Exhibit C

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From:	Gwyn De Amaral
To:	Kate Daniels; Martha Diehl; Beretti, Melanie x5285; amydroberts@ymail.com; richcoffelt@msn.com
Subject:	Ad Hoc consideration
Date:	Wednesday, June 17, 2020 10:31:32 AM

Dear AD Hoc Committee & Melanie ,

1)Could we please consider adding this verbiage or something similar in the cover letter for the Carmel Highlands . There are private roads in the Carmel Highlands.
Our home borders three home and shares one road for a total of four homes . I believe this approach encourages neighbors to work with each other and would be an excellent preventive measure .

Visitor-serving facility expansion must have direct access to county road , or common driveway with permission of the other owners (Policy 5.4.3.C.7

2) There needs to be a mention of ADA policies and recommendations. This would not only be helpful but truly represent the spirit of home sharing for **all**. This could include safety rails in the bathroom ,cabinetry,ramps, or designated parking closer to property.
The ADA Standards of Accessible Design were updated in 2010 ("2010 Standards"). The 2010 Standards contain a set of architectural guidelines regulating particular features and elements of facilities that are subject to the ADA, such as the height of the light switches, the width of doors, the slope of access ramps, the number, size, and location of handicapped parking spaces, and pool and spa requirements, to name a few

3) Greater use of TOT taxes for more code enforcement's due to the current situation

There are currently six Code Compliance Inspectors assigned to the Code Compliance team. Three of the inspectors are funded out of the Cannabis tax and primarily perform Cannabis related inspections. That leaves three inspectors to perform Code Compliance inspections for the rest of the County, they do not have assigned areas at this time. (per Josh Bowling)

Thank you for doing such great work during such an incredibly unprecedented time.

Gwyn De Amaral
Carmel Highlands Ca

From:	adrienne berry
To:	ClerkoftheBoard; Beretti, Melanie x5285; diehlm@co.monterey.ca.us; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; 194-RMAComments
Subject:	Str's
Date:	Wednesday, June 10, 2020 2:06:18 PM

Please consider the additional income from the stepped up property base when an str is sold. This will be a stable income steam that will far exceed all TOT.

Adrienne Berry
Sent from my iPhone

From: Doug B <contactsems@gmail.com>
Sent: Wednesday, June 10, 2020 2:59 PM
To: ClerkoftheBoard <cob@co.monterey.ca.us>
Subject: Vacation Rentals

Hello,

With the hotel industry opening up for tourism this Friday...

Does this mean vacation rentals (STR) will also be allowed to open in the areas that they are currently allowed?

Thank you in advance,

Doug

From: greg nakanishi <gregnaka51@yahoo.com>
Sent: Friday, June 26, 2020 9:26 AM
To: ClerkoftheBoard <cob@co.monterey.ca.us>
Subject: Vacation Rental Ordinance

I am against short term rentals of homes in Monterey County. We have had these in our neighborhood in the past and they create all kinds of parking problems, noise issues and safety concerns. While it financially benefits part time residents of the Peninsula who rent out their houses, it causes headaches for the full time residents and citizens of our community who have to live with it day in and day out.

Greg Nakanishi

From: Marianne Mangold <fotagra4@aol.com>
Sent: Sunday, June 28, 2020 2:55 PM
To: McDougal, Melissa x5146 <McDougalM@co.monterey.ca.us>
Cc: Swanson, Brandon xx5334 <SwansonB@co.monterey.ca.us>
Subject: Ordinance 21

Subject: Ordinance 21

Living on the Monterey Peninsula since 1957 I have always appreciated the natural beauty and a community offering safe neighborhoods. I am a resident of High Meadow Carmel and noticed a couple of years ago that the house across the street on Edgefield Place had different cars arriving on Fridays with passengers rolling their luggage into the big house. Sundays would play out in reverse. This went on every weekend with transient vehicles and numerous people invading our private community where our children play on the block. We invested in our family home because permanent residents tend to care for and protect their real estate. I would believe our public officials would care as well. Please oppose the expanding of ordinance 21 in the unincorporated areas of Monterey County.
Marianne Mangold

Sent from my iPhone

From: tara evans
To: 194-RMAComments
Date: Thursday, June 11, 2020 4:37:00 PM

To Whom it may Concern,

I am not in favor of Short Term Rentals in any residential area in Big Sur. The fragile environment, the lack of local housing, and overuse of private roads are three prime examples of reasons to NOT permit STR's.

The purpose of commercial zoning as compared to residential zoning is clear - STR's are a commercial enterprise. NO to STR's in residential zoned areas.

Also my concern is that Monterey County has a lack of oversight and enforcement in unincorporated areas of MoCo. Therefore, in my opinion, any laws, permits or mandates will also require some form of enforcement to be in place.

--
Tara Evans
831-595-0502
Think Peace

From: Beretti, Melanie x5285
To: 293-pchearingcomments
Subject: FW: LUAC/STH
Date: Monday, June 29, 2020 9:48:33 AM

-----Original Message-----
From: bagshawr@earthlink.net <bagshawr@earthlink.net>
Sent: Sunday, June 28, 2020 3:33 PM
To: Sidor, Joe (Joseph) x5262 <SidorJ@co.monterey.ca.us>
Subject: LUAC/STH

Dear Sir, I would be grateful if you could document my support of the LUAC; in particular my opposition to STH in Big Sur. STH has devastated communities around the globe primarily in the guise of AirB&B. The latter has acted as an accelerant to the Covid19 pandemic. This is the last sequela we need in Big Sur, particularly given the desperate need for low cost community housing.
Thank you for the opportunity to comment, Roger J Bagshaw, Big Sur permanent resident.

June 27, 2020

RE: SHORT TERM/ VACATION RENTALS IN UNINCORPORATED MONTEREY COUNTY

Dear Monterey County Commissioners and Supervisors,

My name is Vicky Torcolini. I am writing to you today as a concerned 46-year homeowner and citizen of Monterey County.

On July 8, the Board of Supervisors will review the SHORT TERM /VACATION RENTAL ORDINANCE 21 OF MONTEREY COUNTY, CA. presently before the Planning Commissioners.

THE PURPOSE OF THIS COMMUNICAITON IS TO URGE YOU TO OPPOSE THE EXPANDING OF ORDINANCE 21 IN THE UNINCORPORATED AREAS OF MONTEREY COUNTY. PERMITTING BROADER EXCEPTIONS WILL OPEN UP OUR NEIGHBORHOODS TO MORE TRANSIENT OCCUPANCY OF LESS THAN 30 DAYS.

My understanding is that there are presently three (3) major recommendations before the Planning Commissioners, who are asking for direction from the Supervisors on July 8 on these recommendations. Briefly, the 3 recommendations are:

1.Status Quo - keep Monterey County Ordinance 21 "as is" **MY SECOND CHOICE/ PRO VOTE**

2.Following the Lead - Align the Unincorporated County to the (narrow) interpretations voted in by Pacific Grove, Pebble Beach, Carmel-by-the-Sea, Carmel Highlands, and Big Sur. **MY FIRST CHOICE/ PRO VOTE.**

3.**Permit a "Permanent Resident" to "Homestay' – to rent out short term rental/ vacation rooms in the residential home**. I AM OPPOSED TO THIS OPTION….**

****RECOMMENDATION #3 IS A SERIOUS ISSUE, BECAUSE "PERMANENT RESIDENT" IS ANOTHER TERM FOR A MANAGING TENANT RUNNING AN AIRBNB OR VRBO FOR AN ABSENTEE HOMEOWNER. AT THE VERY LEAST, "PERMANENT RESIDENT" MUST READ "PROPERTY OWNER".**

Further, we urge you to consider:

4. The importance of continuing to honor the individual CC&R restrictions in unincorporated communities that have homeowners' association restrictions.

5, Issues of safety, traffic, and other nuisances created by chronic transient occupancies in a residential neighborhood.

6. Issues of zoning violations when homes are purchased with the specific intent to be operated as Airbnb and VRBO short-term/vacation business rentals in a residentially zoned neighborhood.

7. Regulation and enforcement issues can be mitigated in that 1) advertising on Airbnb, VRBO, Craigslist, and other publications as short-term/vacation rentals of less than 30 days is evidence per se (defacto) of such practices and 2) a County violation may fall under the jurisdiction of the District Attorney's Office.

Sincerely,

Vicky Torcolini, Carmel, 831-620-5108

(https://luxevaca.com/)

1.866.614.8866 (tel:1.866.614.8866)
guestservices@luxevaca.com (mailto:guestservices@luxevaca.com)

Monterey Vacation Rentals

Monterey is many things.. It's a city. It's a county. And, as the namesake of the Monterey peninsula, it's often used as a catch-all term to describe the whole surrounding area, especially by locals: so that means the city of Monterey itself, Carmel Valley, Carmel-By-The-Sea, Pebble Beach and Pacific Grove, all rolled into one. But whichever meaning is being used, whether you're a newcomer or an oldtimer, it is most importantly one thing – a fabulous place to visit.

At LUXEVACA, our one goal is simply to bring you the very best Monterey has to offer. You may be coming for the attractions, like the famous aquarium or Cannery Row. You may be coming for an event, like the US Open or Concours D'elegance. Or you may simply be coming to enjoy the perfect weather. Whatever your goal, our exclusive luxury Monterey vacation rentals will help you enjoy the trip of a lifetime.

Browse all of our Monterey vacation rentals below. Or, feel free to contact us and we'll handle the whole process for you. See you in Monterey!

Get In Touch (https://luxevaca.com/contact-us/)

Loading...

Favorites (0) (https://luxevaca.com/favorites/)

Sort by Price (high to low)

Luxevaca.com

491 Palisade Drive

Marina, CA 93933

(866) 614-8866 (tel:8666148866)

guestservices@luxevaca.com (mailto:guestservices@luxevaca.com)

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(https://www.linkedin.com/in/sean-ward-4085b568)

(https://www.youtube.com/channel/UCxpS4OjkkZ66xl4TybVRi1g)

(https://www.pinterest.com/sandzward/)

Further Information

List Your Property With Us (https://luxevaca.com/list-your-properties/)

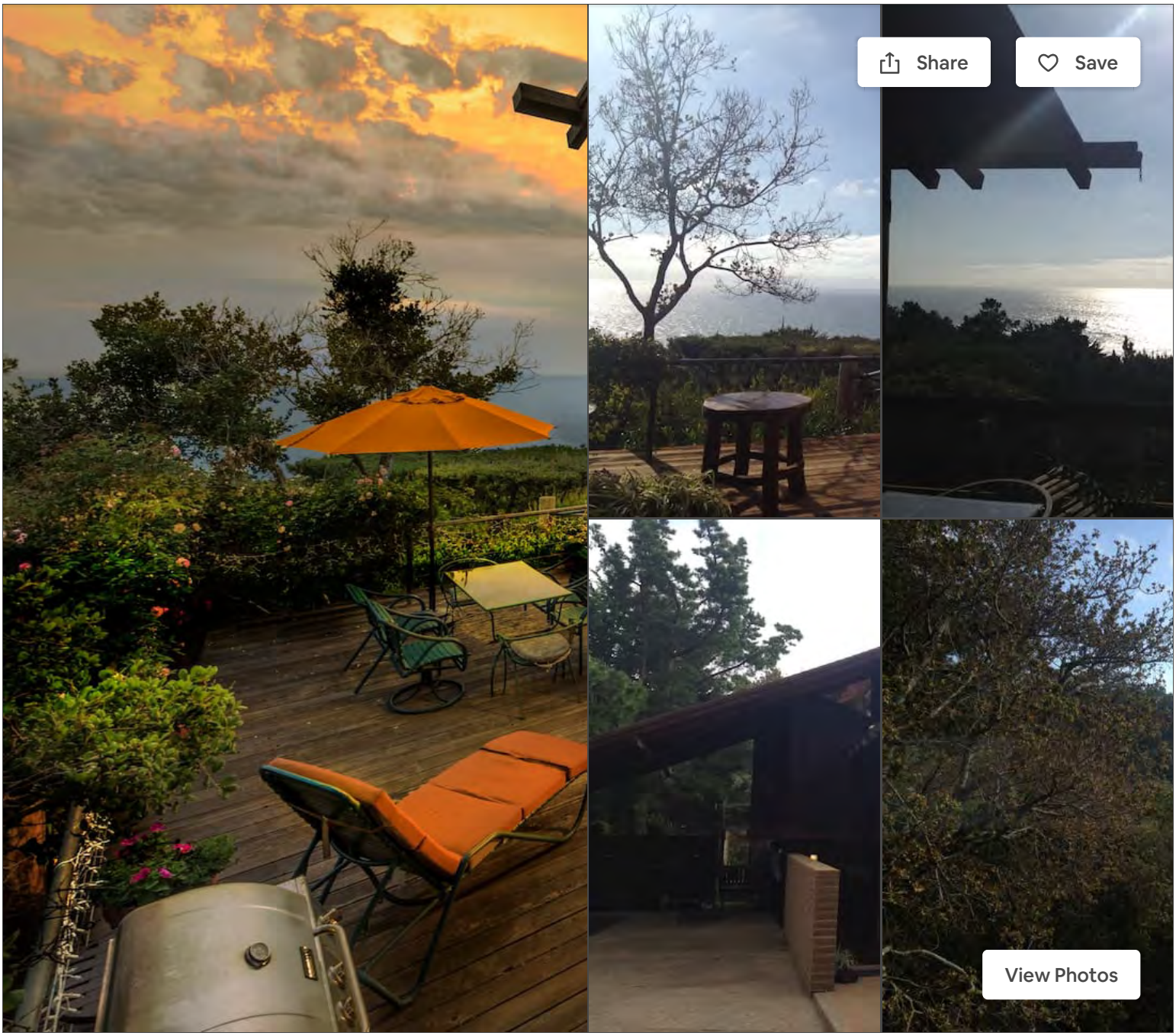
Membership Benefits (https://luxevaca.com/membership-benefits/)

Rental Agreement (https://luxevaca.com/rental-agreement/)

Terms and conditions (https://luxevaca.com/terms-and-conditions/)

Marketing & Management (https://luxevaca.com/property-marketing-management/)

airbnb Add desti... Add d... Add g... Help Sign up



Carmel Highlands

Carmel

Gary

8 guests 4 bedrooms 7 beds 3 baths

$1,000 per night

4.87 (152 reviews)

Dates

3/31/2020 → 4/2/2020

Entire home
You'll have the house to yourself.

Gary is a Superhost
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Great location
100% of recent guests gave the location a 5-star rating.

Great check-in experience
100% of recent guests gave the check-in process a 5-star rating.

Those dates are not available

Guests

4 guests

Check availability

Report this listing

The space

We have 4 bedrooms, 3 baths on an acre of property in the Camel Highlands. The master bedroom has a king size bed, the main floor bedroom has a single bed and pull out couch bed. In one of the downstairs bedroom there is a trundle bed, (that's two twin size beds). And in the other downstairs bedroom there is a queen size bed and a pull out couch bed. There is a great view of the ocean as well as a jacuzzi.

Contact host

Amenities

Kitchen
Wifi
Free parking on premises
Air conditioning

Show all 32 amenities

Availability

This host offers 18% off if you stay a week and a 26% monthly discount.

Su Mo Tu We Th Fr Sa Su Mo Tu We Th Fr Sa

March 2020						
1	2	3	4	5	6	7
8	9	10	11	12	13	14

April 2020						
			1	2	3	4
5	6	7	8	9	10	11

Clear dates

Reviews

4.87 | **152** reviews

Search review

Location	5.0	Check-in	4.9
Communication	4.9	Accuracy	4.8
Cleanliness	4.8	Value	4.6

Linda
March 2020 **GROUP TRIP**

The view from the deck is somehow even better in person than in the pictures! Really special home and a very kind host. We didn't want to leave!

Jeff
February 2020

My family shared the house with another family and we enjoyed the living spaces and the views very much. We saw whales migrating by right from the living room, with the help of the large binoculars on tripod. The kitchen is fully stocked and well equipped. The house is more on...Read more

Heidi And Eyal
January 2020 **GROUP TRIP**

Such a wonderful home away from home! It was so beautiful,

feel like your right on the water. The house was stunning and in the perfect location to do little trips to Monterey, Carmel, and Big Sur. Highly recommend it!

Karen
December 2019 **GROUP TRIP**

Gary, was a wonderful, responsive host. His home was absolutely perfect for us. The views were breathtaking. The location was spot on, we look forward to staying there again next year.

Rachel
December 2019

The view from Gary's house is out of this world. We saw whales, rafts of otters, and lots and lots of birds from the living room. Waking up to the ocean view was such a treat. Throughout our stay, Gary and Joel were very responsive to all our questions and needs. We lost power...Read more

Janet
September 2019 **GROUP TRIP**

We really loved the house and hospitality! Living space (including outside) and kitchen in particular were wonderful for the six of us was perfect!

Jennifer
August 2019 **GROUP TRIP**

This is our second time staying at Gary's place. The view is beautiful. There is lots of space to visit with our friends and relax. We always have a delightful visit. Thanks so much!

Hosted by Gary

Carmel-by-the-Sea, CA · Joined in February 2013

★ 152 Reviews Verified

Gary is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Hi I'm Gary. I am a Doctor in Northern California. When I'm not working I like to go on hikes with my dogs and enjoy nature.

Response rate: **100%**

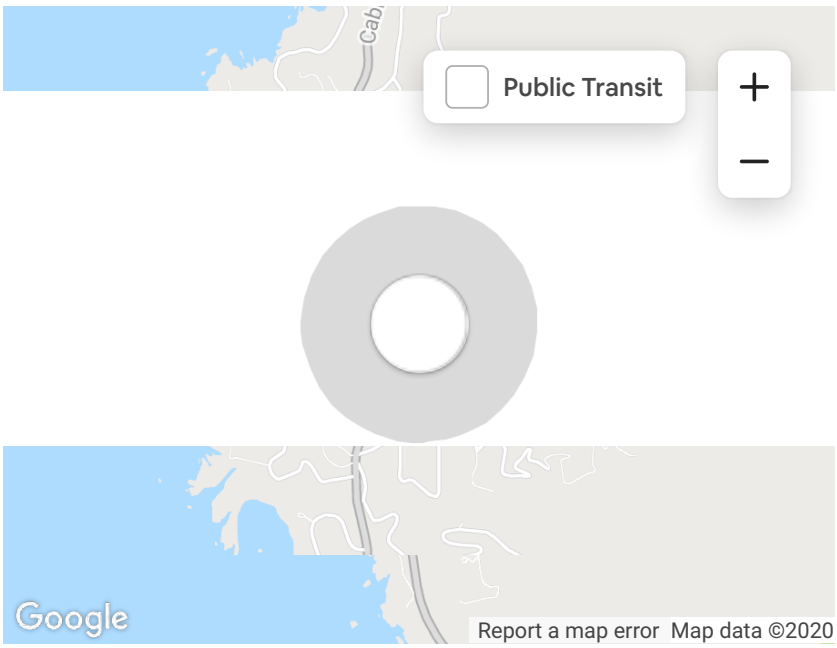
Response time: **within a day**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

The neighborhood

Gary's place is located in Carmel California United States.



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: Flexible
Checkout: 12:00 PM

House Rules

No pets

No parties or events

Cancellations

Cancel before 3:00 PM on Mar 31 and get a 50% refund, minus the first night and service fee.

Explore other options in and around Carmel

More places to stay in Carmel: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

San Francisco
Oakland
Venice
Santa Cruz
San Jose
Napa
Los Angeles
Santa Barbara
West Hollywood
Marina del Rey
Sonoma
Malibu
Santa Monica
Berkeley
South Lake Tahoe
Long Beach
Palo Alto
Beverly Hills

ABOUT

Diversity & Belonging

Accessibility

Trust & Safety

Airbnb Citizen

Newsroom

COMMUNITY

Airbnb Magazine

Airbnb for Work

Invite friends

Gift cards

Careers

HOST

Host your home

Host an experience

Responsible hosting

Open Homes

Olympics

Resource Center

SUPPORT

Help Center

Neighborhood Support

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English (US) $ USD

To: Melanie Beretti, RMA Property Administration/Special Programs Manager, Monterey County Resource Management Agency
From: Steve Martin, resident of Carmel Highlands
Re: Comments on draft ordinances for Vacation Rentals – June 10, 2020 Public Hearing
Date: June 1, 2010

I am a resident of the Carmel Highlands area of Monterey County and would like to provide my comments on the proposed Vacation Rental Ordinance that is currently under development and review for Big Sur and the Carmel Highlands coastal area. Carmel Highlands effectively forms the northern gateway to Big Sur, and as a local resident I am concerned about maintaining the natural beauty of the area including controlling traffic growth on Highway 1 which degrades the environment with noise and pollution resulting potentially in an effective tragedy of the commons.

It is my opinion that - consistent with the draft Section 20 ordinances – all Commercial STRs should be prohibited in the Big Sur Planning Area. Commercial STRs are inconsistent with Big Sur's LCP (Local Coastal Plan). Each current and additional short-term rental in the Big Sur Planning Area represents an additional increase in destination traffic impacts, a conversion of existing housing, and the loss of long-term community housing stock.

- The added transient visitor use resulting from short-term rental conversions causes significant additional and cumulative destination traffic impacts on Highway 1 (e.g. traffic jams, accidents, burdens on emergency services), further reducing the already limited highway capacity to provide for the priority scenic driving uses protected by the certified Big Sur Coast Land Use Plan (LUP).
- The majority of short-term rentals, prior to their conversion, were affordable long-term rentals. Their conversion reduces housing stock needed for local workers, therefore further increasing daily long-distance trips required on Highway 1 as workers in the Big Sur area must travel daily to their residences that are out of the region.
- Additionally, their conversion represents a clear conflict with the county's responsibility under the LUP to protect existing affordable housing and the State General Plan law. The loss of housing due to short-term rental conversions thus has an overwhelmingly negative impact on the tenant residents of the Big Sur community.

Additionally, for all areas of unincorporated Monterey County that would be affected by the proposed Vacation Rental ordinances, and in particular with reference to the Coastal Zones covered under changes proposed to Section 20 which includes the Carmel Highlands area, these new regulations must be supported with an active enforcement effort. It is not effective to enact ordinances which rely solely on complaints to drive enforcement actions as has been done in the past. There must be active monitoring and enforcement under the auspices of the county which therefore acts as an effective motivation for compliance and a deterrent for illegal or non-compliant activities. This could be easily and inexpensively accomplished through active monitoring of the common STR advertising platforms (e.g. VRBO, Airbnb, Craigslist, etc.) thereby ensuring that the vast majority of offered Vacation Rental properties in the county comply with the ordinances and thereby protect the safety, beauty, and land value in our area for all to enjoy.

Respectfully,

Steve Martin
195 San Remo Road, Carmel Highlands
408-835-4873 stevemartin1105@aol.com

Ideal Private Home 2 Shield In Luxury Near Beaches

Carmel-by-the-Sea

4 guests · 2 bedrooms · 2 beds · 2 baths

Entire home
You'll have the house to yourself.

Self check-in
Check yourself in with the lockbox.

Sparkling clean
13 recent guests said this place was sparkling clean.

April is a Superhost
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Only minutes away from hiking at Garapata, Point Lobos or Pfeiffer Beach. This custom-designed 2 bdrm duo suite home is situated on a gorgeous, private one acre lot. Enjoy indoor & outdoor California living w/2 private patios and outdoor grill. Relax with your view of Ocean by a beautiful fire pit. Chef's Kitchen. Entertainment Center, TVs & speakers in every room of house. No animals allowed under any circumstances- owner has severe allergies.

Contact host

Amenities

Kitchen

Wifi

Free parking on premises

Indoor fireplace

Show all 31 amenities

Sleeping arrangements

Bedroom 1
1 king bed

Bedroom 2
1 queen bed

Availability

This host offers 15% off if you stay a week and a 20% monthly discount.

April 2020

SuMoTuWeThFrSa

Reviews

★ 4.78 | 175 reviews

Search reviews

Check-in	4.9
Communication	4.9
Location	4.8
Accuracy	4.8
Cleanliness	4.8
Value	4.5

Linda
March 2020

Fantastic place, helpful host. Perfect for our girls' weekend. Thank you!

David
February 2020

Great place!

Josh
January 2020

We loved our 4-night stay at April's home. It's clean, modern, tranquil and has everything you need to cook a great meal, hang out outdoors or watch a movie. The beds and showers were very comfortable. It's so hard to find such a luxurious home in an incredible location, so close...
Read more

Ilene
December 2019

After our stay in Carmel I took the time intentionally to describe all of the below to the host in hopes it would be taken with the utmost care given the quality of the property and the price point so that others would not have the same experience - unfortunately I received a...Read more

Joshua
December 2019

April's home is absolutely beautiful and well located between Carmel and Big Sur. April provided ample instructions and information before and throughout our stay. I would recommend this property for anyone visiting the area.

Frances
November 2019

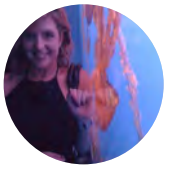
The perfect spot for spending time at Point Lobos, Carmel Valley, and Big Sur. Very clean, comfortable, and convenient. Highly recommend!

Lacy
November 2019

Very hospitable. Open communication. Lovely experience.

- 

Hosted by April



Carmel, CA · Joined in August 2011

★ 198 Reviews Verified

April is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

I love my privacy - but feel selfish if I don't share my hidden slice of paradise in Carmel Highlands. I hand picked out every item in the cottage to fit into this beautiful oasis. I know you will love spending time here - as a couple, small family or couples trip. I love...Read more

Interaction with guests
It's your space while you are here, so there will only be interaction if needed. We have a on-call property manager, maintenance and housing staff. I will be happy to give you suggestions on what I would do if in the area for only a few days. I also have access to passes and...Read more

April supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. **Learn more**

Response rate: **100%**

Response time: **within an hour**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. **Learn more**

The neighborhood

April's place is located in Carmel-by-the-Sea California United States.

The house is located in a very quiet, cozy and safe neighborhood. You can get to the beach during an easy 5 minute stroll across Highway 1. There are several nearby beaches (one in walking distance) that provide a fabulous oasis for you. The neighborhood has several ridges and slopes so it makes a great place to get out and run or walk.

Show guidebook

The map shows this place's specific location.

Open map

Check-in
Flexible

Checkout
11:00 AM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.

Report this listing

$599 per night
★ **4.78** (175 reviews)

Reserve

Explore other options in and around Carmel-by-the-Sea

More places to stay in Carmel-by-the-Sea: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

San Francisco
Los Angeles
Santa Monica
Oakland
Santa Barbara
Berkeley
Venice
West Hollywood
South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
San Jose
Sonoma
Palo Alto
Napa
Malibu
Beverly Hills

English (US) $ USD

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Saved


Log in

♥Nurses Workers and relief personnel

Carmel-by-the-Sea

Private room in guest suite
3 guests · 1 bedroom · 2 beds · 1 private bath

Self check-in
Check yourself in with the smartlock.

Sparkling clean
8 recent guests said this place was sparkling clean.

Great location
95% of recent guests gave the location a 5-star rating.

Carmel Big Sur Monterey pebble beach
Lrg Master Bed Room In Cabin. Room connected to house but private entrance and blocked off from rest of house. Parking
Ocean View
1.2 acres forest.
Experience Carmel like a Local . Patios for sitting + nooks all over this beautiful property. Awe Inspiring views & world famous sunsets. Stay in one of the most exclusive areas in the world! You Deserve it.
Due to extra cleaning we ask a $35 pet fee just message and we will send new offer including fee.

Contact host

Amenities

Free parking on premises

Cable TV

Wifi

Laptop-friendly workspace

Show all 41 amenities

Sleeping arrangements

Bedroom 1
1 queen bed,1 single bed

Availability

This host offers a 22% weekly discount.

April 2020

SuMoTuWeThFrSa

Reviews

★ **4.80** | **90** reviews

Search reviews

Location	4.9
Accuracy	4.9
Cleanliness	4.8
Communication	4.8
Check-in	4.8
Value	4.8

Gavin
March 2020

location location location! This place is truly connected to a magical spot on the earth ...the ocean is so close and the neighborhoods are a beautiful thing to see. Great bang for the buck. Brian was excellent at communicating very quickly and helping navigate us to his spot and... Read more

Kathy
March 2020

A beautiful view in a rustic room! Friendly staff.

Sandra
March 2020

This place is absolutely outstanding. If you want to get away from it all and have an incredible view in a beautiful location this is the place hands down. I recommend anyone book this place because you really won't regret it once your there.

高辅
March 2020

Not bad

Callie
March 2020

Best location you could hope for.....very remote and quiet. Wonderful neighborhood to walk and relax. Absolutely beautiful.

Amy
March 2020

Great place and fabulous views. I also loved the gardens.

Destiny
March 2020

Brian’s place is lovely, remote and scenic! If you are looking for a nice getaway that has a gorgeous view of the ocean — this is the place. He was extremely nice and hospitable.

- 

Hosted by Brian

Carmel-by-the-Sea, CA · Joined in July 2019

★ 275 Reviews Verified

My name is Brian. I am 41 years old and I have been selling hats and dressing celebrities the last ten years. As I add another hat to my collection of jobs and experienced I am excited to share our home and Have you stay with us and my family. My wife Amy and I have 5 kids and... Read more

Interaction with guests
Text us anytime during your stay! If you'd like to hang out just let us know when you check in!

Languages: **Bengali, 中文, Dansk, Nederlands, English, Français, Deutsch, Hindi, Bahasa Indonesia, Italiano, 日本語, 한국어, Português, Sign Language, Español, Svenska**

Response rate: **100%**

Response time: **within an hour**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. **Learn more**

The neighborhood

Brian's place is located in Carmel-by-the-Sea California United States.

Beautiful home in the forest in Carmel highlands. People from all around the world would give anything to live and we do. And every day it's like being on a vacation and you never left! less than a quarter mile from world Famous luxury hotel Highlands Hyatt where a room ranges from

$289-$589 during slow times and
$600-$1000 during peak season!

Show guidebook

The map shows this place's specific location.

