

My partner and I maintain land in a zone classified as Watershed & Scenic Conservation. We strive to live off the land much as the early pioneers did by raising livestock, caring for fruit trees, and growing a garden. Our property does not lend itself to long term rental as we have few liveable structures and seek to keep development to a minimal in interest of conservation of the land. What we do have to offer is space for camping as well as a few impermanent structures not suited to long term use... We believe this type of land use to be condoned by the Big Sur Land Use Plan as quoted Ch. 5.2 Land Use Planning Issues "Recreational uses that are compatible with the natural resources of the area and require a minimum level of development to serve basic user needs and necessitating minimal alteration of the natural environment are appropriate. Such uses are defined as... walk in camping, tent camping and supporting facilities." Ch. 5.3 Land Use Map & Summary of Land Use Proposals states "The Watershed & Scenic Conservation category permits a number of land uses including... rustic visitor accommodations... the flexibility that this category permits provides owners a reasonable return from the land." According to these statements from the Land Use Plan the proposed ordinance should be supportive of landowners in this zone providing campsites or accommodations such as yurts or tipis. This type of land use has little impact upon the environment, no impact upon the local housing crisis, and could help mitigate issues of illegal camping, fires, defecation and littering. This type of service should be regarded as different from the typical short term rental and should be permitted with little regulation or expense to the landowner. The demand for affordable visitation options like camping far exceeds what is available at the existing campgrounds. There are few options for developing additional campgrounds. By utilizing private properties already zoned for this type of use the high demand for camping can be alleviated. Please write the ordinance to include camping and the use of non-permanent structures.

Submitted by:  
Elle Brewer

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	<u>STR</u> / <u>#16</u>
DATE RECEIVED:	<u>1/10/18</u>
SUBMITTED BY/VIA:	<u>public hearing</u>
DISTRIBUTION TO/DATE:	<u>PC</u>
DATE OF HEARING:	<u>1/10/18</u>

PC 1/10/18 #6

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director

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



### ADMINISTRATIVE GUIDELINE

**Please note that this memorandum is issued solely for informational purposes, and does not constitute an interpretation or decision from which an appeal may be taken. If an interpretation is desired, the regulations provided in Sections 20.88.040 or 21.82.040 must be followed.**

**Date:** July 9, 2015- Revised September 20, 2016

**By:** Mike Novo, AICP, RMA Director of Planning  
amended by Carl P. Holm, AICP, RMA Director

**Subject:** Current Regulations Relative to the Transient Use of Residential Property  
(Short-Term Rental of Residential Property) (30 Days or Less)

**Application:** County-wide

### **What is the Question?**

Which Monterey County Codes apply to the Transient Use of Residential Property (short-term rental) (30 days or less)?

### Applicable Monterey County Policy/Regulation:

- Title 21 -Inland Areas: Sections 21.64.280 (Administrative Permits for Transient Use of Residential Property for Remuneration); 21.64.100 (Regulations for Bed and Breakfast Facilities)
- Title 20 - Coastal Zone: Sections 20.10.050W, 20.12.050U, 20.14.050Z, and 20.16.050NN (similar use as determined by the Planning Commission); 20.64.100 (Regulations for Bed and Breakfast Facilities)
- Chapter 5.40 (Uniform Transient Occupancy Tax Ordinance)

### **Short Answer:**

Short-term rental (30 days or less) may be permitted with an approved discretionary permit, in certain designated zoning districts in the County. Discretionary permits require review and approval by a decision making body and may or may not be granted. Specific short-term rentals that may be permitted with an approved discretionary permit include:

- Bed and breakfast (B&B) facilities – a specific type of short-term rental as defined in Sections 21.06.110 and 20.06.110– may be permitted in designated zoning districts in both Inland Areas with an approved Use Permit and the Coastal Zone with an approved Coastal Development Permit (Monterey County Code sections 21.64.100 and 20.64.100, respectively).
- Rental for between 7-30 days may be permitted in the Inland Areas with an approved Administrative Permit (Monterey County Code Section 21.64.280).

- Rental for 30 days or less may be permitted in the Coastal Zone with an approved Coastal Development Permit based on a determination by the Planning Commission that the proposed use is of a similar character, density and intensity to those listed in the applicable zoning code sections if determined to be consistent and compatible with the intent of the applicable Chapter of the zoning code and the applicable land use plans. (Sections 20.10.050W, 20.12.050U, 20.14.050Z, and 20.16.050NN)

Rental for 30 days or less requires payment of transient occupancy tax (Monterey County Code Chapter 5.40). Each operator renting occupancy to transients are required to register with the Tax Collector and obtain from the Tax Collector a transient occupancy registration certificate, to be at all times posted in a conspicuous place on the premises. Payment of taxes does not otherwise permit a use that is not otherwise allowed.

Many events, such as weddings, may require a Use Permit or Coastal Development Permit as an assemblage of people, separate from short-term rental or B&B permit. Requirements for assemblages of people or special events is not addressed in this memorandum, but is mentioned here due to the frequent interconnection between short term rentals and special event use of property. The intent is to maintain a residential function.

#### **Discussion:**

Since the 1980's, Monterey County has allowed bed and breakfast facilities in certain residential areas of the County in both the Inland Areas and Coastal Zone (Monterey County Code sections 21.64.100 and 20.64.100, respectively). Bed and breakfast facilities (B&Bs) are a type of short-term rental in which the property owner occupies and manages the facility.

In the late 1990's, Monterey County determined the need to define and regulate a broader category of short-term rental uses (or transient occupancy) of residential properties, separate from B&Bs. In 1997, the County adopted an ordinance in the Inland Areas (Non-Coastal Zone), that regulates transient use for remuneration (short-term rental) of single and multiple family dwelling units, duplexes, guesthouses, caretaker units, and other structures normally occupied for residential purposes (Monterey County Code Section 21.64.280). The existing transient use ordinance provides a discretionary permit procedure in the Inland Areas to allow, or legalize existing, visitor serving opportunities. Establishing land use regulations for events was not part of the purpose of this ordinance.

The transient use ordinance adopted by the Board of Supervisors for the Coastal Zone (Title 20 Zoning) was not certified by the Coastal Commission and therefore never went into effect. A Coastal Development Permit may be applied for if the proposed use is similar to the listed uses allowed for the specific zoning district in which the property is located. This is a discretionary permit subject to approval by the Planning Commission.

In recent years, Monterey County has experienced an increase in the number of residential properties being used for short-term rentals. In response to this growing trend, Monterey County has begun work to update the zoning ordinances in the Inland Areas and draft a new ordinance to specifically regulate short-term residential rentals in the Coastal Zone.

During the redraft of the short-term residential rental ordinance, the existing ordinances remain in force:

- In the Inland Areas, Transient Use of Residential Properties and B&Bs in designated zoning districts may be permitted with the approval of a discretionary permit.
- In the Coastal Zone, B&Bs may be permitted in designated zoning districts with the approval of a Coastal Development Permit.
- Rental for 30 days or less (non-bed and breakfast) may be permitted in the Coastal Zone as a similar use with a Coastal Development Permit.

Events require a separate permit for assemblages of people. The County will actively enforce violations to the existing code and continue to investigate any complaints that are received.

**Facts of the situation:**

Administrative Permits, Coastal Administrative Permits, Use Permits and Coastal Development Permits are discretionary type permits. Discretionary permits require public notice, conditions of approval, and may require a public hearing. Discretionary permits may or may not be granted. With permits and clear conditions of approval, enforcement is easier. Additionally, the permit process allows the County to address any potential adverse impacts of such use.

The Monterey County Resource Management Agency processes permits and enforces the County's land use regulations.

Bed and Breakfast facilities may be permitted in designated zoning districts in the Inland Areas with an approved Use Permit and in the Coastal Zone with an approved Coastal Development Permit (Monterey County Code Sections 21.64.100 and 20.64.100, respectively). Use Permits and Coastal Development Permits are processed through the Monterey County Resource Management Agency.

In Inland Areas (Title 21 Zoning Ordinance) short-term rental for overnight accommodations for 7-30 days may be permitted in all zoning districts that allow a residential use with an approved Administrative Permit (Monterey County Code Section 21.64.280). Administrative Permits are processed through the Monterey County Resource Management Agency.

In the Coastal Zone (Title 20 Zoning Ordinance), short-term rental for overnight accommodations for 30 days or less may be permitted as a B&B, or as a similar use.

Renting a home or property for 30 days or less is also subject to Transient Occupancy Tax (TOT), which is a part of the County Code and State Tax Code that is applied and enforced through the County Tax Collector's office, separate from land use regulations. Paying TOT does not imply or alleviate obligation for land use compliance nor legalize the use. Owners found to be renting homes without proper land use permits, regardless if TOT is paid, are subject to penalties and fines in accordance with the land use regulations. Failure to pay TOT may be subject to separate enforcement and collection.

Long-term rentals (greater than 30 consecutive days) are not regulated under the Monterey County Zoning Codes. Therefore, long-term rentals are all allowed without a permit and are not subject to transient occupancy tax.

External functions such as residential property used for corporate gatherings, rented out for weddings, or rented and used for parties during events (e.g. AT&T, UP Open, Concourse de Elegance, etc) will be viewed as events. Events require a Use Permit or Coastal Development Permit as an assemblage of people, separate from a short-term rental or B&B permit.

**Gary A. Patton, Attorney At Law**

**Post Office Box 1038, Santa Cruz, California 95061**

**Telephone: 831-332-8546 / Email: gapatton@mac.com**

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	STR #4
DATE RECEIVED:	1/10/18
SUBMITTED BY/VIA:	Public Hearing
DISTRIBUTION TO/DATE:	1/10/18, R
DATE OF HEARING:	1/10/18

January 8, 2018

Chairperson and Members  
Monterey County Planning Commission  
c/o Resource Management Agency  
1441 Schilling Place  
Salinas, CA 93901

RE: Adopting A Unified Approach To A Short-Term Rental Ordinance  
Agenda Item #6 / STR Workshop Session - 1:30 p.m., January 10, 2018

**[Sent By Email To Melanie Beretti: [BerettiM@co.monterey.ca.us](mailto:BerettiM@co.monterey.ca.us)]**

Dear Members of the Monterey County Planning Commission:

I am writing on behalf of the Monterey County Vacation Rental Alliance (MCVRA), to comment on an item that will be before you during the workshop session you have scheduled for your meeting on January 10, 2018.

Shortly (we hope) the Planning Commission will be sending a proposed ordinance relating to short-term rentals to the Board of Supervisors. MCVRA understands that the Commission is planning to decide whether or not the proposed ordinance should include *all* areas within the County, or whether the Big Sur Area should be considered separately, with proposed short-term rental regulations for the Big Sur Area to be sent to the Board at some later time. This letter comments on that suggestion.

MCVRA strongly urges the Commission to recommend a unified approach, not a piecemeal approach, and to send a *unified* short-term rental ordinance to the Board. Any proposed differential or special treatment for individual areas within the County, including the Big Sur Area, should be specified within the unified ordinance.

Please consider the following, as you address the issue I have just highlighted:

1. California Public Resources Code Section 30001.5 (part of the California Coastal Act) contains a series of subsections that list the state's basic goals relating to the Coastal Zone. Section 30001.5 (c) specifically provides that one goal is to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners."
2. The California Coastal Commission has consistently said that this Coastal Act policy, and other provisions of the Coastal Act, require that visitor uses, specifically including short-term rental uses, cannot be discriminated against in the Coastal Zone, and in fact are matters of high priority, and that visitor access must be maximized. The Commission has written to Monterey County, on more than one occasion, with exactly that message. Please also note the following language in California Public Resources Code §30222: "The use of private lands suitable for visitor-serving commercial recreational facilities

designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development...."

3. Any proposed ordinance affecting the Coastal Zone will have to be certified by the California Coastal Commission. It is almost a certainty that the Commission will not certify any ordinance that excludes the Big Sur Area. This area is arguably the most spectacular part of the entire California coast, and access to Big Sur should not be restricted to the wealthy alone. Eliminating short-term and vacation rental opportunities in the Big Sur area, however that is done, would make it more difficult, or might even make it impossible, for lower-income individuals and families to experience this national treasure. The Coastal Commission will not allow that to happen.
4. The Commission has indicated in correspondence to the County that it will consider provisions that balance the need to maximize visitor access to the Coastal Zone with other important local concerns. This willingness on the part of the Commission will clearly apply to provisions affecting Big Sur – but the Commission is almost certainly *not* going to approve any proposed ordinance that has a "locals only" result, and that would have the effect of prohibiting short-term rentals in Big Sur (either affirmatively, or by not mentioning Big Sur at all).
5. DELAY of certification of the short-term rental ordinance by the Coastal Commission will be the almost certain effect of trying to pretend that Big Sur is not an important area for visitor access, including the kind of access that can be facilitated by a well-designed short-term rental ordinance. Please do not go there, or recommend that the Board take such an approach!
6. MCVRA and its many members who support short-term rentals, and those on the other side, as well, have actively participated, in good faith, for more than four years, as the County has been working on a short-term rental ordinance that would affect the Coastal Zone. It would really be unfortunate and unfair for the Planning Commission to insure further delays by trying to segregate Big Sur from the rest of the coastal areas in Monterey County. This approach is almost certain to lead to a rejection by the Coastal Commission, and the net result would be additional delays that will exacerbate bad feelings and bad actions.
7. The *current* Big Sur Land Use Plan incorporates policies that support responsible and well-regulated short-term rental uses in the Big Sur Area; for instance:
  - 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]
  - 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]

8. There is absolutely NO provision within the current Big Sur Land Use Plan that discourages or prevents short-term rentals in Big Sur. It is also worth noting that the Coastal Commission has explicitly determined that short-term rental uses are "residential" uses, not "commercial" uses. Here is a quote from a Coastal Commission staff report, dated February 20, 2015 (Trinidad, LCP-1-TRN-14-0846-1):

- The amendment only addresses occupancy of residences by tourists for dwelling, lodging or sleeping purposes, which by definition, comprises a residential use.

As I believe the Commission knows, the County's RMA staff have received a proposed text that would completely replace the current Big Sur Land Use Plan with new language, including language that would affirmatively discourage or totally prevent short-term, visitor rentals in Big Sur. That kind of language is a "non-starter," to say the least, from the point of view of the Coastal Commission. To propose the exclusion of Big Sur from the short-term rental ordinance at this point, with the idea that "maybe" such uses will be forbidden in the future, is really to suggest that the provisions of the Coastal Act, cited above, can somehow be made to disappear. They can't.

It is very clear that the Coastal Commission (and I do mean the Commission itself, and not just the Coastal Commission staff) are not going to allow local government jurisdictions to prohibit, outright, short-term rentals in the Coastal Zone. Here is an excerpt from a recent news report, carried in the December 26, 2017, edition of the *Santa Monica Daily Press*, commenting on the Commission's recent action on just such a proposal in Laguna Beach:

Cities up and down the coast have grappled with how to best balance neighborhood concerns over the negative impacts of short-term rentals like noise and disorderly conduct by guests with visitor access. In Laguna Beach, the city instituted an outright ban on short-term rentals in residential zones while allowing them in commercial districts.

Last week, the Commissioners voted 9-2 to reject the ordinance and uphold staff recommendations to block the ban from the city's local coastal plan.


"I think in this case we felt that the restrictions for the entire residential area in Laguna was overreaching," executive director Jack Ainsworth said during the Dec. 14 meeting in Dana Point. "We could have certainly worked with the city to have a more revised, nuanced, focused area of the city that may have some bans. We have approved those sorts of things in certain jurisdictions. We felt it was too expansive."

The lesson we hope that the Planning Commission will take from this recent action by the Coastal Commission, and from the arguments presented in this letter, is that NOW is the time for the Planning Commission to recommend to the Board of

Supervisors a proposed ordinance governing short-term rentals that will properly balance neighborhood concerns with the need to maximize visitor access to the coast for lower-income persons. Only by including the Big Sur Area in a unified ordinance can that objective be achieved.

Thank you for your serious consideration of these comments. As ever, MCVRA stands ready to be of any assistance that we can.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Patton", written in a cursive style.

Gary A. Patton, Attorney  
Monterey County Vacation Rental Alliance

cc: California Coastal Commission  
Monterey County Board of Supervisors  
Monterey County Resource Management Agency  
Other Interested Persons

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	STR # 10
DATE RECEIVED:	1/10/18
SUBMITTED BY/VIA:	public hearing
DISTRIBUTION TO DATE:	PC
DATE OF HEARING:	1/10/18

1/10/18

Respectfully All, RE: Project File No. REF130043 and REF100042

STRs have a huge Negative impact on Big Sur.

