollywood enforcement and fee structure. Until a new ordinance can be enacted this is a good compromise. Please submit this for the record at the next meeting on short term rental enforcement.

<https://www.weho.org/city-hall/city-departments-divisions/public-works/code-compliance/short-term-rentals>

AirBnB, FlipKey, VRBO, HomeAway, etc.

On September 21, 2015, the West Hollywood City Council adopted ordinance 15-958 which further clarifies the City's long-standing prohibition of short term vacation rentals in the City. This ordinance went into effect on October 21, 2015.

On March 5, 2018, the City Council approved an amendment to the short term rental ordinance allowing owner-occupied units to be used for hosted home sharing. Rental units continue to be disallowed for home sharing/ short term rental use. This amendment goes into effect on April 4, 2018.



What the law means:

1. No person shall rent a dwelling unit, or part of a dwelling unit, to anybody, for a period of 30 days or less. All rentals must be for 31 or more days.

EXCEPTION: Homeowners and condo owners may apply for a Home Sharing Business License to allow for the short-term renting of a private or shared room in their unit as long as they reside in the unit during the guest's stay.

2. The advertising of this activity is also prohibited. Flyers, posters, emails, online ads, and the like, are all prohibited.

Does the law apply to single family homes, apartments, condos, and guest houses?

Yes. This prohibition applies to all rental units in the City. Homeowners and condo owners may apply for the Home Sharing license. Condo owners must provide written approval from their HOA.

Is there an enforcement "grace period"?

No.

How the City responds to complaints:

When Code Compliance receives a complaint about this issue, a case will be generated and the enforcement process will begin. The following is a general guideline on how enforcement will proceed.

Step 1 - A warning notice will be issued to the tenant or property owner informing them that they are in violation of the prohibition on short-term rentals. They will be directed to take the appropriate steps to correct the violation. This means the immediate stoppage of short term rentals and the taking down of any advertisement for such an activity.

Step 2 - If the violation continues, citations will be issued to the violating party. These fines will begin at 400% of the advertised rental rate and go up to 800%. Advertised Rental Rate shall be defined as the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

For ads that do not have a listed rental price, fines range from \$1000.00 to \$5000.00.

Step 3 - Although we do not anticipate the need to do so, continued non-compliance may result in this matter being referred to the City Prosecutor's Office for criminal prosecution.

How to Report a Short Term Rental:

If you believe that a violation of this law is taking place, please contact Code Compliance so that we can begin the enforcement process.

- Call us at [323-848-6516](tel:323-848-6516)
- [Email](#) us
- Use the City's [Service Request](#)

- Use the City's Mobile App
 - IOS
 - Android

****When filing a concern, please provide a link to a website or advertisement for this rental if possible.**

The text of the law reads as follows:

WHMC 19.36.331 Short-Term Rentals.

1. *Rental Prohibited.* No person or entity shall offer, facilitate an offer, or provide a dwelling unit, or any portion thereof, for rent for 30 consecutive calendar days or less to any transient.
2. *Advertisement.* No person or entity shall maintain any advertisement of a rental prohibited by this section.
3. *Exception.* This section shall not apply to home sharing that takes place in accordance with Chapter 5.66 of the West Hollywood Business License Code.

WHMC 19.90.020 - Definitions of Specialized Terms and Phrases

Advertisement. Any printed or lettered announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, Internet website or application, or any other form.

Rent. Consideration charged, whether or not received, for the occupancy of space in a dwelling unit valued in money, whether to be received in money, goods, labor or otherwise.

Transient. Any person who exercises occupancy or is entitled to occupancy of a dwelling unit for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

Sincerely,
Adrienne Berry
Sent from my iPad

From: [Luke Coletti](#)
Subject: The STR ballot measure petition has landed!
Date: Friday, May 04, 2018 7:32:03 PM
Attachments: [image1.jpeg](#)

Greetings.

Thank you Pacific Grove voters. We were able to submit our ballot measure petition to Monterey County Elections with nearly twice as many signatures as necessary in only half of the time allowed!

At the November 6, 2018 election we will finally take back control of our residential neighborhoods and limit short-term vacation rentals.

Let's keep the positive energy flowing and thank you for the fantastic support!

Luke Coletti
Pacific Grove
831-238-0714
<https://pgneighbors.com>