Open map

Check-in
After 4:00 PM

Checkout
12:00 PM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Report this listing

$109 per night
★ **4.80** (90 reviews)

Reserve

Explore other options in and around Carmel-by-the-Sea

More places to stay in Carmel-by-the-Sea: Apartments · Houses · Bed and breakfasts · Lofts · Villas

San Francisco
Los Angeles
Santa Monica
Oakland
Santa Barbara
Berkeley
Venice
West Hollywood
South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
San Jose
Sonoma
Palo Alto
Napa
Malibu
Beverly Hills

English (US) $ USD

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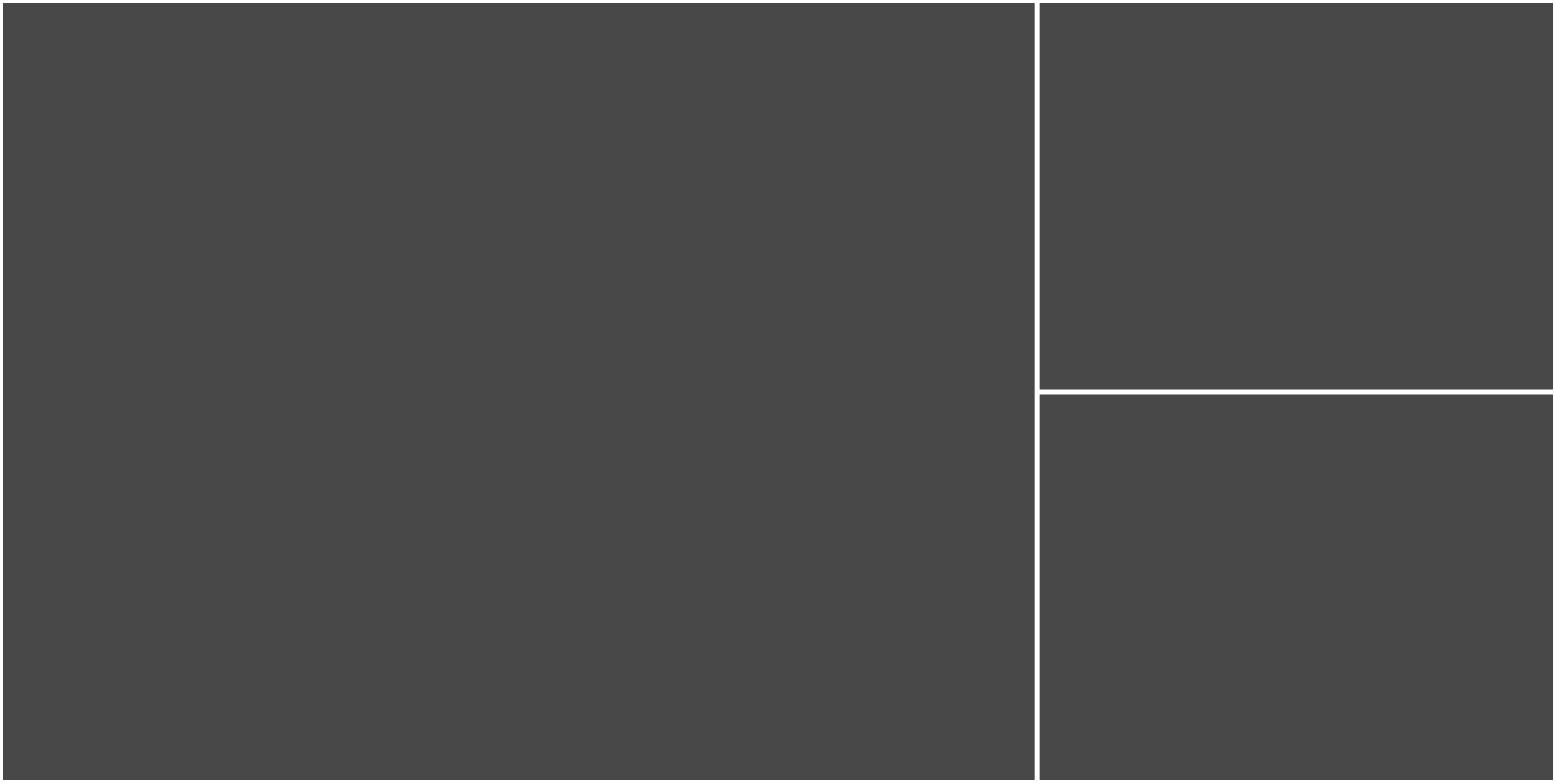

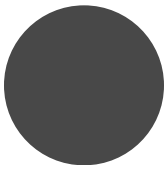

English (US) $ USD

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Hi, I'm Brian

Joined in 2019

B

306 reviews

Verified

About

My name is Brian. I am 41 years old and I have been selling hats and dressing celebrities the last ten years. As I add another hat to my collection of jobs and experienced I am excited to share our... Learn more

Lives in Carmel-by-the-Sea, CA

Speaks Bahasa Indonesia, Bengali, Dansk, Deutsch, English, Espa...

Work: Barj Group

Brian provided

Government ID

Email address

Phone number

Work email

Brian’s listings

Private room · Guest suite ★ 4.80 (5)

♥ 2Lrg Comfy Suites Prvt Entrance/Parking...

Private room · Guest suite

♥Nurses Workers and relie

View all 5 listings

Brian’s guidebook

Brian's Guidebook

Brian

306 reviews

From guests (275) From hosts (31)

Stayed at Nurses Workers and relief personnel

April 2020

Truly enjoyed our stay at Brian’s place ! Beautiful and peaceful also very close to the ocean. Definitely recommend !

Dilia, Los Angeles, CA
Joined in 2015

Stayed at ♥ Nurses Workers and relief personnel

April 2020

Not as clean as expected and Brian was not communicative regarding the issues I had brought up.

Lisa, San Francisco, CA
Joined in 2011

Stayed at Nurses Workers and relief personnel

April 2020

One of the most beautiful air bnbs. The location is amazing, truly a get away. Everything went super smoothly. Highly recommend.

Erika, Sacramento, CA
Joined in 2019

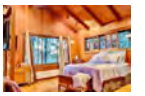
Stayed at Nurses Workers and relief personnel

March 2020

It’s nice. Very off the beaten path.

Nestor, Fresno, CA
Joined in 2020

Stayed at ♥Nurses Workers and relief personnel



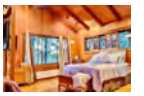
March 2020

location location location! This place is truly connected to a magical spot on the earth ...the ocean is so close and the neighborhoods are a beautiful thing to see. Great bang for the buck. Brian was excellent at

communicating very quickly and helping navigate us to his spot and... Read more

Gavin, Oregon, United States
Joined in 2016

Stayed at ♥Nurses Workers and relief personnel



March 2020

A beautiful view in a rustic room! Friendly staff.

Kathy, Pacifica, CA
Joined in 2016

Stayed at Nurses Workers and relief personnel

March 2020

Because of the Covid 19 out break our plans got a little messed up. That is not Brian's fault. There was a major accident on a road that lead to the coast and traffic backed up that the cleaning crew got caught in so they were late cleaning the room. Again not Brian's fault. A...Read more

Shane, Modesto, CA
Joined in 2020

Stayed at ♥ Nurses Workers and relief personnel

March 2020

This is an amazing value for a larger group or family. Lots of beds, several places to get away from the rest of the crowd, a huge patio area, very convenient location. Thanks, Brian, for being helpful with the few minor issues we encountered.

Rich, Alameda, CA
Joined in 2016

Stayed at Nurses Workers and relief personnel

March 2020

Such a cool place to stay while in the Big Sur area!

Katelyn, Shelbyville, IL
Joined in 2017

Stayed at ♥Nurses Workers and relief personnel

March 2020

This place is absolutely outstanding. If you want to get away from it all and have an incredible view in a beautiful location this is the place hands down. I recommend anyone book this place because you really won't regret it once your there.

Sandra, Oakland, CA
Joined in 2016

Show more reviews

Report this profile

English (US) $ USD

Explore Saved Log in

Oceanfront Luxury Villa Overlooking Big Sur Coast

Carmel-by-the-Sea

4 guests · 1 bedroom · 2 beds · 1 bath

Entire home
You'll have the serviced apartment to yourself.

Outstanding hospitality
4 recent guests complimented Chimera Vacations for outstanding hospitality.

Breezy oceanfront villas located on a wooded hillside overlooking the Pacific Ocean. Every bit as glamorous with a wealth of luxury amenities at your disposal. Offering countless ways to relax - take a dip in the heated outdoor swimming pool, book a yoga lesson in the morning or schedule a spa treatment to truly indulge. Looking to experience the best of the Carmel area? Let the Les Clefs d'Or Concierge Services help!

Contact host

Amenities

- Elevator
- Gym
- Kitchen
- Free parking on premises

Show all 42 amenities

Sleeping arrangements

Bedroom 1
1 king bed

Common spaces
1 sofa bed,1 couch

Availability

Enter your trip dates for accurate pricing and availability

April 2020

SuMoTuWeThFrSa

No reviews (yet)

This host has 14 reviews for other properties.

View other reviews

We're here to help your trip go smoothly. Every reservation is covered by Airbnb's Guest Refund Policy.

Hosted by Chimera Vacations

Joined in January 2019

★ 14 Reviews

Verified

WEEKLY DEALS - Several Other Specials Not Listed *Availabilty changes daily *Quoted rate does NOT include 3rd-Party Service fees. SEVERAL EVENT/HOLIDAY SPECIALS: Sundance Festival, Coachella, Las Vegas EDC, Super Bowl, Spring Break, Fourth of July, Memorial Day Weekend, Labor... Read more

Response rate: **23%**

Response time: **a few days or more**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. **Learn more**

The neighborhood

Chimera Vacations's place is located in Carmel-by-the-Sea California United States.

On the Pacific Coast is 3.2 miles from Carmel River State Beach and 9.4 miles from Cannery Row.

Exact location information is provided after a booking is confirmed.

Open map

Check-in: After 4:00 PM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.

Accessibility

Report this listing

$900 per night

Reserve

Explore other options in and around Carmel-by-the-Sea

More places to stay in Carmel-by-the-Sea: Apartments · Houses · Bed and breakfasts · Lofts · Villas

San Francisco
Los Angeles
Santa Monica
Oakland

Santa Barbara
Berkeley
Venice
West Hollywood
South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
San Jose
Sonoma
Palo Alto
Napa
Malibu
Beverly Hills

English (US) $ USD

Privacy · Terms · Sitemap

Explore Saved Log in

To: Monterey County Resource Management Agency
Re: Draft Monterey County Short Term Rentals Ordinance (Version 4/23/19)
Comments sent via email: RMAcomments@co.monterey.ca.us.
BerettiM@co.monterey.ca.us, HolmCP@co.monterey.ca.us
district5@co.monterey.ca.us

There follows comments, questions, and concerns about the Draft Short Term Rental Ordinance for Monterey County. Please respond to my questions, and also include in the staff report to the Monterey County Planning Commission.

1) The Draft STR Ordinance contains a Consistency Table, however for the Toro Area it only analyzes one Policy in Attachment E, and that is Policy T-1.3.

……

"Attachment E: Monterey County Non-Coastal Regulations Consistency Table
Toro Area Plan
POLICY CONSISTENCY DETERMINATION
T-1.3 The designated agricultural lands as shown on the Toro Area Plan Land Use Map (Figure LU-10) shall be conserved and, where feasible, expanded.
Regulations for vacation rentals does not allow these uses in agricultural zoning districts."

……..

There are other Toro Area Plan Supplemental Policies that are applicable to the consideration of a Short Term Rental Ordinance. I think the proposed Draft STR Ordinance is inconsistent with these Policies. These Toro Area Supplemental Policies are the following;
Under 1.0 Land Use

T-1.1 Development proposals on Corral de Tierra Road from "Four Corners" (Corral de Tierra, Calera Canyon, and Robley Road intersection) to Corral del Cielo shall complete safety improvements concurrently with development.

Note: The expansion of residential use is to also include, renting rooms, or renting the house to groups, creates impacts and is further development. There is no center-line on parts of Corral de Tierra Road past Four-Corners. The upper part of San Benancio Road is now one-lane, as the other lane has portions that have collapsed.

T-1.7 Development on properties with residential land use designations located within the Toro Groundwater Basin of the Toro Area Plan along the Highway 68 corridor as illustrated in Figure LU-10 shall be limited to the first single family home on a legal lot of record. The County shall conduct a comprehensive review of infrastructure constraints regarding circulation, wastewater, and water supply. Said restriction shall not apply to development within adopted Community Areas, Rural Centers, or Affordable Housing Overlays. Restriction on subdivision established in this policy does not preclude the County from recognizing a new legal lot pursuant to state law if the new lot is created solely as a result of either: 1) conveyance of land to or from a governmental agency, or 2) through the governmental exercise of eminent domain. This restriction on subdivision also does not prohibit the County from requiring and acting upon a parcel map for the conveyance of land to or from a governmental agency if the County determines on the facts of the particular case that public policy necessitates a parcel map.

Note: There should be no intensification of use. Short Term Rentals would intensify the use of water, much of it on shared private wells, wastewater, and circulation. Simply study the ads for existing short term rentals. They advertise “sleeps 6”, or “sleeps 8” or something similar in their advertising. Multi-family or multi-cars arrive and a group occupies the rental to share costs.

Under 2.0 Circulation

T-2.1 Employers in surrounding areas should be encouraged to stagger employees' work hours in order to ease peak hour traffic congestion on Highway 68 and in other areas.

Note: The employer here is the Short Term Rental owner who well may have staff of housecleaners, gardeners, maintenance people, coming and going. In addition the renters often arrive during odd hours and in multiple vehicles. Don’t you think this will add to congestion?

T-2.4 Improvement of Highway 68 intersections, construction of alternate passing lanes, public transit roadway improvements, and improved bicycle safety measures should be undertaken at the earliest time that funding becomes available.

Note: Much of Highway 68 was officially rated Level of Service (LOS) “F” in 1997 by the Transportation Agency for Monterey County. Since 1997 it has become worse. Unfortunately, there is no letter designation for “worse than F”. While designated LOS F, a single extra car trip is a significant environmental impact. Don’t you think that Short term Rental visitors use the highways more in their travels about the area?

T-2.7 To minimize traffic safety hazards, creation of new direct access points should be prohibited from single-family residences onto Highway 68 and discouraged onto Laureles Grade, River Road, Corral de Tierra Road, and San Benancio Road.

Note: Left and right turns from private driveways are dangerous enough now on Highway 68. This also applies to Laureles Grade, River Road, Corral de Tierra Road, and San Benacio Road. Don’t you think allowing Short Term Rentals on properties with direct driveway access to Highway 68, and/or some side roads, may result in injury or death for unsuspecting people?

Under Conservation/Open Space

T-3.5 Exterior/outdoor lighting shall be located, designed, and enforced to minimize light sources and preserve the quality of darkness. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout the Toro area.

Note: Don’t you think an increase in light pollution will be a problem with renters arriving late at night? Won’t Renter Parties intensify the light pollution even more? How might this be enforced?

END Toro Area Supplemental Policies

2) The proposed Ordinance, as I read it, does not address problems that Short Term Renters will impose on private residential roads that serve more than one residence. Many residential

roads are narrower than County roads. Further, things like lines of sight, vertical clearances, hills, blind corners, and, many drivers are unable to back a car up. Don't you think this would create problems, including safety problems, for existing residential households who encounter short term renters on private roads?

3) Neighbors on private residential roads are familiar with children that play ball on the street, or deaf neighbor dogs that sometimes nap on the warm road. Short Term Renters are not familiar with these. How can neighbors "opt-out" their private road to Short Term Rental traffic?

4) Maintenance of private residential roads is left up to the current property owners. Will current property owners get a vote on a neighbor's application for a Short Term Rental application?

5) Will neighboring current property owners to a Short Term Rental Unit, who agree to rental uses on on a private road, share in the collected County Transient Occupancy Taxes?

6) The proposed Short Term Rental Ordinance does not address Home Owner's Associations and issues that may arise from HOA's rules and regulations.
RMA admittedly does not know the locations of many of the Homeowner's Associations, or their contact information, or the members of their Boards. How does the County RMA plan on addressing this?

7) The proposed Short Term Rental Ordinance would change the County residential zoning in unincorporated areas from strictly residential, by adding a "light commercial" aspect to allowed uses. The County RMA can try to call it what they want, but adding short term lodging for remuneration is a hotel/motel use. Some proof of this is the County's proposed new requirement for Short term Renters to immediately sign up/register with the Treasurer/Tax Collector's Office so the County can collect Transient Occupancy Tax (T.O.T.) fees.
Don't you think this Ordinance requires thorough environmental review?

8) However, under this proposed Ordinance areas such as Del Monte Forest residential areas would be exempt from the Short Term Rental Ordinance. Doesn't this make the Ordinance arbitrary, in that it only applies to some County unincorporated areas?

9) I do not agree with RMA's current assertion that a County Short Term Rental Ordinance will not add to water use or an increase in traffic. Those of us on private wells and small water systems have to be cautious with water use. Hotel guests often do not heed caution with water use, especially if they are paying several hundred dollars a day to stay there.
A County Short Term Rental Ordinance can change traffic patterns, and times of use.
The B-8 Zoning in parts of the Toro Area would make STR's inconsistent because of the intensification of use. Don't you agree? If not, why not?

10) A great deal of consideration and effort was put into the 2010 Monterey County General Plan's locations of Rural Centers and Community Areas in unincorporated Monterey County. Environmental review may justify some Short Term Rentals in these areas.
Short Term Rentals were not envisioned in rural residential areas nor analyzed for such.

11) The entire Toro Planning Area has one Monterey County Deputy Sheriff patrolling it.
There are parts of other areas to this Beat #4 also. It is known as Monterey County Sheriff's Beat #4. The locational area of Beat #4 can be described as;

From the top of Laureles Grade to Highway 68, then east on Highway 68 taking in all of Corral de Tierra, San Benancio Canyon and side roads, Toro Park, Serra Village, Toro Hills, Toro Sunshine, Creekside, then down River Road taking in Las Palmas 1 and 2, Indian Springs, Berry Drive, Enos Drive, Pine Canyon, and all areas south to Gonzalez. From Gonzalez, Beat #4 goes west to the Pacific Ocean. It takes in Boronda behind Costco.
If a Deputy Sheriff on patrol on Beat #4 makes an arrest, he is out of commission for about two hours while at the jail. If there is a problem on another beat, the Deputy Sheriff signed to Beat #4 can be called as back-up to another Beat area,
Questions:
Neighborhoods are encouraged to be Neighborhood Watch savvy. This means paying attention to strange cars coming or going, lights on at strange hours, unfamiliar people traveling slowly searching the neighborhood. How many calls might be made to the Sheriff's office for suspicious activity, when it is out-of-town renters showing up, late, and looking for the proper address?
Alternatively, if a neighborhood knows a house is a rental special, burglars might not be reported at all.
Burglaries have been, and continue to be, a problem in the Toro Area. Don't you think Short Term Rentals may add to the confusion?
Any loud, disruptive parties, held by Short Term Renters, are going to take Deputy Sheriffs away from patrol and possibly more important issues. Don't you think this is counter productive to good law enforcement?

12) Thorough Environmental Review is needed for this Short term Rental Ordinance. I am requesting it.

Thank you in advance for considering my concerns and answering my questions.

Mike Weaver
Corral de Tierra, Toro Area
831-484-2243

Subject: Short Term Rentals in Big Sur **May 31, 2020**

Dear Monterey County Supervisors,

My wife and I, David and Gisele Erlach would like to express our concerns with the draft Vacation Rental Ordinance, version 4-19-2019.

We are one of two families who jointly own a vacation property in Southern Big Sur which we rent part time as well as enjoy the property ourselves, about 50/50. The draft ordinance literally would prohibit us from renting our house and would harm both us, the owners, as well as our guests who seek comfortable accommodations on the southern Big Sur coast.

We purchased Sunshine Alley, our 8 acre property at 28900 Plaskett Ridge Road, in Feb 2016. It is a classic Big Sur property with redwoods, ocean views and open hillsides. The property has a 2 bedroom, 2 bath house and a separate caretaker unit. Sunshine Alley had been used off and on as a Vacation Rental through its entire history dating back to the original owners who built the house in 1971. Our property is well maintained and amongst 6 other properties within a ½ mile radius. All are large parcel view properties that are "off-grid". None of these properties are owner occupied. Currently two of these properties are for sale and have been for over two years. One property is used as a Vacation Rental, like ours, and the other two are original Plaskett homesteads from days of old. All of the houses in our area are at least 500ft apart and very private.

We rent out our main house part time to help with the costs of owning and maintaining the property. Our guests are delighted to have the opportunity to visit and relax in this remote area of Big Sur rather than simply "drive by". Some guests have returned to Sunshine Alley for decades.

During our ownership of Sunshine Alley we have received absolutely no complaints from Neighbors or officials.

Our specific feedback for the Draft Vacation Rental ordinance is itemized below (page 9-10):

F.2.a.i A Commercial Short Term Rental shall not be allowed within Big Sur. This pretty much ruins us! Why is Big Sur singled out to prohibit short term rentals? We request Commercial Short Term Rentals be allowed in our area. This restriction seems to cater to a small and selfish group of local property owners who want to keep visitors away or restrict them to drive through visits.

F.2.a.ii A Limited Short Term Rental must be a principle residence. The ability to have a maximum of 4 short term rentals per year is totally non-workable for us. Additionally, this is a Vacation home for us and not a principle residence so we are once again disqualified.

Some points about Sunshine Alley as a Vacation Rental (50/50 with owner visits)

- Very Private – no disturbance to anyone
- No complaints
- We do not rent for "events". 4 adults maximum.
- We rent to couples and families who are ***thrilled*** to visit the coast!
- We provide housing for 2 locals who work at a nearby resort
- Accessed by public roads
- Plenty of on-site parking
- We collect and submit TOT (about $6000/year before CV-19)
- The house is in good condition and should meet all requirements of the draft ordinance

We recognize that there are very valid issues with some STRs. Loud guests, parking, crowds, security on private roads to name a few. These issues are especially prevalent in dense communities. Our property has none of these negatives. There are those who press the merits of "owner occupied" houses with rooms for rent. Having caretakers to manage the property actually offers a better guest experience.

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

We also recognize that there is a general housing shortage in Big Sur; this is especially true in our area. We are happy to provide housing for our caretaker couple, they love the property! It is not reasonable to expect that large parcel properties such as Sunshine Alley will be used as low cost housing for rent or to buy. This housing shortage is a result of development prevention by the Coastal commission and view shed rules. It is a blessing to the character of Big Sur but comes at a price. Fair market price for renting our property would be about $5000 per month, way outside of the ability for local workers to afford. We are not interested in renting our house for long term since the owners could not enjoy it. The few resorts near us are nearly always booked and are likely unaffected by our Vacation rental.

The current use of Sunshine Alley as a Vacation rental is the highest purpose for the property. Nobody is actually harmed and many benefit. Creating an ordinance that ends its use will place a hardship on us as owners, devalue our property and deny many visitors the quality experience of Big Sur. This part time use as a vacation rental seems fully consistent with the California Coastal Commissions goal of providing access and accommodations for visitors to Big Sur.

We would be happy to discuss or correspond regarding this issue at your convenience. A similar letter was sent on 5-17-19 but no response was ever received.

Sincerely,

David Erlach & Gisele Erlach

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

Sunshine Alley, 28900 Plaskett Ridge Road, Big Sur

NEW! Craftsman Bungalow w/ Fire Pit & Ocean Views!

Carmel Highlands

4 guests · 2 bedrooms · 2 beds · 2 baths

Entire home
You'll have the cottage to yourself.

Experienced host
Evolve has 2229 reviews for other places.

Outstanding hospitality
8 recent guests complimented Evolve for outstanding hospitality.

Boasting authentic 1950s architecture, this Octagon-shaped California bungalow sits between Carmel and Big Sur, so you'll be within a short drive from seaside cliffs and the misty coastline. Along with 2 master baths and 2 lavish baths, this vacation rental features a chef's kitchen, custom-designed furnishings, 2 patios, and a fire pit with ocean views. The beaches of Point Lobos and Garrapata are within 3 miles, while wineries and nightlight await within Monterey and Carmel!

Contact host

Amenities

Kitchen

Wifi

Free parking on premises

TV

Show all 29 amenities

Sleeping arrangements

Bedroom 1
1 queen bed

Bedroom 2
1 king bed

Availability

Enter your trip dates for accurate pricing and availability

April 2020

SuMoTuWeThFrSa

No reviews (yet)

This host has 2229 reviews for other properties.

View other reviews

We're here to help your trip go smoothly. Every reservation is covered by Airbnb's **Guest Refund Policy**.

Hosted by Evolve

United States · Joined in April 2017

★ 2,229 Reviews Verified

Hi, we're Evolve! We're a next-generation vacation rental management company and we're here to help you find the perfect home for your getaway. All of our properties adhere to our 4 Core Property Standards, so you'll always arrive to a home that's Safe, Clean, Guest Ready and...
Read more

Interaction with guests
Evolve Vacation Rental wants your vacation experience to be everything you hoped for and exactly what you needed. To make it easy, we help you find a property you love, offer world-class support seven days a week, and make sure our properties are safe, clean, and ready for your...
Read more

Languages: **English, Français, Español**

Response rate: **82%**

Response time: **within a few hours**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app.
Learn more

The neighborhood

Evolve's place is located in Carmel Highlands California United States.

BEACHES: Point Lobos (2.7 miles), Garrapata State Park (3.3 miles), Carmel Beach (6.4 miles), Pebble Beach (10.4 miles), Lovers Point Park (11.7 miles)
WINERIES: Taste Morgan (5.1 miles), Blair Estate Tasting Room (6.1 miles), Scheid Vineyards Tasting Room (6.2 miles), De Tierra Vineyards (6.4 miles), Albatross Ridge Tasting Room (6.7 miles), Folktale Winery & Vineyards (10.5 miles), Georis Winery (16.8 miles), Holman Ranch (18.2 miles), Pelerin Wines (19.6 miles)
CITIES: Carmel-by-the-Sea (6.7 miles), Monterey (9.5 miles), Big Sur (19.4 miles)
ATTRACTIONS: Carmel Mission Basilica Museum (5.4 miles), Scenic Road Walkway (6.1 miles), The Lodge at Pebble Beach (10.4 miles)
AIRPORT: Monterey Regional Airport (12.0 miles)

Exact location information is provided after a booking is confirmed.

Open map

Check-in
After 3:00 PM

Checkout
11:00 AM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.

Report this listing

$514 per night

Reserve

Explore other options in and around Carmel Highlands

More places to stay in Carmel Highlands: Apartments · Houses · Bed and breakfasts · Lofts · Villas

San Francisco
Los Angeles
Santa Monica
Oakland
Santa Barbara
Berkeley
Venice
West Hollywood
South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
San Jose
Sonoma
Palo Alto
Napa
Malibu
Beverly Hills

English (US) $ USD

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Explore


Saved


Log in

Beautiful Carmel Meadows Getaway

Carmel-by-the-Sea

10 guests · 6 bedrooms · 12 beds · 4 baths

Entire home
You'll have the house to yourself.

Self check-in
Check yourself in with the lockbox.

Sparkling clean
4 recent guests said this place was sparkling clean.

Great location
100% of recent guests gave the location a 5-star rating.

An amazing beach house with great views of Point Lobos, stairs down to the beach. Located in Carmel Meadows, about a 5 minute drive from downtown Carmel-by-the-Sea.

Contact host

Amenities

- Kitchen
- Wifi
- Free parking on premises
- Indoor fireplace
- ~~Carbon monoxide alarm~~

The host hasn't reported a carbon monoxide detector on the property.

Show all 31 amenities

Sleeping arrangements

Bedroom 1
1 queen bed

Bedroom 2
1 queen bed

Availability

This host offers 20% off if you stay a week and a 30% monthly discount.

April 2020

SuMoTuWeThFrSa

Reviews

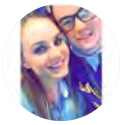
★ **5.0** | **13** reviews

Search reviews

Accuracy **5.0**

Cleanliness **5.0**

Location	5.0
Check-in	5.0
Communication	4.9
Value	4.7



Tanner
February 2020

As advertised and more. Incredible ocean view and very clean.

Vanessa
December 2019

The pictures don’t do it justice— the views are incredible and the trail heads are pretty much across the street. Such a beautiful location, impeccable home and kind hosts!

Brian
June 2019

A spacious and exceptional house on three levels at the north end of Big Sur with outstanding views of the ocean, the coastline, and the Point Lobos peninsular. Very well equipped with high-end amenities and the latest technologies.

Beth
May 2019

Everything about this home was lovely - the location, the view, the beach, the furnishing. And Jeannine's communications and suggestions made

planning the trip so easy. Thank you.

Olivier
March 2019

wonderful home, perfect location, lots of space for our group. The pictures are spot on, you can't go wrong with this place.

Cassandra
December 2018

We stayed at this lovely home over Christmas and it beyond surpassed our expectations. It was such a beautiful setting and a very peaceful Christmas holiday. Everything was seamless from booking to checkout. Thanks so much for opening your beautiful home!

Kadee
November 2018

This house is absolutely stunning! Our group had a fantastic stay and couldn’t have been happier with the home, location, view, amenities and hospitality! We would highly recommend this house to others and hope to stay again some time!

- 

Hosted by Jeannine

Palo Alto, CA · Joined in August 2017

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

About this place

When you stay in an Airbnb, you're staying at someone's place.

This is John's place.

Jeannine helps host.

The neighborhood

Jeannine's place is located in Carmel-by-the-Sea California United States.

Exact location information is provided after a booking is confirmed.

Open map

Check-in: Flexible

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Report this listing

$1,800 per night
★**5.0** (13 reviews)

Reserve

Explore other options in and around Carmel-by-the-Sea

More places to stay in Carmel-by-the-Sea: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

San Francisco
Los Angeles
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June 9, 2020

Via Email Only

Chairman Paul Getzelman
Monterey County Planning Commission
GetzelmanPC@co.monterey.ca.us
pchearingcomments@co.monterey.ca.us

Re: June 10, 2020 Planning Commission Meeting – Agenda Item 3 (Short-Term Rental Ordinances)

Dear Chairman Getzelman and Members of the Planning Commission:

On behalf of this firm's client, the Big Sur Local Coastal Program Defense Committee ("BSDC"), I write regarding the Planning Commission's consideration of the proposed Monterey County Short-Term Rental Ordinances, especially as they relate to the Big Sur Land Use Plan.

The BSDC is a group of residents and business owners concerned about the protection of the natural and cultural values of Big Sur. Currently, over 250 members of the Big Sur community are supporters of the Defense Committee. There are few places in the world that have been subject to more thoughtful and passionate planning efforts directed towards preservation of natural and cultural values than Big Sur. The BSDC has been concerned about vacation rentals since their rise in popularity and has repeatedly expressed its concerns about the direction of the proposed ordinance. As currently drafted, the ordinance would result in a significant expansion of authorized vacation rentals within the Big Sur Land Use Plan area, with numerous impacts on the community, public safety, and visitor experience.

Given the short window of opportunity to review the current agenda materials, this letter is necessarily brief, focusing only on the new materials and proposed changes to the ordinance.

As an initial matter, the staff report indicates that in July 2019, "the commission supported with an 8:0 consensus vote that the BSLUP strictly limits

visitor serving facilities and *requested that staff provide analysis that demonstrates how vacation rentals of any kind are compatible with the BSLUP*." (emphasis added). Yet, the provided materials do not contain *any* analysis regarding the BSLUP or its regulation of vacation rentals. The BSDC's prior comments—submitted in May 2019 and December 2019 and attached here for reference[1]—contain a comprehensive analysis of the incompatibility of short-term rentals with the Big Sur Land Use Plan. The BSDC urges you to carefully consider these comments, particularly in light of the absence of such information in the staff report.

The Planning Commission also previously requested information regarding the availability of existing affordable accommodations in Big Sur. As explained in the attached December 2019 memo, this information may be relevant to show that the Big Sur community is already meeting any obligation to provide affordable accommodation for coastal access through campgrounds and RV spots. However, the County has not yet provided any information regarding the number, relative affordability, and occupancy rates for these accommodations. The BSDC urges the Planning Commission to direct further research and reporting regarding this requested information prior to making any policy decision regarding the ordinance.

With respect to the draft ordinance, Section 20.64.290(D)(2)(a) provides that all vacation rentals in Big Sur will be subject to Policy 5.4.3.C.7 of the BSLUP.[2] This policy requires all visitor serving units to be evaluated on an "individual basis" for consistency with the BSLUP, including with respect to traffic, environmental, and visual constraints. The ordinance, however, provides that all limited vacation rentals will be entitled to a ministerial, over-the-counter permit. *See* Section 7.110.050(B). For any vacation rentals in Big Sur, the ordinance must be revised to provide an opportunity for the type of discretionary, individual review required by the BSLUP.