We own our home in Big Sur and live here full time.

Short Term Rentals are having a huge negative impact on the Survival of Big Sur.

The Survival of the Natural environment: the Flora and Fauna, of Big Sur.

The Survival of the Community of Big Sur.

The Survival of those employed here that no longer have a place to live.

The Survival of businesses, and their employees.

The Survival of the Character, beauty and Charm of Big Sur.

The Survival of the Short Term Renter who drives off the edge of a private one lane Ridge Road.

What about liability? Homeowners Association, Road and Water Associations, illegal Rentee, Renter, County?

The critical survival of both the Big Sur Volunteer Fire Brigade and the Community Health Center are negatively impacted by Short Term Rentals. Each are over burdened with responses to tourist calls rather than community calls.

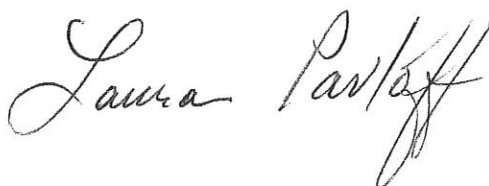
The Survival of the very essence of what people come to Big Sur to Experience is impacted.

Big Sur is not surviving and cannot survive under this overwhelming inundation by unlimited and unreasonable tourism.

We must protect the Big Sur Environment, and its community.

Truthfully,

Laura Pavloff



HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	512 / #10
DATE RECEIVED:	1/10/18
SUBMITTED BY/VIA:	Public
DISTRIBUTION TO/DATE:	SC / 1/10/18

1/10/18, 7/10/16

Respectfully, All, RE: Project File NO. REF130043/REF100042

We are full time resident property owners in the Big Sur Coastal Area.

We are extremely opposed to Short Term Rentals in the Big Sur Coastal Area. They are illegal for many reasons and should remain illegal for many reasons. Our privately paid for roads and ridges are zoned residential. Short Term Rentals are a commercial business and a cancer to the community. Please read the following:

We are completely against STRS in the Big Sur Coastal area; especially along Sycamore Canyon and on private (paid for by home owners) roads, bridges, culverts, etc.

There are many important factors proving the detriment of STRS in the Big Sur Area. A few issues are:

- Safety
- Impact on the Environment
- Impact on the Community and Neighborhood.

Safety is a huge issue in Big Sur.

Regarding our roads: ST renters are not familiar with driving on one lane dirt roads. Many do not know where they are going, Yet!—Too fast, think they are the only person on the road, run walkers off the road, do not know how to back up, especially around corners, pull over in places that could send them down the ravine/cause obstruction hazard, pull on to dried grasses and start fires, park on others properties, drive and trespass on to others properties, cause great wear and tear on the road, kick up dust and pass out the gate codes to all of their friends so that they can bring motor bikes, etc. and run us and the wild life off. Our home owner paid for roads do not go to beaches, etc. they go only to our homes.

Road Safety and maintenance is an important issue in Big Sur.

Fire safety is an important issue in Big Sur. Why do STRS think that they can build fires, inside/outside – whatever (mostly outside), at their illegal lodging, in the middle of summer, and Shoot guns; playing target practice? There is an attitude that scares me. This has happened multiple times on our ridge. I have always felt safe here. I don't anymore.

Environment: Noise pollution is an important issue in Big Sur. Especially for the wild life,--And what Big Sur is about.

STR people are on vacation. It seems that goes along with having no respect for surroundings. They are partying into the wee hours of the morning causing considerable noise. We have seen a great diminishing of the natural wildlife and a destruction of the native flora.

Many trees have been cut and Many NO TRESSASSING, NO PARKING, signs have appeared, including chain link fences etc.! This is not my beloved Big Sur. The amount of trash and other undesirable droppings, everywhere, has sky rocketed.

There is a reason that the home owners in Big Sur are not allowed to subdivide their property. It is because, as awesome as Big Sur is It is also fragile and must be protected.

Harsh Impact on Community: The impact to the community and neighborhood of the Coast has been severe since the blossoming of illegal STRs and the lack of enforcement against these illegal STRs. STRs are having a huge detrimental impact on long term reasonable housing. Members of the community who work and live here are increasingly becoming homeless. They are now living in the bushes or in their cars, or leaving. This is creating a devastating loss of community. We, need people who know this environment. Land, wind and Sea. We especially need our community in times of crises. We band together during Fires, Slides Closures, and emergencies.

This loss of community is also destroying the Culture of Big Sur. Our Creative vein is being sliced. The Artists, Craftsmen, Dancers, Musicians, etc. are being choked out.

With loss of Housing, Community and Culture we have an increase in traffic and Congestion!

The Traffic, congestion, Illegally parked cars, on our single artery, Highway 1, has been dangerously high! Not to mention the impassable Sycamore Canyon and Private dirt roads. STRS hugely increase this back up which makes our roads nonfunctional in an emergency.

All of the STR owners on our ridge Do Not live here. Several do not pay their road fees. If the Absentee land owners cannot or do not want to live here and be a supportive factor in the Big Sur Community and a Steward of the Land, they can legally rent their homes to long term reliable community supporters.

Awesome views and artistic community has created the Big Sur Attraction. We wish to share this. And keep this as a reality. Big Sur was never meant to be and does not have the sustainability to be a destination for the masses. There are Many Legal lodges and campgrounds designed for safe and low environmental impact.

All of the Ridges in Big Sur have voted against STRS. Which are illegal. This non enforcement creates huge animosity against neighbors. (Including those who live here and who don't)

There may be some areas of Monterey County where STRS would not impact the Long term housing, Community, Culture, Traffic, Congestion, Trespassing, Fire danger, Roads, Safety, etc. . .

Big Sur is not one of them.

\*Safety

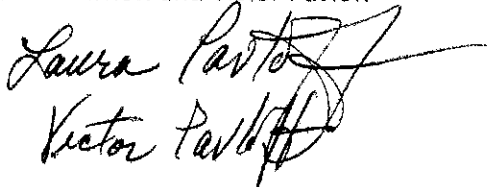
\*Environment

\*Community

There are many more Issues. Please be responsible.

Sincerely,

Laura Pavloff and Victor Pavloff

Handwritten signatures of Laura Pavloff and Victor Pavloff. The signature for Laura is written in a cursive script, and the signature for Victor is also in cursive, appearing below Laura's.

1/6/18

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO:	STR #6
DATE RECEIVED:	1/10/18
SUBMITTED BY/VIA:	public hearing
DISTRIBUTION TO/DATE:	PC
DATE OF HEARING:	1/10/18

Respectfully All,

RE: Project File No. REF130043/REF100042

Short Term Transient Rental use is NOT appropriate on privately owned and shared roads. Equally, STR use is NOT appropriate for properties on privately owned and shared water systems. Short Term Transient Rental use is NOT appropriate and is contrary to zoning in residentially zoned neighborhoods. The damaging effect of STR activity in these areas is the destruction of communities and their infrastructures. These damaging effects are amplified in the Big Sur Land Use Area.

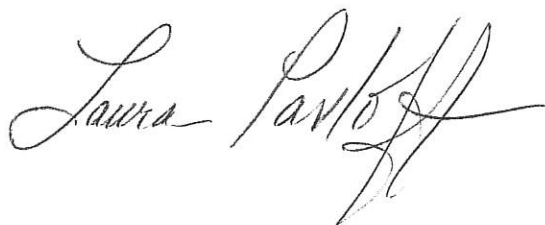
We need a grounded community; those who live and work here and know how to behave, especially in times of emergencies. Existing now are considerably more lodging opportunities for tourists than housing for community members. Taking more housing from our neighborhoods to give to transients is NOT a good thing. Pulling the foundation out from under a house does NOT provide for a well-grounded future.

We, in Big Sur cannot always make it to these multiple meetings in which we reiterate how damaging STR use is in the Big Sur Coastal Land Use Area. (Is anyone listening?) We have lives and responsibilities. Whereas STR Alliances send multiple fulltime professional business representatives. Meanwhile, the landlords sit back and rake-in Big Bucks while raping and destroying our neighborhoods and community.

Indeed, Sam Farr was correct when he adamantly advised the Commission that STRs are both illegal and completely untenable in Big Sur.

Sincerely,

Laura Pavloff



January 10, 2018

Monterey County Planning Commission  
**RE: Workshop on Short Term Rentals**

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	STR #6
DATE RECEIVED	1/10/18
SUBMITTED BY/VIA	public hearing
DISTRIBUTION TO DATE	1/10/18
DATE OF HEARING	1/10/18

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

Over two years ago, after meeting with 5<sup>th</sup> District Supervisor Dave Potter and County Planning Staff to discuss our concerns about Short Term Rentals in the Big Sur Planning Area, we were informed that no existing analysis of that activity and the Big Sur Coast Land Use Plan existed and that County Planning staff did not have the resources to conduct such an analysis. We then agreed to do so, and presented our findings and conclusions to County Staff.

Our analysis concluded that Short Term Rentals are not consistent in the Big Sur Planning Area. Further, we have submitted to the Planning Commission and Planning Staff an independent evaluation of this issue in the form of a memorandum from Dr. Charles Lester, past Executive Director of the California Coastal Commission, which identifies a number of inconsistencies associated with Short Term Rentals and the Big Sur Coast Land Use Plan in regard to impacts on residential and visitor serving development limits, Highway 1 capacity, and protection of affordable housing.

It is thus, our recommendation and request that the Planning Commission direct County Staff to first determine the consistency of Short Term Rentals with the current Big Sur Coast Land Use Plan **before** completing a Short Term Rental Ordinance that includes the Big Sur Planning Area. The County has acknowledged its intention to submit any Short Term Rental ordinance to a review for consistency with each local coastal program, but has considered doing so **after** the completion of the Short Term Rental Ordinance.

Scheduling that review after the ordinance is drafted will require the Big Sur Community, County Planning Staff, and the Planning Commission to engage in numerous additional public meetings to address how Short Term Rentals should be regulated in the Big Sur Planning Area, an area with a unique land use plan, environmental sensitivity and resource constraints.

We respectfully request that the consistency determination be completed **before** undertaking the significantly longer and more controversial and costly process of the public meetings and staff resources required to address the proposed regulations of Short Term Rentals in the Big Sur Planning Area.

Thank you.



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

January 8, 2018

TO: Mary Wright

FROM: Dr. Charles Lester *C. L.*

RE: Short-term Rentals and the Big Sur Coast LCP

---

This memo considers the question of short-term rentals (STRs) and the local coastal program (LCP) for the Big Sur segment. It focuses on interpretation of the certified LCP (Land Use Plan (LUP) and Implementation Plan (IP)). The memo concludes that the LCP for Big Sur does not specifically address STRs, but that it does have strong land use policies and zoning regulations concerning overnight visitor-serving units. In particular, the LCP establishes a cap on the number of new visitor-serving overnight units other than low-intensity camping, for the purposes of protecting coastal resources and the capacity of Highway 1, especially for recreational purposes. It also does not contemplate certain visitor-serving overnight uses in areas zoned specifically for residential use; and seeks to protect existing affordable housing in Big Sur, particularly for workers in the visitor economy.

The memo does not express a specific opinion on whether STRs should be allowed in Big Sur. However, given the increase in STR activity, the sensitivity of Big Sur's coastal resources, and the significant and historic concern for the limited capacity of Highway 1 in Big Sur, the consideration of an STR ordinance for Big Sur should include an updated evaluation the supply and demand for overnight visitor-serving use in Big Sur; the impacts of such use on coastal resources; and the capacity of Highway 1 to continue providing adequate public access to and along Big Sur, especially as it relates to the highway's importance as a recreational resource of national significance.

## Discussion

Monterey County is considering whether to proceed with the development of an ordinance regulating STRs in Big Sur. County staff have properly noted that any such regulation "must be found consistent with adopted policy" and in particular the Big Sur Land Use Plan (BSLUP).<sup>1</sup> The County is considering various options, including postponing indefinitely any discussion of STRs in Big Sur; establishing a moratorium on STRs until regulations are adopted; and developing STR regulations subject to review for consistency with the BSLUP, either as it is currently certified, or as it may be amended through a future update.<sup>2</sup>

An LCP consists of a Land Use Plan (LUP) and an Implementation Plan (IP). The LUP establishes the kinds, locations and intensities of allowable land uses, and applicable resource protection and

---

<sup>1</sup> The County states:

*As part of the ordinance development process, the regulations must be found consistent with adopted policy. Developing regulations can either begin at the policy level (Land Use Plan) with the regulatory details (ordinance) to follow, or can begin with an ordinance subject to review for consistency with the LUP. In the case of Big Sur, consistency could be achieved by either: 1) Developing regulations consistent with the BSLUP; or 2) Developing regulations that require amending the BSLUP for consistency. However, an option requiring amendment of an Area Plan - especially a coastal one (Land Use Plan) -- will take a long time, so the consistency determination is key in all cases.*

Monterey County Planning Commission Staff Report, Agenda Item No. 6, Legistar File Number: PC 18-005, January 10, 2018, p. 6.

<sup>2</sup> *Id.* pp. 6-7.

development policies, for development in the coastal zone of a specific jurisdiction. The IP includes ordinances, maps and other programs or actions to implement the LUP. This analysis generally assumes that the short-term rental for overnight use of part or all of a residential structure is a land use subject to the requirements of the Coastal Act, and that proposals to regulate such use represent a potential change in the intensity or density of land use qualifying as development, and thus are subject to the review of the Coastal Commission.<sup>3</sup> To be legally effective in the coastal zone, any updates to the BSLUP adopted by the County must conform with applicable policies of the California Coastal Act, as determined by the Coastal Commission. The Coastal Commission must also find that any proposed ordinances approved by the County for the coastal zone conform with, and are adequate to carry out, the BSLUP.<sup>4</sup>

## **The Big Sur LCP**

The Monterey County LCP has four geographic segments: North Monterey County, the Del Monte Forest, the Carmel Area and Big Sur. Each LCP segment is governed by a specific LUP (in this case, the Big Sur LUP) and the Coastal Implementation Plan (IP). The IP includes general ordinances for the coastal zone (Title 20) and specific regulations for each area (for example, PART 3: *Regulations for Development in the Big Sur Coast Land Use Plan Area* (Chapter 20.145)).<sup>5</sup> This memo focuses on the Big Sur LUP, Part 3 of the IP, and Title 20. It is important to note that the BSLUP and Part 3 of the IP are controlling over Title 20 in the event of a conflict.<sup>6</sup>

## **Key Policies and Ordinances**

The consideration of STRs in Big Sur must be understood in the context of the fundamental intent and policies of the Big Sur LUP (BSLUP). The BSLUP recognizes that new development, *of any sort*, in Big Sur should be extremely limited, due to both the sensitivity of Big Sur's scenic and natural resources, and limited capacities to support new development. Key Policy 5.4.1 states:

*Future land use development on the Big Sur coast should be extremely limited, in keeping with the larger goal of preserving the coast as a scenic natural area. In all cases, new land uses must*

---

<sup>3</sup> Guidance from the Coastal Commission summarizes:

*The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply. We do not believe that regulation outside of that LCP/CDP context (e.g., outright vacation rental bans through other local processes) is legally enforceable in the coastal zone, and we strongly encourage your community to pursue vacation rental regulation through your LCP.*

California Coastal Commission, *Memo to Coastal Planning/Community Development Directors regarding Short-Term/Vacation Rentals in the California Coastal Zone Guidance*, December 6, 2016, [https://documents.coastal.ca.gov/assets/la/Short\\_Term\\_Vacation\\_Rental\\_to\\_Coastal\\_Planning\\_&\\_Devt\\_Directors\\_120616.pdf](https://documents.coastal.ca.gov/assets/la/Short_Term_Vacation_Rental_to_Coastal_Planning_&_Devt_Directors_120616.pdf).

<sup>4</sup> CA PRC sections 30512-14.

<sup>5</sup> In addition to the four segment-specific IP sections and general Title 20 coastal zone ordinances, the IP has a sixth part that includes other applicable County ordinances, the zoning district maps, and a series of appendices. The Coastal Commission certified the individual LCP LUP segments between 1982 and 1986; the Big Sur LUP segment was certified in 1986. Monterey's complete LCP IP was effectively certified on January 12, 1988, and on February 4, 1988, Monterey County assumed authority for issuing most CDPs in the County.

<sup>6</sup> Monterey County Zoning Code, 20.02.060 (D), specifies the following hierarchy of controlling regulations in the event of any conflict between the general coastal zone ordinances in Title 20 and other relevant regulations: (1) the Coastal Act; (2) applicable Area LUP; (3) Regulations For Development for the Area (Parts 2 through 6 of the Coastal Implementation Plan); (4) Title 20 (Part 1 of the Coastal Implementation Plan); and (5) any other regulation in the County.

*remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery.*

The intent of this key policy is also restated in section 20.145.140 of the IP Land Use regulations for Big Sur:

*The intent of this Section is to provide standards for land use and development which will allow for the maintenance of the Big Sur Coast as a scenic natural area. As such, future land use development on the Big Sur Coast should be extremely limited. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery. (Ref. Policy 5.4.1)*

In addition to the fundamental goal of preserving the scenic beauty of Big Sur, the limited capacity of Highway 1 to absorb additional traffic was a primary factor driving the conclusion that new development potential in Big Sur was limited. As discussed in the BSLUP:

*The limited capacity of Highway 1 to accommodate local and recreation traffic at a level that reserves reasonable service and emergency use and also allows motorists to enjoy the beauty of Big Sur's scenic coast is a major concern. Because traffic volumes along sections of Highway 1 are at capacity during peak recreational use periods and because future demand for recreational access is expected to exceed the capacity of the highway, the capacity of the highway is a major constraint on the long range development of the coast. How the road capacity can be increased without damage to the intrinsic values of Big Sur and how capacity is allocated between visitor and local use is a major challenge.<sup>7</sup>*

This concern for Highway 1 capacity dates back to the 1975 Coastal Plan, and was comprehensively studied in 1977 as a precursor to developing the LCP.<sup>8</sup>

Having recognized the limited highway capacity and thus limited development potential in Big Sur, the BSLUP then acknowledges that the Coastal Act requires the reservation of this limited development capacity for Coastal Act priority uses, particularly visitor-serving and recreational land uses. The key transportation policy requires the County to take an active role in maintaining the primary function of Highway One as a recreational resource:

**4.1.1 Key Policy.** *Monterey County will take a strong and active role in guiding the use and improvement of Highway One and land use development dependent on the highway. The County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. The highway shall remain a two-lane road and shall include walking and bicycle trails wherever feasible. In order to protect and enhance public recreational enjoyment of Big Sur's unique natural and scenic resources, recreational traffic should be regulated during congested peak use periods.*

Accordingly, general BSLUP policy 4.1.2.4 requires that highway capacity be reserved for Coastal Act priority (non-residential) land uses:

---

<sup>7</sup> BSLUP, pp. 64-5.

<sup>8</sup> California Coastal Zone Conservation Commissions, *California Coastal Plan* (1975), p. 233; California Coastal Commission, *Big Sur Coast: A Subregional Analysis*, February 7, 1977.

4.1.2.4. 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.

The BSLUP then specifically requires the reservation of 85% of Highway 1 capacity for recreational travel, with residential development limited to 15% of the capacity, at buildout.<sup>9</sup>

While prioritizing the recreational function of Highway One, the BSLUP Key policy also recognizes the need to regulate recreational traffic, in part because of the impacts of visitation and recreational use on Big Sur's sensitive environment.<sup>10</sup> Further, new visitor-serving and recreational development must specifically address impacts to Highway 1 service capacity, including potential land use conflicts.<sup>11</sup> Rather than maximizing recreational use, the BSLUP identifies the need to "optimize" such use in order to protect coastal resources:

*... management of Highway 1 should attempt to optimize rather than maximize visitor use levels on the highway in relation to other user needs and planning objectives for the coast. As an objective, the maintenance of an acceptable minimum level of service and corresponding maximum traffic volume standard for Highway 1 traffic must satisfy several criteria. A reasonable level of traffic volume must be accommodated that reflects current recreational and residential use patterns, future demand for access to Big Sur, property rights of landowners, and resource protection goals aimed at preserving the natural character and beauty of Big Sur.<sup>12</sup>*

---

<sup>9</sup> BSLUP Policy 4.1.3C.

<sup>10</sup> The BSLUP observes:

*... study has shown that the aesthetic qualities of Highway 1 are eroding. This is the result of both private and public development in the scenic viewshed, and visitor overuse within the highway right-of-way itself. Gradually, many informal, unsurfaced and unsightly pullouts have developed along the highway. The level of careless public use is resulting in a serious problem. Non-native and invasive plants are spreading along the highway to the detriment of the scenic beauty.*

BSLUP, p. 65.

<sup>11</sup> Policy 4.1.3 C states:

*Traffic Regulation and Coastal Priority Uses 1. To comply to Coastal Act policies concerning the allocation of limited highway capacity to coastal priority uses, 85 percent of the capacity of Highway 1 under improved road conditions and managed traffic shall be reserved to serve recreational travel, service trips to public and private recreation and visitor-serving facilities, use by military vehicles, and coastal-dependent agriculture. To implement this policy, the land use regulations of this plan limit future residential development to a level that will utilize not more than 15 percent of highway capacity at buildout. 2. Proposed new or expanded public or private recreation and visitor-serving uses shall be required to submit with their application, a traffic component which evaluates the anticipated impact to Highway 1 service capacity and makes recommendations on how conflicts can be overcome or mitigated.*

<sup>12</sup> BSLUP, p. 65.

### Visitor-serving Unit Cap

The explicit focus of the BSLUP on the limited capacity Highway 1 is reflected in the LUP's specific limitations on both residential development and new visitor-serving overnight units. In particular, the BSLUP establishes a cap of 300 new visitor-serving units in Big Sur, except for low-intensity "rustic" and non-RV campground units, which are not limited.<sup>13</sup>

*LUP 5.4.2.9. The following density standards for inn unit development are designed to allow up to 300 new visitor-serving lodge or inn units on the Big Sur Coast, based on protection of the capacity of Highway One to accommodate recreational use, the avoidance of overuse of areas of the coast, and the need for development to respect the rural character of the Big Sur Coast and its many natural resources.*

The cap is recognized in Table 1 of the LUP (attached). The visitor-serving unit cap is also found in IP section 20.145.140 (B)(1)(c)(5).<sup>14</sup> The fact that low-intensity camping was not limited perhaps reflects the BSLUP emphasis on prioritizing and providing for recreation while minimizing the potential land use impacts of new visitor-serving development.<sup>15</sup>

It appears that the visitor-serving unit cap was primarily focused on significant physical development of new visitor-serving structures or developed areas, such as a lodge, inn or RV campground, as opposed to lower-intensity "rustic" camping, and that the short-term visitor-serving rental of residential structures was not specifically contemplated as part of the visitor-serving unit mix at the time of LUP and IP certification. There was explicit concern, though, for the *combined* level of both new visitor-serving overnight units and new residential units in relation to appropriate densities for new development in Big Sur. This is well-illustrated in the discussion of how to apply the LCP's density formula for determining the allowable number of new residential or visitor-serving units on a parcel:

*The policies that follow establish a slope density formula as the determinant of potential residential development. A conversion factor is available in the Watershed and Scenic Conservation land use designation that permits potential residential units to be developed as inn units at the rate of two inn units per residence (up to a maximum of 8 per parcel), thereby establishing potential buildout for this major land use category. Consequently, long range development of the coast will depend upon the choices made by landowners over time. A strong response to demand for visitor facilities will result in a reduction in residential construction potential. For example, if 100 additional residential units are ultimately approved for development in the Watershed and Scenic Conservation area, this could result in 100 residences. It could also result in 50 residences and 100 inn units, or no residences and 200 inn units, etc. While this is only illustrative, it shows the relationship of visitor-serving facilities and residential*

<sup>13</sup> "No limitation is established in the plan for the number of campsites that could be developed." BSLUP, 82.

<sup>14</sup> The IP states: "A maximum total of 300 inn/r.v. campground units may be approved after certification of the Big Sur Land Use Plan." The BSLUP (Table 1) and the IP also contemplate a maximum of 50 new hostel beds.

<sup>15</sup> BSLUP policy 5.4.3.C states: 1. Development of recreation and visitor-serving facilities at locations suitable for such use is preferred over other types of development in Big Sur because of Big Sur's national significance as a recreation area. 2. Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted. Compatible scale and character shall include limiting the number of visitor accommodation units as specified in 5.4.2.9 and shall limit such structures to two stories in height, subject to site constraints. ...

*development based on the conversion factor. An important condition of the plan is that property can be devoted to either residential or visitor-serving overnight accommodations, or a combination of both, but that density credit cannot be applied for both uses from the same acreage.*<sup>16</sup>

This policy underscores the BSLUP concern for the finite carrying capacity of both Highway 1 and the Big Sur coast broadly.

Since LCP certification, the Coastal Commission has considered the overnight visitor-serving question on at least one occasion – an appeal of the Treebones Campground in southern Big Sur.<sup>17</sup> The Commission's primary concern was the proper site density and related impacts for the project.<sup>18</sup> After redesign of the project, the Commission found that the project was akin to a "rustic" campground, and could be approved consistent with the BSLUP visitor-serving unit cap and density requirements.

#### ***Locations for New Visitor-serving Development and Land Uses***

The BSLUP identifies inns, lodges, hostels, RV sites, rustic campsites and walk-in/environmental camping as allowable new visitor-serving overnight units. STRs are not specifically identified in the BSLUP or IP as a visitor-serving or residential use.<sup>19</sup> Regardless, the BSLUP contemplates potential new visitor-serving overnight uses in most land use designations, ranging from inns and lodges in the visitor-serving commercial (VSC) and watershed and scenic conservation (WSC) zones, to less intensive camping in the outdoor recreation (OR) and resource conservation (RC) zones. For example, in the WSC, 2 visitor-serving units per residential unit retired are allowed (BSLUP Table 1; IP Attachment 3 (attached)):

*The Watershed and Scenic Conservation category permits a number of land uses including ranches, rural residences, low intensity recreation, rustic visitor accommodations, and under careful controls, forestry, mining, and aquaculture [emphasis added].*<sup>20</sup>

However, the LUP and IP also specifically limit visitor-serving uses in certain residential areas (RDR zoning):

#### **General Policy 5.4.2.2**

*Development of any area of Big Sur will be limited to uses for that area illustrated on the plan map and to the use intensities described in the text. Uses not shown on the plan map or described in the text will not be permitted [emphasis added].*

#### **5.4.3. G. Rural Residential**

*2. Development in designated rural residential areas shall continue to be limited to residential uses in order to protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are adequate to support more intensive uses.*

---

<sup>16</sup> BSLUP, p. 81.

<sup>17</sup> California Coastal Commission, A-3-MC0-99-097 (Treebones Campground), Approved, May 11, 2000, <https://documents.coastal.ca.gov/reports/2000/5/Th10c-5-2000.pdf>.

<sup>18</sup> The Commission was also concerned with the potential adverse precedent for the visitor-serving unit cap.

<sup>19</sup> The fact that STRs are not enumerated is not necessarily evidence that STRs are not allowed. "Hotels" are not specifically identified, either, though clearly they fit within the Big Sur rubric of "inns" and "lodges".

<sup>20</sup> BSLUP, p. 79.

*Otter Cove, Palo Colorado Canyon, Bixby Canyon, Sycamore Canyon, Pfeiffer Ridge, Coastlands, and Partington Ridge areas are designated principally for Rural Residential use because they contain numerous comparatively small parcels, generally unsuitable for other kinds of development.*<sup>21</sup>

Thus, new visitor-serving overnight units (and other non-residential uses) were not anticipated in the RDR zone but would be acceptable in the WSC zone.<sup>22</sup>

In addition to the avoidance of conflicts between incompatible uses, the limitation of the RDR zone to residential uses derived from a desire to protect and maintain the unique community and natural character of Big Sur. As summarized in the BSLUP discussion of its underlying philosophy:

*The scenic beauty of the Big Sur Coast, and the opportunity to escape urban patterns, are prime attractions for residents and visitors alike. . .*

*Quality should have precedence over quantity of any permitted uses, whether residential, recreational, or commercial. Any new development should remain within the small-scale, traditional and rural values of the area, rather than to introduce new or conflicting uses.*

...

*The special cultural characteristics of the Big Sur Coast should also be recognized as a primary resource. Man's presence along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience.*<sup>23</sup>

The question of the consistency of STRs in the coastal zone often focuses on whether STRs are a "residential" or "commercial" use, precisely because of the potential conflicts between traditional residential uses and visitor activities. But whether STRs are treated more akin to a visitor-serving use (and thus potentially not allowable in the RDR zone in Big Sur) or as residential use (and thus potentially allowable, albeit tacitly), the primary concern of the BSLUP -- to manage the impacts of visitor-serving overnight use on resources, highway capacity and other land uses -- remains.<sup>24</sup> The critical questions in considering an STR ordinance for Big Sur concern: the impacts of STRs on coastal resources; whether Highway 1 has adequate capacity to serve STRs and other allowable uses; the compatibility of STRs with existing land uses; and, given the answers to these questions, the consistency of STRs with the Coastal Act. As originally recognized in the development of the LCP for Big Sur, these questions are especially

---

<sup>21</sup> BSLUP, p. 80.

<sup>22</sup> Paralleling BSLUP Table 1, IP 20.145.140 A5, states: "Development of a parcel, shall be limited to density, land use, and site development standards specific to that parcel's land use designation, as shown in Attachment 3." Attachment 3 does not identify the RDR zone as an appropriate district for "visitor accommodations".

<sup>23</sup> BSLUP, p. 9.

<sup>24</sup> Title 20 does allow "bed and breakfast facilities" in any zone that allows residential use, but only if the facility is "consistent with the Monterey County Local Coastal Program." Monterey County Zoning, 20.64.100C and D(5). This provision would thus potentially be overridden by the specific BSLUP and IP provisions governing the RDR if such provisions were interpreted to not allow visitor-serving overnight use in the RDR zone.

important for the relatively "closed" recreational system of Big Sur, and the fact that residential and visitor-serving land uses may generate very different patterns of Highway use.<sup>25</sup>

### **Protection of Employee and other Housing**

A third important concern of the BSLUP related to the STR land use is the potential impact on housing. At the time of LUP certification, there was significant concern for the lack of affordable employee housing in Big Sur:

*A serious housing shortage exists for employees in Big Sur, particularly in the visitor industry. Because there is little housing available, employees have at times been forced to camp-out, live in cars, or move in with friends. The shortage of affordable housing has also made recruitment of skilled employees difficult. Several factors affect solutions to the housing problems: the costs of land and housing precludes the use of traditional housing assistance programs; and year-round employment is not at a high enough level to support traditional single and multiple family housing projects. 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.*<sup>26</sup>

In conjunction with the overarching concern for limiting cumulative residential development, the IP specifically requires that that caretaker housing not be rented, leased, or let but rather, provide caretaker or employee housing.<sup>27</sup> The BSLUP also contains a general policy to prevent the conversion of affordable housing to other uses.<sup>28</sup> These restrictions evince an intent to protect housing opportunities that may already exist. Consideration of an STR ordinance should evaluate whether STRs are displacing affordable housing opportunities, including because such housing may be critical to supporting the visitor-serving economy of Big Sur that is prioritized by the Coastal Act. Any ordinance should also reconcile potential inconsistencies with existing provisions of the BSLUP and IP, such as the prohibition on renting guest houses.

### **Conclusion**

The BSLUP and IP strictly limit new development, including instituting a cap of 300 new visitor-serving units (inns, lodges, RV spaces), excluding low-intensity camping. In conjunction with many other environmental regulations, the cap supports the primary goal of the LCP to protect the world-class aesthetic, environmental and recreational values of Big Sur. Maintaining the capacity of Highway 1 for its primary visitor-serving, *recreational* function was a critical factor in the development of the LCP. The goal of the LCP is thus to maximize visitor-serving and recreational land uses *within the limits* of the environment and carrying capacity of Highway 1.

STRs are not specifically referenced as a visitor-serving land use in the BSLUP or IP. In addition, the LCP limits development in residential zones to residential land uses, to "protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are

---

<sup>25</sup> See fn 8, California Coastal Commission, *Id.* (1977).

<sup>26</sup> BSLUP, p. 73.

<sup>27</sup> IP 20.145.140 (B)(4). This section also requires that "guest houses" not be equipped for independent residential living, nor rented, leased or otherwise let.