The BSDC appreciates the Planning Commission's recommendation to apply visitor serving unit caps to *all* vacation rentals, and strongly urges the

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[1] The BSDC was surprised to see that staff provided responses to comments made by the Pebble Beach Company, but no other members of the public.

[2] This section of the ordinance also provides that all vacation rentals in Big Sur will be "subject to the maximum unit limitation set forth in Policy 4.3.6.E.4." We are unable to locate such a section in the BSLUP. The ordinance must be clarified before any recommendation can be provided; the BSDC reserves the right to comment on the corrected language.

Planning Commission to reject staff's recommendation to exempt limited vacation rentals from the caps. *See* Agenda Packet, Exhibit B at 5-6. Staff asserts that limited vacation rentals are "consistent with the intensity of residential use" and that such rentals "do not result in the loss of residential units from the housing market." However, the staff report provides no empirical evidence to support these claims. Indeed, as further explained in the BSDC's May 2019 letter, it appears likely that limited vacation rentals both *increase* the intensity of use (particularly with respect to traffic) and lead to a loss of residential units from the housing market. Even if a principal resident retains residential use of a portion of the property, allowing limited vacation rentals necessarily transforms available residential space to a commercial use. There is no valid reason exempt this visitor-serving use from the *visitor-serving* unit cap.

If the Planning Commission keeps the visitor-serving unit caps in place—as it should—the BSDC urges the Planning Commission to reconsider the mechanism for calculating how limited vacation rentals will be counted against the visitor serving unit caps. Section 20.64.290(D)(2)(a) of the draft ordinance proposes that limited vacation rentals will be counted as 0.19 visitor serving units per bedroom, presumably based on the calculation provided on page 5 of Agenda Packet, Exhibit B ("Limited Vacation Rental with two (2) rental bedrooms = (140 rental days per year/365 days per year) X [(2 persons per room X 2 rooms)/4 persons] = 0.38 VSU-equivalents"). In other words, the draft ordinance counts limited vacation rentals as less than one full visitor serving unit simply because the vacation rental is only permitted to operate for up to 140 rental days per year, while hotels are generally permitted to operate for up to 365 days per year.

This adjustment makes little logical sense. The visitor serving unit caps are intended to address externalities that are present during *peak visitation season*, the times at which limited vacation rentals are most likely to operate. A limited vacation rental that is permitted to operate only during the summer season and winter holidays has the same adverse impact as a limited vacation rental that is also open during less busy periods. *See* BSLUP Policy 5.4.2.9 (visitor serving unit cap intended to protect "the capacity of Highway One to accommodate recreational use" and avoid "overuse of areas of the coast," conditions that are exacerbated during peak visitation periods). Property owners will rent their units when they are most profitable; these are likely to be during peak season.

Finally, the staff report states that the draft ordinance "incorporates all public feedback received to date." This statement is inaccurate. The BSDC and much of the Big Sur community has advocated for years for a complete prohibition on short-term rentals in Big Sur. The draft ordinance does not incorporate this

feedback, nor do the materials presented to the Planning Commission adequately respond to the concerns raised. The BSDC urges the Planning Commission to direct staff to fully incorporate and address these concerns in a revised ordinance.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

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ATTACHMENT 1

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May 24, 2019

Via E-Mail and U.S. Mail

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Re: Comments of the Big Sur Defense Committee on the Draft Vacation Rental Ordinances (REF130043 and REF100042)

Dear Ms. Beretti:

On behalf of this firm's client, the Big Sur Local Coastal Program Defense Committee ("BSDC"), I submit the following comments on the proposed regulations for vacation rental uses in the unincorporated areas of Monterey County ("the Ordinance"), which allow both homestays and limited short-term rentals in the Big Sur Area.

The BSDC is a group of residents and business owners concerned about the protection of the natural and cultural values of Big Sur. Currently, over 250 members of the Big Sur community are supporters of the Defense Committee. There are few places in the world that have been subject to more thoughtful and passionate efforts directed towards preservation of its natural and cultural values than Big Sur. The BSDC has been concerned about vacation rentals since their rise in popularity, as demonstrated in the overview letter attached as Exhibit A.

This letter describes why the County's current proposal to allow vacation rentals in Big Sur would severely undermine the existing policies protecting Big Sur in the Big Sur Land Use Plan ("the BSLUP" or "Plan") and erode the community that defines Big Sur as a unique place. As demonstrated below, allowing *any type* of vacation rentals in Big Sur would be inconsistent with the protections currently in place in the BSLUP. The issues we focus on include the following:

- The historical context of how and why these types of uses have not been legal in Big Sur;
- An overview of policies from the BSLUP and the inconsistencies the Ordinance would present;
- Why the Ordinance would essentially remove the remaining long-term affordable and/or employee housing stock from the extremely limited available units in Big Sur;
- Why vacationers would generate additional Vehicle Miles Traveled (VMT) as compared with the traffic behavior of actual Big Sur residents;
- Public Safety hazards that would be increased with the allowance of vacation rentals in remote residential neighborhoods; and
- The inappropriate use of a California Environmental Quality Act, Pub. Resources Code § 21000 et seq. ("CEQA") exemption for the Ordinance.

Given the legal and policy issues identified in this letter, we urge the County to revise the Ordinance to fully exclude vacation rentals within the BSLUP area, prior to bringing the Ordinance to the Planning Commission.

I. The BSLUP and Its History Provides Important Context for Why Vacation Rentals Should Be Banned in Big Sur.

The BSLUP was adopted in the mid-1980's because the community recognized that pressures for new residential and commercial development, as well as increased use of the area by visitors, required a land use plan that would implement a sustainable future for Big Sur. For this reason, the community as a whole agreed to accept a significant downzoning of private lands in the BSLUP area, in exchange for the belief that the BSLUP would best protect the community.

A. The Plan Relies on Three Central Tenets to Promote Long-Term Sustainability.

The BSLUP incorporates three central tenets that are threatened by the proposed Ordinance. First, the Plan recognized the County's responsibility to maintain the Highway 1 corridor as a *recreational* route, not as means of accommodating access to residences, businesses, commercial activity, or overnight lodging. Specifically, the Plan notes that Highway 1 "was built by the public primarily for scenic travel and recreational enjoyment and over the years has been managed with this purpose always in mind. In light of the public's great need for

recreational opportunities, this original objective has become even more important. . . . The County's purpose will be to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route." BSLUP, Section 2.2.3.

Second, the Plan recognizes that increased visitation and overuse may have a negative impact on the community that must be managed. For instance, in 1986, the Plan noted that "Use of Highway 1 has grown beyond expectation. Pressures for new residential and commercial development, as well as increased public acquisitions and access, are now being felt along with a steady increase in recreational development and use." BSLUP, Section 1.3.

Third, the BSLUP recognizes that the *people* who live in Big Sur are central to its ongoing success. The BSLUP recognizes that the scenic beauty of the Big Sur coast, and the opportunity to escape urban patterns, are prime attractions for residents and visitors alike . . . and that quality should have precedence over quantity of any permitted uses, whether residential, recreational, or commercial. The *community itself and its traditional way of life* are resources that can help to protect the environment and enhance the visitor experience." BSLUP, Section 2.1 (emphasis added); *See also* BSLUP, Section 2.2.4 ("The County's primary land use planning objective is to minimize development of the Big Sur coast in order to preserve the coast as a scenic rural area *where residents' individual lifestyles can flourish*, traditional ranching uses can continue, and the public can come to enjoy nature and find refuge from the pace of urban life.").

The Ordinance would undermine and erode the important community that is Big Sur. It would replace its hearty residents with visitors and commercialize the small pockets of residential neighborhoods that exist. In the following text, numerous sections of the BSLUP are taken verbatim to illustrate that the existing plan fully recognized the threats to Big Sur from outside influences, and the potential for the loss of its culture and residents.

The BSLUP, like the community itself, is a true reflection of why the place is absolutely unique. The Plan does not read like a typical Land Use Plan, and instead describes Big Sur's rarity. For instance:

> The rugged mountainous terrain of the Big Sur coast has had a profound effect on historical use of the area and will continue to serve as a *limitation on the kinds of activities that can be carried on and the scale of development*. Natural constraints to development include

> *availability of water, difficult access, unstable soils on steep slopes, and dangers of fire and flood*.
>
> The scenic qualities and the natural grandeur of the coast which result from the imposing geography, the rich vegetative compositions, and the dramatic meeting of land and sea are the area's greatest single attraction to the public. Big Sur has attained a worldwide reputation for spectacular beauty; *sightseeing and scenic driving are the major recreational activities*.
>
> Although it has remained a rural area where sturdy pioneering families still carry on ranching, Big Sur's residents have also achieved acclaim for their cultural contributions. Many well-known writers, artists, and artisans have been inspired by the coast's dramatic vistas and timeless solitude. *A strong community identity continues to attract new residents and contributes to tourism.*

BSLUP, Section 1.2 (emphasis added). The above excerpts set the stage for understanding the uniqueness of Big Sur's limitations for allowing vacation rentals. Not only are there physical challenges, but *the Plan highlights the need to retain its eclectic community as part of its identity* and as an attraction to those visiting it.

Likewise, Section 2.2.5 states that "care must be taken that while providing public access, that the beauty of the coast, its tranquility, and the health of its environment, are not marred by public overuse or carelessness. Visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors. Visual access to the shoreline should be maintained by directing future development out of the viewshed."

These three tenets—that Highway 1 must be managed as a recreational resource, that over tourism will lead to environmental and community degradation and must be addressed, and that the Plan must work to preserve the human community of Big Sur—undergird the entire Plan. They are the reason the Plan has been successful in protecting the Big Sur area. But they are also the explanation for why vacation rentals are so incompatible with the Plan and its policies, as described further below.

B. Elected Officials Recognize the Inconsistency.

The fundamental inconsistency between vacation rentals and the BSLUP has been recognized not only by the BSDC and other individuals concerned about Big Sur, but also by various elected and appointed officials.

During the 2016 hearings on vacation rentals, an unusual thing occurred: Both Monterey County's then-Congressman (Sam Farr) *and* a sitting Board of Supervisor (Dave Potter) expressed that **vacation rentals should be banned in Big Sur**. Congressman Farr testified that "the intent of the BSLUP was never, never to allow STRs . . . short-term renters are never, never a part of the community-they're just a business." Exhibit B. And Supervisor Dave Potter testified that:

> There is no greater threat to the vibrancy of the Big Sur Community than the issue of Short-term Rentals . . . . I strongly urge you to include a prohibition of Short-term Rentals in the Big Sur Planning Area . . . there is a need to retain affordable housing stock, allowing employees to live close to their jobs, reducing trips on the constrained Highway One and ensuring that Big Sur remains a community of locals to provide stewardship of the coast for future generations and visitors.

Exhibit B. The BSDC took comfort in the fact that its representatives recognized Big Sur's unique nature and the problems that would be posed by legalizing vacation rentals.

The BSDC also sought the opinion of Charles Lester, ex-Executive Director of the Coastal Commission. As shown in Exhibit C, Dr. Lester evaluated the consistency between vacation rentals and the Plan, and determined that the Plan "does not contemplate certain visitor-servicing overnight use in areas zoned specifically for residential use" and that it specifically "seeks to protect existing affordable housing in Big Sur, particular for workers in the visitor economy." He urged the County to complete an "updated evaluation [of] the supply and demand for visitor-serving use and the capacity of Highway 1 to continue providing adequate public access to and along Big Sur" prior to adopting any ordinance allowing vacation rentals. The County has not even attempted to complete this task.

Finally, the California Coastal Commission has also indicated a wariness toward categorizing vacation rentals as akin to residential use. When the issue of vacation rentals was first proposed in 1997, the CCC noted in its response to the

County that Section 20.06.360 of the certified LCP states that "dwelling means a structure or portion thereof designed for or occupied **exclusively for non-transient residential purposes** including one family and multiple family dwellings, but not including hotels, motels, boarding or lodging houses or other transient occupancy facilities." Exhibit D. In other words, the Coastal Commission has previously recognized that dwelling units are distinct from transient uses.

II. The County's Assumption that Homestays and Limited Short-Term Rentals Are Sufficiently Similar to Residential Uses Is Incorrect and Unsupported.

The proposed Vacation Rental Ordinance allows for both Homestays and Limited Short-term Rentals in Big Sur. The County attempts to support this decision by arguing that such use is "considered residential." Categorical Exemption Report, at 6. Specifically, the County's analysis states that:

> "The regulations have been crafted based on the principle that when a vacation rental use is established, it shall not be discernable from existing residential use of the dwelling. This use is *considered residential because it is similar in character, density and intensity to a residential dwelling* and would only be allowed in a legally permitted single family dwelling, duplex dwelling, or a multiple family dwelling. *The structure used as a homestay (or Limited STR) would continue to function as a primary residence and would not likely result in the conversion or loss of long-term housing stock and would not be subject to any applicable visitor serving caps in the respective area they would be located*.

Id. (emphasis added); *see also* Ordinance, Recital C. This analysis is both incorrect, as a matter of County code and state law, and unsupported by the facts.

A. The County's Code Recognizes that Residential Use Is Non-Transient.

First, the County's own code recognizes that residential use and transient occupancy are incompatible. Specifically, and as stated above, Section 20.06.360 defines "Dwelling" as "a structure or portion thereof designed for or occupied *exclusively for non-transient* residential purposes, including one family and multiple family dwellings, but not including hotels, motels, boarding or lodging houses or other transient occupancy facilities" (emphasis added). Inherent in the code is the

idea that a residential dwelling must be used *exclusively* for *long-term use*; transient occupancy of any kind is prohibited, even if residential use continues in part.

B. Courts Have Recognized the Difference Between Vacation Rentals and Residential Use.

The County's imposition of a Transient Occupancy Tax also demonstrates that vacation rentals are *not* the same as residential uses. Chapter 5.40 states that transient occupancy tax is not to be imposed on "any private dwelling, house, or other individually owned single-family dwelling unit rented only occasionally and incidentally to *the normal occupancy* by the owner or family." Section 5.40.020(A) (emphasis added). Yet, the proposed Ordinance states that all vacation rentals must obtain a transient occupancy tax registration certificate (e.g., Section 20.64.290(D)(8), (E)(8), (F)(9)). In other words, the County acknowledges that vacation rentals are something other than *normal occupancy* of a dwelling unit – they cross over into commercial use and require additional taxation as such.

This issue has also been considered and rejected by numerous courts. In *Ewing v. City of Carmel-By-The-Sea*, the California Court of Appeal upheld a short-term rental ban in Carmel against a constitutional challenge brought by a homeowner. (1991) 234 Cal.App.3d 1579. The Court approved of the City's chief purpose in adopting the ban: "to provide an appropriately zoned land area within the City for *permanent single-family residential uses and structures* and to enhance and maintain the residential character of the City." *Id.* at 1590. Significantly, the Court independently found that short-term rentals have an erosive effect on residential areas, finding that:

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

Id. at 1591.

And in *Greenfield v. Mandalay Shores Community Association*, the California Court of Appeal considered whether a Homeowner Association ban on short-term rentals required a coastal development permit under the Coastal Act. (2018) 21 Cal.App.5th 896. In unequivocal terms, the court determined that a CDP was required, because short-term rentals "change[] the intensity of use and access to single family residences." *Id.* at 901. Short-term rentals are *not* the same as residential use; they represent a different intensity and type of use and must be studied accordingly.

Finally, the Supreme Court of Pennsylvania recently held that short-term rentals were fundamentally incompatible with single-family residential uses. The Court noted that the definition of a single-family dwelling unit or "single housekeeping unit" "unambiguously excluded . . . purely transient uses of property," which lack the necessary stability and continuity. *Slice of Life, LLC v. Hamilton Township Zoning Hearing Board* (Pa., Apr. 26, 2019, No. 7 MAP 2018) 2019 WL 1870562, at *11. The Court further highlighted that such "permanence and stability . . . creates a sense of community, cultivates and fosters relationships, and provides an overall quality of place where people are invested and engaged in their neighborhood and care about each other." *Id.* at *12. While this case is not binding on Monterey County, it offers persuasive reasoning for why vacation rentals cannot be properly categorized as a "residential use."

C. The County's Assertion that Vacation Rentals are Similar to Residential Uses Is Wholly Unsupported.

The County claims that vacation rentals are "similar in character, density and intensity to residential dwelling[s]." *E.g.*, Categorical Exemption Report, at 10. Even if the County had discretion to make that determination—which it does not—the County has utterly failed to provide any evidentiary support for this position. The County has offered no analysis of the number of residences that will be used for Homestays or Limited STRs. The County has not determined the number of overnight visits that are likely in the Big Sur area. The County has conducted no traffic analyses, even though the staff materials admit that the trip generation rates for vacation rentals are unknown. Categorical Exemption Report, at 13. And the County has conducted no economic analysis to determine to what extent vacation rentals will displace long-term renters or result in conversion of affordable

housing units.[1] Without any of this information, the County's entire analysis is unsupported, and the proposed Ordinance cannot move forward. *See Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Sup'rs* (1998) 62 Cal.App.4th 1332, 1338 (finding of consistency with land use plan must be supported by substantial evidence).

Indeed, there have been many studies and articles on how vacation rentals have changed the fundamental character of residential neighborhoods in other areas. Some examples of these are contained in Exhibit E. The BSDC urges the County to actually conduct the required analysis before proceeding with this ill-informed policy.

D. The County Has No Realistic Proposal to Address Enforcement.

The County's analysis is predicated, in part, on the assumption that all property owners and guests will readily comply with the new ordinance. However, the County has very limited enforcement staff available to address violations that are not considered high priority issues (such as public safety and health issues). The remoteness of Big Sur would make any immediate enforcement issues nearly impossible to address. Further, the imposition of fines for violations of the restrictions on vacation rentals would not address neighborhood compatibility issues as they arise; until they accrue and can be enforced, such fines are unlikely to discourage operators who make hundreds or thousands of dollars per night.

III. The Proposed Ordinance is Inconsistent with the BSLUP.

The BSDC's primary concern is the proposed Ordinance is inconsistent with the BSLUP, an award-winning document that has appropriately guided growth and development in the Big Sur area since its adoption in 1986. As outlined above, the main tenets of the BSLUP are the protection of Highway 1 as a recreational resource, the need to protect the fragile environment from over tourism and overuse, and the desire to retain the culture and community of Big Sur's residents. As explained further below, each of these core tenets is threatened by the proposed Ordinance. Moreover, the proposed Ordinance is clearly inconsistent with numerous

[1] Given the lack of information provided by the County, BSDC is considering engaging additional experts to help assess these issues. BSDC expressly reserves the right to submit these studies as the proposed Ordinance is considered by the Planning Commission and the Board of Supervisors.

mandatory and clear requirements. For this reason, the proposed Ordinance must be revised to prohibit vacation rentals in the BSLUP area before moving forward.

A. State Law Mandates Consistency.

The State Planning and Zoning Law and the California Coastal Act requires that development decisions, including zoning amendments, be consistent with the jurisdiction's local coastal program or general plan. As reiterated by the courts, "[u]nder state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. Accordingly, "[t]he consistency doctrine [is] the linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law." *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336 (citations and internal quotations omitted).

General plans establish long-term goals and policies to guide future land use decisions, thus acting as a "constitution" for future development. *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. Specific plans then ensure implementation of the general plan. Gov. Code § 65450. To promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical land use plans, but also to conform their development and land use projects and approvals with those duly certified plans. *Citizens of Goleta Valley,* 52 Cal.3d at 570; *see also* Gov. Code § 65860 (requiring consistency of zoning to general plan). The project need not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Napa Citizens*, 91 Cal.App.4th at 357, 379.

B. The Proposed Ordinance Is Inconsistent with Policies that Promote Separation of Residential and Visitor Service Uses.

The BSLUP repeatedly emphasizes that residential uses and visitor-serving uses should remain separated. For instance, in Residential Land Use section, the Plan notes that residential areas are "not well suited for . . . visitor uses." BSLUP, Section 5.1.1. Consequently, the Plan states that "use of these areas, to the extent consistent with resource protection, should continue to be for **residential purposes**." *Id.* (emphasis added). *See also* BSLUP, Policy 5.4.3.G.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.") (emphasis added).

The commercial section of the Plan likewise recognizes the potential land use conflicts between visitor-serving uses and residential neighborhoods. It states that "visitor-serving uses will be protected from encroachment by incompatible uses (such as residences). BSLUP, Policy 5.4.3.E.11. The Plan also requires deed restrictions to be recorded to preclude rental or subdivision of inn units as separate residential dwelling units. BSLUP, Policy 5.4.3.C.7.b.

These policies recognize that visitor-serving and residential uses are different and highly incompatible. The proposed Ordinance, however, proposes to *add* unlimited visitor-serving accommodations in the heart of Big Sur's rural residential areas. While the County asserts that vacation rental are akin to residential uses, and therefore are not inconsistent with these policies, this position is both incorrect and unsupported, as described in Section II. The County provides no other explanation for how the proposed Ordinance is compatible with these policies.

C. The Proposed Ordinance Violates the Plan's Mandatory Limits on Visitor-Serving Accommodations.

Underlying the BSLUP was an agreement among the community to limit future development—including residential, commercial, and visitor serving. For visitor serving units, the Plan incorporated density standards that allowed "up to 300 new visitor-serving lodge or inn units on the Big Sur Coast." BSLUP, Policy 5.4.2.9. This limit was intended to ensure "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." *Id.*

The County has yet to provide an accurate list of what has been counted towards this cap. However, according to informal counts conducted and supplied to the County by the BSDC, Big Sur has likely exceeded the number of allowed visitor-serving lodge units beyond the 300 additional units permitted by the Plan.

Yet, the proposed Ordinance intends to allow dozens, if not hundreds, of additional "visitor-serving lodge or inn units" within the community's residential neighborhoods. While the County asserts that vacation rentals are a residential use, not a visitor-serving use, this claim is belied by the proposed collection of TOT tax and other factors. *See* Section II. Vacation rentals must be counted toward the

existing visitor-serving cap in the Plan. Each *room* should count as a Visitor Unit, in accordance with the definitions in the TOT Code. The proposed exceedance of the visitor-serving unit cap is a clear inconsistency with mandatory and specific language in the Plan.

D. The Proposed Ordinance Frustrates BSLUP Policies to Protect Affordable Housing.

Of great concern to the BSDC is the impact of vacation rentals on long-term housing stock. Since the at least the 1980s, the shortage of housing has been a primary concern to Big Sur residents. The BSLUP notes that "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." BSLUP, Section 5.1.2.

Given this concern, the BSLUP contains strict protections for affordable housing: "The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason." BSLUP Policy 5.4.3.I.1. This mandatory and broad policy requires the County to carefully consider potential impacts to affordable housing.

If anything, the concerns that drove the County to include this policy are even more heightened in 2019. Currently, most jobs in Big Sur are low-wage, service industry positions. As the President/CFO of Nepenthe Kirk Gafill attests, it remains a severe challenge to find and retain employees for these positions because of the lack of available rental housing in Big Sur:

> We have seen a steady and consistent increase in guest traffic since 2006 (Note: Facebook, as an indicator of social networking and use of cell phones to share information/images, etc., was founded in 2004), with 2015 being the highest year of overall guest visitation. While Nepenthe guest counts may not move in lockstep with total traffic levels associated with visitation to the Big Sur Coast, they are probably a pretty good indicator of the trends, peaks and dips. Guest counts increased by annualized rate of 5-6% from 2006 to 2015. It is important to note that 2008 and 2011 saw reductions in traffic, due to localized environmental impacts; the Basin Complex Fire and the Rocky Creek Highway 1 failure (where current viaduct is located) respectively.

Similarly, in 2016, guest traffic levels, which through June were tracking ahead of the first six months of 2015, then dropped significantly due to the Soberanes Fire, and precipitously in 2017 due to the Highway 1 closures associated with Mud Creek, the Pfeiffer Canyon Bridge failure, and other locations.

In terms of employment patterns, we have been consistently unable to hire a sufficient number of employees since 2013/2014 on more or less a year-round basis, in other words we have open positions all year long. To varying degrees, this is true for most of the hospitality industry businesses in Big Sur.

Primary drivers are the following:

- Lack of available affordable housing in local community (this has been true since we opened in 1949)
- Loss of additional housing stock due to 2013 Pfeiffer Fire (approx. 35 homes, of which only four have been rebuilt), 2016 Soberanes Fire (approx. 65 homes lost - none yet rebuilt to my knowledge), and conversion of anywhere from 60-100 long term rentals to illegal/non-permitted short term rentals. Total housing stock, pre-2013 is unknown, but I believe there are approximately 650 developable residential parcels in the Big Sur Planning Area, thus the multi-year and potentially long-term loss of 100 homes due to fire and 60-100 due to conversion to short term rentals is quite significant.
- Economic recovery from 2008/2010 "Great Recession" and greater competition for employees on the Monterey Peninsula
- Reduced inflow of immigrant labor since 2008

The above conditions matched with historically high visitation levels have forced employers to rely overwhelmingly on employees who commute from the Monterey Peninsula and as far as Santa Cruz to the north and Soledad to the south/east. This is particularly true during the summer season, when traffic levels are the highest and employers need additional seasonal employees.

Given these conditions, there is simply not enough housing in Big Sur to allow for any type of vacation rentals. Allowing **any** type of vacation rentals in Big Sur is taking away the last remaining potential affordable housing from employees and long-term renters and is inconsistent with the above policy.

The County's analysis of this issue is significantly flawed. First, the analysis claims that "the proposed regulations *limit* vacation rental use to ensure sustainability of existing long-term housing stock, avoiding impacts and displacement of affordable housing units." Categorical Exemption Report, at 13. But the proposed Ordinance includes a vast legalization of vacation rentals in Big Sur, by removing from the long-term rental market the types of rooms, cabins, caretakers' quarters, and other affordable units that have always been a crucial part of the affordable housing puzzle.

The County's report also concludes that "because homestays [and limited short-term rentals] . . . are similar in character, density, and intensity to a residential use, [they] would not likely remove long-term housing from the market." However, the County again has conducted no analysis or study to support this conclusion. The County cannot base its consistency finding on bare conclusions alone.

In addition, the County's report notes that "[s]pecial provisions are made requiring that the dwelling unit used as a limited short-term rental in Big Sur be the principal residence of the owner, resident, or rental operator. This is to ensure the use does not negatively impact the permanent housing stock in Big Sur." Categorical Exemption Report, at 10. The County's assertion that having a "operator" (not even an owner) present for half the year will somehow ensure that vacation rentals remain available as housing stock is misplaced. Big Sur residents have long relied on patchwork housing availability, piecing together caretaking jobs or other opportunities when property owners are not present. Limited STRs will likely reduce or eliminate the opportunities, as property owners opt to secure lucrative one-month rentals with wealthy vacationers for up to four months of the year, instead of keeping the property available for longer-term rentals.

The County has provided no adequate explanation for how the proposed Ordinance is consistent with the mandatory policy to protect existing affordable housing. Until this fundamental and important inconsistency is resolved, the proposed Ordinance cannot move forward.

E. The Proposed Ordinance Will Frustrate Plan Policies to Prevent Visitor-Serving Accommodations from Interfering with Recreational Driving.

The BSLUP recognizes the crucial importance of Highway 1 to the Big Sur community. *See* BSLUP, Section 4.1 ("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."). The Plan's drafters spent significant time analyzing the existing conditions on Highway 1, weighing how to prioritize its many users, and contemplating how to ensure that the Highway continued to meet the needs of these users as growth continued. *See* BSLUP, Section 4.1 ("how capacity is allocated between visitor and local use is a major challenge"). Even in the 1980s, the County was concerned about overuse of this critical resource, noting that "at peak summer periods, *Highway 1 is approaching maximum carrying capacity* and some recreational facilities are overused." BSLUP, Section 3.1 (emphasis added).

To address these issues, the Plan allocates highway capacity among various users. The Plan states that "the major recreational pursuit is pleasure driving and sightseeing along Highway 1. The coastal area north of the Big Sur Valley is intensely traveled by visitors passing through or sightseeing. People stop at numerous turnoffs to view panoramas of the coastline." BSLUP, Section 5.1.3; *see also* BSLUP, Section 2.2.3 ("the County's purpose will be to . . . protect its primary function as a recreational route"). To that end, the Plan allocates 85 percent of the capacity of Highway 1 to "serve recreational travel, service trips to public and private recreation and visitor-serving facilities, use by military vehicles, and coastal-dependent agriculture." BSLUP, Policy 4.1.3.C.1.[2] It likewise limits residential development to a level that will use "not more than 15 percent of highway capacity." *Id.*

As these policies highlight, the *recreational driving experience* is prioritized for visitors to the Big Sur area. The Plan does not anticipate or allow for significant overnight stopovers, instead reserving highway capacity for day-trippers. This was by design, to help address the known limitations of the area, including the constraints of capacity along Highway 1, the need to retain housing for those who actually live and work in Big Sur, and to minimize public safety hazards from the presence of visitors in rural remote areas who do not understand the hazards found in Big Sur.

To help protect these uses, the Plan includes one specific policy related to traffic generated by visitor-serving uses: "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

[2] The County claims it complies with this requirement because "traffic associated with the rental use would be consistent with that of a typical residential dwelling." Attachment D, at 7. As described further below, this assertion is incorrect.

mitigated." BSLUP, Policy 4.1.3.C.2 (emphasis added). Yet, while the proposed Ordinance proposes to significantly increase the number of visitor-serving uses in Big Sur, the County's report contains *no* analysis of the anticipated impact to Highway 1 service capacity. This lack of analysis is a fundamental violation of the BSLUP.

Instead, the environmental analysis claims, without adequate support, that vacation rentals will result in no net increase in traffic when compared to the existing residential traffic. Categorical Exemption Report, Attachment D, at 7. This claim is again based on the dubious believe that vacation rentals are indistinguishable from residential uses. But this claim has been debunked. *See* Section II.

The County also notes that the Institute of Transportation Engineers ("ITE") trip generation report suggests that single-family detached housing generates 10 single trips per day, hotels generate 9 trips per room, and motels generate 6 trips per room. Categorical Exemption Report, at 13. Based on these generic assumptions, the County also claims that vacation rentals would not result in a net increase in trips. *Id.*

As the Plan notes (BSLUP, Section 5.1.4), however, residents must travel to the Monterey Peninsula to obtain most goods and services. Given the length of this trip, Big Sur residents typically plan their "trips to town," to obtain supplies and groceries as needed, usually 1-2 times per week. Based on the significant familiarity of the BSDC with the local community, Big Sur residents are *not* generating anywhere near 10 single trips per day.

The movement of vacation rental customers, however, is dramatically different. They behave as they would for a hotel/motel, going to see sights, out to meals, and so on. And as for hotel/motel rooms, trips are likely generated on a per bedroom basis—couples generally travel separately from one another, adding even more congestion.

The proposed Ordinance allows for Homestays and Limited STRs, with no limit on the number of days for Homestays. This would mean that Homestays could have up to 10 overnight visitors, and up to 15 persons during the day, 365 days/year. The allowance for Limited STRs would mean the residence could be rented four times per year, up to 30 days each time, for a total of 120 days per year of potential rental. These figures represent substantial use. When the realistic baseline of approximately one trip per day for Big Sur residents is compared to the trip generation rates for a hotel (9 trips **per room**), it is clear that short-term

rentals are likely to result in a significant net traffic increase that must be studied and mitigated before the proposed Ordinance can be approved.

In addition to the direct traffic impact, vacation rentals are also likely to cause a significant *indirect* traffic impact. As discussed above, the proposed Ordinance is likely to exacerbate the affordable housing shortage in Big Sur. Employees will be forced to commute from areas as far away as Salinas and Santa Cruz, adding congestion to Highway 1 and increasing vehicle miles traveled. This indirect increase in traffic must also be studied and mitigated before the proposed Ordinance can be approved.

Finally, the lack of recent available data on the levels of service in Big Sur and traffic congestion is unacceptable and does not provide a baseline for conducting environmental analysis of the proposed Ordinance.

F. The Proposed Ordinance Conflicts with Policies Requiring Careful Study of Public Safety Hazards.

As the County is well aware, the Big Sur area faces an unusually high concentration of potential public safety hazards. BSLUP, Section 1.2 (citing concerns over flooding, washouts, fire hazard, and road hazards). To address these concerns, the BSLUP requires that development proposals include a written assessment of the adequacy of access and fire protection. BSLUP, Policy 3.7.3.C.6.

However, the proposed Ordinance and accompanying report do not even address potential public safety issues, in violation of the BSLUP and its policies. This lack of analysis is surprising, given the very real public safety threats posed by increased intensity of use, particularly by visitors unfamiliar with the area. Narrow, windy roads with limited turnouts and unsafe widths and/or railings and the like are not suited for the traveling public. The safety hazards that vacation rentals would cause in areas unsuited for visitors increases the risks for death and inaccessibility of emergency vehicles during times of extreme need.

The BSLUP also designates certain areas—namely Otter Cove, Palo Colorado Canyon, Bixby Canyon, Sycamore Canyon, Pfeiffer Ridge, Coastlands, and Partington Ridge—as rural residential use. These areas are designated as such because they contain numerous comparatively small parcels, generally unsuitable for other kinds of development. BSLUP, Policy 5.4.3.G.2 (rural residential areas shall be protected from incompatible activities). These areas cannot safely support additional visitor traffic and are not designed for such use. Given the amount of natural disasters Big Sur has experienced in the past several years, from the

Soberanes Fire and subsequent landslides and road failures, this point cannot be overstated.

Big Sur is not meant for this type of visitation from persons not familiar with its terrain or hazards. There is often no additional parking available in areas where residences are located. Palo Colorado is a perfect example of this, and the road can easily be impassable during certain conditions. The locals who know how to properly pull out and watch for oncoming traffic have a difficult time as it is navigating the road's issues and intermittent visitor traffic, let alone the addition of numerous persons and vehicles who have no idea where they are stemming from vacation rentals. The hazards from adding vacation rentals will ultimately be increased for the long-term residents who actually live there year-round.

Finally, the BSDC is particularly concerned about the Ordinance's explicit allowance of "outdoor fire areas" associated with vacation rentals. E.g., Ordinance, § 7.110.040(C)(19). While the Ordinance includes some restrictions on their use, BSDC is concerned that this provision is inviting risky behavior by visitors that may be unfamiliar with the extreme fire hazards posed in Big Sur. The community is still recovering from the devastating Soberanes Fire, which was started by a visitor attempting to create a campfire. *See* https://www.latimes.com/local/lanow/la-me-ln-soberanes-fire-cause-campfire-20160802-snap-story.html. To the extent the Ordinance continues to allow vacation rentals in Big Sur at all, outdoor fire areas should be completely prohibited in this sensitive landscape.

IV. The County Incorrectly Proposes to Rely on Various CEQA Exemptions.

"CEQA embodies a central state policy to require state and local governmental entities to perform their duties 'so that major consideration is given to preventing environmental damage.'" *Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677, 711 (citing Pub. Resources Code § 21000(g)). As stated by the California Supreme Court, CEQA therefore requires an EIR "whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390. The term "project" is broadly defined as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" and includes activities "directly undertaken by any public agency." Pub. Resources Code § 21065.

Consequently, the County is obligated to comply with CEQA before it approves any proposed Ordinance. As the Ordinance certainly may have significant, adverse effects on the environment – including significant impacts related to traffic, public safety, and land use planning – CEQA requires the County to prepare an EIR for public review and comment. The fundamental purpose of this document will be to "provide [the County] and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428. This crucial report is necessary for the County to make an informed decision about the future of vacation rentals in the Big Sur area.

The County has thus far relied on three excuses to avoid completing any CEQA analysis. First, the County claims that the proposed Ordinance is not a "project" under CEQA Guidelines section 15060(c)(3) and 15378(A). Second, the County claims that the proposed Ordinance is covered by the commonsense exemption, alleging that there is "no possibility that the project may have a significant effect on the environment." CEQA Guidelines § 15061(b)(3). Finally, the County claims that the proposed Ordinance is categorically exempt pursuant to the existing facilities exemption (CEQA Guidelines section 15301). As explained further below, none of these exemptions have merit.

A. The Proposed Ordinance is a Project under CEQA.

The County claims that it need not complete any CEQA analysis because the proposed Ordinance is "not a project pursuant to Section 15060(c)(3) and 15378" and is therefore statutorily exempt. Categorical Exemption Report, at 8. The County's only explanation for the application of this exemption is that the proposed Ordinance allegedly "would not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." *Id.* at 8.

As demonstrated above, the proposed Ordinance is more than likely to result in both direct physical changes and reasonably foreseeable indirect physical changes in the environment. The easiest example is the proposed Ordinance's potential to increase congestion and traffic hazards on both Highway 1 and Big Sur's network of narrow, winding, and often private roads, as well as to increase the associated vehicle miles traveled, greenhouse gas emissions, and air pollution. As explained above, the County incorrectly relies on the ITE manual's generic assumption that single-family residential dwellings produce *ten* trips per day. But in Big Sur, where amenities are located far away and many residents are either

retired or work in their homes, the average trip generation rate for existing residences is far lower.

Thus, even if we assume that the County is correct that each vacation rental produces 6-9 trips per day (and not each *room* in the vacation rental), the proposed Ordinance will result in a significant increase in net trips that must be studied under CEQA.

The proposed Ordinance is also likely to result in a "reasonably foreseeable indirect impact" on traffic, congestion, and associated vehicle miles traveled, greenhouse gas emissions, and air pollution. As explained above, the proposed Ordinance is likely to result in conversion of existing affordable housing to short-term housing, despite the County's unsupported claim to the contrary. This will further exacerbate the housing crisis for Big Sur's hospitality workers, causing more and more of them to commute from the Monterey peninsula, Salinas, and even as far as Santa Cruz. This indirect impact—to both traffic and housing[3]—is again likely to be significant and must be studied under CEQA.

In addition, the proposed Ordinance is likely to result in increased public safety risks. Specifically, the proposed Ordinance will bring visitors unfamiliar with the Big Sur area and its hazards into rural, residential neighborhoods. Such visitors are more likely be inexperienced with the risks posed by wildland fire and are therefore more likely to inadvertently cause a fire to start. Exhibit F (stating that ninety-five percent of California's fires are caused by human activities). Visitors are also unfamiliar with the area and may put first responders and other community members at risk should the need to evacuate arise—either from fire, flood, or severe storms. Finally, visitors are not generally familiar with the network of narrow, winding, and occasionally ill-maintained private roads that must be traveled to reach vacation rentals; increased visitation poses traffic safety hazards that must be studied under CEQA. *See* CEQA Guidelines, App. G, § XVII(c), (d) (requiring study of hazards due to incompatible uses and emergency access).

As detailed extensively above, the proposed Ordinance is also likely to result in significant, unmitigable inconsistencies with the BSLUP. CEQA requires that

[3] CEQA requires an analysis of whether a proposed project would cause a displacement of "substantial numbers of existing people . . . , necessitating the construction of housing elsewhere." CEQA Guidelines, App. G, § XIV. Given the existing housing crisis throughout Monterey County, it is clear that displacement of Big Sur residents into other areas is likely to necessitate the construction of housing for these individuals.

lead agencies analyze the consistency of a project with applicable local plans, including Coastal Commission Approved land use plans. *See Napa Citizens for Honest Gov. v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 386-87; CEQA Guidelines, Appendix G, § X (b). Inconsistencies with an LUP or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in themselves. *See id.*; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 929. Consequently, the County is not permitted to rely on its faulty assumption that the proposed Ordinance is not a project—there is more than a reasonably possibility of both direct and indirect environmental impacts.

Even if the threatened environmental impacts were unclear, the County would still be incorrect in relying on a determination that the proposed zoning amendments are not a project. In *Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (200) 41 Cal.4th 372, the California Supreme Court held "That the enactment or amendment of a general plan is subject to environmental review under CEQA is well established." (2007) 41 Cal.4th 372, 385. The Court held that in determining if an agency action is a project, the Court must evaluate "whether the activity is of a general kind with which CEQA is concerned, *without regard to whether the activity will actually have environmental impact.*" *Id.* at 381 (emphasis added). Much like a general plan amendment, a zoning amendment is the general kind of activity with which CEQA is concerned. *See Rominger v. Cnty. of Colusa* (2014) 229 Cal.App.4th 690; *Rosenthal v. Bd. of Supervisors* (1975) 44 Cal.App.3d 815; Pub. Resources Code § 21080(a), CEQA Guidelines § 15378(a) (both recognizing zoning amendments as CEQA projects). For this reason, the County erred in determining that its proposed zoning amendments, which are substantial, are not a project under CEQA.[4]

B. The Commonsense Exemption Clearly Does Not Apply.

The County also claims that the proposed Ordinance is covered by the commonsense exemption, alleging that there is "no possibility that the project may have a significant effect on the environment." Categorical Exemption Report, at 8 (citing CEQA Guidelines § 15061(b)(3)).

To rely on the commonsense exemption, the County must demonstrate, *based on record evidence*, that *it is certain* that the activity *cannot* have a significant effect

[4] This question is currently being considered by the Supreme Court in *Union of Med. Marijuana Patients, Inc. v. City of San Diego* (No. S238563). Oral argument is scheduled for June 4, 2019.

on the environment. *Muzzy Ranch*, 41 Cal.4th at 388. While courts have recognized that the record evidence may be "appropriate to the CEQA stage in issue" (*id.*), the lead agency must have *some* substantial evidence to support its conclusions.

Here, the County offers no such evidence. Instead, it offers only the unsupported assertion that all vacation rentals will be indistinguishable from existing residential uses. It cites to no studies, analysis, evidence, or reports to support this conclusion, claiming only that the presence of a resident or operator on the property during the course of the vacation rental, or the designation of a property as a "principal residence," somehow makes the rental akin to a "residential" use. *E.g.*, Categorical Exemption Report at 12-14. But as explained above, the proposed Ordinance is still likely to result in potentially significant impacts related to traffic, VMT, greenhouse gas emissions, air quality, land use and public safety. For this reason, the commonsense exemption does not apply.

C. The Existing Facilities Exemption Is Inapplicable to Expanded Uses.

Guidelines section 15301's exemption for "existing facilities" applies only to activities involving "negligible or no expansion of existing or former use." The Guidelines indicate that this is the *key* consideration for determining whether the exemption applies. *Id*; *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 867.

Two cases demonstrate the inapplicability of section 15301 to the proposed Ordinance. In *County of Amador v. El Dorado County Water Agency*, the court held that the exemption was inapplicable to an ownership transfer for a hydroelectric project where the transfer was intended to permit consumptive use of an additional 17,000 acre-feet of water. (1999) 76 Cal.App.4th 931, 967. Because the purpose of the agency action was to change the focus of the project to allow increased use, it was not a "negligible" expansion. *Id.*

Likewise, in *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster*, the court held that the alteration of a site to operate a landfill did not qualify for an exemption under section 15301. (1997) 52 Cal.App.4th 1165, 1194. The court focused on the proper scope of such an exemption, holding that it applies only where the proposed activities create no reasonable possibility of a significant environmental effect. *Id.* Because the alteration of the site to accommodate 3.2 million tons of municipal solid waste may have a significant environmental effect, it could not be considered a minor or negligible change. *Id.*

These cases clarify that the proposed Ordinance—which calls for a substantial expansion of permitted vacation rental activity—cannot qualify for an exemption under section 15301. While the County has altered its opinion on the issue over the last two decades, it is clear that vacation rentals are not currently a permitted use under the BSLUP and the implemental plan. The proposed Ordinance would explicitly allow such uses, encouraging property owners to engage in a lucrative, and now legal, opportunity. The change in both intensity and character of use caused by allowing vacation rentals has been well recognized by the Courts. *See Greenfield*, 21 Cal.App.5th at 901.

Accordingly, the change in use proposed by the County would represent much more than a "negligible" expansion of current use. It is thus similar in magnitude to the increased water consumption in *County of Amador* and the waste disposal in *Azusa* found to require environmental review. Consequently, section 15301's exemption cannot be used here.

D. The Project Is Subject to Exceptions to the Existing Facilities Exemption.

Even if the County correctly determined that the proposed Ordinance is subject to the Existing Facilities exemption, the application of certain "exceptions" to the exemption (found in CEQA Guidelines § 15300.2(c)) prevent the County from moving forward without CEQA review.

1. Unusual Circumstances

Under CEQA, "a categorical exemption *shall not be used* for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA Guidelines § 15300.2(c) (emphasis added). Under California Supreme Court precedent, the potentially significant effect must be "due to unusual circumstances" for the exception to apply. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.

The County has a duty of evaluating "the entire record before it—including contrary evidence regarding significant environmental effects"—to determine "whether there is an usual circumstance that justifies removing the project from the exempt class." *Berkeley Hillside*, 60 Cal.4th at 1105. The County quickly dismissed the possibility of an unusual circumstance, noting only that vacation rentals would be in "existing, legally established residences" and subject to certain limitations to allegedly make them similar to residential uses.

However, the implementation of the proposed Ordinance in Big Sur presents numerous unusual circumstances that create the reasonable possibility of significant environmental effects. First, Big Sur already suffers from an unusual and extreme shortage of affordable housing. Local employees have long struggled to find adequate housing, and the loss of a significant number of residential units in the Basin Complex, Pfeiffer, and Soberanes fires have exacerbated the problem. The fragile environment and protective land use plan make construction of new residential units difficult, if not impossible. Because of these unusual circumstances, the proposed Ordinance is likely to lead to the significant displacement of existing Big Sur residents and the concomitant environmental impacts caused by longer commutes and additional congestion. This unusual circumstance prohibits the County from relying on the existing facilities exemption.

In addition, the limited and overtaxed transportation infrastructure in Big Sur is another unusual circumstance that creates the reasonable possibility of environmental harm. With the advent of social media and extreme popularity of Big Sur as a destination spot, this has been exacerbated tremendously. The following is a current description of Big Sur from the popular information source "Wikipedia":

> Redwood forests, hiking, beaches, and other recreational opportunities have made Big Sur a popular destination for about 7 million people who live within a day's drive and visitors from across the world. *The region receives about the same number of visitors as Yosemite National Park, but offers extremely limited bus service, few restrooms, and a narrow two-lane highway with few places to park alongside the road.* North-bound traffic during the peak summer season and holiday weekends is often backed up for about 20 miles (32 km) from Big Sur Village to Carmel.

(Sourced May 15, 2019, emphasis added). Highway 1 is already at its breaking point. Even if the proposed Ordinance generates only a modest increase in the number of trips generated at Big Sur residences, it is likely to result in significant congestion and traffic hazards. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 (noting that an impact is significant where a project adds additional stressors to an existing, serious problem).

Finally, the BSLUP itself is an unusual circumstance that creates the reasonable possibility of significant land use impacts. As described above, the BSLUP is unusually protective of affordable housing, transportation infrastructure, and rural residential uses. The presence of the restrictive "constitution" for future land use development makes it more likely that the proposed Ordinance creates a

conflict with existing land use plans. The Plan itself recognizes this issue, noting that "most projects will therefore not be eligible for the categorical exemption allowed under the California Environmental Quality Act." BSLUP, Policy 3.7.2.1.

For these reasons, the unusual circumstances exception to the exemption applies, and the County cannot proceed under the existing facilities exemption.

2. Scenic Highway Exemption

The CEQA Guidelines state that "a categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway." § 15300.2(d). Within the area covered by the BSLUP, Highway 1 is an officially designated state scenic highway. *See* http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. As such, the County must carefully consider whether the proposed Ordinance will impact scenic resources within this corridor.

Instead, the County rotely states that the Ordinance will not impact scenic highways because vacation rentals are limited to one per existing residentially developed parcel. Categorical Exemption Report, at 9. The report does not consider, however, the likelihood that increased traffic generated by vacation rentals (especially when compared to existing Big Sur residents) will exacerbate the existing damage being caused by over tourism in the Highway 1 corridor. Too many cars and people, coupled with a lack of adequate facilities, are causing damage to sensitive ecological resources near pullouts, increased social trails, graffiti and trash, and traffic congestion, all of which mar the scenic resources associated with Highway 1. The impact of adding even more cars and visitors to the existing situation is significant and must be studied and mitigated in adequate environmental review.

V. Conclusion

The BSDC is mindful of the fact that the California Coastal Commission has been pushing coastal jurisdictions to allow short-term rentals as a means of creating low-cost visitor serving accommodations. *E.g.*, December 6, 2016 Coastal Commission Memo re Short-Term/Vacation Rentals in the California Coastal Zone. However, the County is well within its prerogative to adopt a narrow exception to the Ordinance prohibiting all vacation rentals in Big Sur, for at least two reasons.

First, the assertion that vacation rentals in Big Sur provide *low-cost* visitor serving accommodations is dubious at best. A review of existing, illegal short-term rental offerings in Big Sur indicate that most listings average more than $200 per night, with *many* more than $1,000. To the extent the County is pressured to allow vacation rentals in Big Sur for this reason, they should be required to meet the certain lower cost criteria, similar to those found in the Coastal Commission's Lower Cost Coastal Accommodations Program.

Second, Coastal Commission staff has previously recognized that while the Coastal Act encourages development of visitor-serving uses, these *must* be balanced with other Coastal Act priorities. The competing priorities of the Coastal Act therefore require a "nuanced approach" to short-term rentals. *Lewis v. County of Monterey* (Cal. Ct. App., Jan. 25, 2019, No. H044252) 2019 WL 323666, at *2 (discussing 2016 Coastal Commission staff letter to County of Monterey). Banning short-term rentals in one small area of the County based on clear inconsistencies with the Coastal Commission-approved BSLUP would easily be categorized as a "nuanced approach" responsive to competing Coastal Act priorities.

The analysis above demonstrates why **Big Sur must be excluded from allowing any type of vacation rentals**. There are multiple reasons for this:

- The loss of community and affordable long-term housing stock for workers and residents
- Public safety hazards
- Land Use Incompatibilities
- Impacts to Highway 1 capacity
- Inconsistencies with the BSLUP and the existing LCP definition of "dwelling"

We are extremely concerned with the proposed Vacation Rental Ordinance and look forward to a response to this letter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Sara A. Clark

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Exhibits:
A – Overview letter from BSDC
B – Transcript of Planning Commission Testimony
C – Memo from Dr. Charles Lester
D – Coastal Commission Letter to Monterey County Board of Supervisors, November 1997
E – Collection of Articles re Short-Term Rental Impacts
F – Human Influence on California Fire Regimes, Syphard, A. D., V. C. Radeloff, J. E. Keeley, T. J. Hawbaker, M. K. Clayton, S. I. Stewart, and R. B. Hammer, Ecological Application 17:1388–1402, 2007

EXHIBIT A

September 4, 2015

ISSUE STATEMENT:

Should Short Term Rentals be permitted in the Big Sur Coast Planning Area?

BACKGROUND:

In the 1995-1999 period, commercial real estate interests sought to have Monterey County permit and regulate short term rentals in the county. In 1996, the Monterey County Planning Department concluded that a proposed ordinance to accomplish this goal would not have a significant effect on the environment and a negative declaration should be adopted. The following year, the Monterey County Board of Supervisors then adopted that ordinance to the Monterey County Coastal Implementation Plan requiring administrative permits for transient commercial use of residential properties for remuneration.

The ordinance was adopted in the face of widespread opposition from the locally affected communities, CoastWatch and the Big Sur Chamber of Commerce. Further, Monterey County did not conduct an environmental impact review prior to the adoption of the ordinance. Following its adoption, CoastWatch provided the county with an analysis of the negative impacts that short term rentals would have in the Big Sur Planning Area as a CEQA challenge.

Subsequently, the California Coastal Commission reviewed the ordinance and referred it back to Monterey County with the recommendation that it be reformulated to resolve inconsistencies so that it would not have to be a local coastal program amendment. In the ensuing period, no further action was taken by Monterey County to permit or regulate short term rentals in the coastal areas.

In recent years with the impact of the inexpensive and worldwide reach of internet marketing, changes in the larger economy and culture, and Monterey County code enforcement efforts limited to complaint-based actions, the number of short term rentals in the Big Sur Planning Area has greatly expanded and continues to grow in spite of their non-permitted status.

The negative impacts of the continued and rapid expansion of non-permitted commercial destination activity in residential neighborhoods are significant and cumulative as they further contribute to reducing the remaining capacity of Highway 1, the availability of affordable long term housing and the quality of life and special culture of the local community.

The prohibition of short term rentals in the Coastal Zone of Monterey County has done little to stop their rapid growth. The significant increase in short term rentals, coupled with the lack of effective enforcement, has demonstrated the need to bring Monterey County's current implementation policies into better alignment with the original intent of the Big Sur Coast Land Use Plan (LUP), approved by the California Coastal Commission in 1984 and certified by the California Coastal Commission in 1986.

DISCUSSION:

The Big Sur coast has been acknowledged throughout the world as a unique and special area of extraordinary environmental value, aesthetic beauty, and home to an exceptional and vibrant community whose culture and way of life are integral to protecting the environment and to enhancing the visitor experience. This widespread recognition resulted in local community and government efforts to protect the area and regulate the appropriate

uses of the land as early as the 1940's when the Monterey County Board of Supervisors went all the way to the United States Supreme Court to prohibit billboards along Highway 1.

Efforts to protect and manage the uses of the area continued with the development of the 1962 Big Sur Coast Master Plan and following the passage of the Coastal Act in 1972, the creation of local coastal programs. In 1975, the California Coastal Plan, which recognized that "The scenic Big Sur area is world-famous for its rugged beauty. Highway 1 from Carmel to San Simeon is a recreational area of national significance..." called for a Special Study Area of the Big Sur Coast from Carmel River to Cambria to resolve access issues, particularly the prioritization between recreational and residential use of the remaining capacity of Highway 1, and to establish preservation measures for the scenic landscape. (California Coastal Plan, pg. 233)

This ultimately led to the development of the Big Sur Coast Local Coastal Program including the Big Sur Coast LUP, a product of nine years effort to ensure the preservation of the area's wild beauty and opportunity for public access to the coast. Among the LUP's fundamental policies were to preserve the limited two-lane scenic highway capacity for the traveling public and prohibit development visible from Highway 1.

The California Public Resources Code (CPRC) provided guidance in crafting policies and guidelines in regard to the importance of protecting the scenic and visual qualities of the coastal areas (section 30251), defining development (section 30106), site capacity and intensity of use (sections 30106 and 30214), and ensuring natural resource protection (sections 30210 and 30240).

To achieve the goals of providing visual access for the public and preserving the environment, the policies of the LUP were designed to minimize or limit all destination activities. These residential, commercial and recreation destination activities were recognized as creating higher levels of traffic congestion, development activity, and impacts on the environment and public services than those associated with scenic driving. Therefore, the LUP guides land use away from destination activities and seeks to preserve remaining traffic capacity on Highway 1 for its use as a scenic highway which offers the greatest public access and reduced impacts on the environment and community.

Key results of the policies of the LUP and its implementation include the following: reduction of residential build-out by more than 90%, a cap on commercial transient occupancy build out to 300 additional units as of 1986, recreational build-out limited by strict environmental, visual, and public safety standards and the protection of the local community, its culture and critical role as guardians of the Big Sur coast.

Short term rentals represent a destination activity that is neither permitted by the LUP nor is it consistent with the goals of the LUP. They constitute additional negative and cumulative impacts in the following critical areas addressed by the LUP:

SCENIC HIGHWAY 1

> "California's last coastal wilderness, much of which was heretofore accessible only on foot and horseback, will have been penetrated at long last at a cost of nearly ten million dollars...this time and money was expended not for utility or commercialism, but for a thing of beauty." (Monterey Peninsula Herald, June 26, 1937)

The single most important public recreation facility along the Big Sur coast is Highway 1. America's first Scenic Highway, Highway 1 was built to provide not a transportation corridor, but a recreational experience. Travelling along Highway 1 has been the iconic Big Sur experience.

The Big Sur Coast Highway was declared the first State Scenic Highway in 1965. In 1996 it was designated the first All American Road under the Federal Highway Administration National Scenic Byways Program. Its role in providing affordable, readily available coastal access to millions of annual visitors is recognized in the LUP. The mandate to protect the quality of the recreational driving experience is likewise addressed in the LUP which recognizes that the traffic levels often exceed capacity (LUP 2.1, pg. 6, LUP 3.1, pg. 10, and LUP 6.1.3, pg. 118).

Management of the use and capacity of Highway 1 is essential to achieving the goals of the LUP to provide public access to the Big Sur Coast along this scenic route and the protection of the environment and quality of the visitor experience.

> "Monterey County's basic policy is to take a strong and active role in guiding future use and improvement of Highway 1 and all categories of land use related to and dependent on the highway. The County's purpose will be to maintain and enhance the highways' aesthetic beauty and to protect its primary function as a recreational route. The highway shall remain a two-lane road...." (LUP, 2.2.3, pg. 8)
>
> "A primary transportation objective of the Coastal Act is to maintain Highway 1 in rural areas as a scenic two-lane road and to reserve most remaining capacity for the priority uses of the Act. The limited capacity of Highway 1 to accommodate local and recreational traffic at a level that reserves reasonable service and emergency use and 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...." (LUP, 4.1, pg. 71)
>
> "A closely related issue is what can be done to effectively manage use levels of the highway between Carmel and Cambria, particularly as needed to protect the priority uses of the Coastal Act. This appears necessary to insure that acceptable service levels are preserved so that the highway can meet its essential functions as the sole transportation and emergency route up and down the coast, and as a safe, pleasurable scenic and recreational travel facility. (LUP, 4.1, pg. 71)
>
> "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 resources." (LUP, 5.4.2.9, pg. 95)
>
> "Big Sur has attained a worldwide reputation for spectacular beauty; sightseeing and scenic driving are the major recreational activities." (LUP, 1.2, pg. 2)
>
> "Maintenance of the quality of the natural experience along the Big Sur coast has precedence over the development of any permitted uses, whether residential, recreational, or commercial." (LUP, 2.3, pg. 10)

The conversion of long term housing to short term rental use increases the traffic impacts on Highway 1 both directly through increased trip demands by transient occupancy, and indirectly through displacing resident employees of public agencies and private employers, who must commute on Highway 1 to and from their work places from outside of the Big Sur Planning area.

The associated increase in traffic impacts on scenic Highway 1 is having a damaging effect on the natural resources of the Big Sur Planning Area, reduces the quality of the visitor experience and is limiting recreational opportunities and the required protections (CPRC 30210) of the natural resource areas from overuse.

LOW AND MODERATE INCOME HOUSING –

"The County is required by State Laws mandating the Housing Element of the General Plan, to provide programs to increase the availability of low and moderate income housing. The following policies which are based on the goals of the County Housing Element reflect those actions that will be most effective for the Big Sur Coast." (LUP, 5.4.3.I, pg. 106)

"The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason." (LUP, 5.4.3.I, 1, a, pg. 106)

Despite the above mandate, primary residences, caretaker units, guest houses, guest rooms and other structures have been converted to short term rentals, reducing the amount of affordable housing. This has impacted the public and private sectors of Big Sur, causing increasing numbers of employees to commute from the Monterey Peninsula and beyond where they can find affordable housing. The cost and time spent commuting, often an hour or more driving time each way, further limits the availability of qualified visitor serving employees for public agencies (United States Forest Service, California Department of Parks and Recreation, California Highway Patrol, Carmel Unified School District, Big Sur Unified School District, etc.) whose staff work in Big Sur. Equally impacted are those employees of the visitor serving private sector and community serving organizations such as the Big Sur Volunteer Fire Brigade and Big Sur Health Center.

COMMUNITY AND CULTURE –

Although the LUP clearly recognizes the importance of the Big Sur community and its contributions, the conversion of housing to short term rentals is reducing the availability of local housing. This conversion represents a change in the density or intensity of use of land, which is a function of development (CPRC 30106).

In addition, this reduction in housing directly affects all segments of the community that provide public access opportunities and needed public safety and support services attendant to that access. The loss of available housing in an area with a historically insufficient amount of housing limits the quantity and quality of available employees and residential opportunities for those who serve and complement the visitor experience.

> "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 protect the environment and enhance the visitor experience." (LUP, 2.1, pg. 6)
>
> "The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. Unlike the larger properties or commercial centers, they are not well suited for commercial agriculture, commercial, or visitor uses; use of these

areas, to the extent consistent with resource protection, should continue to be for residential purposes." (LUP, 5.1.1, pg. 81)

"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 resources." (LUP, 5.4.2.9, pg. 95)

CONCLUSION:

Short term rentals are neither permitted nor are they consistent with the letter and spirit of the LUP. Further, their exclusion as a permitted development in the Big Sur Planning Area must be supported with a successful enforcement effort. Each current and additional short term rental in the Big Sur Planning Area represents an additional increase in destination traffic impacts, a conversion of existing housing and the loss of long term community housing stock.

- The added transient visitor use resulting from short term rental conversions causes significant additional and cumulative destination traffic impacts on Highway 1, further reducing its capacity to provide for the priority scenic driving uses protected by the certified Big Sur Coast Land Use Plan.
- The vast majority of short term rentals, prior to their conversion, were affordable long term rentals. Their conversion represents a clear conflict with the county's responsibility under the LUP to protect existing affordable housing and the State General Plan law.
- The local community that is recognized in the LUP as a key resource for the public and responsible for the care and preservation of the Big Sur coast is comprised of property owners and tenants, with the majority being tenants. The loss of housing due to short term rental conversions thus has an overwhelming negative impact on the tenant portion of our community.

RECOMMENDATION:

The Big Sur Coast Planning Area should be excluded from any countywide ordinance permitting short term rentals and an appropriate enforcement mandate should be adopted to make this exclusion effective.

Respectfully submitted by Kirk Gafill on behalf of the Big Sur Local Coastal Program Defense Committee.

Kirk Gafill
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Big Sur, CA 93920
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APPENDIX #1 (Rev.1): Big Sur Coast Planning Area Public Facilities

The Big Sur Coast Planning Area covers 70 miles of steep coastal terrain and contains 600 residential parcels [a 90% lot reduction having been the result of the adoption and certification of the Big Sur Coast Land Use Plan (LUP)], and a population of 1,200 to 1,400 residents.