<sup>28</sup> BSLUP Policy 5.4.3(I)(1) states: "[t]he County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason."

adequate to support more intensive uses.” Finally, the LCP contains policies and ordinances to both limit new residential development, and protect affordable housing, particularly for those working in the Big Sur visitor-serving economy.

Considering the certified LCP and the high sensitivity and importance of Big Sur’s coastal resources, any consideration of STRs in Big Sur should ideally occur through a comprehensive update of the LCP for Big Sur, but should at least include an updated review of STR development trends, potential resource impacts and use conflicts, and service capacity limitations, especially the capacity of Highway 1 to support expanded visitor-serving use. This review should include an evaluation of both the supply and demand for overnight visitor-serving uses and their impacts on coastal resources; and the current and projected capacity of Highway 1, including updated traffic counts and origin-destination analyses. This recommendation is consistent with recent Coastal Commission guidance that acknowledges the need to address the potential impacts of STRs taking into account local context:

*... we also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise and traffic impacts. We also recognize concerns regarding the impact of vacation rentals on local housing stock and affordability. Thus, in our view it is not an ‘all or none’ proposition. Rather, the Commission’s obligation is to work with local governments to accommodate vacation rentals in a way that respects local context.<sup>29</sup>*

---

<sup>29</sup> *Id.* fn 3.

TABLE 1: LAND USE AND DEVELOPMENT INTENSITY AND BUILDOUT

USES	LOCATION ON LAND USE MAP	OVERALL DENSITY STANDARD *	SITE DEVELOPMENT STANDARD *	ESTIMATED ADDITIONAL UNITS IN BIG SUR
<b>1. Residential</b>				
a. Principal Residences	Watershed & Scenic Cons. Rural Residential Areas Big Sur Valley RCC	Maximum of 100 Units: 1 per 40 acres W. of Hwy 1 1 per 40-120 ac. per slope- density formula E. of Hwy 1 1 per existing parcel **	1 acre minimum parcel (clustering)	TOTAL: 845 (est.) (656 on existing parcels; 189 on new sites)
b. Additional Residences		2 X the above (except RCC areas)	Same as above	50 per TOC program
c. Employee Housing (1) Caretaker units	Watershed & Scenic Cons.	1 per parcel	N/A	50 maximum
(2) Commercial-employee housing	Rural Community Centers Watershed & Scenic Cons. Outdoor Recreation	Specified in housing plan required for each commercial project	N/A	300 (range 0 - 650+)
(3) Ranch hands - Dormitories/bunk- houses	Watershed & Scenic Cons.	1 per ranch (640 ac.)	N/A	12
<b>2. Visitor Accommodations</b>				
a. Inns, RV Campgrounds ***	Watershed & Scenic Cons. o Westmore	Maximum of 300 units: 2 units for each residential unit credit retained; maximum 8 per parcel 24 units (special allowance)	10 acre minimum parcel; 30 units per cluster max. 24 units max.	130 (range 0 - 260) 24
b. Hostels	Rural Community Centers Watershed & Scenic Cons. National Forest Outdoor Recreation Rural Community Centers	1 unit per net undeveloped ac. 1 bed unit per acre; 50 maximum in Big Sur 1 bed per unit acre; 50 maximum in Big Sur	10 ac. minimum parcel; 30 units per cluster, max. 10 acre minimum parcel 5 acre minimum parcel	240 50 maximum
<b>3. Campgrounds</b>				
a. Rustic Campgrounds ***	Outdoor Recreation National Forest Watershed & Scenic Cons.	1 space per 20 acres	5 spaces per acre (clustering)	Undetermined
b. Hike-in & Environ- mental Campsites	Rural Community Centers Outdoor Recreation National Forest Watershed & Scenic Cons. Rural Community Center Resource Conservation	2 spaces per acre 1 space per 20 acres	10 acre minimum parcel; 10 spaces per acre (clustering) 5 spaces per acre (clustering)	Undetermined Undetermined Undetermined

\* These represent maximum intensities. Natural resource limitations or constraints may further reduce these densities for any individual parcel.

\*\* Development of visitor accommodation use is permitted on a parcel designated RCC and containing an existing residence so long as the existing residence is considered an ancillary use to the visitor-serving facility.

\*\*\* RV Campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc., at each site.

# ATTACHMENT 3

PROPOSED LAND USE	ZONING DISTRICT	MAXIMUM ALLOWABLE DENSITY	SITE DEVELOPMENT STANDARD
<u>Residential</u>			
1. Principal Residence	WSC & RDR	East of Hwy. 1, 1 unit/40-320 ac. as per slope density formula West of Hwy. 1, 1 unit/40 ac.	1 acre minimum, w/cluster.
	VSC	Allowed in Big Sur Valley "CGC" only, 1 unit/parcel	same as above
2. Additional Res. allowable thru TDC program	n/a	Twice the allowable density shown above	same as above
3. Employee Housing for:			
a. Caretaker	WSC	1 unit/parcel	2 acres
b. Commercial Employees	VSC, WSC, & OR	As specified in the required Employee Housing Plan	n/a
c. Ranch Hands	WSC	1 dormitory or bunkhouse/ranch or per 640 acres	n/a
<u>Visitor Accomodations</u>			
1. Campgrounds	WSC	2 units for each residential unit allowed under "Principal Res." above, with those units then unable to be developed; to a maximum 8 units per parcel. (See special provisions for Westmere parcel in the Big Sur Ordinance.)	10 ac. min parcel & maximum of 30 units per cluster
	VSC	1 inn unit or 1 RV site /net undeveloped acre	same as above
2. Hostels	WSC, OR, & VSC	1 bed/acre	10 acre minimum parcel
<u>Campgrounds</u>			
1. Rustic Campgrounds	WSC & OR	1 campsite/20 acres	5 sites per acre w/cluster.
	VSC	2 campsites/acre	10 ac. min parcel; 10 sites per acre w/cluster.
2. Make-in & Environmental Campsites	WSC, GC, OR & RC	1 campsite/20 acres	5 sites per acre w/cluster.

Note: RV Campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc. at each site.

**MONTEREY COUNTY PLANNING COMMISSION**  
**JANUARY 10, 2018**  
**AGENDA ITEM NO. 6**



# Additional Correspondence

---

Short Term Rental Ordinances – REF130043

**FOR ADDITIONAL INFORMATION CONTACT:**

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

McDougal, Melissa x5146

From: Dan Reznick <Dan@DanReznick.com>  
Sent: Monday, January 08, 2018 7:45 PM  
To: 194-RMAComments  
Subject: STR's in the Big Sur Planning Area

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	Big Sur STR
DATE RECEIVED	1/9/18
SUBMITTED BY/VIA	Public email
DISTRIBUTION TO/DATE	PC 1/9
DATE OF HEARING	1/10/18

Hello,

I am against legalizing short term rentals in Big Sur for numerous reasons, many of which have been voiced time and again by other residents and by those from other areas who see that this step towards commercializing housing will inalterably change the nature of our community.

One argument that is often made for legalizing STRs is that it allows homeowners to afford their property. However, if they were counting on making money illegally when they made they signed the loan papers, then they should not have done so, any more than relying upon other unlawful means of money making. It is basically invalid as an argument for legalization.

There have been many bad situations already caused by short term renters, and it will only get worse. STRs are operating illegally, and whatever rules put into place to regulate them will doubtlessly also be broken, with boundaries being pushed further. So, stop them.

Don't look for taxes &/or profits gained from the destruction of the very nature our community. Instead let us use these much needed rentals for the employees of local businesses.

If, however, through some misguided reckoning you do allow STRs, it should only be with owner occupied premises, with the actual owner present and accountable. And carrying commercial property insurance. And honoring the Americans With Disabilities Act.

But, do the world a favor and let Big Sur maintain its nature.

Sincerely,

Daniel Reznick  
Palo Colorado Canyon owner/resident

POB 223343  
Carmel, CA 93923  
831-626-3532

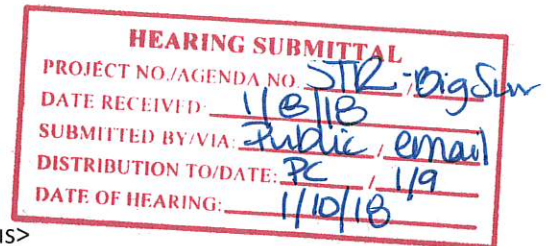
## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Monday, January 08, 2018 10:05 PM  
**To:** McDougal, Melissa x5146  
**Subject:** Fwd: Planning Commission Workshop on STR's - January 10, 2018  
**Attachments:** Dr. Charles Lester Memorandum\_Short Term Rentals and the Big Sur Coast LCP\_January 8\_2018.pdf; ATT00001.htm

Begin forwarded message:

**From:** Kirk Gafill <[kgafill@nepenthebigsur.com](mailto:kgafill@nepenthebigsur.com)>  
**Date:** January 8, 2018 at 4:29:56 PM PST  
**To:** "berettim@co.monterey.ca.us" <[berettim@co.monterey.ca.us](mailto:berettim@co.monterey.ca.us)>  
**Cc:** Mary Wright <[mrwbigsur@gmail.com](mailto:mrwbigsur@gmail.com)>  
**Subject:** Planning Commission Workshop on STR's - January 10, 2018



Dear Melanie,

Would you please distribute attached memorandum from Dr. Charles Lester, former Executive Director of the California Coastal Commission, in regard to Short-Term Rentals and the Big Sur Coast LCP to the members of the Planning Commission and appropriate Planning Staff in advance of this Wednesday's workshop. The Big Sur Local Coastal Plan Defense Committee believes that in addition to the analysis we have presented on this matter to the County, Dr. Lester's memorandum identifies significant inconsistencies with respect to Short-term Rentals and the Big Sur Coast Land Use Plan.

Thank you very much for your consideration of this request.

Best wishes for the New Year!

Regards,

Kirk

Kirk Gafill  
General Manager

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

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

January 8, 2018

TO: Mary Wright

FROM: Dr. Charles Lester *CFL*

RE: Short-term Rentals and the Big Sur Coast LCP

---

This memo considers the question of short-term rentals (STRs) and the local coastal program (LCP) for the Big Sur segment. It focuses on interpretation of the certified LCP (Land Use Plan (LUP) and Implementation Plan (IP)). The memo concludes that the LCP for Big Sur does not specifically address STRs, but that it does have strong land use policies and zoning regulations concerning overnight visitor-serving units. In particular, the LCP establishes a cap on the number of new visitor-serving overnight units other than low-intensity camping, for the purposes of protecting coastal resources and the capacity of Highway 1, especially for recreational purposes. It also does not contemplate certain visitor-serving overnight uses in areas zoned specifically for residential use; and seeks to protect existing affordable housing in Big Sur, particularly for workers in the visitor economy.

The memo does not express a specific opinion on whether STRs should be allowed in Big Sur. However, given the increase in STR activity, the sensitivity of Big Sur's coastal resources, and the significant and historic concern for the limited capacity of Highway 1 in Big Sur, the consideration of an STR ordinance for Big Sur should include an updated evaluation the supply and demand for overnight visitor-serving use in Big Sur; the impacts of such use on coastal resources; and the capacity of Highway 1 to continue providing adequate public access to and along Big Sur, especially as it relates to the highway's importance as a recreational resource of national significance.

## Discussion

Monterey County is considering whether to proceed with the development of an ordinance regulating STRs in Big Sur. County staff have properly noted that any such regulation "must be found consistent with adopted policy" and in particular the Big Sur Land Use Plan (BSLUP).<sup>1</sup> The County is considering various options, including postponing indefinitely any discussion of STRs in Big Sur; establishing a moratorium on STRs until regulations are adopted; and developing STR regulations subject to review for consistency with the BSLUP, either as it is currently certified, or as it may be amended through a future update.<sup>2</sup>

An LCP consists of a Land Use Plan (LUP) and an Implementation Plan (IP). The LUP establishes the kinds, locations and intensities of allowable land uses, and applicable resource protection and

---

<sup>1</sup> The County states:

*As part of the ordinance development process, the regulations must be found consistent with adopted policy. Developing regulations can either begin at the policy level (Land Use Plan) with the regulatory details (ordinance) to follow, or can begin with an ordinance subject to review for consistency with the LUP. In the case of Big Sur, consistency could be achieved by either: 1) Developing regulations consistent with the BSLUP; or 2) Developing regulations that require amending the BSLUP for consistency. However, an option requiring amendment of an Area Plan - especially a coastal one (Land Use Plan) -- will take a long time, so the consistency determination is key in all cases.*

Monterey County Planning Commission Staff Report, Agenda Item No. 6, Legistar File Number: PC 18-005, January 10, 2018, p. 6.

<sup>2</sup> *Id.* pp. 6-7.

development policies, for development in the coastal zone of a specific jurisdiction. The IP includes ordinances, maps and other programs or actions to implement the LUP. This analysis generally assumes that the short-term rental for overnight use of part or all of a residential structure is a land use subject to the requirements of the Coastal Act, and that proposals to regulate such use represent a potential change in the intensity or density of land use qualifying as development, and thus are subject to the review of the Coastal Commission.<sup>3</sup> To be legally effective in the coastal zone, any updates to the BSLUP adopted by the County must conform with applicable policies of the California Coastal Act, as determined by the Coastal Commission. The Coastal Commission must also find that any proposed ordinances approved by the County for the coastal zone conform with, and are adequate to carry out, the BSLUP.<sup>4</sup>

## **The Big Sur LCP**

The Monterey County LCP has four geographic segments: North Monterey County, the Del Monte Forest, the Carmel Area and Big Sur. Each LCP segment is governed by a specific LUP (in this case, the Big Sur LUP) and the Coastal Implementation Plan (IP). The IP includes general ordinances for the coastal zone (Title 20) and specific regulations for each area (for example, PART 3: *Regulations for Development in the Big Sur Coast Land Use Plan Area* (Chapter 20.145)).<sup>5</sup> This memo focuses on the Big Sur LUP, Part 3 of the IP, and Title 20. It is important to note that the BSLUP and Part 3 of the IP are controlling over Title 20 in the event of a conflict.<sup>6</sup>

## **Key Policies and Ordinances**

The consideration of STRs in Big Sur must be understood in the context of the fundamental intent and policies of the Big Sur LUP (BSLUP). The BSLUP recognizes that new development, *of any sort*, in Big Sur should be extremely limited, due to both the sensitivity of Big Sur's scenic and natural resources, and limited capacities to support new development. Key Policy 5.4.1 states:

*Future land use development on the Big Sur coast should be extremely limited, in keeping with the larger goal of preserving the coast as a scenic natural area. In all cases, new land uses must*

---

<sup>3</sup> Guidance from the Coastal Commission summarizes:

*The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply. We do not believe that regulation outside of that LCP/CDP context (e.g., outright vacation rental bans through other local processes) is legally enforceable in the coastal zone, and we strongly encourage your community to pursue vacation rental regulation through your LCP.*

California Coastal Commission, *Memo to Coastal Planning/Community Development Directors regarding Short-Term/Vacation Rentals in the California Coastal Zone Guidance*, December 6, 2016, [https://documents.coastal.ca.gov/assets/la/Short\\_Term\\_Vacation\\_Rental\\_to\\_Coastal\\_Planning\\_&\\_Devt\\_Directors\\_120616.pdf](https://documents.coastal.ca.gov/assets/la/Short_Term_Vacation_Rental_to_Coastal_Planning_&_Devt_Directors_120616.pdf).

<sup>4</sup> CA PRC sections 30512-14.

<sup>5</sup> In addition to the four segment-specific IP sections and general Title 20 coastal zone ordinances, the IP has a sixth part that includes other applicable County ordinances, the zoning district maps, and a series of appendices. The Coastal Commission certified the individual LCP LUP segments between 1982 and 1986; the Big Sur LUP segment was certified in 1986. Monterey's complete LCP IP was effectively certified on January 12, 1988, and on February 4, 1988, Monterey County assumed authority for issuing most CDPs in the County.

<sup>6</sup> Monterey County Zoning Code, 20.02.060 (D), specifies the following hierarchy of controlling regulations in the event of any conflict between the general coastal zone ordinances in Title 20 and other relevant regulations: (1) the Coastal Act; (2) applicable Area LUP; (3) Regulations For Development for the Area (Parts 2 through 6 of the Coastal Implementation Plan); (4) Title 20 (Part 1 of the Coastal Implementation Plan); and (5) any other regulation in the County.

*remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery.*

The intent of this key policy is also restated in section 20.145.140 of the IP Land Use regulations for Big Sur:

*The intent of this Section is to provide standards for land use and development which will allow for the maintenance of the Big Sur Coast as a scenic natural area. As such, future land use development on the Big Sur Coast should be extremely limited. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery. (Ref. Policy 5.4.1)*

In addition to the fundamental goal of preserving the scenic beauty of Big Sur, the limited capacity of Highway 1 to absorb additional traffic was a primary factor driving the conclusion that new development potential in Big Sur was limited. As discussed in the BSLUP:

*The limited capacity of Highway 1 to accommodate local and recreation traffic at a level that reserves reasonable service and emergency use and also allows motorists to enjoy the beauty of Big Sur's scenic coast is a major concern. Because traffic volumes along sections of Highway 1 are at capacity during peak recreational use periods and because future demand for recreational access is expected to exceed the capacity of the highway, the capacity of the highway is a major constraint on the long range development of the coast. How the road capacity can be increased without damage to the intrinsic values of Big Sur and how capacity is allocated between visitor and local use is a major challenge.<sup>7</sup>*

This concern for Highway 1 capacity dates back to the 1975 Coastal Plan, and was comprehensively studied in 1977 as a precursor to developing the LCP.<sup>8</sup>

Having recognized the limited highway capacity and thus limited development potential in Big Sur, the BSLUP then acknowledges that the Coastal Act requires the reservation of this limited development capacity for Coastal Act priority uses, particularly visitor-serving and recreational land uses. The key transportation policy requires the County to take an active role in maintaining the primary function of Highway One as a recreational resource:

**4.1.1 Key Policy.** *Monterey County will take a strong and active role in guiding the use and improvement of Highway One and land use development dependent on the highway. The County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. The highway shall remain a two-lane road and shall include walking and bicycle trails wherever feasible. In order to protect and enhance public recreational enjoyment of Big Sur's unique natural and scenic resources, recreational traffic should be regulated during congested peak use periods.*

Accordingly, general BSLUP policy 4.1.2.4 requires that highway capacity be reserved for Coastal Act priority (non-residential) land uses:

---

<sup>7</sup> BSLUP, pp. 64-5.

<sup>8</sup> California Coastal Zone Conservation Commissions, *California Coastal Plan* (1975), p. 233; California Coastal Commission, *Big Sur Coast: A Subregional Analysis*, February 7, 1977.

*4.1.2.4. 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.*

The BSLUP then specifically requires the reservation of 85% of Highway 1 capacity for recreational travel, with residential development limited to 15% of the capacity, at buildout.<sup>9</sup>

While prioritizing the recreational function of Highway One, the BSLUP Key policy also recognizes the need to regulate recreational traffic, in part because of the impacts of visitation and recreational use on Big Sur's sensitive environment.<sup>10</sup> Further, new visitor-serving and recreational development must specifically address impacts to Highway 1 service capacity, including potential land use conflicts.<sup>11</sup> Rather than maximizing recreational use, the BSLUP identifies the need to "optimize" such use in order to protect coastal resources:

*... management of Highway 1 should attempt to optimize rather than maximize visitor use levels on the highway in relation to other user needs and planning objectives for the coast. As an objective, the maintenance of an acceptable minimum level of service and corresponding maximum traffic volume standard for Highway 1 traffic must satisfy several criteria. A reasonable level of traffic volume must be accommodated that reflects current recreational and residential use patterns, future demand for access to Big Sur, property rights of landowners, and resource protection goals aimed at preserving the natural character and beauty of Big Sur.<sup>12</sup>*

---

<sup>9</sup> BSLUP Policy 4.1.3C.

<sup>10</sup> The BSLUP observes:

*... study has shown that the aesthetic qualities of Highway 1 are eroding. This is the result of both private and public development in the scenic viewshed, and visitor overuse within the highway right-of-way itself. Gradually, many informal, unsurfaced and unsightly pullouts have developed along the highway. The level of careless public use is resulting in a serious problem. Non-native and invasive plants are spreading along the highway to the detriment of the scenic beauty.*

BSLUP, p. 65.

<sup>11</sup> Policy 4.1.3 C states:

*Traffic Regulation and Coastal Priority Uses 1. To comply to Coastal Act policies concerning the allocation of limited highway capacity to coastal priority uses, 85 percent of the capacity of Highway 1 under improved road conditions and managed traffic shall be reserved to serve recreational travel, service trips to public and private recreation and visitor-serving facilities, use by military vehicles, and coastal-dependent agriculture. To implement this policy, the land use regulations of this plan limit future residential development to a level that will utilize not more than 15 percent of highway capacity at buildout. 2. Proposed new or expanded public or private recreation and visitor-serving uses shall be required to submit with their application, a traffic component which evaluates the anticipated impact to Highway 1 service capacity and makes recommendations on how conflicts can be overcome or mitigated.*

<sup>12</sup> BSLUP, p. 65.

### Visitor-serving Unit Cap

The explicit focus of the BSLUP on the limited capacity Highway 1 is reflected in the LUP's specific limitations on both residential development and new visitor-serving overnight units. In particular, the BSLUP establishes a cap of 300 new visitor-serving units in Big Sur, except for low-intensity "rustic" and non-RV campground units, which are not limited.<sup>13</sup>

*LUP 5.4.2.9. The following density standards for inn unit development are designed to allow up to 300 new visitor-serving lodge or inn units on the Big Sur Coast, based on protection of the capacity of Highway One to accommodate recreational use, the avoidance of overuse of areas of the coast, and the need for development to respect the rural character of the Big Sur Coast and its many natural resources.*

The cap is recognized in Table 1 of the LUP (attached). The visitor-serving unit cap is also found in IP section 20.145.140 (B)(1)(c)(5).<sup>14</sup> The fact that low-intensity camping was not limited perhaps reflects the BSLUP emphasis on prioritizing and providing for recreation while minimizing the potential land use impacts of new visitor-serving development.<sup>15</sup>

It appears that the visitor-serving unit cap was primarily focused on significant physical development of new visitor-serving structures or developed areas, such as a lodge, inn or RV campground, as opposed to lower-intensity "rustic" camping, and that the short-term visitor-serving rental of residential structures was not specifically contemplated as part of the visitor-serving unit mix at the time of LUP and IP certification. There was explicit concern, though, for the *combined* level of both new visitor-serving overnight units and new residential units in relation to appropriate densities for new development in Big Sur. This is well-illustrated in the discussion of how to apply the LCP's density formula for determining the allowable number of new residential or visitor-serving units on a parcel:

*The policies that follow establish a slope density formula as the determinant of potential residential development. A conversion factor is available in the Watershed and Scenic Conservation land use designation that permits potential residential units to be developed as inn units at the rate of two inn units per residence (up to a maximum of 8 per parcel), thereby establishing potential buildout for this major land use category. Consequently, long range development of the coast will depend upon the choices made by landowners over time. A strong response to demand for visitor facilities will result in a reduction in residential construction potential. For example, if 100 additional residential units are ultimately approved for development in the Watershed and Scenic Conservation area, this could result in 100 residences. It could also result in 50 residences and 100 inn units, or no residences and 200 inn units, etc. While this is only illustrative, it shows the relationship of visitor-serving facilities and residential*

<sup>13</sup> "No limitation is established in the plan for the number of campsites that could be developed." BSLUP, 82.

<sup>14</sup> The IP states: "A maximum total of 300 inn/r.v. campground units may be approved after certification of the Big Sur Land Use Plan." The BSLUP (Table 1) and the IP also contemplate a maximum of 50 new hostel beds.

<sup>15</sup> BSLUP policy 5.4.3.C states: 1. Development of recreation and visitor-serving facilities at locations suitable for such use is preferred over other types of development in Big Sur because of Big Sur's national significance as a recreation area. 2. Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted. Compatible scale and character shall include limiting the number of visitor accommodation units as specified in 5.4.2.9 and shall limit such structures to two stories in height, subject to site constraints. ...

*development based on the conversion factor. An important condition of the plan is that property can be devoted to either residential or visitor-serving overnight accommodations, or a combination of both, but that density credit cannot be applied for both uses from the same acreage.<sup>16</sup>*

This policy underscores the BSLUP concern for the finite carrying capacity of both Highway 1 and the Big Sur coast broadly.

Since LCP certification, the Coastal Commission has considered the overnight visitor-serving question on at least one occasion – an appeal of the Treebones Campground in southern Big Sur.<sup>17</sup> The Commission's primary concern was the proper site density and related impacts for the project.<sup>18</sup> After redesign of the project, the Commission found that the project was akin to a "rustic" campground, and could be approved consistent with the BSLUP visitor-serving unit cap and density requirements.

#### ***Locations for New Visitor-serving Development and Land Uses***

The BSLUP identifies inns, lodges, hostels, RV sites, rustic campsites and walk-in/environmental camping as allowable new visitor-serving overnight units. STRs are not specifically identified in the BSLUP or IP as a visitor-serving or residential use.<sup>19</sup> Regardless, the BSLUP contemplates potential new visitor-serving overnight uses in most land use designations, ranging from inns and lodges in the visitor-serving commercial (VSC) and watershed and scenic conservation (WSC) zones, to less intensive camping in the outdoor recreation (OR) and resource conservation (RC) zones. For example, in the WSC, 2 visitor-serving units per residential unit retired are allowed (BSLUP Table 1; IP Attachment 3 (attached)):

*The Watershed and Scenic Conservation category permits a number of land uses including ranches, rural residences, low intensity recreation, rustic visitor accommodations, and under careful controls, forestry, mining, and aquaculture [emphasis added].<sup>20</sup>*

However, the LUP and IP also specifically limit visitor-serving uses in certain residential areas (RDR zoning):

#### **General Policy 5.4.2.2**

*Development of any area of Big Sur will be limited to uses for that area illustrated on the plan map and to the use intensities described in the text. Uses not shown on the plan map or described in the text will not be permitted [emphasis added].*

#### **5.4.3. G. Rural Residential**

*2. Development in designated rural residential areas shall continue to be limited to residential uses in order to protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are adequate to support more intensive uses.*

---

<sup>16</sup> BSLUP, p. 81.

<sup>17</sup> California Coastal Commission, A-3-MC0-99-097 (Treebones Campground), Approved, May 11, 2000, <https://documents.coastal.ca.gov/reports/2000/5/Th10c-5-2000.pdf>.

<sup>18</sup> The Commission was also concerned with the potential adverse precedent for the visitor-serving unit cap.

<sup>19</sup> The fact that STRs are not enumerated is not necessarily evidence that STRs are not allowed. "Hotels" are not specifically identified, either, though clearly they fit within the Big Sur rubric of "inns" and "lodges".

<sup>20</sup> BSLUP, p. 79.

*Otter Cove, Palo Colorado Canyon, Bixby Canyon, Sycamore Canyon, Pfeiffer Ridge, Coastlands, and Partington Ridge areas are designated principally for Rural Residential use because they contain numerous comparatively small parcels, generally unsuitable for other kinds of development.<sup>21</sup>*

Thus, new visitor-serving overnight units (and other non-residential uses) were not anticipated in the RDR zone but would be acceptable in the WSC zone.<sup>22</sup>

In addition to the avoidance of conflicts between incompatible uses, the limitation of the RDR zone to residential uses derived from a desire to protect and maintain the unique community and natural character of Big Sur. As summarized in the BSLUP discussion of its underlying philosophy:

*The scenic beauty of the Big Sur Coast, and the opportunity to escape urban patterns, are prime attractions for residents and visitors alike. . . .*

*Quality should have precedence over quantity of any permitted uses, whether residential, recreational, or commercial. Any new development should remain within the small-scale, traditional and rural values of the area, rather than to introduce new or conflicting uses.*

...

*The special cultural characteristics of the Big Sur Coast should also be recognized as a primary resource. Man's presence along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience.<sup>23</sup>*

The question of the consistency of STRs in the coastal zone often focuses on whether STRs are a "residential" or "commercial" use, precisely because of the potential conflicts between traditional residential uses and visitor activities. But whether STRs are treated more akin to a visitor-serving use (and thus potentially not allowable in the RDR zone in Big Sur) or as residential use (and thus potentially allowable, albeit tacitly), the primary concern of the BSLUP -- to manage the impacts of visitor-serving overnight use on resources, highway capacity and other land uses -- remains.<sup>24</sup> The critical questions in considering an STR ordinance for Big Sur concern: the impacts of STRs on coastal resources; whether Highway 1 has adequate capacity to serve STRs and other allowable uses; the compatibility of STRs with existing land uses; and, given the answers to these questions, the consistency of STRs with the Coastal Act. As originally recognized in the development of the LCP for Big Sur, these questions are especially

---

<sup>21</sup> BSLUP, p. 80.

<sup>22</sup> Paralleling BSLUP Table 1, IP 20.145.140 A5, states: "Development of a parcel, shall be limited to density, land use, and site development standards specific to that parcel's land use designation, as shown in Attachment 3." Attachment 3 does not identify the RDR zone as an appropriate district for "visitor accommodations".

<sup>23</sup> BSLUP, p. 9.

<sup>24</sup> Title 20 does allow "bed and breakfast facilities" in any zone that allows residential use, but only if the facility is "consistent with the Monterey County Local Coastal Program." Monterey County Zoning, 20.64.100C and D(5). This provision would thus potentially be overridden by the specific BSLUP and IP provisions governing the RDR if such provisions were interpreted to not allow visitor-serving overnight use in the RDR zone.

important for the relatively “closed” recreational system of Big Sur, and the fact that residential and visitor-serving land uses may generate very different patterns of Highway use.<sup>25</sup>

### **Protection of Employee and other Housing**

A third important concern of the BSLUP related to the STR land use is the potential impact on housing. At the time of LUP certification, there was significant concern for the lack of affordable employee housing in Big Sur:

*A serious housing shortage exists for employees in Big Sur, particularly in the visitor industry. Because there is little housing available, employees have at times been forced to camp-out, live in cars, or move in with friends. The shortage of affordable housing has also made recruitment of skilled employees difficult. Several factors affect solutions to the housing problems: the costs of land and housing precludes the use of traditional housing assistance programs; and year-round employment is not at a high enough level to support traditional single and multiple family housing projects. 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.<sup>26</sup>*

In conjunction with the overarching concern for limiting cumulative residential development, the IP specifically requires that that caretaker housing not be rented, leased, or let but rather, provide caretaker or employee housing.<sup>27</sup> The BSLUP also contains a general policy to prevent the conversion of affordable housing to other uses.<sup>28</sup> These restrictions evince an intent to protect housing opportunities that may already exist. Consideration of an STR ordinance should evaluate whether STRs are displacing affordable housing opportunities, including because such housing may be critical to supporting the visitor-serving economy of Big Sur that is prioritized by the Coastal Act. Any ordinance should also reconcile potential inconsistencies with existing provisions of the BSLUP and IP, such as the prohibition on renting guest houses.

### **Conclusion**

The BSLUP and IP strictly limit new development, including instituting a cap of 300 new visitor-serving units (inns, lodges, RV spaces), excluding low-intensity camping. In conjunction with many other environmental regulations, the cap supports the primary goal of the LCP to protect the world-class aesthetic, environmental and recreational values of Big Sur. Maintaining the capacity of Highway 1 for its primary visitor-serving, *recreational* function was a critical factor in the development of the LCP. The goal of the LCP is thus to maximize visitor-serving and recreational land uses *within the limits* of the environment and carrying capacity of Highway 1.

STRs are not specifically referenced as a visitor-serving land use in the BSLUP or IP. In addition, the LCP limits development in residential zones to residential land uses, to “protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are

---

<sup>25</sup> See fn 8, California Coastal Commission, *Id.* (1977).

<sup>26</sup> BSLUP, p. 73.

<sup>27</sup> IP 20.145.140 (B)(4). This section also requires that “guest houses” not be equipped for independent residential living, nor rented, leased or otherwise let.

<sup>28</sup> BSLUP Policy 5.4.3(I)(1) states: “[t]he County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason.”

adequate to support more intensive uses.” Finally, the LCP contains policies and ordinances to both limit new residential development, and protect affordable housing, particularly for those working in the Big Sur visitor-serving economy.