In addition to driving scenic Highway 1, public access facilities in the Big Sur Coast Planning Area include the following as estimated by the Big Sur Local Coastal Program Defense Committee:

- Hotels, motel, and cabins: 350 units (capped by the LUP at a maximum buildout of 550 units).
- Vehicle camp sites: 700
- Wilderness tent sites: 800
- Hiking trails: 350 miles
- Vehicle Day Use parking capacity: 1,500 vehicles
- Scenic pull out parking capacity on Highway 1: 1,900 vehicles

EXHIBIT B

CONGRESSMAN SAM FARR

PLANNING COMMISSION WORKSHOP

11.09.16

Good morning and thank you, I thank all of you for serving on the planning commission. It's a - sometimes a thankless duty but I'm proud in congress of always bragging about my district saying "We sell scenery here – not scenery to be occupied by housing and development but scenery to be looked at". And I consider the planning commission of Monterey County to be the Law Enforcement, the cops of scenery. Your attention to the aesthetics of how we do land use in this county is absolutely essential.

I got very involved in that, in developing the Local Coastal Plan when I was a county supervisor here back in the 1970s. That's when the state required that each jurisdiction along the coast – every county, city, port district, and so on – had to do an LCP. We spend years with the Big Sur community in developing that LCP and it was always balancing the needs of what the state act required - was to allow access to the coast, don't block it off. And in that, there was an issue of then, how do you do that? You do it in a day-use, through trails and things like that. You do it through overnight accommodations, obviously in the resorts that were already there. And into that we built the ability to plan out, I think, 3 or 4 more visitor serving accommodations. And we limited it to 40. And at the time that kept sort of the big developers out because the big names want big institutions – big hotels. So the Ventana's and The Post Ranch's had – well the Ventana had a little more because they got in under the Coastal Act, but the Post Ranch was built under that LCP and limited to 40 units. Of course, the price goes up. So the thought was so how do we provide then some access to low to moderate income people. And that is where we developed campgrounds and insisted that more campgrounds be built. And Ventana is a good example of that because for the people who can afford to stay inside they pay a big price and for the people that stay outside it's a much cheaper price – and that is what our Short Term Rentals are – it was always intended, the STR's were campsites, not accommodations and certainly not private homes.

Because in the whole development, and you know because you get these issues everyday – in the management of the sort of 72 miles of coastline which we're trying to protect for it's aesthetic reasons, and I have done all I can in politics to put it in wilderness, the maximum protection for the Forest Service and to work with Big Sur

Land Trust and others and how do we do scenic easements and things like that, all those things are in place. But still you're going to have with that many visitors coming, some um – accommodations for the workforce. Workforce is not short term. It's not cleaning up a house after somebody's rented it so you can get rented it so you can get ready for the next one. That is residential living. And I can tell you that the intent of the LCP was never, never, to allow STR's. In fact I don't think we ought to have STR's in any community in this county. I think we need to provide more overnight accommodations for low-income through camping sites and RV-sites and things like that, but certainly not to allow private homes to be used for STR's. That's where the residents and for the workforce and frankly, I wish if I had the ability to find people who don't stay – who buy a house and just leave it empty, to me they ought to pay an extra penalty for that, because they're not contributing to our community, they're not providing in the cities – they're not out there leading little league or helping Carmel Library Board or the Monterey Library, there's voluntary services that make up a sense of a community. So short term renters are never, never a part of the community – they're just a business. And to me, that is a mission-creek that's going on in Big Sur that was never intended. I think you as the cops of Big Sur ought to make sure that STR's are not allowed in that region. Thank you very much.

MONTEREY COUNTY

Board of Supervisors

Supervisor Dave Potter
Monterey County, Fifth District Supervisor

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November 9, 2016

Commissioner Cosme Padilla, Chair
Monterey County Planning Commission
168 W. Alisal Street
Salinas, CA 93906

Re: Support Letter for Prohibiting Short Term Rentals in the Big Sur Land Use Plan

Dear Chair Padilla,

For the last two decades, I have had the distinct honor and privilege of representing the Fifth District of the County of Monterey, dealing with many challenging issues. Without a doubt, the greatest challenge has been in the world of land use and protecting the world renowned county that we are all fortunate enough to call home. For the Fifth District, there is no community who has fought as hard as the Big Sur community to preserve and protect the balance between preservation of the coast, coastal access and retaining a vibrant community that lives and works in Big Sur. A critical component of this balance is retention of affordable housing stock, allowing employees to live close to their jobs, reducing trips on the constrained Highway One and ensuring that Big Sur remains a community of locals to provide stewardship of the coast for future generations and visitors.

The Big Sur Local Coastal Plan has a long history as a successful and community driven planning process that has ensured the protection of the unique environment of the Big Sur Coast. The Big Sur Land Use Plan was created with the work of the Big Sur residents, agency stakeholders, County Planning staff and Coastal Commission staff. This plan focuses on providing public access, affordable housing and preservation of the local community. The Big Sur Land Use Plan has a restricted number of visitor serving units to preserve the local affordable housing units and ensure a thriving business community. Between the hotel units and the variety of camping options currently available in Big Sur, visitors can choose the type of experience they would like to have in Big Sur, and there is no place in Monterey County with a greater ratio of visitor serving units to residents.

Short Term Rentals are having a dramatic impact on the affordable housing stock as nearly all of the STR's in Big Sur were once long term rentals. Since 2008, due to three wildfires over 160 homes have been lost, which has also had an overwhelming negative impact on the housing stock in Big Sur and it will take years to rebuild those homes. The current Land Use Advisory Committee has adopted language in their proposed update that explicitly prohibits Short Term Rentals in the Big Sur Planning Area, reiterating the importance of the goals and values of the original BSLCP.

There is no greater threat to the vibrancy of the Big Sur community than the issue of Short Term Rentals. As you direct staff to draft a short term rental ordinance, I strongly urge you to include a prohibition of Short Term Rentals in the Big Sur Planning Area. I ask that you stand with me as a staunch defender of the coast and the Big Sur community.

Sincerely,

Dave Potter

Dave Potter
Supervisor, Fifth District
County of Monterey

CC: All Planning Commissioners, Carl Holm and Melanie Beretti

EXHIBIT C

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).[1] 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.[2]

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

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[1] 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.

[2] *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.[3] 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.[4]

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)).[5] 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.[6]

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*

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[3] 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.

[4] CA PRC sections 30512-14.

[5] 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.

[6] 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.[7]

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.[8]

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:

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[7] BSLUP, pp. 64-5.

[8] 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.[9]

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.[10] Further, new visitor-serving and recreational development must specifically address impacts to Highway 1 service capacity, including potential land use conflicts.[11] 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.*[12]

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[9] BSLUP Policy 4.1.3C.

[10] 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.

[11] 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.*

[12] 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:[13]

> 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).[14] 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.[15]

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*

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[13] "No limitation is established in the plan for the number of campsites that could be developed." BSLUP, 82.

[14] 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.

[15] 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.*[16]

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.[17] The Commission's primary concern was the proper site density and related impacts for the project.[18] 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.[19] 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].[20]

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.*

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[16] BSLUP, p. 81.

[17] 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.

[18] The Commission was also concerned with the potential adverse precedent for the visitor-serving unit cap.

[19] 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".

[20] 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.*[21]

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.[22]

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.*[23]

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.[24] 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

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[21] BSLUP, p. 80.

[22] 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".

[23] BSLUP, p. 9.

[24] 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.[25]

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.*[26]

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.[27] The BSLUP also contains a general policy to prevent the conversion of affordable housing to other uses.[28] 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

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[25] See fn 8, California Coastal Commission, *Id.* (1977).

[26] BSLUP, p. 73.

[27] 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.

[28] 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.*[29]

[29] *Id.* fn 3.

EXHIBIT D

STATE OF CALIFORNIA – THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
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November 17, 1997

Simon Salinas, Chair
Monterey County Board of Supervisors
P.O. Box 1728
Salinas, CA 93902

RE: ***Transient Rental Ordinance***

Dear Mr. Salinas,

As you know coastal staff has been reviewing Monterey County's submittal regarding "transient rentals." We thank your staff for providing our office with the requested responses to our questions and follow-up information. Based on the responses, we have concluded that the County should consider reformulating the proposed ordinance, possibly in a manner so that it will no longer be a local coastal program amendment. We would like to give you an opportunity to consider the points raised in this letter before we schedule this matter for Coastal Commission action. Our concerns are with the appropriateness of a coastal permit for transient uses, the appropriateness of placing transient rental provisions in the local coastal program, and the internal consistency among County Code provisions.

We concur with the County's response that "transient rental" is not a category of "new development," as defined in the Coastal Act. We have previously taken such a position for other jurisdictions (Town of Mendocino LCP Amendment #1-92 findings) and the factual situation in Monterey County is similar, with the caveats discussed below. "Transient rental" of dwellings is not a new category of use nor an intensification of use. As such, a coastal development permit (which is limited under the Coastal Act to be a device to regulate only new development) is not an appropriate mechanism for regulating transient rentals. Although we understand that the County does not currently have a non-coastal administrative permit procedure for use in the coastal zone, we would suggest that the County establish one, just as it has a separate design review process. An "administrative permit for transient rentals," for example, could operate under all the same procedures as a coastal administrative permit, except those involving notice or appeals to the Coastal Commission. It would be preferable for the County to devise such a non-coastal permit mechanism rather than for the Coastal Commission to suggest one in a specific modification to a local coastal program amendment.

Because the subject matter should not be regulated by a coastal development permit, it need not even be part of the local coastal program. A "transient rental" ordinance could be placed in a part of the Monterey County Code other than Title 20. Once a provision is placed in the local coastal program (which currently includes all of Title 20), any revision will constitute a local coastal program amendment that the Commission must approve, no matter how trivial. One option, if the County decides to retain this ordinance as a part of the local coastal program, would be to add a provision allowing the Board of Supervisors to adopt by resolution (i.e., without the need for further amendment) areas where permits for transient uses shall not be granted or may only be granted in defined circumstances. This is because we understand that there have been discussions and suggestions subsequent to the ordinance's passage

concerning geographic limitations for the ordinance; again, such determination would more appropriately fall under the Board's purview.

There is one caveat to the above points that may need to be resolved by a local coastal program amendment. Section 20.06.360 of the certified Local Coastal Program states that "dwelling means a structure or portion thereof designed for or occupied **exclusively for non-transient residential purposes** including one family and multiple family dwellings, but not including hotels, motels, boarding or lodging houses or other transient occupancy facilities." (emphasis added) This definition was approved as part of Local Coastal Program Major amendment # 1-95; the previously certified version did not contain the clause in bold. Therefore, if the County wanted to allow transient rentals of dwellings, it should propose a local coastal program amendment to revise this definition. An alternative, is to retain the definition and deem "dwellings designed for or occupied for transient use" as a separate use, although this approach is contrary to County's responses. If the County chooses this option, then not only would the submittal be a local coastal program amendment, it would have to be revised to list "dwellings designed for or occupied for transient use" as separate categories of allowed uses under each the zoning district regulation where it is desired to be allowed.

A related caveat is that "transient rental use of residential property" is proposed to be defined to include use "for bed and breakfast, hostel, hotel, inn, lodging, motel, or resort uses" (in addition to other transient lodging uses). These other types of uses are separately defined in the Code and would need to be separately permitted by a coastal development permit as new development; i.e., a bed and breakfast, for example, is distinct from a dwelling use. If the criteria contained in the proposed ordinance are also meant to apply to these other types of visitor uses, the ordinance should be revised to explicitly state this. However, a reading of the proposed regulations reveals that most should not be applicable to other visitor facilities (e.g., hotels should obviously not be required to have minimum seven day stays). Thus, the proposed definition should be reworded to distinguish transient rental use of dwellings from hotels, bed and breakfasts, etc.

In conclusion our review has uncovered problems with how the transient rental proposal has been structured. Were the subject matter totally and clearly in the Commission purview, then we could simply prepare a staff recommendation to deny the submittal and suggest modifications that would correct the deficiencies and result in approval. However, given the options we have identified to craft the ordinance in a different matter, we would like to offer you the opportunity to revisit the submittal before it is filed. We would like your response as to whether the County wishes to take this opportunity within the next two weeks. If the County answers affirmatively, we will hold the submittal pending further action on your part to either amend or withdraw it. We look forward to hearing from you. If you have any questions, please contact me or Rick Hyman, the planner assigned to this project.

Sincerely,

Charles Lester
District Manager
Central Coast Area Office

cc: Dan Chance, County Planning Department
Randy Meyenberg, Noland, Hamerly, Etienne & Hoss

EXHIBIT E

How Airbnb Short-Term Rentals Exacerbate Los Angeles's Affordable Housing Crisis: Analysis and Policy Recommendations

*Dayne Lee**

I. Introduction

Los Angeles, California, is in the midst of an affordable housing crisis. Rents have increased by 7.3% in 2014 alone, and the median renting household already spends 47% of its income on housing.[1] This crisis has added fuel to the contentious debate over Airbnb, a startup technology company that facilitates short-term rentals (STRs) of residential homes to tourists. Whereas Airbnb and its users tout its positive effects on tourism, cultural exchange, and the environment, its critics contend that Airbnb harms neighborhoods, distorts the housing market, undermines labor unions, and exacerbates Los Angeles's affordable housing crisis. In regulating Airbnb, policymakers seek to curb Airbnb's impacts on neighborhood character and housing while harnessing the economic activity it brings.[2]

Employing legal, statistical, and secondary source analysis, this article explores how STRs affect the price and aggregate supply of affordable housing rentals in Los Angeles, and how municipal policymakers can best regulate Airbnb. In Section I, I briefly outline the contours of Los Angeles's affordable housing crisis, and describe Airbnb and its growth in Los Angeles. The topics of Section II are the effects that STRs have on rents and Los Angeles's aggregate supply of affordable housing. Section III of this article analyzes how and to what extent Airbnb leads to displacement, gentrification, and segregation in Los Angeles's residential neighborhoods. In Section IV, I assess strategies, regulations, and policies that municipal policymakers and stakeholders can use to regulate Airbnb. Finally, in the Conclusion, I recommend a set of regulations, taxes, and community-benefits agreements that will force Airbnb to be a partner that promotes, rather than impedes, the goals of affordable housing advocates.

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* J.D. Candidate, Harvard Law School (expected 2017). The author gratefully acknowledges professors Rick Su and Esme Caramello, as well as Eloise Lawrence for their advice regarding this article. He thanks the dedicated *Harvard Law & Policy Review* editors for their thoughtful editing and comments.

[1] *See Los Angeles Home Prices & Values*, Zillow (Sept. 30, 2015), http://www.zillow.com/los-angeles-ca/home-values/ [http://perma.cc/J82K-A3F3]; Rosalie Ray et al., *Impacts of the Widening Divide: Los Angeles at the Forefront of the Rent Burden Crisis*, UCLA Luskin School of Public Affairs Center for the Study of Inequality, Sept. 2014, at 8, http://issuu.com/csiucla/docs/ziman_2014-08w/1 [http://perma.cc/P4GH-KFHW].

[2] *See, e.g.*, Steven Leigh Morris, *Airbnb is Infuriating the Neighbors. Is it Time for New Rules?*, Los Angeles Weekly (Jan. 22, 2015), http://www.laweekly.com/news/airbnb-is-infuriating-the-neighbors-is-it-time-for-new-rules-5343663 [http://perma.cc/4JG2-KAJM].

Airbnb likely reduces the affordable housing supply by distorting the housing market in two interconnected mechanisms. The first such mechanism is one of simple conversion: any housing unit that was previously occupied by a city resident, but is now listed on Airbnb year round, is a unit that has been removed from the rental market and has essentially been added to Los Angeles's supply of hotel rooms. This leads to a real, but likely mild, increase in citywide rents, an effect that is concentrated in affluent or gentrifying neighborhoods along the city's central core. More disconcertingly, conversion reduces Los Angeles's already-limited supply of affordable housing. The second mechanism is "hotelization." So long as a property owner or leaseholder can rent out a room on Airbnb for cheaper than the price of a hotel room, while earning a substantial premium over the residential market or rent-controlled rent, there is an overpowering incentive to list each unit in a building on Airbnb rather than rent to Los Angeles residents, thereby creating "cottage hotels." This decreases the supply of housing and spurs displacement, gentrification, and segregation.

These two mechanisms distort the rental housing market, which traditionally does not overlap with the hospitality sector. Tourists stay in hotels that are specifically permitted for and developed in commercially zoned neighborhoods. Residential housing is zoned and built through a wholly different process. Airbnb facilitates the inappropriate merging of the residential and tourist markets on an unprecedented scale, and unlike with a shortage of, say, shoes or oranges, neither the market nor the public sector can swiftly replace the housing units that Airbnb removes from the marketplace. Thus, city officials regulating Airbnb—and regulating STRs generally—must address conversion and hotelization head on.

As detailed in Section IV and the conclusion of this article, policymakers should pursue targeted bans and regulations that discourage conversion and hotelization. A simple tax on STRs alone will likely be insufficient to fund the replacement of converted units, and may serve to further incentivize hotelization. In exchange for Airbnb's cooperation with enforcement, city officials could allow Airbnb to participate directly in expanding the hospitality market.

A. Background: Los Angeles's Affordable Housing Crisis

Los Angeles, California, has become America's least affordable rental housing market. In 2014, the average renter in Los Angeles County[3] paid

[3] Los Angeles is a city located within the County of Los Angeles, California. Approximately one-third of Los Angeles County residents live within Los Angeles. Unless stated otherwise, the statistics and neighborhoods referenced in this article refer to the city of Los Angeles, not the overall county. County-wide statistics are used as they are here when city-specific statistics are unavailable.

$1,716 per month.[4] And within the city, where most residents rent, the median renting household earned less than $40,000 and spent 47% of its income on housing.[5] One in two middle-income families and nine in ten families from the bottom income quintile are rent burdened, spending at least 30% of their income on rent.[6]

The city's affordability crisis has developed because of declining real wages, population growth, and zoning policies that favor single-family and luxury housing.[7] The foreclosure crisis of 2010 exacerbated the affordability crisis by pushing over 100,000 former homeowners into the rental market.[8] At the same time, wealthier residents repopulated the city core, rapidly gentrifying low-income immigrant enclaves such as Chinatown and Highland Park.[9] As a result, rents increased by 7.3% in 2014 alone.[10] Over the past decade, 143,000 market-rate apartments that were once "affordable" (meaning that rent constituted 30% or less of a resident's monthly income) to families earning under $44,000 per year became unaffordable.[11]

Los Angeles's public housing infrastructure is ill equipped to protect low-income renters. Experts consider the city's Rent Stabilization Ordinance (RSO) to be weaker than comparable regulations in San Francisco or New York, largely because its 3% cap on annual rent increases does not apply to units built after 1978, and because it does not prevent landlords from exceeding the cap in between tenancies.[12] California's Ellis Act exempts from local rent control provisions landlords who purchase a rent-controlled unit from a prior owner, provided that the prior owner is selling in order to exit the business.[13] As neighborhoods gentrify, evictions of RSO-protected tenants rose by 235% in 2014 as landlords sold their protected units to commercial developers, who are in turn exempted from rent control obligations

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[4] Richard K. Green et al., *2014 USC Casden Multifamily Forecast*, USC Lusk Center for Real Estate, Feb. 2014, at 12, http://lusk.usc.edu/sites/default/files/2014-USC-Casden-Multifamily-Forecast.pdf [http://perma.cc/AM24-EN57].

[5] Ray, *supra* note 1, at 8.

[6] *Id.* at 9 (citing US Census American Community Survey data from 2009–2011).

[7] *Id.* at 6, 13.

[8] *How Los Angeles County's Housing Market Is Failing to Meet the Needs of Low-Income Families*, California Housing Partnership Coalition Report, May 2014, at 2, http://www.chpc.net/dnld/Housing_Need_LA_Final_060414.pdf [http://perma.cc/7BVZ-TCXT].

[9] *See, e.g.*, *York & Fig*, American Public Media (2014), http://yorkandfig.com [http://perma.cc/UYK9-RA46]; *see also infra* Fig. 2.

[10] *See* Zillow, *supra* note 1.

[11] Ray, *supra* note 1, at 8 (acknowledging that the authors' affordability benchmark is 30% of income).

[12] *See Economic Study of the Rent Stabilization Ordinance and the Los Angeles Housing Market*, Los Angeles Housing Department, 2009, at 8–9; *see also* Ben Bergman, *Has Rent Control Been Successful in Los Angeles?*, Southern California Public Radio, (Sept. 12, 2014), http://www.scpr.org/news/2014/09/12/45988/la-rent-has-rent-control-been-successful-in-los-an/ [http://perma.cc/H5G3-P24R].

[13] California Ellis Act of 1985, Cal. Gov't Code § 7060.7 (West).

pursuant to the Ellis Act.[14] Meanwhile, the Section 8 voucher waitlist has been closed for nearly a decade due to limited funding.[15]

City officials have been similarly unable to increase the stock of affordable housing. Since 2006, the city has been able to build only a fifth of the 5,300 affordable units that Los Angeles needed to add each year.[16] This is largely because funding has plummeted; the Los Angeles Affordable Housing Trust Fund fell from $100 million in 2008 to just $19 million in 2015, while $1.7 billion in state funds have been cut from the California Redevelopment Agency and the Community Development Block Grant program.[17] For renters, an affordability crisis is the downside to Los Angeles's ubiquitous *taquerias*, Korean barbeque restaurants, and perennial beautiful weather.

B. Airbnb and the Short-term Rental (STR) Phenomenon

Los Angeles's affordability crisis has developed alongside the transformation of its tourism sector by STRs—rentals of entire apartments to tourists for fewer than thirty days—arranged through Airbnb. A pair of art students founded Airbnb in 2008 to help travelers bypass expensive hotels and gain local experiences by "couch surfing" with strangers.[18] Tourists use the Airbnb website or mobile application to browse and reserve accommodations in a city or neighborhood of their choice; instead of staying at a hotel or motel, a tourist can "couch surf" with, or rent an empty apartment from, a stranger in another city during their vacation.

For "hosts," Airbnb is a platform through which apartment owners or lease-holders can rent out anything from a spare living room couch to entire apartment units, with Airbnb collecting "host service"[19] and "guest service" fees from each transaction.[20] On its platform, Airbnb allows both hosts and tourists to exchange pictures of the units, "review" apartments and guests on a five-star system, communicate privately, and securely exchange money.

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[14] Leo Duran, *Ellis Act Evictions in L.A. on the Rise*, Southern California Public Radio (Apr. 24, 2015), http://www.scpr.org/news/2015/04/24/51256/ellis-act-evictions-in-l-a-on-the-rise/ [http://perma.cc/N8XZ-ZAEY] (describing how the Ellis Act allows rent-controlled properties to be sold to commercial developers).

[15] Ray, *supra* note 1, at 13.

[16] *Id.*

[17] Ben Bergman, *Garcetti Wants Airbnb to Help Solve L.A.'s Affordability Crisis*, Southern California Public Radio, Apr. 16, 2015, http://www.scpr.org/news/2015/04/16/51042/garcetti-wants-airbnb-to-help-solve-la-s-affordabi/ [http://perma.cc/EW8J-L7NC]; California Housing Partnership Coalition Report, *supra* note 8.

[18] Jessica Pressler, *The Dumbest Person in Your Building is Passing Out Keys to Your Front Door! The War over Airbnb Gets Personal*, New York Magazine (Sept. 23, 2014), http://nymag.com/news/features/airbnb-in-new-york-debate-2014-9/ [http://perma.cc/4ZYV-CMRX].

[19] *What are Host Service Fees?*, Airbnb, https://www.airbnb.com/help/article/63/what-are-host-service-fees [http://perma.cc/Q24Q-7AMJ].

[20] Brittany McNamara, *Airbnb: A Not So Safe Resting Place*, 13 Colo. Tech. L.J. 149, 151 (2015).

Now worth thirteen billion dollars, Airbnb is among the most lucrative poster-children of the so-called "sharing economy," in which technology companies circumvent business regulations and well-established competitors by facilitating direct, peer-to-peer exchanges of goods and services.[21] Similar cottage-scale rentals have been possible since the dawn of the Internet, but Airbnb's unique success stems from its secure and exceptionally well-designed website, and from its users' positive experiences.

Airbnb has transformed Los Angeles's hospitality industry. In 2014, Los Angeles city residents listed 11,401 units on Airbnb, including 7,316 whole-unit STRs.[22] By comparison, Los Angeles has 97,000 hotel rooms, though these are dispersed throughout the county.[23] Approximately 135,000 of the forty-five million tourists to visit the city in 2014 stayed in an Airbnb unit.[24]

Airbnb reports that in 2014, it generated $314 million in economic activity in Los Angeles, and that by redistributing revenue from corporate hotels, it helps everyday *Angelenos* cope with rising rents and economic instability.[25] Airbnb touts its positive effects on cultural exchange, and 37% of surveyed guests state that they would not have been able to travel to Los Angeles for as long a period of time without the service.[26] Finally, Airbnb presents home-sharing as a sustainable, energy-efficient, and environmentally conscious alternative to hotels.[27]

But criticism of Airbnb's business practices has mounted at a rapid pace. The Venice Neighborhood Council contends that STRs are illegal because they blatantly violate zoning codes banning sub-thirty-day rentals in residential or multifamily zones.[28] Hosts' neighbors allege that rowdy tourists undermine public safety.[29] And unions and hotels complain that Airbnb unfairly competes with hotels by avoiding occupancy taxes and zoning laws, skirting public health regulations, and undercutting unionized hotel workers by connecting its hosts with independently contracted cleaners.[30]

Los Angeles's "Airbnb economy" does not match the idyllic image Airbnb promotes, in which artistic, young professionals couch surf from Los

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[21] Molly Cohen & Corey Zehngebot, *What's Old Becomes New: Regulating the Sharing Economy*, Boston Bar Journal (Apr. 1, 2014), http://bostonbarjournal.com/2014/04/01/whats-old-becomes-new-regulating-the-sharing-economy [http://perma.cc/NN7V-HPU2].

[22] Roy Samaan, *Airbnb, Rising Rent, and the Housing Crisis in Los Angeles*, LAANE (Mar. 2015), http://www.laane.org/wp-content/uploads/2015/03/AirBnB-Final.pdf [http://perma.cc/MTJ4-DLJA].

[23] Hugo Martin, *Lacking Sufficient Lodging, L.A. Tourism Growth*, L.A. Times (Apr. 13, 2014), http://www.latimes.com/business/la-fi-tourism-wars-20140423-story.html [http://perma.cc/5CZ6-G25J].

[24] David Owens, *Positive Impact of Home Sharing in Los Angeles*, Airbnb (Dec. 4, 2014), http://publicpolicy.airbnb.com/positive-impacts-home-sharing-los-angeles/ [http://perma.cc/B4W3-LCTL].

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] Morris, *supra* note 2.

[29] *Id.*

[30] Samaan, *supra* note 22, at 15, 22–26.

Angeles to New York to Madrid, exchanging apartments through Airbnb with their fellow travelers. In practice, 64% of Airbnb listings in Los Angeles are for STRs of units that are never occupied by their owners or leaseholders, and operate year-round essentially as independent, unlicensed hotel rooms.[31] Chances are, an apartment booked through the service is managed by a full-time investor or company that also owns or leases dozens of other Airbnb listings.[32] Such companies contract in bulk with decorators and cleaners, manage reservations, and negotiate above-market rent leases with building landlords in exchange for the privilege of renting units out on Airbnb.[33]

Airbnb's emergence has significant political and policy implications for Los Angeles's tourism sector, sustainability efforts, and labor movement. As a bona fide cultural phenomenon, Airbnb has galvanized opposition among neighborhood organizations, labor unions, and affordable housing advocates. Yet it has also mobilized a groundswell of support from hosts and guests alike. The narrow focus of this article, however, is the effects that Airbnb STRs have on Los Angeles's affordable housing market.

II. Airbnb Increases Rents, Incentivizes Hotelization, and Reduces the Affordable Housing Stock

An Airbnb-affiliated economist claims that Airbnb is a scapegoat for broader economic trends in Los Angeles, and that it has increased monthly rents by just six dollars over five years.[34] Rental pricing is certainly a complicated topic, but there is a simple underlying dynamic between STRs and the rental market. Tourists and renters are non-overlapping populations with different needs, traditionally served by non-overlapping markets. But because 64% of its listings are STRs for tourists, Airbnb brings an increasing number of the forty-five million tourists who visit Los Angeles each year into direct competition with renters, distorting the housing market.[35]

Each apartment or home listed year-round on Airbnb is a home that has been removed from the residential housing market and added to the city's aggregate stock of hotel rooms; I label this phenomenon "conversion." So long as a property owner or leaseholder can earn a substantial premium from Airbnb rather than renting to city residents, there is an overpowering incentive to "hotelize" entire buildings, further reducing the aggregate housing

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[31] *Id.* at 8.

[32] Adrian Kudler, *Meet LA's Most Prolific Airbnb Host with 78 Units for Rent*, Curbed LA (Mar. 12, 2015), http://la.curbed.com/archives/2015/03/airbnb_los_angeles_most_prolific_host_ghc.php [http://perma.cc/4WMD-7MXH].

[33] *Id.*

[34] Kristen Lepore, *Apartment Conversions to Airbnb Hotels Driving Up LA Rents, Critics Say*, Southern California Public Radio (Mar. 16, 2015), http://www.scpr.org/news/2015/03/16/50321/are-apartment-conversions-to-airbnb-hotels-driving/ [http://perma.cc/PF4S-KBST].

[35] Bergman, *Garcetti Wants Airbnb to Help Solve L.A.'s Affordability Crisis*, *supra* note 17.

stock. Compounding these market distortions, neither the market nor the public sector can swiftly replenish the housing stock, given the time, cost, and legal barriers to developing affordable housing in Los Angeles. In light of this basic dynamic, the following sections detail how this market-mixing function raises rents and reduces the supply of affordable housing in Los Angeles.

A. Airbnb Increases Rents in Neighborhoods with a High Density of Airbnb Listings

Airbnb listings are concentrated in just seven of the city's densest, most expensive neighborhoods: Venice, Downtown, Miracle Mile, Hollywood, Hollywood Hills, Echo Park, and Silver Lake.[36] These tourist destinations account for nearly half of Airbnb listings, and 69% of all Airbnb-generated revenue in Los Angeles.[37] In 2014, rents in these neighborhoods were 20% higher, and increased 33% faster, than rents citywide.[38]

[36] Kudler, *supra* note 32.
[37] *Id.*
[38] *Id.*

FIGURE 1:
RENTAL HOUSING AVAILABILITY IN TOP 7 AIRBNB NEIGHBORHOODS[39]

Neighborhood	Population (2010)	% of Residents that Rent	Renters (Estimate)	Avg. Household Size	Vacancy Rate	Total Units (Estimate)[40]	Airbnb Whole Unit Listings
Venice	40,885	68.80%	28,128	1.9	4%	15,422	882
Downtown	34,811	93.40%	32,413	1.6	4%	21,168	220
Miracle Mile	6,197	59%	3,656	2.5	3%	1,508	543[41]
Hollywood	85,489	92.40%	78,992	2.1	3.50%	38,979	646
Hollywood Hills	22,988	46.50%	10,689	1.8	3.50%	7,154	315
Echo Park	43,832	76%	10,689	3	3.50%	11,507	230
Silver Lake	32,890	64.30%	21,148	2.3	3.50%	9,528	268
Totals	**267,092**	**78.04%**	**208,440**			**104,266**	**3,104**

[39] Top cities and vacancy rates are from Samaan, *supra* note 22, at 18. Population and household data are from *Mapping L.A. Neighborhoods*, L.A. TIMES, http://maps.latimes.com/neighborhoods/ [http://perma.cc/U3XF-FRUM].