Considering the certified LCP and the high sensitivity and importance of Big Sur’s coastal resources, any consideration of STRs in Big Sur should ideally occur through a comprehensive update of the LCP for Big Sur, but should at least include an updated review of STR development trends, potential resource impacts and use conflicts, and service capacity limitations, especially the capacity of Highway 1 to support expanded visitor-serving use. This review should include an evaluation of both the supply and demand for overnight visitor-serving uses and their impacts on coastal resources; and the current and projected capacity of Highway 1, including updated traffic counts and origin-destination analyses. This recommendation is consistent with recent Coastal Commission guidance that acknowledges the need to address the potential impacts of STRs taking into account local context:

*... we also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise and traffic impacts. We also recognize concerns regarding the impact of vacation rentals on local housing stock and affordability. Thus, in our view it is not an ‘all or none’ proposition. Rather, the Commission’s obligation is to work with local governments to accommodate vacation rentals in a way that respects local context.<sup>29</sup>*

---

<sup>29</sup> *Id.* fn 3.

TABLE 1: LAND USE AND DEVELOPMENT INTENSITY AND BUILDOUT

USES	LOCATION ON LAND USE MAP	OVERALL DENSITY STANDARD *	SITE DEVELOPMENT STANDARD *	ESTIMATED ADDITIONAL UNITS IN BIG SUR
<b>1. Residential</b>				
a. Principal Residences	Watershed & Scenic Cons. Rural Residential Areas Big Sur Valley RCC	Maximum of 100 Units: 1 per 40 acres W. of Hwy 1 1 per 40-320 ac. per slope- density formula E. of Hwy 1 1 per existing parcel **	1 acre minimum parcel (clustering)	TOTAL: 845 (est.) (656 on existing parcels; 189 on new sites)
b. Additional Residences		2 X the above (except RCC areas)	Same as above	50 per TDC program
c. Employee Housing (1) Caretaker units	Watershed & Scenic Cons.	1 per parcel	N/A	50 maximum
(2) Commercial-employee housing	Rural Community Centers Watershed & Scenic Cons. Outdoor Recreation	Specified in housing plan required for each commercial project	N/A	300 (range 0 - 650+)
(3) Ranch hands - Dormitories/bunk- houses	Watershed & Scenic Cons.	1 per ranch (640 ac.)	N/A	12
<b>2. Visitor Accommodations</b>				
a. Inns, RV Campgrounds ***	Watershed & Scenic Cons. o Westmere	Maximum of 300 units: 2 units for each residential unit credit retired; maximum 8 per parcel 2 1/2 units (special allowance)	10 acre minimum parcel; 30 units per cluster max. 2 1/2 units max.	130 (range 0 - 260) 24
b. Hostels	Rural Community Centers Watershed & Scenic Cons. National Forest Outdoor Recreation Rural Community Centers	1 unit per net undeveloped ac. 1 bed unit per acre; 50 maximum in Big Sur 1 bed per unit acre; 50 maximum in Big Sur	10 ac. minimum parcel; 30 units per cluster, max. 10 acre minimum parcel 5 acre minimum parcel	240 50 maximum
<b>3. Campgrounds</b>				
a. Rustic Campgrounds ***	Outdoor Recreation National Forest Watershed & Scenic Cons.	1 space per 20 acres	5 spaces per acre (Clustering)	Undetermined
b. Mike-in & Environ- mental Campsites	Rural Community Centers Outdoor Recreation National Forest Watershed & Scenic Cons. Rural Community Center Resource Conservation	2 spaces per acre 1 space per 20 acres	10 acre minimum parcel; 10 spaces per acre (Clustering) 5 spaces per acre (Clustering)	Undetermined Undetermined Undetermined

\*\* Development of visitor accommodation use is permitted on a parcel designated RCC and containing an existing residence so long as the existing residence is considered an ancillary use to the visitor-serving facility.

\*\*\* RV Campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc., at each site.

\* These represent maximum intensities. Natural resource limitations or constraints may further reduce these densities for any individual parcel.

# ATTACHMENT 3

<u>PROPOSED LAND USE</u>	<u>ZONING DISTRICT</u>	<u>MAXIMUM ALLOWABLE DENSITY</u>	<u>SITE DEVELOPMENT STANDARD</u>
<u>Residential</u>			
1. Principal Residence	WSC & RDR	East of Hwy. 1, 1 unit/40-320 ac. as per slope density formula West of Hwy. 1, 1 unit/40 ac.	1 acre minimum, w/cluster.
	VSC	Allowed in Big Sur Valley "CGC" only, 1 unit/parcel	same as above
2. Additional Res. allowable thru TDC program	n/a	Twice the allowable density shown above	same as above
3. Employee Housing for:			
a. Caretaker	WSC	1 unit/parcel	2 acres
b. Commercial Employees	VSC, WSC, & OR	As specified in the required Employee Housing Plan	n/a
c. Ranch Hands	WSC	1 dormitory or bunkhouse/ranch or per 640 acres	n/a
<u>Visitor Accomodations</u>			
1. Inns & Campgrounds	WSC	2 units for each residential unit allowed under "Principal Res." above, with those units then unable to be developed; to a maximum 8 units per parcel. (See special provisions for Westmere parcel in the Big Sur Ordinance.)	10 ac. min parcel & maximum of 30 units per cluster
	VSC	1 inn unit or 1 RV site /net undeveloped acre	same as above
2. Hostels	WSC, OR, & VSC	1 bed/acre	10 acre minimum parcel
<u>Campgrounds</u>			
1. Rustic Campgrounds	WSC & OR	1 campsite/20 acres	5 sites per acre w/cluster.
	VSC	2 campsites/acre	10 ac. min parcel; 10 sites per acre w/cluster.
2. Make-in & Environmental Campsites	WSC, GC, OR & RC	1 campsite/20 acres	5 sites per acre w/cluster.

Note: RV Campgrounds are distinguished from Rustic Campgrounds by utility connections, paved surfaces, etc. at each site.

## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Monday, January 08, 2018 10:07 PM  
**To:** McDougal, Melissa x5146  
**Subject:** Fwd: Major Considerations for Permitting S.T.R.s in Big Sur.pdf  
**Attachments:** Major Considerations for Permitting S.T.R.s in Big Sur.pdf; ATT00001.htm

Begin forwarded message:

**From:** prakesh wood <dabudage@gmail.com>  
**Date:** January 8, 2018 at 11:30:24 AM PST  
**To:** "Beretti, Melanie x5285" <BerettiM@co.monterey.ca.us>  
**Subject:** Major Considerations for Permitting S.T.R.s in Big Sur.pdf

<b>HEARING SUBMITTAL</b>	
PROJECT NO / AGENDA NO.	STR-Big Sur
DATE RECEIVED	1/8/18
SUBMITTED BY VIA	Public email
DISTRIBUTION TO DATE	PC 1/9
DATE OF HEARING	1/10/18

Information within regards seemingly overlooked details for proposed ordinance permitting str.s. Please forward this to your fellow comissioners.

Sent from my iPad

## **Major Considerations for Permitting STRs in Big Sur**

### **Citations from the Big Sur Land Use Plan**

**By Briana Brewer**

Short term rental of private land in the Big Sur area has so far seemed to be only discussed as a 'black and white' issue. There are in fact many shades of grey to this discussion, as many seemingly as the many lovely shades that the coastal fog takes on a daily basis. When attempting to create any ordinance to permit or not permit this type of activity in the Big Sur area great consideration should be taken in treating the many classifications of the land by their unique and individual characteristics, as well as great thought given in regards to how this type of land use could benefit the economy and community of Big Sur as a whole.

Does Big Sur have enough accommodations to meet current visitor demands? Chapter 5.1 Introduction of the Big Sur Land Use Plan pg.71 states that **"Public recreation (is) by far the strongest land use trend today."** It is then clarified that **"Recreational uses include private campgrounds, visitor accommodations..."** By providing additional visitor options, STRs on private land can help Big Sur meet these high demands for visitation without creating the need for further development of the delicate and scenic coastal environment. Subtitle 5.1.3 Recreational Uses pg.74 identifies that **"Privately operated, visitor serving facilities constitute the major commercial activity on the Big Sur coast."** STRs of private land would fall under this identification. Shouldn't landowners of Big Sur be able to practice the long standing tradition of hospitality that the pioneers of the coast relied upon since the days before Highway 1 even existed?

It should be noted carefully which zone the STR is operating in. What are the intended land uses of the STR in question? Each landzone of the Big Sur coast has been appointed regulations regarding use and development of each of the individual zones as is detailed in the B.S.L.U.P. Chapter 5.2 Land Use Planning Issues pg.75 quotes the Coastal Act's decision that **"coastal recreation shall not be precluded by residential development."** Pg.76 then goes on **"The basic emphasis of the Coastal Act is clear: to protect the environmental quality and resources of the California coast while making these available for the enjoyment of all of the citizens of the State."** Many residents are upset that STRs may be contributing to a lack of housing, but residential housing is not in fact superior or granted priority based upon this decision of the Coastal Act. The coast is intended first to be available as a recreation area for all members of the public. Pg.76 continues **"the plan must meet the Coastal Act's goal of encouraging public recreational use."** Isn't accessibility to coastal recreation encouraged by the additional accommodations that STRs inherently create?

A particularly interesting zone first addressed under subtitle 5.2.2 Watershed and Scenic Conservation pg.77 makes clear that **"Recreational facilities (are) permitted**

in the Outdoor Recreation category including rustic inn or lodging units, hostels;" Subtitle 5.2.4 Outdoor Recreation pg.78 furthermore states that "Low intensity recreational and educational uses that are compatible with the natural resources of the area and require a minimum level of development to serve basic user needs and necessitating minimal alteration of the natural environment are appropriate. Such uses are defined as...walk in camping, tent camping and supporting facilities." Landowners in this zoning should be given the option to provide basic campsites and other rustic facilities under this stipulation of the Land Use Plan. It should also be noted that amount of use is determined appropriate by its direct effect on the surrounding environment. This would suggest that an arbitrary cap on how often a space could be rented no matter what zone it exists in would be inappropriate. The amount of use permitted should be individually tailored to its effect upon the type of land zone itself. This same zone is discussed further in Chapter 5.3.2 Land Use Map and Summary of Land Use Proposals pg.79 where it is noted that "**Most of the land on the coast is rural and undeveloped. The emphasis on these lands has been on minimal use and careful stewardship. The Watershed and Scenic Conservation category permits a number of land uses including...rustic visitor accomodations...the flexibility that this category permits provides an opportunity for landowners to obtain a reasonable return from the land.**" It is made very clear in more than one chapter or statement that landowners in this zone should be allowed to provide services such as camping as a means of supporting the land and its overall conservation. An additional point regarding this zone is made in 5.3.3 Summary of Development Potential pg.81 stating that "**the Watershed and Scenic Conservation land use designation permits potential residential units to be developed as inn units...thereby establishing potential buildout for this major land use category...An important condition of the plan is that property can be devoted to either residential or visitor serving overnight accomodations, or a combination of both.**" The Land Use Plan notes that appropriate development for the purpose of providing visitors of the coast a place to stay is important and may even take priority to residential use by the judgement and decision of the landowner itself.

When discussing permittance of STRs in certain areas of Big Sur consideration should also be given to whether or not the owner resides on the property. Is the monetary gain of the STR in question solely for profit or is it contributing to the conservation of the land by allowing the owner means to maintain the property and reside on the coast? Is the property being rented in this way for the sole intention of making surplus income or is it simply to make ends meet? This is where the idea that not all STRs are created equal comes into play. Some STRs are simply vacation homes in residential zones owned by the wealthy and some are maintained and inhabited by landowners in a different type of landzone and thereby used in a completely different

way. For example, Chapter 5.2 Land Use Planning Issues pg.76 addresses how recreational use and visitors can benefit the maintenance of the coast's agriculture by stating **"A second challenge of the plan is to encourage and to protect ranching as an important and traditional use of the larger land holdings with significant grazing resources. How recreational uses and visitor accommodations on such properties can be developed to help support agriculture is also an important consideration."** It should be noted whether the owner has the ability to rent long term or not and for what reasons their property may prevent this alternative possibility. Does the very nature of the STR itself honor regulations of development meant to protect the coastal environment while also acknowledging the intentions of the land use plan for encouraging recreational use and visitor access? Chapter 5.3.3 Summary of Development Potential sub heading C. Development of New or Expanded Recreational Facilities pg.88 lays out development intentions for the Big Sur coast. **"1. Development of recreational and visitor serving facilities at locations suitable...is preferred over other types of development in Big Sur because of...national significance as a recreational area."** **"5. The county encourages public and private recreation and visitor serving facilities within existing areas of development."** **"8. The establishment of low cost hostels in Big Sur is encouraged."** Properly developed STRs on private properties can help the coast achieve the goal of providing more visitor serving facilities in areas where development already exists or is permitted.

The motivations for creating the land use plan are clearly multifaceted. It strives to establish a criteria for protection and stewardship of the land while also encouraging visitor access to this highly desired recreation area. The popularity of Big Sur will not decrease and is only increasing especially due to fast and easy access to information via sources like the internet and hand held smartphones. The current situation of availability to campsites and other lodging is far below the actual demand of the public. Campsites must be booked up to 6 months in advance just to have the privilege of visiting the coast. Other choices for lodging such as the few hotels and cabins that exist also have extremely limited availability and are becoming increasingly expensive for the public to enjoy. As a result we see illegal camping, fires, litter and defecation in coastal pullouts and up private roads. Allowing landowners on the coast to provide safe and affordable alternatives to the few services currently available will help alleviate these problems and can actually serve as a saving grace. Through this type of service visitors may be educated of the rules and regulations associated with the coastal environment by directly interacting with the locals themselves. There are few to no places on the coast permitted to further development even for the purpose of increasing visitor lodging and camping. By utilizing the resources already owned by the citizens of the coast which are already zoned for such development and use Big Sur can mitigate the current situation of popularity and demand that seems to be spinning out of control.

## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Monday, January 08, 2018 10:10 PM  
**To:** McDougal, Melissa x5146  
**Subject:** Fwd: STR's Cause Sky-High Home and Long-Term Rental Prices; Washington Post published today  
**Attachments:** Hawaii has record-low unemployment and it's not a frozen hellscape. Why are people leaving - The Washington Post.pdf; ATT00001.htm

Begin forwarded message:

**From:** Robert Danziger <[bobdanziger@mac.com](mailto:bobdanziger@mac.com)>  
**Date:** January 5, 2018 at 5:12:01 PM PST  
**To:** "Beretti, Melanie x5285" <[BerettiM@co.monterey.ca.us](mailto:BerettiM@co.monterey.ca.us)>  
**Cc:** Gary Cursio <[GCursio@CGCLLC.org](mailto:GCursio@CGCLLC.org)>, Priscilla Walton <[priswalton@sbcglobal.net](mailto:priswalton@sbcglobal.net)>  
**Subject:** STR's Cause Sky-High Home and Long-Term Rental Prices; Washington Post published today

<b>HEARING SUBMITTAL</b>	
PROJECT NO / AGENDA NO:	STR-bjgsw
DATE RECEIVED:	1/8/18
SUBMITTED BY / VIA:	Public / email
DISTRIBUTION TO DATE:	PC / 1/9
DATE OF HEARING:	1/10/18

Please add to the record. The pdf of the article is attached below and is directly on point to the situation in the Coastal Zone and Carmel Valley.

**"All those extra visitors must be staying somewhere, and that somewhere is private residences. Bonham estimates there were 14,000 rooms on the vacation-rental market in 2016 (that's assuming full-time use, so the actual number is probably much higher), and every one of those is another unit that's not available for residents looking to buy."**

=====

Key Points from the article:

Hawaii has record-low unemployment and it's not a frozen hellscape. Why are people leaving?

Hawaii has the lowest unemployment rate of any state in recorded history, a good economic outlook, and — most attractive at this time of year — little chance of polar vortex or 'bomb cyclones'. Yet in 2017 its population fell for just the third time since statehood in 1959. . . .

Which brings us to the core conundrum: people are leaving Hawaii even though the labor market is stronger than on the mainland, and even though it's the high 70s in Honolulu this week. What could possibly be driving them away?

. . .

So why is anyone leaving?

One answer trumps all others: home prices. Hawaii has the most expensive housing in the nation, according to the home value index from housing website Zillow. Rent costs trail only D.C. and (in some months) California. Overall, Hawaii had the highest cost of living of any state in 2017 (D.C. was higher), the Center for Regional Economic Competitiveness found, and housing was the main driver.

...