[40] Estimate: *(Estimated Renters / Household Size) / (1 – Vacancy Rate).*

[41] Miracle Mile STRs estimated from *(total units) x (LA average whole unit STR %).*

Figure 1 shows that 3,104 whole-units are listed on Airbnb in these neighborhoods, which have a rental stock of 104,265 units.[42] To the extent that whole-unit STRs are listed throughout the year, as much as 3% of the apartments in these districts—which have a low 3.5% vacancy rate—have been removed from the market and converted to tourist accommodations. This distortion is particularly acute in beachside Venice, where, according to one study, 12.5% of the neighborhood's apartments are listed on Airbnb.[43]

In tight housing markets with near-zero vacancy rates, a sudden reduction in supply naturally increases rents, particularly because neither the market nor the public sector can swiftly add to the housing stock. Unlike with most commodities, a shortage in housing supply cannot be ameliorated by importing or quickly building additional units. Assuming that a given neighborhood permits and can physically accommodate the construction of new housing, building an average unit of rental housing in Los Angeles requires an investment of $315,000, three years just for permitting, and additional time for construction.[44] Thus, a sudden removal of between 3% and 12.5% of a neighborhood's housing stock constitutes a supply shock.

The price effect of a supply shock in Los Angeles is compounded by annual increases in residential demand, and by the upward pressure that the allure of STR profits puts on property values, which in turn affect property taxes and rents. Even under a simple economic model holding the demand for rental housing constant against a relatively flat supply curve that has a price-elasticity coefficient of 0.200, each 1% decrease in supply would lead to a 0.2% rent increase.[45] Under this model, the rent on a $2,680 one-bedroom apartment in Venice would increase by an additional sixty-seven dollars per month from the reduction in local supply alone.[46]

In addition to a supply-related rent increase, the market could be affected by demand pressures from the allure of STR profits, and from acceler-

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[42] Estimated using household size data from *Mapping L.A. Neighborhoods*, *supra* note 39.

[43] Samaan, *supra* note 22, at 3. Like the Samaan report, Section II.A of this article assumes that whole-unit listings are listed year-round on Airbnb. However, it is likely that the whole-unit STR figures cited from the Samaan report include some housing units that are in fact occupied by the owner or leaseholder for most of the year, and are not listed year-round on the service. Such units are not removed from the residential housing market.

[44] Cost per unit from California Department of Housing and Community Development, see *Affordable Housing Cost Study: Analysis of the Factors that Influence the Cost of Building Multi-family Affordable Housing in California*, CAL. DEP'T OF HOUS. & CMTY. DEV. ET AL. 32 (2014), http://www.hcd.ca.gov/housing-policy-development/docs/finalaffordablehousingcoststudyreport-with-coverv2.pdf [http://perma.cc/A98W-WG6T] [hereinafter *Affordable Hosuing Cost Study*]. *See also* Ben Bergman, *LA Rent Crisis: Why Aren't There More Affordable Apartments?*, SOUTHERN CALIFORNIA PUBLIC RADIO (June 12, 2014), http://www.scpr.org/blogs/economy/2014/06/12/16821/la-rent-crisis-why-aren-t-there-more-affordable-ap/ [http://perma.cc/6N8L-Q3UE].

[45] *See, e.g.*, John M. Quigley & Steven Raphael, *Regulation and the High Cost of Housing in California* 26 (Berkeley Program on Housing & Urban Policy, Working Paper No. W04-008, 2004) (finding that the price elasticity coefficient to supply is .360 for non-rent controlled rental markets). A regression analysis would be needed to specifically determine the Los Angeles housing market's price elasticity.

[46] *See Venice Home Prices & Values*, ZILLOW, http://www.zillow.com/venice-los-angeles-ca/home-values/ [http://perma.cc/87J8-3TJE].

ated inflation at the tail-end of the distribution in a housing market with near-zero vacancies. Put simply, a renter in an Airbnb-saturated neighborhood seeking to occupy one of the handful of available apartments is no longer bidding against the local residential rent price, but is instead bidding against the extra profit that STRs can bring.

By incentivizing the conversion of residential units to tourist housing, Airbnb causes a small, but notable, increase in citywide rents. In the neighborhoods with the greatest concentration of Airbnb listings, this rent-increasing effect is much greater; Airbnb accounts for a significant portion of the accelerated rent inflation seen in neighborhoods such as Venice and Silver Lake.

B. Airbnb Reduces Supply by Encouraging Illegal Conversion, Hotelization, and Evictions

In addition to causing a small increase in rents, Airbnb substantially reduces Los Angeles's aggregate supply of housing. Thus, as residents bid for a smaller number of available units, an increasing number of residents are priced out of their neighborhoods, or even the city, entirely. The phenomenon of "hotelization" accelerates this process. Airbnb creates a strong incentive for property owners and renters to permanently "hotelize" entire buildings by renting each unit to tourists through Airbnb rather than finding long-term tenants. This reduces the housing supply, and places demand-side pressure on Los Angeles's dwindling stocks of subsidized and unsubsidized affordable housing.

Although Airbnb claims that it mostly provides middle-class renters and homeowners with supplemental income, it generates 89% of its revenue in Los Angeles from whole-unit STRs without on-site hosts.[47] To the extent that such units are listed on Airbnb year-round, these figures suggest that Airbnb's business model is based on encouraging hotelization and evictions, not on helping renters lease out spare rooms to make ends meet.[48] Although it is unclear what percentage of full-time Airbnb listings whole-building "hotels" constitute, news reports paint a vivid portrait of the hotelization phenomena in action.

Entrepreneurs approach landlords in popular neighborhoods expressing their intent to list rental units year-round on Airbnb.[49] Investors in Silver Lake and Venice have also bought homes and apartments for this purpose.[50] In the Ellison Suites building in Venice, where the average monthly rent is $1,500, one woman rents fourteen units and lists them on Airbnb for $200

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[47] Samaan, *supra* note 22, at 9.

[48] The rental of spare bedrooms may also distort the housing market by pushing up prices.

[49] Tim Logan, Emily Alpert Reyes & Ben Poston, *Airbnb and Other Short-term Rentals Worsen Housing Shortage, Critics Say*, L.A. Times (Mar. 11, 2015), http://www.latimes.com/business/realestate/la-fi-airbnb-housing-market-20150311-story.html [http://perma.cc/48BR-CRFN].

[50] Morris, *supra* note 2.

per night, for a monthly profit of up to $63,000.[51] When investors turn entire residential buildings into unlicensed cottage hotels, their Airbnb listings are doubly illegal. First, residential neighborhoods prohibit the rental of apartments for fewer than thirty days. Second, these investors do not obtain zoning licenses or hotel permits, do not purchase hotelier's insurance, and do not follow the myriad city regulations that govern hotels.

Landlords have joined the gold rush: one landlord in Venice converted ten of his building's thirty units into Airbnb listings, though he says that his rentals are legal because the units are leased for more than thirty days at a time.[52] Furthermore, according to local activists, Ellis Act evictions have increased the most in the very neighborhoods where Airbnb listings are concentrated, "in a 'Nike' swoosh shape across Los Angeles . . . from Venice, cut through Hollywood and Koreatown, and encompass[ing] parts of Silver Lake and Echo Park."[53]

C. Airbnb Likely Leads to a Citywide Reduction in Affordable Housing

Housing advocates believe that Los Angeles needs 490,340 more affordable homes,[54] and Los Angeles mayor Eric Garcetti hopes to construct 16,000 new units annually by 2020.[55] But in 2014, STRs removed 7,316 units from the city's rental market, a number that seems poised to grow.[56] It is easy to imagine a future in which Airbnb's growth—and the corresponding removal of rental units from the residential market—outpaces the construction of affordable housing in Los Angeles.

Although there is currently no data on how many of these removed units were affordable, full-time Airbnb STRs can affect the affordable housing stock in two ways. First, affordable units are particularly attractive targets for conversion, directly reducing the stock of affordable housing.[57] Through the Ellis Act, investors can relieve landlords from the administrative burdens of administering rent-controlled or voucher-subsidized housing, and convert newly-purchased, formerly affordable apartments into Airbnb listings, particularly in newly gentrifying neighborhoods. Thus, Airbnb incentivizes the direct conversion of subsidized or rent-controlled units into lucrative Airbnb listings. Absent regulation, this incentive will continue to influence the marketplace so long as hotel rates sufficiently exceed residential rents.

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[51] Lepore, *supra* note 34.

[52] *Id.*

[53] Duran, *supra* note 14.

[54] California Housing Partnership Coalition Report, *supra* note 8.

[55] *Plan: Transforming Los Angeles*, City of Los Angeles 52 (2015), https://d3n8a8pro7vhmx.cloudfront.net/mayorofla/pages/17002/attachments/original/1428470093/pLAn.pdf?1428470093 [https://perma.cc/RW4Q-ZT6D].

[56] Samaan, *supra* note 22, at 3.

[57] *Id.* (describing how trade publications advise landlords on how to convert units to STRs).

Second, Airbnb indirectly reduces the affordable housing supply by reducing the overall housing supply. As a result, the pressure that STRs place on rent prices pushes units out of the margins of affordability for low- and middle-income residents, an effect that cascades throughout the city. In 2014, Airbnb removed 1% of the units from Los Angeles's rental market—and substantially more in some neighborhoods—while monthly rents increased by 7.3%.[58] And by reducing the overall housing supply, Airbnb is partially responsible for the citywide rent increases that further reduce the supply of affordable housing.

III. Airbnb is Correlated with Gentrification and May Exacerbate Residential Segregation and Inequality

Airbnb harms the goals of affordable housing advocates in ways beyond its numerical impact on rents or the housing stock. Although these harms are difficult to measure, they extend beyond the fact that tourists do not sleep at reasonable hours and do not recycle beer cans properly. Airbnb STRs impede integration and exacerbate socioeconomic inequality.

A. Airbnb is Correlated with Gentrification in Adjacent Neighborhoods

Gentrification occurs when rising rents displace a neighborhood's lower income households, who are replaced by wealthier residents that change the district's "essential character."[59] Lower-income residents who are displaced can face longer commutes and lose access to essential community services and institutions.[60]

Airbnb STRs are concentrated in expensive neighborhoods that have long-since or have never been gentrified. But when middle-income renters are displaced from these neighborhoods, they are pushed into cheaper neighboring communities, which they subsequently gentrify. For example, former Venice resident Roman Barrett says he moved to Koreatown—a gentrifying, low-income Asian and Latino enclave—after being priced out of Venice by Airbnb rentals.[61]

Figure 2 illustrates the relationship between Airbnb-dense communities and their poorer, gentrifying neighbors. These neighborhoods tend to have high poverty rates, yet their rents have risen more rapidly than in Los Angeles overall. This effect is particularly dramatic in Chinatown, where rents have doubled in just two years. More data is needed to determine whether,

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[58] *See* Zillow, *supra* note 1. Total number of apartments in LA estimated by dividing census population data by household size data from *Mapping L.A. Neighborhoods*, *supra* note 39.

[59] Maureen Kennedy & Paul Leonard, *Dealing with Neighborhood Change: a Primer on Gentrification and Policy Choices*, Brookings Instit. Ctr. on Urban & Metro. Policy, Apr. 2001, at 5.

[60] *Id.* at 22, 43.

[61] Logan et al., *supra* note 49.

say, residents displaced from Silver Lake actually move to Koreatown, but the prevalence of STRs seems to correlate with rent hikes and gentrification in adjacent districts.

FIGURE 2:
GENTRIFYING DISTRICTS ADJACENT TO AIRBNB-DENSE NEIGHBORHOODS[62]

Arbnb Dense Neighborhood	Income ($)	Adjacent Gentrifying Neighborhood (AGN)	Income ($)	Income Differential ($)	Jan 2013 Rent ($) in AGN	Jan 2014 Rent ($) in AGN	Jan 2015 Rent ($) in AGN	1 Year Rent Increase in AGN (%)	2 Year Rent Increase in AGN (%)
Downtown[63]	15,003	**Boyle Heights**	33,235	18,232	1639	1750	1881	7.49%	14.77%
Echo Park	37,708	**Chinatown**	22,754	-14,954	1200	2150	2400	11.63%	100.00%
Hollywood	33,694	**East Hollywood**	29,927	-3,767	1581	1661	1710	2.95%	8.16%
Hollywood Hills	69,277	**East Hollywood**	29,927	-39,350	1581	1661	1710	2.95%	8.16%
Miracle Mile	61,767	**Koreatown**	30,558	-31,209	2166	2288	2482	8.48%	14.59%
Silver Lake	54,339	**Koreatown**	30,558	-23,781	2166	2288	2482	8.48%	14.59%
Venice	67,647	**Culver City**	70,774	3,127	2659	2668	3193	19.68%	20.08%
Los Angeles Average	**$49,497**				**$2,321**	**$2,362**	**$2,534**	**7.28%**	**9.18%**

[62] Income data and adjacent districts were determined from *Mapping L.A. Neighborhoods*, *supra* note 39. Rent statistics are from Zillow.com.
[63] The Downtown income figure is likely distorted by the high concentration of homeless individuals in "Skid Row." Boyle Heights residents are likely lower income than Downtown renters.

B. Airbnb Might Reduce Integration by Displacing Lower-income Tenants

Economic and racial neighborhood integration can lead to a range of positive educational, vocational, and health outcomes for low-income tenants. But Airbnb reduces neighborhood integration by incentivizing hotelization, encouraging Ellis Act conversions of rent-controlled units, and driving out lower-income renters.[64] Furthermore, some landlords of buildings protected by the city's Rent Stabilization Ordinance choose to list vacant units on Airbnb rather than deal with the eviction and rent protections that a full-time tenant would enjoy.[65]

Because Airbnb STRs are such a nascent phenomenon, further research is needed to measure Airbnb's impact on annual changes in racial and economic diversity in high-demand neighborhoods. Researchers should also track the displacement of lower income residents from neighborhoods where Airbnb listings are prevalent.

C. Unequal Access to Airbnb Exacerbates Racial and Socioeconomic Inequality

Airbnb creates winners and losers; it facilitates cultural exchange and provides economic benefits to hosts and tourists, but distributes these benefits unequally. Hosts need an Internet connection and cultural savvy just to access the platform. And the fact that just seven of Los Angeles's most expensive neighborhoods, in which approximately 8% of the city's residents live, generate over two thirds of the city's Airbnb revenue suggests that there is little tourist demand for STRs in lower- and middle-income neighborhoods.[66]

According to Airbnb, 38% of its hosts are of low-to-moderate income, and more than half are renting out couches and spare bedrooms.[67] But these hosts only make 11% of the city's Airbnb-supported income.[68] Instead, large-scale operators reap the lion's share of the revenue; 6% of Airbnb hosts list multiple units, earning 35% of all Airbnb revenue.[69] One such company, Global Homes and Condo, lists seventy-eight units on Airbnb through a pair of friendly, but fake, "front" women.[70] These figures suggest that whereas individual "hosts" set their rates based on the value of their apartments, commercial Airbnb operators set their prices against prevailing hotel prices, leading to profits for operators and Airbnb alike.

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[64] *See, e.g.*, Duran, *supra* note 14.
[65] Samaan, *supra* note 22, at 12.
[66] The population-share of Downtown, Echo Park, Hollywood, Hollywood Hills, Miracle Mile, Silver Lake, and Venice calculated from *Mapping L.A. Neighborhoods*, *supra* note 39.
[67] *Id.*
[68] Samaan, *supra* note 22, at 13.
[69] Kudler, *supra* note 32.
[70] *Id.*

In addition, although most Airbnb STRs blatantly violate city laws prohibiting sub-thirty-day apartment rentals, landlords seem to enforce these laws more diligently against renters—particularly those with rent-controlled or subsidized housing—than against apartment or condo owners.[71] It would probably be unfair for publicly subsidized tenants to profit from listing STRs on Airbnb. But the benefits of Airbnb overwhelmingly accrue to relatively wealthy renters and property owners, not to average *Angelenos*.

Finally, Airbnb is based on an amorphous "trust" and "sense of community" endemic to the sharing economy, a trust that extends only to some social groups. A recent study found that African American hosts earn 12% less than white hosts for equivalent rental listings.[72] And minority guests are systematically denied lodging by Airbnb hosts.[73] If Airbnb hosts are offering a public accommodation, minority Airbnb guests may even have a *prima facie* case against Airbnb hosts for discrimination in violation of the *Fair Housing Act* of 1968, which prohibits refusal to rent to a person on the basis of a protected class, such as racial minorities.[74] Airbnb facilitates systemic discrimination and reduces racial integration.

IV. Regulating Airbnb to Promote Equitable Housing

A. Criteria for Evaluating Proposals: Solutions Must Address All Problems

Because Airbnb STRs are a new and rapidly growing phenomenon, local and state lawmakers and regulators are just beginning to deal with this problem.[75] The author's view is that Los Angeles should prioritize the housing needs of residents over the needs of tourists when the two aims conflict. However, there are ways to harness the benefits of Airbnb, while regulating it so that it promotes affordable housing, integration, and equity in Los Angeles. But, any policy reforms must directly address the distortive effects that conversion and hotelization have on affordable housing.

Ideally, STR regulations should address as many of Airbnb's negative effects on affordable and fair housing as possible. Ideally, they would also address the underlying causes of Los Angeles's housing crisis, including the

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[71] *See, e.g.*, Samaan, *supra* note 22, at 18.

[72] Benjamin Edelman & Michael Luca, *Digital Discrimination: The Case of Airbnb.com* 2 (Harvard Bus. Sch., Working Paper No. 14-054, 2014), http://www.hbs.edu/faculty/Publication%20Files/14-054_e3c04a43-c0cf-4ed8-91bf-cb0ea4ba59c6.pdf [http://perma.cc/S6EZ-ABQX]. *See also* Michael Todisco, Note, *Share and Share Alike? Considering Racial Discrimination in the Nascent Room-sharing Economy*, 67 Stanford L. Rev. Online 121, 122 (Mar. 14, 2015) (discussing the study as proof of pervasive racial bias among Airbnb users).

[73] Todisco, *supra* note 72, at 123.

[74] *Id.* at 126. However, only hosts, and not Airbnb itself, could be held liable.

[75] Ben Bergman & Alice Walton, *Los Angeles Officials Crack Down on "Sharing Economy" Rides, Rental Companies*, Southern California Public Radio (Dec. 9, 2014), http://www.scpr.org/news/2014/12/09/48569/los-angeles-officials-crack-down-on-sharing-econom/ [http://perma.cc/HA8N-TJTH].

lack of funding for developing affordable housing. Before signing on to a deal, policymakers and community stakeholders should ask whether a proposal:

1. *Addresses and combats neighborhood and city-wide rent increases;*
2. *Reduces or adds to the city's market-rate and affordable housing stock;*
3. *Discourages the "conversion" of existing affordable units into STR listings;*
4. *Eliminates incentives that encourage "hotelization" of rental units;*
5. *Protects residents from displacement and eviction;*
6. *Addresses cultural and economic gentrification;*
7. *Exacerbates socioeconomic disparities or increases access to Airbnb's benefits;*
8. *Promotes socioeconomic integration.*

B. Evaluating Mayor Garcetti's Plan to Tax STRs in Order to Fund Affordable Housing

On April 16, 2015, Mayor Garcetti announced a deal he had proposed to Airbnb. Under his proposal, Los Angeles would levy a 14% occupancy tax on all Airbnb facilitated rentals.[76] This is expected to generate at least $5 million annually, although this static projection does not take into account expected increases or tax-induced decreases in Airbnb activity.[77] These funds would be allocated each year to Los Angeles's Affordable Housing Trust Fund, which has been reduced from $100 million in 2008 to just $19 million in 2015.[78]

Without taking matching funds into account, $5 million could fund the development of sixteen affordable units at an average cost of $315,000 per unit.[79] However, Airbnb rentals remove 7,316 units—which does not include units that are listed only intermittently on Airbnb—year-round from Los Angeles's rental market. Even if Airbnb stops expanding, it would take 457 years for occupancy taxes to fund the full replacement of the units that Airbnb removes from the city's rental market. To use another rough calculation, a single studio apartment in Silver Lake that is booked on Airbnb for an average of $132 per night at a remarkable 60% rate—219 days a year—

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[76] Bergman, *Garcetti Wants Airbnb to Help Solve L.A.'s Affordability Crisis*, *supra* note 17.

[77] *Garcetti's Airbnb Tax Plan Does Little to Increase Affordable Housing*, S. CAL. PUB. RADIO (Apr. 16, 2015), http://www.scpr.org/programs/take-two/2015/04/16/42416/garcetti-s-airbnb-tax-plan-does-little-to-increase/ [http://perma.cc/Y8CW-435Z].

[78] Bergman, *supra* note 17.

[79] Average cost per Los Angeles County publicly built affordable housing unit from California Department of Community Development, see *Affordable Hosuing Cost Study*, *supra* note 44, at 31.

yields $28,908 for its host, generating $4,047 in occupancy tax revenue for Los Angeles each year.[80] Such a unit would take seventy-eight years to fund the construction of its own replacement.

This may not be an apples-to-apples comparison because Airbnb should not shoulder the entire burden of replacing a converted unit of affordable housing when, presumably, an affordable housing developer would recoup its costs through tenants' rent payments. Take, then, the hypothetical Silver Lake apartment in the paragraph above and assume that it was an affordable unit of housing for a median-income city resident. Perhaps it would be reasonable at least to expect STR taxes to cover the costs of construction during the period that Airbnb leaves Silver Lake with one fewer unit of housing.

Assume that a developer spends four years building (three years of permitting, one year of construction) a unit of affordable housing in Silver Lake, and that the unit will be habitable for fifty years. At a cost of $315,000, the unit will cost the developer $6,300 per year in construction costs alone over the 50-year period. If Airbnb was responsible for covering the costs of four years of construction, it would still have to generate $25,200 in taxes over four years, requiring a daily tax rate of 21.8%. The back-of-the-envelope calculations in this hypothetical demonstrate the complications involved in trying to fund the replacement of converted or hotelized units of housing through an occupancy tax on STRs. An occupancy tax of 14% might be insufficient to meet Mayor Garcetti's stated policy goals.

Furthermore, Garcetti's plan would not address gentrification or rent increases in neighborhoods where Airbnb listings are prevalent. And depending on where new units are built, it is unclear whether the neighborhoods most affected by Airbnb would benefit from new housing construction. After all, the city may build in lower-income neighborhoods that offer taxpayers a better "bang for your buck" than Venice or Silver Lake. This could concentrate poverty, and decrease economic integration in affluent neighborhoods, unless the funds were used to fund mixed-use or affordable developments in higher income neighborhoods at higher cost to the Trust Fund.

Garcetti's plan may spread demand and help lower income and minority hosts. But this could backfire by contributing to gentrification in those neighborhoods, especially if taxes push STR demand into the already gentrifying districts adjacent to the neighborhoods that are popular on Airbnb. One final concern is that such a deal would formally excuse Airbnb from a wide range of liability, from safety-related issues to STR regulation. Legalization may also spur STR growth. And Garcetti should specify how his plan would address evictions, illegal conversions, and discrimination by Airbnb hosts and renters during the time period when replacement housing is being constructed.

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[80] *See* Airbnb, https://www.airbnb.com/s/Los-Angeles?neighborhoods%5B%5D=Silver+Lake (last visited Dec. 2, 2015). Occupancy rate figure from Martin, *supra* note 23.

C. Evaluating Alternative Tax and Redistribution Schemes

Mayor Garcetti's plan directly addresses Los Angeles's affordable housing shortage, but might not replace the units that Airbnb removes from the rental market. Allocating STR taxes to construct affordable housing also does not address segregation and gentrification. There may be more effective ways to tax and redistribute the revenue that STRs generate.

The city can be ambitious about tax rates and tax Airbnb at a rate higher than the 14% occupancy fee levied on licensed hotels. As a matter of policy, it is desirable that the brunt of any taxes levied on Airbnb would be borne by two relatively wealthy populations: tourists and property owners. Furthermore, whereas hotel guests are ostensibly paying for city services with their taxes, Airbnb guests could also be paying to replenish the housing stock. If Airbnb tourists are looking to avoid paying a premium to stay in hotels, Los Angeles could tax hosts to any extent such that the price of an Airbnb is less than the price of an equivalent hotel room without de facto banning STRs. Although there are political limits to tax levels, officials need not set a 14% pre-negotiation upper tax limit on Airbnb listings.

Los Angeles could promote economic diversity and integration by directing tax revenue towards a municipal housing voucher program, which would increase economic integration. And if these vouchers were given to low-income residents of Airbnb-dense buildings or neighborhoods, it would allow them to stay in their homes. However, like Mayor Garcetti's plan, such taxation and redistribution schemes may not be able to replace all of the units that Airbnb removes from the residential market. Other measures are necessary to complement these tax schemes and promote integrated, affordable neighborhoods throughout Los Angeles.

D. Evaluating a Ban or Targeted Restrictions on Airbnb STRs

STRs increase rents for residents and reduce the supply of affordable housing by removing units from the housing market through conversion and hotelization. Given Los Angeles's low vacancy rate, it is likely that thousands of residents have been displaced due to the 7,316 year-round listings on Airbnb. On the other hand, Airbnb's economists claim that in 2014, Airbnb helped add $314 million in economic activity and 2,600 jobs to Los Angeles's economy.[81] Although this does not take into account losses to renters and other community stakeholders, it is plausible that Airbnb simultaneously produces economic benefits while exacerbating the city's affordability crisis. This article approaches the issue of Airbnb from the lens of weighing its effect on Los Angeles's affordable housing crisis, and is not an attempt to quantitatively measure the net economic gains or losses produced by Airbnb. Policymakers seeking to regulate Airbnb must make both economic and

[81] Owens, *supra* note 24.

value-driven decisions in order to weigh the importance of promoting affordable housing.

A blanket ban on STRs would end Airbnb's role in exacerbating Los Angeles's affordability crisis. For residents displaced by Airbnb, a blanket ban would likely be preferable to any solution that insufficiently addresses the corrosive effects of STRs. Enforcing anti-STR laws could also halt the evictions, displacement, and gentrification that follow when Airbnb saturates a neighborhood. That said, a ban would not add to Los Angeles's affordable housing stock itself, and would deprive the city of Airbnb's benefits. Furthermore, bans that deprive property owners of Airbnb's benefits implicate Constitutional protections for property owners under the three-pronged *Penn Central* takings test, which assesses: (1) the economic impact of a regulation on affected parties, (2) the extent to which a regulation frustrates investor expectations, and (3) the extent to which a regulation is tailored to promote general welfare or is arbitrary.[82]

Property law scholar Jamila Jefferson-Jones suggests that New York's anti-STR regulations may violate legitimate investor-backed expectations, and are not "roughly proportional," meaning that the severity of existing laws banning STRs are not commensurate to the value of the regulations: protecting public safety, hotels, and neighborhood property values.[83] However, Professor Jefferson-Jones's analysis underestimates the public's legitimate interest in protecting affordable housing.[84] These arguments demonstrate how outright bans may become increasingly untenable given Airbnb's prevalence. At the moment, however, most of the STRs listed on Airbnb in Los Angeles's residential and mixed-use (business and residential) zones are illegal.

Alternatively, city officials could legalize STRs but place targeted restrictions on them rather than enforce the existing blanket ban. Such an approach could reasonably prevent Airbnb from distorting the housing market while allowing tourists and residents to benefit from it. However, such a strategy would have to address conversion and hotelization, or otherwise ameliorate Airbnb-induced reductions in affordable housing supply.

For example, enforcement agencies could choose to target unlicensed hotels and prevent hotelization. Perhaps purchasers of property could be banned from using Airbnb for a one-year "cool-down" period. This would put a check on price hikes and discourage hotelization. Such a ban would protect the existing affordable housing stock. However, such a requirement may invite scrutiny under the investor expectations prong of the *Penn Central* test where investors, prior to enactment of the rule, bought a building for the purpose of hotelization. But the city can assert that the restriction is

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[82] *See* Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104, 152–53 (1978).

[83] Jefferson-Jones, *Airbnb and the Housing Segment of the Modern "Sharing Economy": Are Short-Term Rental Restrictions an Unconstitutional Taking?*, 42 HASTINGS CONST. L.Q. 557, 566–68 (Spring 2015).

[84] Pennell v. San Jose, 485 U.S. 1, 13 (1988) (affirming public's right to preserve affordability through measures such as rent control).

necessary to prevent public nuisances and protect the affordable housing stock. And because it would not constitute rent control, a cool-down requirement would not trigger the intervention of the Ellis Act if a purchased property was previously rent-controlled.

Similarly, policymakers could discourage "conversion" by prohibiting landlords who have evicted a tenant without fault—meaning that the tenant is not evicted for violating his or her lease—from listing the unit in question on Airbnb for a one-year cool-down period. This cool-down period can be imposed on all landlords, or just landlords of subsidized units. Either approach would discourage wanton conversion of rental stock into tourist accommodations.

Another approach would be to assign STR permits and restrict the number of permits per square mile or neighborhood. However, geographically targeted restrictions on STRs would be difficult to enforce, and it would be difficult to administer a permit system that is equitable to all prospective hosts. Furthermore, this might encourage the spread of STRs into newly gentrifying neighborhoods. For example, such a policy could restrict the culling of Echo Park's affordable housing supply while exacerbating the affordability crisis in neighboring Chinatown.

Another solution would be to mandate that Airbnb STRs be allowed only in buildings that meet a target affordability threshold. For example, the city could promote inclusionary housing by only allowing STRs in neighborhoods or buildings where 30% of the units are affordable, which would incentivize property owners to subsidize apartments that are currently priced at the market rate in order to "free up" units for Airbnb listings. This would directly address STRs' effects on neighborhood socioeconomic integration. But such solutions would be cumbersome to calculate and difficult to enforce. Furthermore, such a benchmark may be considered exactions that are not roughly proportional to the actual affordability and public safety problems that STRs create.[85] Finally, such an approach would increase the stock of affordable housing, but simultaneously reduce Los Angeles's overall stock of residential housing.

Lastly, city officials could prevent hotelization by legalizing STRs, but limiting the number of days per year that a host can list a unit without going through the hotel permitting process. This would disincentivize the conversion and removal of units from the housing market, protect the housing stock, and tamp down speculation and rent inflation. Such an approach would be subject to an investor-backed expectations takings challenge, but the city could argue that the limitation is necessary to protect the residential housing stock.