It's always been expensive to live in Hawaii, but it's getting worse. There's just not enough housing on the islands, and Hawaii now has one of the worst rates of homelessness in the country.

...

"[Visitors are] just not spending like they used to," Bonham said. "They're probably shopping at Target and Kmart and probably staying in a condo or at an Airbnb."

That second part is the key.

All those extra visitors must be staying somewhere, and that somewhere is private residences. Bonham estimates there were 14,000 rooms on the vacation-rental market in 2016 (that's assuming full-time use, so the actual number is probably much higher), and every one of those is another unit that's not available for residents looking to buy.

The rise of the frugal tourist is also putting the squeeze on jobs and earnings. Residents who might have found work at higher-paying resorts in the past are now waiting on those same tourists at Target and Kmart instead. And they're not likely to afford Honolulu housing on retail wages.

Average hourly earnings for private-sector employees in Hawaii ranked 15th in the nation over the past year, and they consistently grow more slowly than home prices.

As the changing character of Hawaii's visitors squeeze residents on both ends, they may have no choice but to leave.

"There's a connection there between that booming number of arrivals and that vacation-rental market and ... some of the exits of people from the state because of rising costs," Bonham said.

The Washington Post

Wonkblog ● Analysis

# Hawaii has record-low unemployment and it's not a frozen hellscape. Why are people leaving?

By Andrew Van Dam January 5 at 7:00 AM

Hawaii has the lowest unemployment rate of any state in recorded history, a good economic outlook, and — most attractive at this time of year — little chance of polar vortex or ‘bomb cyclones’. Yet in 2017 its population fell for just the third time since statehood in 1959.

It only dropped a tenth of a percent, but that's a worse showing than all but four states (Wyoming, West Virginia, Illinois and Alaska), according to a recent Census Bureau release.

Which brings us to the core conundrum: people are leaving Hawaii even though the labor market is stronger than on the mainland, and even though it's the high 70s in Honolulu this week. What could possibly be driving them away?

Hawaii's unemployment rate is exceptionally low. The preliminary seasonally adjusted reading for November was 2.0 percent — the lowest of any state

since the Labor Department started keeping track in 1976, and less than half of the 4.1 percent national rate reported in November.

These state numbers are often revised, and the low rate can partly be explained by a labor force that shrank for most of 2017, an aging population, and peculiarities of the state's labor market. But "any way you cut it, 2.0 is extremely low," said Carl Bonham, economics professor and director of the University of Hawaii's economic research organization.

Even beyond the unemployment rate, the economy looks strong. A recent report from Bonham's organization projected continued growth for 2018, based on another record year of tourist arrivals, steady activity in the construction sector, and growth in health and tourism jobs.

So why is anyone leaving?

One answer trumps all others: home prices. Hawaii has the most expensive housing in the nation, according to the home value index from housing website Zillow. Rent costs trail only D.C. and (in some months) California. Overall, Hawaii had the highest cost of living of any state in 2017 (D.C. was higher), the Center for Regional Economic Competitiveness found, and housing was the main driver.

It's always been expensive to live in Hawaii, but it's getting worse. There's just not enough housing on the islands, and Hawaii now has one of the worst rates of homelessness in the country.

The Department of Housing and Urban Development found that 51 out of every 10,000 people in Hawaii were homeless on the day they were counted in January 2017—that's worse than 49 other states and ahead of only D.C. Hawaii had the fourth-fastest increase in homelessness over the past decade, the same study found.

How can homelessness and house prices be high even as the state's population is steady or falling? Some factors—tight zoning regulations, lack of

land suitable for development, and not-in-my-back-yard-ism—have long been present on the islands, but there's one issue that has come to loom over all others: tourism.

Tourism has long been key to Hawaii's economy, but today it dominates. Tourists have arrived in all-time record numbers each of the past six years, and Bonham's organization predicts they will continue to do so for years to come.

But these record arrivals haven't come with record spending. Adjusted for inflation, today's tourists are more frugal than their predecessors.

Many are repeat visitors. They've already checked the big-ticket items off their bucket list and are just coming to relax and enjoy the absence of whatever apocalyptic winter storms and chores they left back home.

"They're just not spending like they used to," Bonham said. "They're probably shopping at Target and Kmart and probably staying in a condo or at an Airbnb."

That second part is the key.

All those extra visitors must be staying somewhere, and that somewhere is private residences. Bonham estimates there were 14,000 rooms on the vacation-rental market in 2016 (that's assuming full-time use, so the actual number is probably much higher), and every one of those is another unit that's not available for residents looking to buy.

The state granted about 4,100 residential housing permits in 2016, but Bonham estimated that they'd need about double that to accommodate demand and rein in prices.

The rise of the frugal tourist is also putting the squeeze on jobs and earnings. Residents who might have found work at higher-paying resorts in the past are now waiting on those same tourists at Target and Kmart instead. And they're not likely to afford Honolulu housing on retail wages.

Average hourly earnings for private-sector employees in Hawaii ranked 15th in the nation over the past year, and they consistently grow more slowly than home prices.

As the changing character of Hawaii's visitors squeeze residents on both ends, they may have no choice but to leave.

"There's a connection there between that booming number of arrivals and that vacation-rental market and ... some of the exits of people from the state because of rising costs," Bonham said.

Military deployments are another factor. Bonham noted there was a net reduction of about 1,000 troops and dependents in 2016, when the state saw only 0.2 percent population growth. And the islands' fertility rate has fallen almost every year since 2008, according to the most recent data from the Centers for Disease Control and Prevention.

The high price of land and the shortage of affordable labor has also pushed sugar and pineapple plantations out of business, Brittany Lyte reported for The Washington Post in December.

"We have put all our eggs into one basket, and that is tourism. But not everybody who lives on this island wants to work in the hotel industry, and it's almost impossible to feed a family here working as a farmer," Lyte quoted Maui County Councilman Aliko Atay as saying.


"We are now seeing drastic displacement of young people leaving Maui because of a lack of economic opportunity," Atay told Lyte.

Bonham agreed that heavy reliance on tourism had foreclosed other options.

"If you're looking in manufacturing or you're looking in certain areas of the sciences we simply don't have some of those jobs," he said.

Preliminary data back up the notion that Hawaii residents are continuing to vote with their feet. Moving company Atlas Van Lines found that, among its customers in 2017 (through Dec. 15), there were three moves out of Hawaii for every two moves in. The state is clearly a very nice place to visit. But it's getting harder and harder to stay.

 **28 Comments**

Andrew Van Dam covers data and economics. He previously did similar work for The Wall Street Journal, and dissimilar work for The Boston Globe and The Idaho Press-Tribune.  Follow @andrewvandam

### Your profile is incomplete

Before you can contribute to our community, please visit your [Profile page](#) in order to complete your profile.

**Comments**

My profile



**The conversation here is moderated according to The Post's discussion guidelines. Please [read the rules](#) before joining the discussion.**

**Looking for your comment history?** Your recent comments are available under the My Profile tab directly

Comments are available under the My Home tab directly above this message. Comments submitted to our previous system can be found [here](#).

Send feedback about the comments section [here](#).

## All Comments (29)

Viewing Options ▾



**digman7777j** 2 minutes ago

Just call the state what it is a tourist trap!

Like 👍 Reply ↩ Link 🔗 Report 🚩



**Cliphy** 2 hours ago

We moved to Honolulu from NYC 6 years ago and, while our mainland friends will shed no tears for us, the cost of living IS actually more expensive here. One thing not mentioned, the Jones Act reportedly costs each resident 3k a year due to added shipping costs. For instance, we have no IKEA or dollar stores because of it. Mostly though, local salaries are just too low and many people work 2 or 3 jobs.

Like 👍 3 Reply ↩ Link 🔗 Report 🚩



**heinz12451** 4 hours ago

I think a factor is that airlines and hotels have gotten much better at yielding seats/rooms. For example, if I fly over the week of Spring Break to Hawaii I pay \$400 more per seat than at almost any time and about \$100 more per night for a hotel room. That is less money that I have to spend in the local economy so I have to economize when I get there. That explains why though tourism arrivals are up, spending is flat in inflation-adjusted terms. And the money spent with hotels and airlines generally benefits non-local owners.

Like 👍 Reply ↩ Link 🔗 Report 🚩



**working antique** 5 hours ago

Ah yes... Supply and Demand basics. When the islands are left with only the Mansions and Hotels, who is going to be there at minimum wage to pamper and serve the CEO's, Movie Stars, the Kartrashians, and the business elite? Who is going to clean up after them? Who is going to fix their windows and doors? Who is going to cut the grass on the Facebook's CEO's walled estate?

Crocodile tears. Waaayyyy back in 1983 I looked at buying a share in a \$400K quad on Maui. The biggest factor was getting there and getting back. Just too expensive. Wonder what it would cost now?

Like Reply Link Report



**chicago\_m** 6 hours ago

I am vacationing in Hawaii next month for the second time. When we travel, we almost always rent homes or apartments. This trip is to Maui where we've rented an oceanfront place for ten days. It seems apparent that owners can make money by hanging on to their places and renting them out week-by-week to travelers like me.

Like Reply Link Report



**tunatofu** 6 hours ago

Not to shift blame, but the housing spikes started in the 80s when the Japanese tech tycoons came in and bought out entire neighborhoods. Now you have Chinese and Russian oligarchs buying up all the new units. So maybe a little crack down on foreign home ownership in the Aloha state is called for?

Like 5 Reply Link Report



**casualhasic** 7 hours ago



Higgins, Zeus and Apollo did a really good job of keeping the riff raff off Robin Master's estate.

Like 2 Reply Link Report



**thirdlion** 8 hours ago

Obscene cost of housing, mediocre salaries, too far away--- that's why people are leaving.

Like Reply Link Report



**tunatofu** 6 hours ago

Also consider that almost everything is imported (they are islands after all and far from damn near everything). I lived there as a kid and in addition to the oil embargo (in the early 70s, which I thought was just a Hawaii thing) we had strikes by the dock workers, some problem that prevented meat from coming from the mainland but allowed lamb and pork from Australia, and you couldn't bring a pet from off the islands without a 6 month quarantine. I wonder when people are going to figure out that islands can only hold so many people and that there is literally NOWHERE on earth where you can just pitch a tent on the beach and live there free.

Like 1 Reply Link Report



**mike o.** 9 hours ago

If the tourists are shopping at Target, they are spending plenty more than they should! It's one overpriced rip off chain!

Like 1 Reply Link Report



**trock 5000** 10 hours ago

Florida Keys are the same way. The workers – because of limited land – are being priced out of housing and businesses are having a harder time finding people

businesses are having a harder time finding people.

Meanwhile, much of the housing is unoccupied on a regular basis. There are international people from South America and wealthy Americans who own either as an investment or one of their many properties. The places sit empty much of the time. So you buy out a low income area where "real" people live, and redevelop into high-end condos. The developer makes his money, but those workers have no place to go other than further north to Miami, making a work commute not worth it.

Eventually, all the really nice spots on Earth will look like ghost towns where a handful of workers maintain empty buildings owned by the very rich who rarely visit.

Like  5   Reply    Link    Report 

[View More Comments](#)

## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Monday, January 08, 2018 10:11 PM  
**To:** Kelley M. Nichols  
**Cc:** McDougal, Melissa x5146  
**Subject:** Re: Short Term Rentals in Big Sur

<b>HEARING SUBMITTAL</b>	
PROJECT NO/AGENDA NO	STR-10-5 Sur
DATE RECEIVED	1/5/18
SUBMITTED BY/VIA	Public PC
DISTRIBUTION TO DATE	PC 1/9
DATE OF HEARING	1/10/18

Received

Sent from my iPhone

On Jan 5, 2018, at 4:22 PM, Kelley M. Nichols <[kelleymnichols@aol.com](mailto:kelleymnichols@aol.com)> wrote:

To: Melanie Beretti  
Special Programs Manager  
Monterey County Resource Management Agency  
1441 Schilling Place, 2nd Floor South, Salinas, CA 93901

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

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

I understand that the Planning Commission is developing rules to regulate Short Term Rentals in Monterey County, and I also understand there may be some proposal to exclude Big Sur from this proposal, and to essentially deny home owners in Big Sur the right to conduct Short Term rentals on their property.

I am a Big Sur homeowner - my husband and I own a property on Plaskett Ridge on the South Coast of Big Sur. We do not conduct short term rentals at our property due to the uncertainty surrounding the legal status of such rentals. However, I would like to submit my comments in favor of allowing short term rentals in Big Sur, for the following reasons:

- On the South Coast in particular, there are not enough hotel/short term rental spaces to accommodate the enormous demand from the public. This encourages illegal camping which, when the road was opened to the south before the Mudd Creek slide, was seriously out of hand. Campers were lining both sides of Plaskett Ridge Road, leaving toilet paper and garbage everywhere, and exposing everyone to risk of wildfires from out of control campfires. If these visitors have homes to go to, less of them will end up on side roads and illegal camp grounds.
- These visitors are a source of much needed income for restaurants and other businesses in the area. These visitors are generally vetted by the homeowners, from what I understand, and they likely have more money than campers and are likely to stay for a longer time, so they will be a better source of income for our local businesses than single night campers.

- I would certainly agree to limits on the number of visitors that can stay per home. I believe problems are more likely to start when there are very large groups. Perhaps a limit can be established per house based on the number of beds etc.
- I would agree to a requirement that, for Big Sur in particular, there be an on-site or in-the-area caretaker to let people in, advise them of the rules, and to ensure that there are no problems with visitors. This person could be a contact for neighbors and residents to complain if there are any issues. Perhaps a maximum number of complaints could be established so that renters who consistently violate the rules can essentially lose their license. One must be careful as this kind of "cap" on complaints could be abused by angry neighbors who simply want to deny their neighbors the right to rent their property under any circumstances. However, it seems to me that some sort of arbitration could be set up to ferret out these situations.
- Wedding parties over a certain size should require a separate authorization by the county as they involve parking, large numbers of visitors and often a lot of drinking and other disruptive activities. These can be difficult to control.

As a Big Sur homeowner, I am extremely alarmed by downturn in real estate prices in Big Sur, which have never recovered from the 2008 recession. Homeowners are selling at as much as a third of the 2008 value, and with fire insurance almost impossible to obtain and home loans even harder, it is incredibly unfair for the county to outlaw the single means by which some home owners can keep their Big Sur homes without selling at a massive loss. This kind of restriction truly ensures that Big Sur home ownership will be limited to the ultra rich, as more and more of the "middle" level owners are squeezed out. Creating regulations that are so costly and burdensome that they make it too expensive to rent will have the same effect. It is better for all concerned to have a well regulated, reasonable system that all can support.

Thanks for your consideration.

Sincerely

Kelley M. Nichols  
29141 Plaskett Ridge Road

## McDougal, Melissa x5146

---

**From:** Beretti, Melanie x5285  
**Sent:** Monday, January 08, 2018 10:17 PM  
**To:** McDougal, Melissa x5146  
**Subject:** Fwd: January meeting of planning commission

<b>HEARING SUBMITTAL</b>	
PROJECT NO. / AGENDA NO.	STR - Big Sur
DATE RECEIVED	1/9/18
SUBMITTED BY/VIA	Public / email
DISTRIBUTION TO/DATE	PC / 1/9
DATE OF HEARING	1/10/18

Sent from my iPhone

Begin forwarded message:

**From:** sister rosemarie Stevens <[sunbeamdance@gmail.com](mailto:sunbeamdance@gmail.com)>  
**Date:** January 3, 2018 at 3:14:50 PM PST  
**To:** [berettim@co.monterey.ca.us](mailto:berettim@co.monterey.ca.us)  
**Subject:** January meeting of planning commission  
**Reply-To:** [sunbeamdance@gmail.com](mailto:sunbeamdance@gmail.com)

Peace and blessings in the New Year,  
Big Sur Kate has just published the request for comments by planning commission at the January 10, 2018 meeting, so I am taking the opportunity to submit my request for Kenneth Blanco Melville at 33201 Los Burros Rd, Big Sur, Gorda to rebuild his cabin at the top of Willow Creek which was seized by the forestry and which he wanted to memorialize his Cherokee wife. I had requested it be a Vision Quest Retreat with additional cabins  
and James Stotter my US government attorney did the paperwork in the 90's and two Judges overruled the Monterey court's rulings on my case. So this is just to say I am still here requesting action on this matter for the Melville's and the Native Americans who are the Coastal Bands.