Should Los Angeles decide to adopt some sort of enforcement strategy towards Airbnb, policymakers should empower regulators to enforce zoning and hotel licensing laws. Regulations on Airbnb STRs are municipal in nature, concerning issues such as zoning and hotel licensing. California coun-

[85] Jamila Jefferson-Jones, *supra* note 83, at 568.

ties have not coordinated to regulate STRs on a county or statewide basis. Although Los Angeles has not committed resources to enforcing STR laws, the City Attorney's office has asked hosts to pay occupancy taxes.[86] But it is unclear whether these warnings were symbolic or whether the City Attorney has the resources to enforce these laws.[87]

Policymakers should empower regulators to enforce zoning and hotel licensing laws. Although resources are limited, this should be a priority given the havoc that STRs wreak on the residential housing market. And rather than targeting single-unit hosts, regulators can target the cottage industry of "Airbnb leasing companies" that are rapidly removing units from the rental housing market, thereby discouraging hotelization.[88]

Perhaps taxes can fund enforcement officers or a regulatory body within the city planning department. In the absence of a new regulatory agency, Airbnb should at least make it possible for the city to track STRs and crack down on the most egregious activities. Perhaps hosts who post listings more than once a month—which indicates that a host has converted a unit—should have to register with the city. Los Angeles should also crack down on large-scale operators who manage "virtual hotels" with multiple rooms across the city. And investors should be prevented from converting entire buildings into cottage hotels. Airbnb's cooperation is critical to any effective enforcement scheme that prevents conversion and hotelization. Perhaps city officials can negotiate with Airbnb and exchange greater cooperation with targeted enforcement efforts for a general legalization of non-commercial-scale STRs.

E. Promote Affordable and Fair Housing Through Community Benefits Agreements

In addition to regulating and taxing Airbnb, Los Angeles should adopt the community benefits agreement (CBA) model that local industries have negotiated with unions and affordable housing advocates.[89] Under a typical CBA, developers of large projects are given tax credits and the permission to build lucrative developments such as luxury apartments, malls, or sports stadiums in exchange for a commitment to hire local residents, set aside affordable housing, or donate to public projects.[90] So too here, policymakers, advocates, unions, and developers would come together and bring Airbnb in as a partner, helping Los Angeles's low-income and minority communities share in Airbnb's benefits.[91,92]

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[86] Bergman & Walton, *supra* note 75.

[87] *Id.*

[88] *See, e.g.*, Kudler, *supra* note 32.

[89] *See, e.g.*, Harold Meyerson, *L.A. Story*, American Prospect (Aug. 6, 2013), http://prospect.org/article/la-story-0 [http://perma.cc/2J9H-NLB4].

[90] *Id.*

[91] *Id.*

[92] If Airbnb signs a CBA with community stakeholders, rather than the city, a CBA would likely not violate the *Penn Central* exactions test.

First, Airbnb should ban racially discriminatory hosts and users and make the approval process race-blind. Airbnb could also use its platform, market penetration, and technology to connect hosts with cleaning services that pay living wages. Additionally, Airbnb could apply its proprietary technology to help low-income renters find low-cost or public housing.

Airbnb and developers could also be given incentives to concurrently expand the supply of housing and the supply of tourist accommodations, removing tourists from the residential housing market. Developers could be given permits to construct sanctioned "Airbnb hotel" apartments in neighborhoods with a high density of Airbnb listings. Qualifying newly constructed buildings could be exempt from the bans, taxes, or restrictions on STRs that would govern existing residential housing. These permits could be contingent upon Airbnb or the developer signing a CBA that ensures workers are fairly paid, and require that at least 15% of a hotel's units be rent-controlled or subsidized for low-income residents.[93] The remaining units could be rented at market-price, or listed on Airbnb. An even better ratio of "hotel" units to affordable residential units would be one that directs hotel developers to reserve as many affordable units as possible while earning market-rate returns. In any combination, an "Airbnb hotel" would directly expand the affordable housing stock, expand the aggregate housing stock, increase Los Angeles's supply of hotel rooms, and promote integration.

V. Conclusion: Reforming STRs to Address the Housing Crisis

As gentrification transforms Los Angeles's urban core, policymakers must adapt to better regulate new technologies such as Airbnb. The best regulation comes from precise data, so additional research is needed on how STRs affect evictions and rents. To an extent, Airbnb is a response to, not a cause of, gentrification and Los Angeles's affordable housing crisis. But policymakers must understand that Airbnb profits from illegal rentals that cause rent increases, reduces the housing supply, and exacerbates segregation. Even an outright ban on STRs would be better for low-income residents than the unregulated status quo. Airbnb must become a responsible partner and facilitate, not hinder, the goals of affordable housing advocates.

In preparing to negotiate with Airbnb, Los Angeles can learn from the approaches that other cities have taken to regulate Airbnb. San Francisco, Chicago, and Washington, D.C. negotiated with Airbnb lobbyists to legalize STRs and apply hotel occupancy taxes to STRs.[94] Aside from New York,

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[93] This is the same percentage that is required for other developments that seek density bonuses from the city. *LA Affordable Housing Incentives Guidelines 2014*, http://cityplanning.lacity.org/Code_Studies/Housing/DRAFTUPDATEDAffordHousingGuide.pdf [http://perma.cc/ZKJ4-7JUH].

[94] Bergman, *Garcetti Wants Airbnb to Help Solve L.A.'s Affordability Crisis*, *supra* note 17.

policymakers have avoided suggesting outright bans, perhaps because Airbnb has mobilized grassroots support and formed sophisticated lobbying and advocacy organizations.[95] Airbnb spent $100,000 in 2014 alone to lobby Los Angeles officials.[96]

After proposing and evaluating various reforms, my recommendation is that Los Angeles adopt a three-pronged strategy. First, the city should prevent the hotelization and conversion of existing residential buildings and units of housing. Airbnb provides a tremendous benefit to tourists and residents alike when it allows tourists to travel off the tourist-beaten path. Such adventures are a win-win for hosts who are merely using Airbnb for a month per year to subsidize their own travels, or who are using Airbnb to earn enough money to keep their home after losing a job.

But given the inelasticity of the housing supply, it is inappropriate for investors to permanently remove units from the residential housing stock in order to cater to tourists. Fundamentally, I would argue that the *raison d'être* of Los Angeles's housing stock is to serve its residents. Thus, Los Angeles should ban year-round listings of apartments on Airbnb and similar websites, perhaps by emulating San Francisco's proposed "Ballot Measure F" and setting a seventy-five-day limit on the number of days that a unit can be listed.[97] Bona fide homeowners or leaseholders who occasionally host guests through Airbnb can be exempted from any taxes that would otherwise be levied on STR transactions.

Furthermore, Los Angeles should institute a one-year cool-down period before any formerly subsidized or rent-controlled home can be listed on Airbnb. To prevent hotelization and professional Airbnb management, Los Angeles should set a hard cap on the number of units that any individual or business can list on Airbnb in a given year. Finally, Los Angeles should set a hard cap on the number of units in a building that property owners and managers can list on Airbnb.

In order to incentivize developers and Airbnb itself to build additional affordable and market-rent housing, Los Angeles should apply these restrictions to existing residential buildings and units, but allow newly-developed building managers and owners to set aside a greater number of units for STRs. The city can also grant additional exemptions for developers who set aside newly-constructed units for low-income residents, thereby directly increasing the affordable housing stock and promoting economic integration. Along this line, the city can bring developers, unions, advocates, and Airbnb—the parent company—together to sign Community Benefits Agreements. The parties can agree to build "Airbnb hotels" in tourist destinations

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[95] Logan et al., *supra* note 49.

[96] *See, e.g.*, Short Term Rental Advocacy Center, http://www.stradvocacy.org/ [http://perma.cc/A996-EWRB].

[97] S.F., Cal., Admin. Code § 41.A.4, 41.A.5 (2015), http://sfgov2.org/ftp/uploadedfiles/elections/candidates/Nov2015/ShortTermRentals_Text.pdf [http://perma.cc/LTS4-4RP6].

that set units aside for low-income residents, provide good jobs, and ban discrimination.

Finally, Los Angeles should implement a 14% occupancy tax on any unit that is listed on Airbnb for greater than the seventy-five-day cap mentioned above. This would prevent Airbnb hosts from gaining an unfair competitive advantage over hotels. The city can allocate this revenue towards code enforcement, and for funding mixed-income housing in Airbnb-dense neighborhoods, thereby promoting integration and preventing displacement.

Airbnb is organizing constituents and mobilizing political support.[98] This is why political stakeholders must regulate Airbnb STRs now, before the industry calcifies into Los Angeles's political and economic structure. At the moment, local politics are favorable to increased regulations. Unions and neighborhood associations have united with their political adversaries—hotels and developers—to speak out against Airbnb.[99] By framing the public narrative around the displacement that STRs cause, regulators can also win the support of influential faith leaders, as well as of the public. If the city brings Airbnb together with community stakeholders, the city can eliminate Airbnb's corrosive effects on fair and affordable housing, and help all communities benefit from safe, integrated, and affordable neighborhoods.

[98] Logan et al., *supra* note 49.

[99] *See, e.g.*, Keep Neighborhoods First, http://www.keepneighborhoodsfirst.com/ [http://perma.cc/6YHE-A7HJ] (coalition of labor and neighborhood councils).

THE IMPACT OF SHORT TERM RENTALS ON AFFORDABLE HOUSING IN OAKLAND: A REPORT AND RECOMMENDATIONS

PREPARED BY **DESSI MIA CARBAJAL**
FOR **COMMUNITY ECONOMICS, INC**
AND **EAST BAY HOUSING ORGANIZATIONS**
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Community Economics
a nonprofit corporation

East Bay Housing Organizations
EBHO

REPORT RECOMMENDATIONS

1. The City should collect the full 14% Transient Occupancy Tax (TOT) from short-term rental businesses in Oakland with a requirement for full disclosure of all rental transactions.

2. The City should allocate 11% of TOT collected to the City's Affordable Housing Trust Fund.

3. The City should enforce existing regulations on short-term rentals such as licensing and business registration, as well as compliance with local zoning laws.

4. City Council should support SB593 (Sen. McGuire) requiring short term rental companies to make regular reports to cities and counties about which homes in each jurisdiction are renting rooms, for how many nights and how much money the homeowners are collecting from short-term rentals.

5. The City should study and consider further regulations, such as limiting the number of nights per year an entire unit may be rented.

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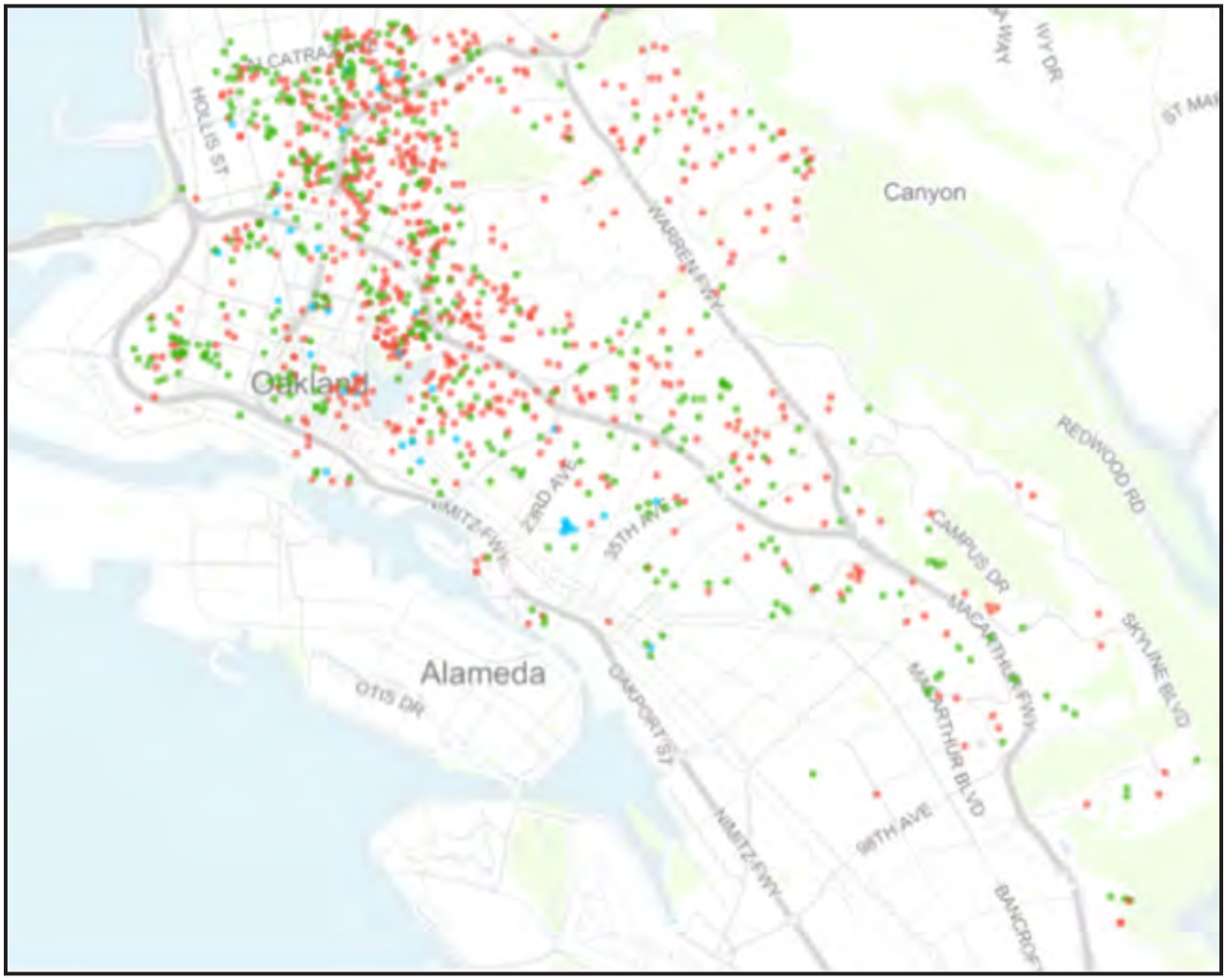
About Community Economics:

Community Economics (CEI) provides non-profit organizations and public agencies with expert technical assistance in the financing and development of affordable housing. Through that technical assistance and through involvement with local, state, and national housing policy issues, CEI has been at the forefront of the affordable housing movement, developing creative solutions and resources to meet the housing needs of low income households.

About East Bay Housing Organizations:

East Bay Housing Organizations (EBHO) is a non-profit membership organization dedicated to working with communities in Alameda and Contra Costa counties to preserve, protect and expand affordable housing opportunities for the lowest income communities through education, advocacy, organizing, and coalition building. Founded in 1984, EBHO is the leading voice for affordable housing in the East Bay.

We would like to thank **Frances Kwong** of **HKIT Architects** for donating graphic layout services.



Snapshot of Oakland Airbnb Listings from InsideAirbnb. Dots marking Entire Homes are in red, Private Rooms in green and Shared Rooms in light blue. (*Source: Webscrape of Airbnb website prepared by Murray Cox, June 2015)*

Background and Introduction

Short term rentals in the San Francisco Bay Area are generating major controversy because of their impact on the regional housing crisis. Led by Airbnb, by far the largest of the group, these online rental companies have burst onto the scene with thousands of listings throughout the Bay Area. Concerned that these tourist accommodations conflict with local ordinances and decrease housing availability, several local communities including San Francisco and Berkeley are considering how to regulate this rapidly growing market. Efforts to limit the number of nights a unit is available on the short term rental market, and to collect Transient Occupancy Tax have been hampered by Airbnb's refusal to disclose information about their hosts and occupancy rates.

Oakland is experiencing a rapidly growing demand for housing and space to accommodate newcomers and visitors alike. At this year's Oakland Annual Tourism Breakfast, Visit Oakland President & CEO, Alison Best, noted that Oakland's hospitality industry surpassed national averages in lodging benchmarks, including a 79% overall hotel occupancy, compared to the nation's 62% occupancy rate.[1] Short term rental companies like Airbnb and its competitors VRBO, Flipkey, and HomeAway have created a business model that relies on incentivizing landlords and tenants to transform residential units into tourist accommodations. A leader among so-called sharing economy enterprises, Airbnb connects residents looking to enter the short term rental market to tourists around the globe via their website. The essence of the company is best summed up in the following passage from a comprehensive report produced earlier this year by Los Angeles Alliance for a New Economy (LAANE):

> *"Airbnb sells itself as a platform akin to a community bulletin board. However, unlike most community bulletin boards, the company takes a percentage out of every transaction, has centralized control over all listings, and maintains a global scope of operations. In other words, Airbnb is a hotel company. It may be deregulated and decentralized, embedded within countless apartment buildings, bungalow courts and leafy suburban streets, but the company's primary function is to make a profit accommodating guests."*[2]

Airbnb's sky-high valuations have placed the company among the ranks of hospitality industry giants, with a market value of $25.5 billion and rising[3], outcompeting hotel industry giants like the Hyatt ($8.4 billion) and Wyndham ($9.3 billion)[4]. The company profits by charging hosts a three percent commission on each booking and charging travelers a fee of between six and twelve percent, adding up to a total yield of anywhere between nine and fifteen percent for every rental.[5]

Airbnb has made major inroads in Oakland in the past two to three years. This report analyzes its activity and impact on the scarce supply of affordable rental housing in the City. This report relies primarily on an in-depth website called Inside Airbnb, designed and maintained by an independent analyst named Murray Cox. The data-rich resource has become the go-to site for Airbnb facts and analysis. Cox includes details on Airbnb hosts, prices, listing locations, and listing types. These data sets provide valuable insight about the Airbnb landscape in the City of Oakland. This report focuses on Airbnb because of its predominance in the short term rental market. Of course, their competitors also contribute to the impact. Therefore all recommendations in the report refer to the short term rental industry as a whole.

An Airbnb snapshot on June 22, 2015 identified 1,155 Airbnb listings for rent in Oakland, with several significant attributes:

1. **The majority of these listings (57%) are entire homes,** as opposed to "private rooms" and "shared room" listings that make up an almost negligible portion of the market. This proportion is similar to San Francisco, Los Angeles, and other major markets for which data are available, disproving the Airbnb claim that their "hosts" are mostly just people occasionally renting out a spare room to help pay their mortgage costs.[6]

2. **On average, Oakland Airbnb units are available 237 nights out of the year.** Such high availability implies that these units probably do not have the owner present, could be violating local zoning ordinances prohibiting short term rentals in certain areas - and more importantly, are removing rental-housing stock in an extremely tight market.

3. **The majority of Airbnb listings are located in neighborhoods in North Oakland,** which seem not coincidentally to be communities with high and rapidly increasing rents. The concentration of entire homes

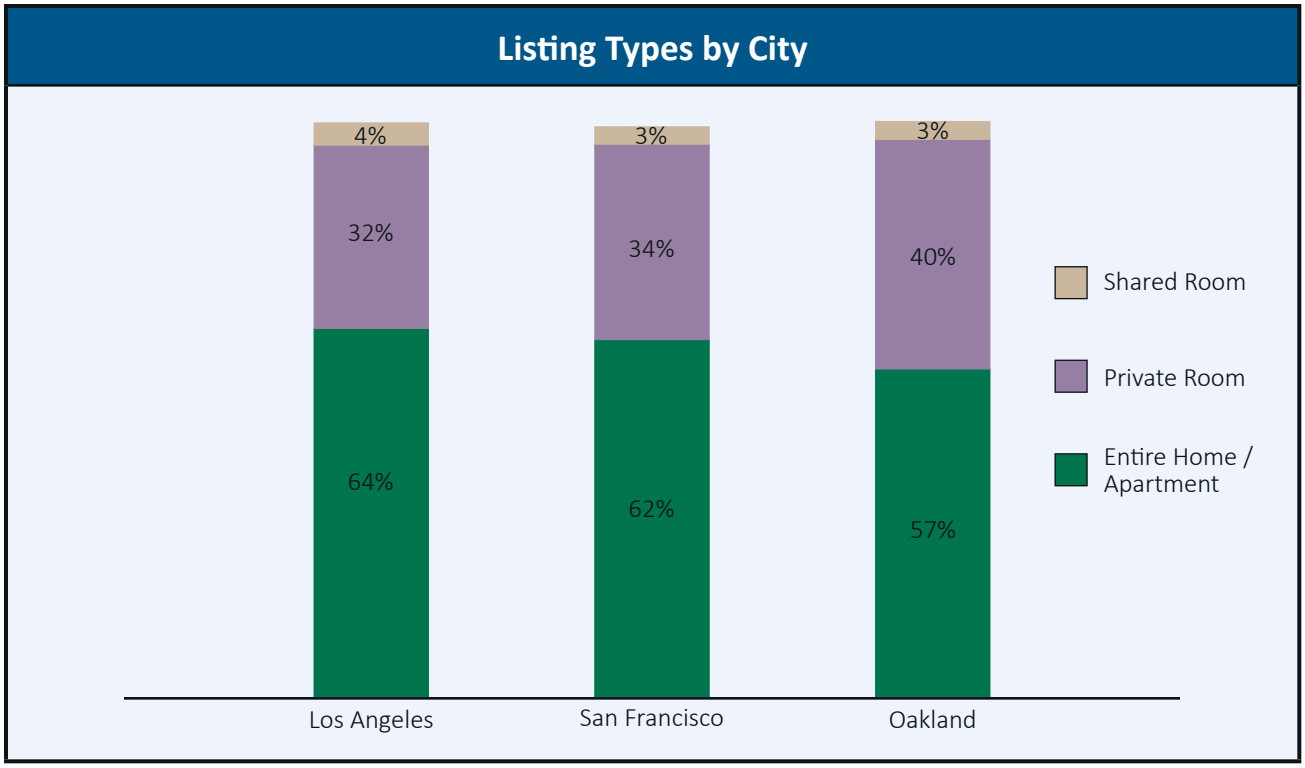


Figure 1: Distribution of Airbnb Listings that are Entire Homes, Private Rooms or Shared Rooms by City

available for short term rental through Airbnb in neighborhoods with high median rents and high-income earners questions the validity of Airbnb's claim to help people afford rent or mortgage. By removing rental housing supply in these already tight markets, Airbnb could very well be contributing to rising housing costs in impacted neighborhoods.

Based on the methodology in the following section, we conclude from the Inside Airbnb dataset and our own analysis that the Airbnb Oakland market has generated revenues of somewhere between $4.9 million and $35 million between the time they came on the scene in July 2009 and July 2015. This doesn't count the revenues from other short term rental companies like VRBO. Further, given that renters were leaving reviews in June 2015 at least three times the rate as the previous year, it can be concluded that Airbnb is generating more revenue than ever before from its Oakland market (Figure 2).

The City of Oakland collects a 14% Transient Occupancy Tax (TOT) from every person (transient) occupying any hotel/motel less than thirty (30) consecutive days.[7] Oakland's voter-approved Measure C in 2009 allocated 3% of TOT income to cultural arts programs, leaving 11% for the general fund. Airbnb and other short term rental businesses providing the same service as hotels have not been subject to this TOT. Based on the revenue estimates above, Oakland lost a potential for several million dollars in TOT up to July of 2015 by not assessing the tax on these short term rental businesses.

We understand from the City of Oakland's 2015-2017 proposed budget and from Airbnb's website that Oakland's City Administrator executed a contract with Airbnb that took effect July 1, 2015. Despite a public records request as well as requests from multiple Councilmembers, we have not been able to review that contract. We know that Airbnb is now collecting 14% TOT from their "guests" on every transaction in Oakland. From the analysis in this report, we believe their current level of business should yield between $688,000 and $2.32 million in TOT annually. The Oakland budget shows only $500,000/year in the 2-year budget cycle. Working with incomplete information, we are concerned the contract does not require full payment of the TOT or full disclosure of all rental transactions.

This report demonstrates the clear nexus between private short term rentals and the limited and shrinking supply of housing stock in Oakland. We cannot afford to continue to lose both housing stock and tax revenues that could help the City address the current housing crisis.

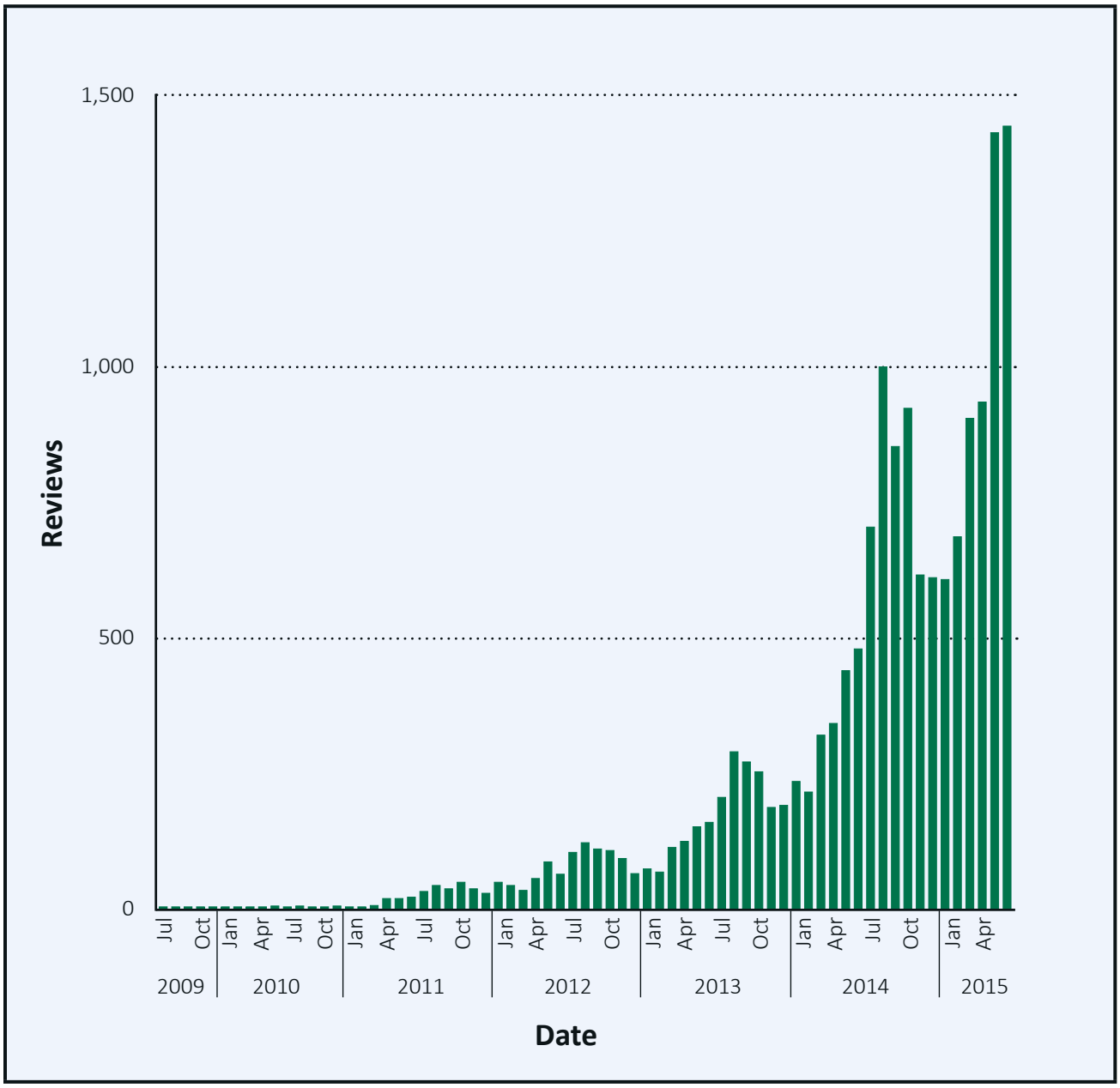


Figure 2: Monthly Airbnb Online Reviews from July 2009 through June 2015. (Note: Reviews do not equal total bookings, as not all renters leave reviews.)

Data and Terminology

Previous research indicates that while Airbnb's marketing strategy presents the company as a champion of home sharing by focusing on private and shared room listings, the reality is that the company's marketplace is dominated by entire home/apartment listings. Without regulations, this raises the stakes for the conversion of entire residential homes into private hotels. The difference between entire homes and the other two listing types that make up Airbnb's business model are as follows:

1. **Entire home/apartment units (or "whole units"):** An entire home rental, in which the host is not present during the guest's stay.
2. **Private rooms:** An accommodation within the host's home with the expectation of some degree of privacy. Host lives in and is present in the dwelling during the guest's stay. The guest is essentially a short-term housemate.
3. **Shared room:** Guest and host occupy the same living space, with little expectation of privacy.

Inside Airbnb compiles data from short term rentals in cities around the world to examine how Airbnb impacts local housing markets. "Web scraping" is a term used for various data extraction methods that use software to collect information from a website. Murray Cox, creator of Inside Airbnb, has performed web scrapes on Airbnb markets in over twenty cities around the world, including ten in the United States. Data from the Oakland web-scrape was compiled on June 22, 2015.

Cox uses "high availability" and "frequently rented" metrics to assess the impact of Airbnb on residential housing. These metrics are defined as follows:

1. **Highly available listings are available for short term rental on Airbnb more than 60 days per year.** This is determined by a host's calendar, which shows what days or weeks their listing is available.
2. **Frequently rented listings have estimated booking nights of more than 60 nights per year.** To determine a listing's estimated booking nights, Inside Airbnb converts online reviews to estimated rentals.[8] The length of stay is the determined by multiplying the amount of estimated rentals by the minimum required stay for a given listing.[9] For example, if Joe's "Cute cottage in Rockridge" has 22 guest reviews, Inside Airbnb assumes Joe's listing has been booked 22 times. To account for rentals without a review, Inside Airbnb increases estimated bookings by 50%, or in this case, to 33 estimated bookings. If Joe requires a minimum 3-night stay per booking, it can be assumed that at this listing has been occupied 99 nights out of the year (33 estimated bookings x 3 –night minimum required stay). Assuming the reviews are legitimate, this methodology represents a realistic value for a listing's number of nights of occupancy.[10]

Methodology

This report uses data from listings that have been filtered to meet the availability and rental rated metrics to inform Airbnb's impact on Oakland and to generate revenue estimations from Airbnb's market. Table 1 illustrates the three factors (number of units, estimated booking nights, and average price) used to calculate revenue generated by Airbnb between July 2014 and July 2015.

Frequently Rented Listings

There are 577 Oakland listings that meet Inside Airbnb's classification as frequently rented (estimated booking nights > 60 nights per year) and recently reviewed (reviewed in the last 6 months[11]). This selection is also reflected on Inside Airbnb's interactive online display of the Airbnb market within the City of Oakland. The first two columns in Table 1 divide the 1155 total Oakland listings between the 557 that are frequently rented and the 598 that are not. Different estimations are then applied to each category.

Booking Nights per Year

Frequently rented listings are multiplied by the minimum and average booking nights per year in the first two columns, respectively. Since 60 nights/per year is the minimum amount of estimated booking nights required to meet the frequently rented metric, that value was used for the minimum estimate. Meanwhile, the average available nights per year for frequently rented units (247) was converted into estimated booking nights in the second column to illustrate the greatest booking potential for frequently rented listings. For the remaining 598 listings, we

Revenue Generated by Airbnb's Oakland Market			
	Minimum Estimate Adjusted for Frequently Rented Listings	Adjusted for Average Available Nights per Year for Frequently Rented Listings	Maximum Estimate Adjusted for Average Available Nights per Year for All Listings
Number of Listings (1,155 total)	557	557	1,155
Estimated Booking Nights per Year	60	247	237
Average Listing Price	$112	$112	$128
Estimated Revenue for Frequently Rented Listings	$3,743,040	$15,408,848	
Number of Listings Not Frequently Rented (1,155 total)	598	598	
Estimated Booking Nights per Year	20	20	
Average Listing Price	$98	$98	
Estimated Revenue for Listings Not Frequently Rented	$1,172,080	$1,172,080	
Total Estimated Revenue	$4,915,120	$16,580,928	$35,038,080
Total Estimated Revenue Generated by 14% TOT	$668,116	$2,321,329	$4,905,331
Total Estimated Revenue Generated by 11% TOT for Affordable Housing	$540,663	$1,823,902	$3,854,188

Table 1: Revenue Estimates Adjusted for Frequently Rented Listing per Year and Average Available Nights per Year

applied an estimated booking nights rate of 20 in both columns to provide a conservative estimate of their potential earnings.