Sister Rosemarie Stevens  
[sunbeamdance@gmail.com](mailto:sunbeamdance@gmail.com)  
8059757295

Pls make I request a return email that you have received this letter. Thank you.

**Gary A. Patton, Attorney At Law**  
Post Office Box 1038, Santa Cruz, California 95061  
Telephone: 831-332-8546 / Email: gapatton@mac.com

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDA NO.	STR-Big Sur
DATE RECEIVED	1/8/18
SUBMITTED BY/VIA	Public email
DISTRIBUTION TO/DATE	PC 1/8
DATE OF HEARING	1/10/18

January 8, 2018

Chairperson and Members  
Monterey County Planning Commission  
c/o Resource Management Agency  
1441 Schilling Place  
Salinas, CA 93901

RE: Adopting A Unified Approach To A Short-Term Rental Ordinance  
Agenda Item #6 / STR Workshop Session - 1:30 p.m., January 10, 2018

**[Sent By Email To Melanie Beretti: [BerettiM@co.monterey.ca.us](mailto:BerettiM@co.monterey.ca.us)]**

Dear Members of the Monterey County Planning Commission:

I am writing on behalf of the Monterey County Vacation Rental Alliance (MCVRA), to comment on an item that will be before you during the workshop session you have scheduled for your meeting on January 10, 2018.

Shortly (we hope) the Planning Commission will be sending a proposed ordinance relating to short-term rentals to the Board of Supervisors. MCVRA understands that the Commission is planning to decide whether or not the proposed ordinance should include *all* areas within the County, or whether the Big Sur Area should be considered separately, with proposed short-term rental regulations for the Big Sur Area to be sent to the Board at some later time. This letter comments on that suggestion.

MCVRA strongly urges the Commission to recommend a unified approach, not a piecemeal approach, and to send a *unified* short-term rental ordinance to the Board. Any proposed differential or special treatment for individual areas within the County, including the Big Sur Area, should be specified within the unified ordinance.

Please consider the following, as you address the issue I have just highlighted:

1. California Public Resources Code Section 30001.5 (part of the California Coastal Act) contains a series of subsections that list the state's basic goals relating to the Coastal Zone. Section 30001.5 (c) specifically provides that one goal is to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners."
2. The California Coastal Commission has consistently said that this Coastal Act policy, and other provisions of the Coastal Act, require that visitor uses, specifically including short-term rental uses, cannot be discriminated against in the Coastal Zone, and in fact are matters of high priority, and that visitor access must be maximized. The Commission has written to Monterey County, on more than one occasion, with exactly that message. Please also note the following language in California Public Resources Code §30222: "The use of private lands suitable for visitor-serving commercial recreational facilities

designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development....”

3. Any proposed ordinance affecting the Coastal Zone will have to be certified by the California Coastal Commission. It is almost a certainty that the Commission will not certify any ordinance that excludes the Big Sur Area. This area is arguably the most spectacular part of the entire California coast, and access to Big Sur should not be restricted to the wealthy alone. Eliminating short-term and vacation rental opportunities in the Big Sur area, however that is done, would make it more difficult, or might even make it impossible, for lower-income individuals and families to experience this national treasure. The Coastal Commission will not allow that to happen.
4. The Commission has indicated in correspondence to the County that it will consider provisions that balance the need to maximize visitor access to the Coastal Zone with other important local concerns. This willingness on the part of the Commission will clearly apply to provisions affecting Big Sur – but the Commission is almost certainly *not* going to approve any proposed ordinance that has a “locals only” result, and that would have the effect of prohibiting short-term rentals in Big Sur (either affirmatively, or by not mentioning Big Sur at all).
5. DELAY of certification of the short-term rental ordinance by the Coastal Commission will be the almost certain effect of trying to pretend that Big Sur is not an important area for visitor access, including the kind of access that can be facilitated by a well-designed short-term rental ordinance. Please do not go there, or recommend that the Board take such an approach!
6. MCVRA and its many members who support short-term rentals, and those on the other side, as well, have actively participated, in good faith, for more than four years, as the County has been working on a short-term rental ordinance that would affect the Coastal Zone. It would really be unfortunate and unfair for the Planning Commission to insure further delays by trying to segregate Big Sur from the rest of the coastal areas in Monterey County. This approach is almost certain to lead to a rejection by the Coastal Commission, and the net result would be additional delays that will exacerbate bad feelings and bad actions.
7. The *current* Big Sur Land Use Plan incorporates policies that support responsible and well-regulated short-term rental uses in the Big Sur Area; for instance:
  - 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]
  - 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]

8. There is absolutely NO provision within the current Big Sur Land Use Plan that discourages or prevents short-term rentals in Big Sur. It is also worth noting that the Coastal Commission has explicitly determined that short-term rental uses are “residential” uses, not “commercial” uses. Here is a quote from a Coastal Commission staff report, dated February 20, 2015 (Trinidad, LCP-1-TRN-14-0846-1):

- The amendment only addresses occupancy of residences by tourists for dwelling, lodging or sleeping purposes, which by definition, comprises a residential use.

As I believe the Commission knows, the County’s RMA staff have received a proposed text that would completely replace the current Big Sur Land Use Plan with new language, including language that would affirmatively discourage or totally prevent short-term, visitor rentals in Big Sur. That kind of language is a “non-starter,” to say the least, from the point of view of the Coastal Commission. To propose the exclusion of Big Sur from the short-term rental ordinance at this point, with the idea that “maybe” such uses will be forbidden in the future, is really to suggest that the provisions of the Coastal Act, cited above, can somehow be made to disappear. They can’t.

It is very clear that the Coastal Commission (and I do mean the Commission itself, and not just the Coastal Commission staff) are not going to allow local government jurisdictions to prohibit, outright, short-term rentals in the Coastal Zone. Here is an excerpt from a recent news report, carried in the December 26, 2017, edition of the *Santa Monica Daily Press*, commenting on the Commission’s recent action on just such a proposal in Laguna Beach:

Cities up and down the coast have grappled with how to best balance neighborhood concerns over the negative impacts of short-term rentals like noise and disorderly conduct by guests with visitor access. In Laguna Beach, the city instituted an outright ban on short-term rentals in residential zones while allowing them in commercial districts.

Last week, the Commissioners voted 9-2 to reject the ordinance and uphold staff recommendations to block the ban from the city’s local coastal plan.

“I think in this case we felt that the restrictions for the entire residential area in Laguna was overreaching,” executive director Jack Ainsworth said during the Dec. 14 meeting in Dana Point. “We could have certainly worked with the city to have a more revised, nuanced, focused area of the city that may have some bans. We have approved those sorts of things in certain jurisdictions. We felt it was too expansive.”

The lesson we hope that the Planning Commission will take from this recent action by the Coastal Commission, and from the arguments presented in this letter, is that NOW is the time for the Planning Commission to recommend to the Board of

Supervisors a proposed ordinance governing short-term rentals that will properly balance neighborhood concerns with the need to maximize visitor access to the coast for lower-income persons. Only by including the Big Sur Area in a unified ordinance can that objective be achieved.

Thank you for your serious consideration of these comments. As ever, MCVRA stands ready to be of any assistance that we can.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Patton", written in a cursive style.

Gary A. Patton, Attorney  
Monterey County Vacation Rental Alliance


cc: California Coastal Commission  
Monterey County Board of Supervisors  
Monterey County Resource Management Agency  
Other Interested Persons

Heidi Hybl  
37921 Palo Colorado Road  
Carmel CA 93923  
Phone: 831.625.5158  
Email: bigsurpainter@gmail.com

RECEIVED  
MONTEREY COUNTY

2018 JAN -5 PM 1:06

CLERK OF THE BOARD



DEPUTY

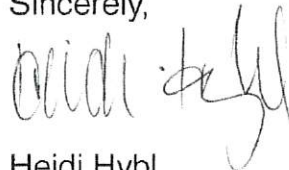
January 2, 2018

I live in Palo Colorado Canyon and I am writing about the Short Term Rentals in my area. I don't care what my neighbors do on their property except when their activities effect me. Short Term Rentals are negatively impacting my life. There are traffic problems, water use issues and increased liability. Palo Colorado Road has long lines of cars inching their way to their destinations, holding up the residents who know how to drive a one lane road without fear. I live off of a private dirt road. Visitors have a difficult time negotiating a non paved surface. And if there is an accident a lawyer I consulted assured me that "they can sue everybody on the road." Our small municipal water company, which costs a considerable amount of money and labor to maintain is now being used by commercial ventures. The Soberness Fire was caused by an illegal campfire in a posted location where no one was supposed to be. We have had illegal campfires in the Canyon since then. Too many people are incautious or don't care about local conditions. Increasing the nonresident population increases fire danger.

When my husband and I built our house we had to pass inspections for clean water and proper sewage disposal. Some of the STR's do not meet these basic requirements. Illness and damage to the environment seem like lawsuits waiting to happen and without established norms being followed that puts the County at risk.

I realize that banning these units would be difficult for the County to do as they generate considerable income. However, as I live at the hub of the STR boom I think that the inconvenience, increased cost, risk, and liability are an unfair burden for those of us not running these enterprises. I think they should be banned in the Big Sur area.

Sincerely,



Heidi Hybl

HEARING SUBMITTAL	
PROJECT NO. / AGENDANCY	STR
DATE RECEIVED	1/5/18
SUBMITTED BY/VIA	Public / email
DISTRIBUTION TO/DATE	PC /
DATE OF HEARING	1/10/17

**McDougal, Melissa x5146**

**From:** Inga Dorosz <ingador@gmail.com>  
**Sent:** Friday, January 05, 2018 10:50 AM  
**To:** 194-RMAComments; Beretti, Melanie x5285  
**Subject:** STRs unincorporated Monterey

HEARING SUBMITTAL	
PROJECT NO/AGENDA NO.	STR. - Big Sur
DATE RECEIVED:	1/5/18
SUBMITTED BY VIA	Public email
DISTRIBUTION TO/DATE:	PC 1/18
DATE OF HEARING:	1/10/18

Dear Planning Commission,

I live in the unincorporated area of Monterey in Big Sur, just south of Mud Creek. Although access has been restored to a part of the community, reasonable access has not been restored to those of us south of Mud Creek – at least in easily accessing planning commission meetings. We can access south for supplies but accessing the planning commission meetings is challenging. What would normally be a 2 hour max drive, now takes 3.5-4 hours (with all the construction on 101 near San Miguel). I would like to see the planning commission wait to address issues until access is restored to all residents. It has been really difficult on all of us on many levels (access to jobs, school, Big Sur Health clinic) so taking a day off to access and engage in planning commission meetings is extremely taxing.

I completely understand the importance of privacy and solitude; most of us have moved here for that reason. There is an STR in my community and it has helped for many of us. Mud creek has severely impacted our community; many residents have lost their jobs and some families have moved away as a result. This rental unit has provided jobs – cleaning, gardening, etc. and the owners have been very conscious of privacy issues. I understand that not all owners of STRs may be as accommodating. Given our remote location and sparse county services (the county does not provide us with road maintenance, a sewage line, water line, trash service, electric line, emergency services are slow etc.) this community has always thrived on the spirit of independence and local cooperation. I would like to see that reflected in whatever the planning commission does.

Beyond that I would like to see this issue addressed when we all have reasonable access. I would like to have more time to review all the documents and be able to catch up.

Thank you!

Thank you!

**McDougal, Melissa x5146**

**From:** Kelley M. Nichols <kelleymnichols@aol.com>  
**Sent:** Friday, January 05, 2018 4:23 PM  
**To:** 194-RMAComments; Beretti, Melanie x5285  
**Subject:** Short Term Rentals in Big Sur

HEARING SUBMITTAL	
PROJECT NUMBER	STR - Big Sur
DATE RECEIVED	1/5/18
SUBMITTED BY VIA	Public email
DISTRIBUTION TO/DATE	PC 1/8
DATE OF HEARING	1/10/18

To: Melanie Beretti  
Special Programs Manager  
Monterey County Resource Management Agency  
1441 Schilling Place, 2nd Floor South, Salinas, CA 93901

Berettim@co.monterey.ca.us

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

I understand that the Planning Commission is developing rules to regulate Short Term Rentals in Monterey County, and I also understand there may be some proposal to exclude Big Sur from this proposal, and to essentially deny home owners in Big Sur the right to conduct Short Term rentals on their property.

I am a Big Sur homeowner - my husband and I own a property on Plaskett Ridge on the South Coast of Big Sur. We do not conduct short term rentals at our property due to the uncertainty surrounding the legal status of such rentals. However, I would like to submit my comments in favor of allowing short term rentals in Big Sur, for the following reasons:

- On the South Coast in particular, there are not enough hotel/short term rental spaces to accommodate the enormous demand from the public. This encourages illegal camping which, when the road was opened to the south before the Mudd Creek slide, was seriously out of hand. Campers were lining both sides of Plaskett Ridge Road, leaving toilet paper and garbage everywhere, and exposing everyone to risk of wildfires from out of control campfires. If these visitors have homes to go to, less of them will end up on side roads and illegal camp grounds.
- These visitors are a source of much needed income for restaurants and other businesses in the area. These visitors are generally vetted by the homeowners, from what I understand, and they likely have more money than campers and are likely to stay for a longer time, so they will be a better source of income for our local businesses than single night campers.
- I would certainly agree to limits on the number of visitors that can stay per home. I believe problems are more likely to start when there are very large groups. Perhaps a limit can be established per house based on the number of beds etc.

- I would agree to a requirement that, for Big Sur in particular, there be an on-site or in-the-area caretaker to let people in, advise them of the rules, and to ensure that there are no problems with visitors. This person could be a contact for neighbors and residents to complain if there are any issues. Perhaps a maximum number of complaints could be established so that renters who consistently violate the rules can essentially lose their license. One must be careful as this kind of "cap" on complaints could be abused by angry neighbors who simply want to deny their neighbors the right to rent their property under any circumstances. However, it seems to me that some sort of arbitration could be set up to ferret out these situations.
- Wedding parties over a certain size should require a separate authorization by the county as they involve parking, large numbers of visitors and often a lot of drinking and other disruptive activities. These can be difficult to control.

As a Big Sur homeowner, I am extremely alarmed by downturn in real estate prices in Big Sur, which have never recovered from the 2008 recession. Homeowners are selling at as much as a third of the 2008 value, and with fire insurance almost impossible to obtain and home loans even harder, it is incredibly unfair for the county to outlaw the single means by which some home owners can keep their Big Sur homes without selling at a massive loss. This kind of restriction truly ensures that Big Sur home ownership will be limited to the ultra rich, as more and more of the "middle" level owners are squeezed out. Creating regulations that are so costly and burdensome that they make it too expensive to rent will have the same effect. It is better for all concerned to have a well regulated, reasonable system that all can support.

Thanks for your consideration.

Sincerely

Kelley M. Nichols  
29141 Plaskett Ridge Road

McDougal, Melissa x5146

From: Nicole Chupka <nikki.chupka@gmail.com>  
Sent: Sunday, January 07, 2018 11:20 AM  
To: 194-RMAComments  
Subject: STR comments

HEARING SUBMITTAL	
PROJECT NO./AGENDA NO.	STR Big Sur
DATE RECEIVED	1/9/18
SUBMITTED BY/VIA	Public / Email
DISTRIBUTION TO DATE	PC / 1/8
DATE OF HEARING	1/10/18

January 6, 2018

To Members of the Monterey Planning Commission:

We are owners of a Big Sur property and would like to submit the following comments regarding short term rentals in the Big Sur area:

First of all, our primary reason for purchasing the home is because we love the Big Sur area and want to visit as often as we can. Many homes in the Big Sur area were built to be vacation homes, and as such are not affordable to the average Big Sur resident, where well-paid jobs are scarce. That said, even we four professionals with full-time jobs cannot afford to keep the home without the supplemental STR income to cover some of the expenses-we are definitely not making a profit. The home we bought has been run as a vacation rental for years, and provides a caretaking job and place to live for local residents who want to stay in the area. In addition, STRs provide reasonably-priced accommodations for families who want to enjoy the Big Sur coast. They also benefit the local economy as we encourage our guests to patronize local restaurants, galleries, stores, and state parks.

When you make regulations regarding STRs in the Big Sur area, we appreciate you taking our comments into consideration. Thank you for your efforts to create a Short Term Rental policy that will balance all stakeholders' needs.

Sincerely,

Nicole Chupka, Jan Doelman, Gisele Goetz, and Dave Erlach