The final column shows the maximum estimate based on total number of listings and the average available nights per year for all units (237). The overall average availability is just slightly less than the value for frequently rented units. According to the data, the majority of Oakland Airbnb listings (86%) are marked as highly available, which resembles the rate of listings in Los Angeles (85%), New York (82%), and San Francisco (76%).[12] These figures indicate that the majority of Airbnb hosts are looking to maximize bookings by listings their units on Airbnb with a nearly year-round availability.

Oakland's Airbnb Landscape

The analysis from this report reveals a concentration of Airbnb units in the rapidly gentrifying neighborhoods of North Oakland and around Lake Merritt. Airbnb listings in East Oakland are not as prevalent and tend to be a combination of private rooms and entire homes scattered around highland neighborhoods like Upper Dimond, Upper Laurel, Millsmont, and Redwood Heights.

Airbnb's Top Revenue Generating Neighborhoods in Oakland			
Neighborhood	Entire Homes Listed on Airbnb	Total Units Listed on Airbnb	Revenue from Entire Home Listings
Bushrod	41	75	$151,006
Lakeside Neighborhoods (Trestle Glen, Lakeshore and Cleveland Heights)	53	66	$246,116
Rockridge	42	58	$208,680
Temescal	38	51	$152,614
Longfellow	18	42	$65,741
Adam's Point	26	42	$78,099
Shafter	26	35	$259,976
Total Revenue			**$1,162,232**

Table 2: Airbnb's Top Revenue Generating Neighborhoods in Oakland

Meanwhile, the North Oakland census tracts where most of Oakland's Airbnb activity is taking place are some of the City's most desirable neighborhoods.

In neighborhoods like Bushrod, Rockridge, and Adams Point, median household incomes are higher than those in other parts of the city, which is consistent with short term rental trends in other cities. Moreover, entire units in Airbnb's top 10 revenue generating Oakland neighborhoods yield over a third of the total revenue for the City (see Table 2), which shows how Airbnb's profits rely heavily on entire home listings. There are 250 entire residential units, mostly clustered in Oakland's upscale neighborhoods, which show signs of being converted into Airbnb hotels. These units are available for rent 268 days per year, and have been booked 157 estimated nights annually, on average.

Conversions imply that landlords and property owners, in search of greater profits, have opted to operate traditional apartments as short term rentals. In Oakland, where landlords are subject to rent adjustment ordinances, choosing to list a unit on the Airbnb market could mean potentially greater earnings without the hassle of regulations. In neighborhoods like Temescal, nightly short term rental rates are rising alongside the rising median rents, which rose by over 20% from the beginning to the end of 2014.[13]

With average nightly rates of $123 for Airbnb entire home listings in Temescal, a landlord could earn up $3,690 a month at full occupancy, which is 14% higher than the average monthly rent for the area in June 2015.[14] Airbnb entire units in Oakland's highest yielding areas already make up the majority of the listings, and generate a significant portion of the revenue. If these hosts were the "primary residents" of the homes they're listing and are just looking to earn extra money while vacationing, as Airbnb repeatedly claims[15], revenues and availability for these entire home listings should not be so high.

North Oakland Under Seige

Oakland's northern neighborhoods have been disproportionately impacted by private short term rentals. Three separate snapshots of Airbnb listings in Oakland at the neighborhood level reveal that North Oakland has the greatest number of listings for a given month, weekend, and day.[16] According to the data, the presence of entire units is overwhelmingly concentrated in this part of town.

Oakland's Bushrod neighborhood makes up two small census tracts in North Oakland, but has a cluster of 75 units listed on Airbnb with over half being entire homes. Geographically, the

area is bound by Woolsey Street on the North, Telegraph Avenue to the East, and MLK Jr. Way to the West. Airbnb data for Oakland show $131 as the average nightly rate for an entire home/apartment in the Bushrod precinct.

It has been observed that in cities including New York and Los Angeles, short term rentals are most prominent in neighborhoods where the average median household income is 20% higher than that of the entire city.[18] In the case of New York City, rapidly gentrifying neighborhoods like ones in the Lower East Side of Manhattan and Williamsburg and Greenpoint in Brooklyn, had the greatest share of private short term rentals in the city.[19] This case closely resembles the Airbnb landscape in Oakland. According to UC Berkeley's Urban Displacement Project, Airbnb's top five revenue generating neighborhoods in Oakland are also in the advanced stages of gentrification,[20] with exception of the Piedmont Avenue tract, which has historically been a moderate to high income area. Short term rental conversions further tighten the supply of housing in these areas, resulting in even greater rent spikes and barring low-income renters from moving into the neighborhoods. Figure 3 shows rent increases in Bushrod over the last four years including a 71% increase in just the last 18 months. Airbnb listings in the area began increasing at a steady rate around April of 2014.

While we do not know the exact relationship between Airbnb density and median rents, it is telling that high Airbnb density overlaps with lower rental vacancy. Rental vacancy rates for the Bushrod, Adams Point, and Temescal census tracts are among the lowest in the city.[21] Just as interesting is the amount of revenue being generated in these North Oakland neighborhoods. Analysis on just entire home listings in Airbnb's highest revenue generating neighborhoods shows that roughly $1.2 million, a third of the total revenue from July 2014 to July 2015, came from 244 entire home accommodations (see Table 2). In order to maintain inclusivity and avoid displacement in neighborhoods with declining vacancy rates, and consequently rising rents, the City of Oakland must ensure that short term rentals do not remove rental units from these markets.

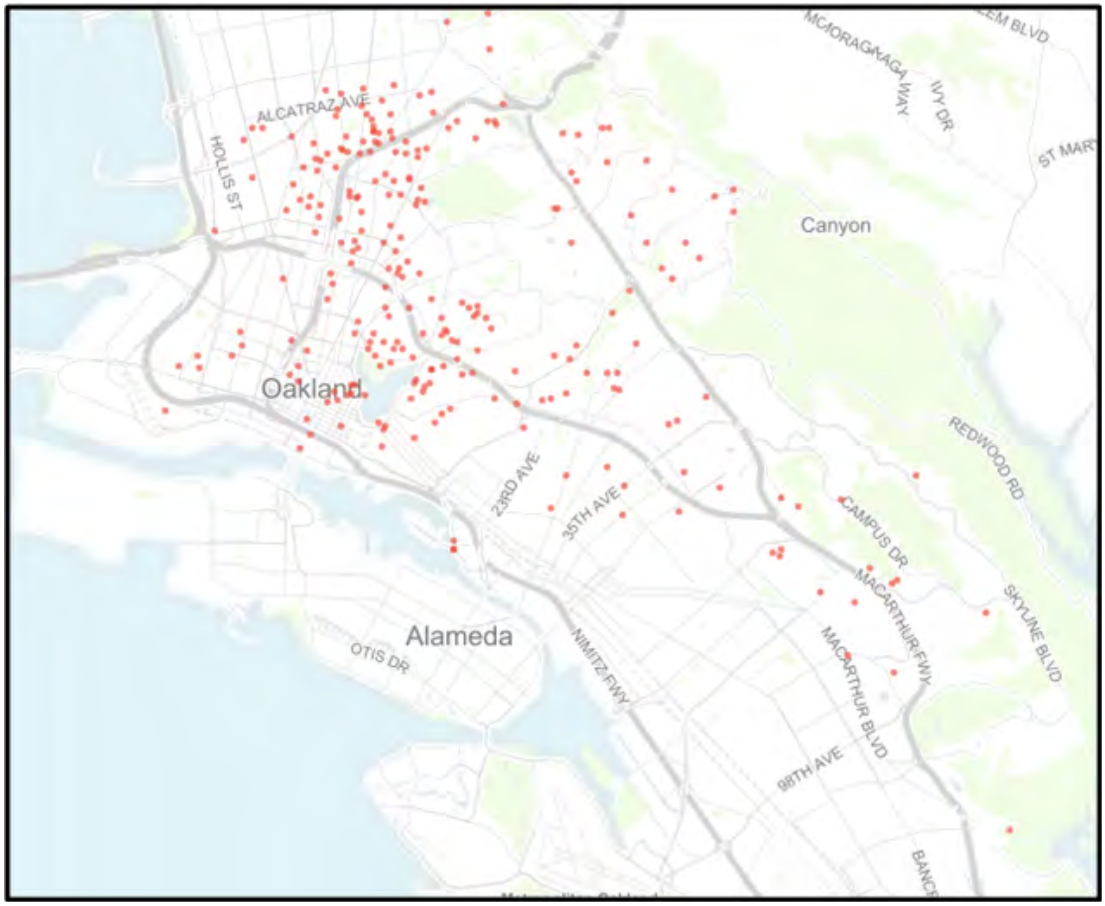


Figure 3: Snapshot of the Concentration of Airbnb Listings in North Oakland meeting Inside Airbnb's "high availability" and "frequently rented" metrics. (*Source: Webscrape of Airbnb website prepared by Murray Cox, June 2015*)

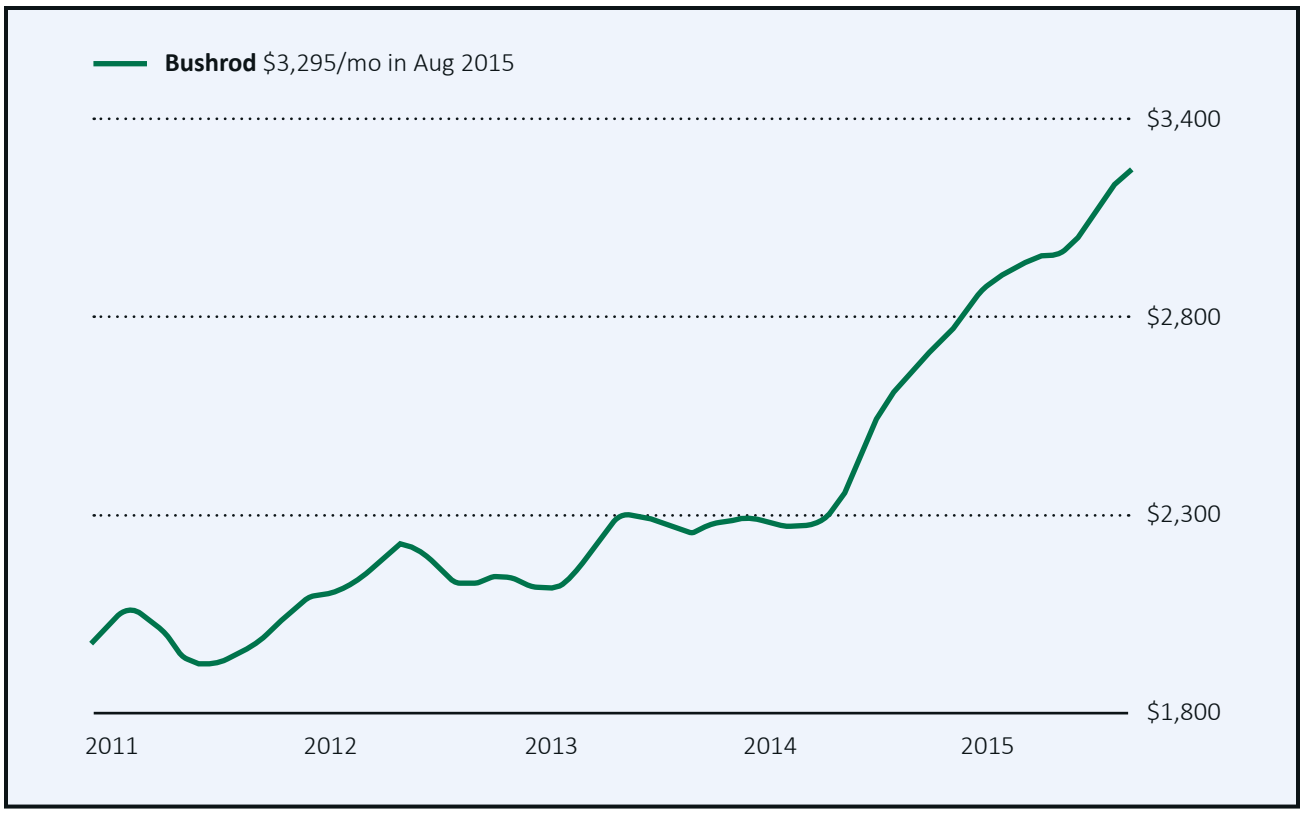


Figure 4: Rent Price Increases for 1Bd/1Ba Units in the Bushrod neighborhood since 2011. (*Source: Zillow*)

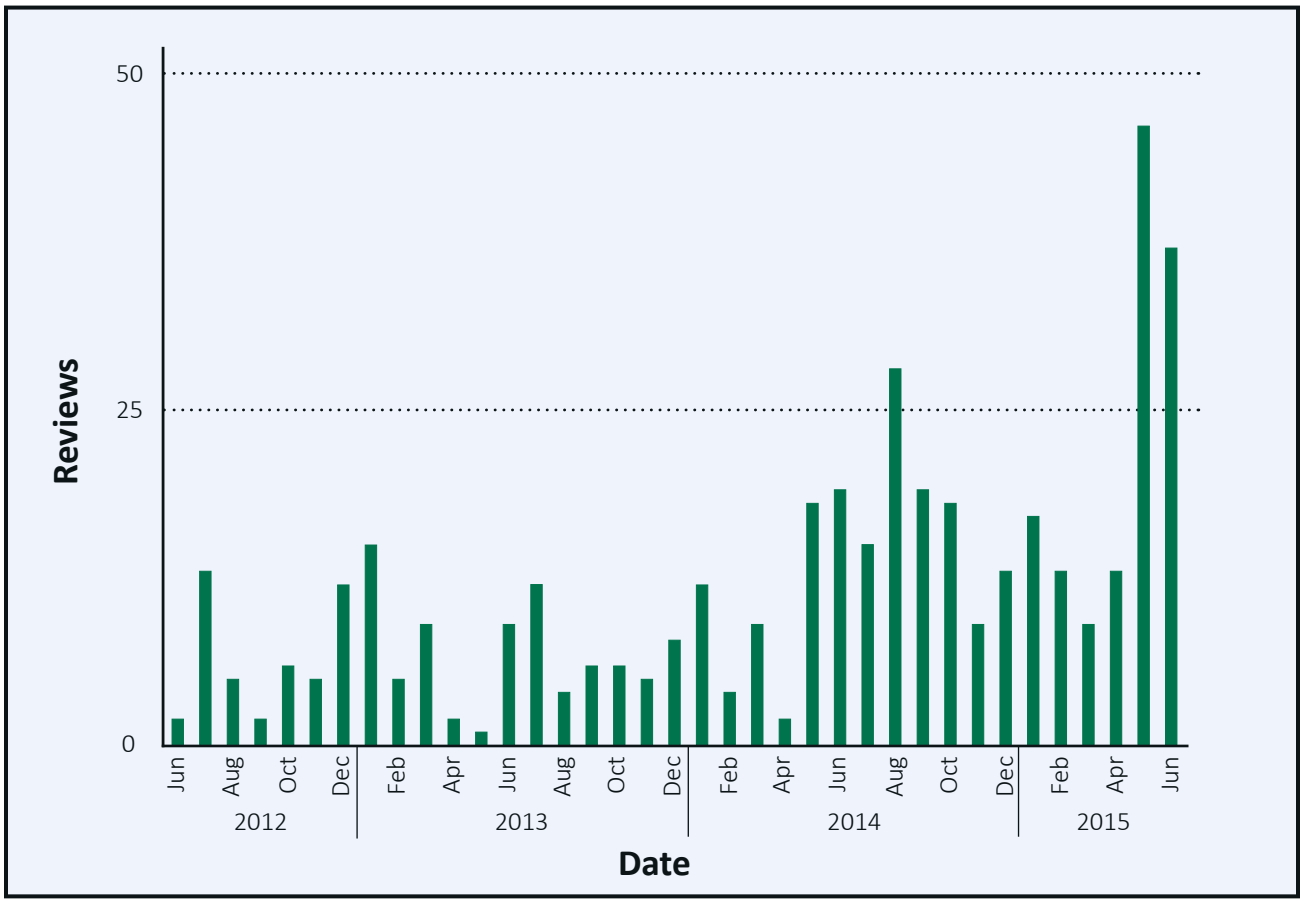


Figure 5: Airbnb Reviews for Entire Home Listings in Bushrod, from June 2012 to June 2015. (*Source: Webscrape of Airbnb website prepared by Murray Cox, June 2015*)

Oakland's Affordability Crisis

Oakland rents have risen dramatically in the last few years, making it the 5th most expensive rental market in the country. The average price for a 1 Bedroom apartment rental has risen to $2160.[22] Oakland's Housing Element states that the City will need to build at least 14,765 new housing units between January 2014 and June 2023 in order to meet its fair share of housing needed in the region based on the Association of Bay Area Governments' calculations of Regional Housing Needs Allocation (RHNA). Forty six percent of the nearly 1,554 units the city would need to build annually to meet its housing production goals in the next nine years should be affordable to very low-, low-, and moderate-income households. However, despite the regional urgency to address the housing crisis, state and federal funding for affordable housing has plummeted over the last several decades. With the dissolution of state Redevelopment funds, the exhaustion of the State's Prop 1C funds, and major cuts to federal funding for affordable housing, there are fewer resources available to meet the growing need. If the City is serious about reaching its housing production requirements, then Oakland needs to get resourceful about generating the critical funds for affordable housing.

The improbability of the City being able to meet its RHNA goals is even greater if housing units are being taken off the market to serve tourists.[23] This is one reason why Airbnb's presence in cities with housing shortages has become so problematic. Airbnb' creates "a platform that allows landlords to pit tourist dollars against renter dollars."[24] Cities are left to find ways to regulate the short term rental market to protect the shrinking supply of housing and raise revenues to invest in the development of new affordable housing.

Current Laws for Hotels and Homeowners

In Oakland, as in other cities, TOT requires that every person (transient) occupying any hotel/motel for any duration of time up to 30 consecutive days pay the tax to the operator at the time the rent for occupancy is paid. The rate is 14% of the rent charged. Hotel/motel operators are responsible for collecting and remitting TOT to the City's Tax Administrator's office and reporting rates and occupancy levels.

The City of Oakland's Planning Code restricts short term rentals and other transient habitation commercial activities to seven days.[25] Lodgings greater than seven days are subject to a different of regulations. However, the City of Oakland does not actively monitor transient habitation commercial activities to ensure that rent-controlled properties are not transformed into permanent short term rentals. While the City does have zoning regulations that restrict hotel/motels from operating in certain residential areas, it is not clear if the City has been monitoring violations of this provision.

Before legitimately entering the short-term rental market, a rental property owner would have to go through several steps in order to obtain a business license from the City of Oakland. They would need to pay a $61 registration fee with a business license application. The host would then be responsible for paying an annual tax ($1.80 per $1,000 for Hotel/Motel businesses) to the City based on the gross earnings in addition to the TOT mentioned above.

According to the City's Finance Department's website, a potential host would first need to obtain a zoning clearance from the Zoning Division, in order to verify that operating a short term rental is legal for a specified area. Scott Miller, Zoning Manager, noted that the City of Oakland's Planning Code prohibits short term rentals and other transient habitation commercial activities of fewer than seven days in most residential zones.[26] Lodgings greater than seven days are subject to different regulations. However, the City does not actively monitor transient habitation commercial activities to ensure that properties are not transformed into permanent short term rentals.

How Other Cities are Addressing the Impacts of Short Term Rentals

Cities are tackling the explosion of the short term rental industry in a couple of ways. Some, like San Francisco, are trying to regulate the market with restrictions on how many nights a unit can be rented, requiring a host to be present, and other restrictions. Los Angeles, San Jose, Santa Monica, and several others are securing revenues generated by Transient Occupancy Tax. A couple of those cities – Los Angeles and Portland – are citing the nexus between the short term rental businesses and the housing affordability crisis in efforts to designate TOT revenues collected to their affordable housing funds.

Airbnb is using its financial and political muscle to fight all efforts at regulation. We just watched its $8 million success in San Francisco where lobbyists defeated Proposition F's 75 nights per year rental limits and requirements for regular revenue reporting. Airbnb has been particularly adamant about not disclosing

the information required of all hotels about actual occupancy rates, addresses, hosts and revenues. The company insists that it is not subject to TOT and should not be treated as are all other businesses providing transient accommodation. In some cases, they execute contracts with cities that call for payments based on their estimates of TOT, rather than paying the actual TOT. The LAANE report describes how Airbnb uses these contracts as a way to legitimate their business model and their argument that they are not subject to the laws and payments required of hotels. As the LAANE report notes,

> *"Municipalities have explored a range of regulatory options to address the proliferation of illegal hotels in residential neighborhoods. Consequently every municipality represents a proving ground for Airbnb. Each time a city normalizes the company's activities, Airbnb becomes a more stable, secure investment."*[27]

The Airbnb website lists approximately 20 cities, counties, and states around the world where it is collecting some form of TOT from its guests. Missing from this list is the key information about how much of that TOT is actually being remitted to the municipality. As we have shown above, we believe 14% of Airbnb annual revenues in Oakland is somewhere between $1 million and $2 million. If in fact the undisclosed Oakland contract is like the ones described in the LAANE report, with Airbnb paying a TOT-alternative payment rather than the actual TOT per short term rental, then Oakland is losing $500,000 to $1.5 million per year.

The lack of a requirement for short term rental companies to disclose their occupancy information makes it nearly impossible to enforce regulations. Cities that are experimenting with restrictions on numbers of nights a unit can be rented or proof that hosts are present are finding that the costs of attempted enforcement are higher than whatever they are collecting in payments under their contracts.

Airbnb has a huge stake in maintaining the anonymity of its hosts and listing locations. By not sharing information with municipalities, Airbnb is able to bypass any real enforcement to verify the amount of taxes it is remitting, compliance with local health and safety standards, and whether or not hosts are adhering to limits on nightly rentals already in place. Even before the ballot initiative, San Francisco lawmakers were calling the existing law[28] "unenforceable," claiming that it has no teeth because the city's Planning Commission simply did not have a method to determine if hosts were present or not present.[29]

Los Angeles, California

The City of Los Angeles has one of the largest Airbnb markets in the world, with over an estimated 11,400 Airbnb listings in 2014. Los Angeles is also experiencing a tremendous housing crisis and cannot afford to lose units. The City's most recent analysis indicates the need for 5,300 new units/year in order to keep up with demand. In his 2015 State of the City address, Mayor Eric Garcetti committed to negotiating a TOT contract with Airbnb and injecting $5 million from those revenues into the City's Affordable Housing Trust Fund.[30] The Los Angeles City Council approved the $5 million allocation for the Affordable Housing Trust Fund, for the 2015-16 Fiscal Year.[31] However, the Council stalled this summer on finalizing the contract with Airbnb as they explore regulatory options, so the disbursement of the housing funds is pending the final contract.

Portland, Oregon

Portland was one of the first cities to negotiate an agreement with Airbnb, creating a special "Accessory Short Term Rental" category in its planning code just to accommodate Airbnb rentals. However, Airbnb and its hosts have not complied with the regulations the company itself promoted, and as has become the norm, the company's refusal to disclose basic information about host addresses and occupancy has stymied Portland's efforts to enforce its regulations.[32] In 2014, City Council approved a TOT agreement with Airbnb and had preliminary discussions about allocating funds to affordable housing.[33] Two City Commissioners plan to present the measure this winter to allocate their full 6% TOT collected to affordable housing.[34] In light of a recent mayoral declaration of a state of emergency for housing and homelessness, City Commissioners are confident the measure will pass.

California State Legislation

A pending bill would provide significant assistance to local governments in California in their efforts to regulate short term rental businesses. SB593 (McGuire) would require all "electronic hosting platforms" such as Airbnb to regularly report the addresses of, nights of use at, and revenues obtained by residences that were leased through the platform. The bill would prohibit these short term rental businesses from offering properties in locations prohibited by local ordinance, and would authorize municipalities to establish fines for violation of this provision. And it would require the business to collect and remit any applicable TOT requested by the municipality. The bill was introduced earlier this year and is currently a 2-year bill. We encourage Oakland to support this bill as it proceeds through the Legislature in 2016.

Recommendations

Airbnb's role in depleting the available housing stock in some of Oakland's most desirable neighborhoods makes it harder for long-term residents and newcomers to find adequate housing near public transportation, job centers, and other valuable neighborhood amenities. By applying funds generated by Transient Occupancy Tax on Airbnb's Oakland bookings to affordable housing, the City of Oakland would help mitigate the adverse effects of the company's presence in City while also generating the necessary funds to meet development goals set out in the Housing Element.

1. **The City should collect the full 14% TOT from short-term rental businesses in Oakland with a requirement for full disclosure of all rental transactions.** First, City Council should demand disclosure of the terms of the current contract. Upon renewal, the contract should ensure that actual TOT at the full 14% rate, not merely a TOT-alternative payment, is remitted to the City. Airbnb and its competitors must be required to disclose information on rates, occupancy, addresses, like any other hotel business subject to TOT.

2. **The City should allocate 11% of TOT collected to the City's Housing Trust Fund.** The housing crisis has been well documented. This report demonstrates the clear nexus between the growth in short term rentals and the removal of at least several hundred units from the City's rental housing stock. If the City is going to come anywhere close to producing its RHNA goals, we cannot afford to pass up any opportunity for resources to put toward meeting those production goals.

3. **The City should enforce existing regulations on short-term rentals such as licensing and business registration, as well as compliance with local zoning laws.** As a start, the City should not be intimidated by Airbnb into failing to enforce its own regulations. Hosts should be required to obtain the licenses and pay the business taxes required of all businesses in Oakland. The City should demand the information from Airbnb necessary to enforce existing laws.

4. **City Council should support SB593 requiring short term rental companies to make regular reports to cities and counties about short term rentals, for how many nights and how much money hosts are collecting.** The enactment of this law is critical to local government's ability to create and enforce their own regulations and accurate TOT collection.

5. **The City should study and consider further regulations, such as limiting the number of nights/year an entire unit may be rented.** City staff should conduct research into existing and planned local regulatory efforts in other California cities to devise regulations that would make in Oakland. This is much more likely to be feasible after passage of the SB593.

Endnotes

[1] "Oakland Tourism Has Record Breaking Year." *Visit Oakland.* N.p., 6 May 2015. Web. 30 Oct. 2015.

[2] Samaan, Roy. *Airbnb, Rising Rent, and the Housing Crisis in Los Angeles.* LAANE, A New Economy for All, 2015. Web. 30 Oct. 2015.

[3] Demos, Telis. "Airbnb Raises $1.5 Billion in One of Largest Private Placements." *Wall Street Journal*, 27 June 2015. *Wall Street Journal*. Web. 2 Nov. 2015.

[4] Samaan, *Airbnb in Los Angeles*.

[5] According to the company, AirBnB's guest service fee commission depends on the subtotal of the reservation: "It's a steady decline from 12 to 6 percent as the reservation amount increases, so guests can save money when booking large reservations." The company is not clear on whether this refers to the dollar value, length of stay, or some other factor.

[6] San Francisco data from Slee, Tom. "The Shape of AirBnB's Business." *Whimsley*. N.p., 26 May 2014. Web. 2 Nov. 2015. Los Angeles data from Samaan, Roy. *Airbnb, Rising Rent, and the Housing Crisis in Los Angeles*. LAANE, A New Economy for All, 2015. Web. 30 Oct. 2015. Oakland data from Inside AirBnB Oakland data set.

[7] City of Oakland Transient Occupancy Tax Requirements." *City of Oakland Finance and Management Agency/ Revenue Division*. N.p., n.d. Web. 2 Nov. 2015.

[8] According to the Inside Airbnb website, "Inside Airbnb's "San Francisco Model" uses a modified methodology as follows:

1. A Review Rate of 50% is used to convert reviews to estimated bookings.
   - Alex Marqusee uses a review rate of 72%, however this is attributed to an unreliable source: Airbnb's CEO and co-founder Brian Chesky.
   - The Budget and Legislative Analyst's Office (page 49) also use a value 72% for their review rate, and in addition, introduce a higher impact model using a review rate of 30.5%- based on comparing public data of reviews to the The New York Attorney General's report on Airbnb released in October 2014.
   - Inside Airbnb analysis found that using a review rate 30.5% is more fact based, however probably not conservative enough, given that the Budget and Legislative Analyst's Office did not take into account missing reviews because of deleted listings. A review rate of 72% is unverifiable - therefore 50% was chosen as it sits almost exactly between 72% and 30.5%.
2. An average length of stay is configured for each city, and this, multiplied by the estimated bookings for each listing over a period gives the occupancy rate
   - Where statements have been made about the average length of stay of Airbnb guests for a city, this was used.
   - For example, Airbnb reported 5.5 nights as the average length of stay for guests using Airbnb in San Francisco.
   - Where no public statements were made about average stays, a value of 3 nights per booking was used.
   - If a listing has a higher minimum nights value than the average length of stay, the minimum nights value was used instead.
   - The occupancy rate was capped at 70%- a relatively high, but reasonable number for a highly occupied "hotel".
   - This controls for situations where an Airbnb host might change their minimum nights during the high season, without the review data having a chance to catch up; or for a listing with a very high review rate.
   - It also ensures that the occupancy model remains conservative.
3. Number of nights booked or available per year for the high availability and frequently rented metrics and filters were generally aligned with a city's short term rental laws designed to protect residential housing."

[9] Ibid

[10] The InsideAirBnB Oakland web scrape includes every review ever given for listings within the City of Oakland since July 2009. One of the drawbacks is that the data does not separate estimated bookings by year- meaning they account for every review ever made in the history of a listing when determining EBN. This obscurity makes it is difficult for this report to provide an annual range for revenue estimations based on EBN. Luckily, Inside AirBnB provides a list of individual transactions by listings, which help indicate that the bulk of AirBnB activity in Oakland taking place between 2014 and mid-2015. For instance, there are a total of 16,300 traceable transactions as of June 22, 2015. Nearly two thirds (10,852) of these transactions took place between July 2014 to July of 2015, which shows Oakland's rapidly growing short term rental market. In addition, eighty percent (917) of the 1,155 identified listings, were last reviewed between July 2014 and July 2015. Combined these two factors suggest that Oakland AirBnB listings are being booked more frequently and recently than they have, by and large, been in previous years.

[11] As a reminder, Inside AirBnB's estimated booking nights also includes reviews from before the mid-2014 to mid-2015 time range. However, because 557 is much lower value than the actu-

al 917 listings that were reviewed between 7/2014-7/2015 and 66% of all reviews occurred within this time range, any over-reporting for estimated booking nights is cancelled out by evidence of overwhelming AirBnB activity in the last year.

[12] Data for San Francisco's highly available AirBnB listings may reflect recent policies on nightly caps for short term rentals, which could explain lower rates of availability.

[13] Accessed on http://www.zillow.com/temescal-oakland-ca/home-values/

[14] Ibid

[15]Accessed on http://publicpolicy.airbnb.com/new-york-airbnb-community/

[16] Refer to Appendix for cross-neighborhood analysis chart

[18] For Los Angeles, information accessed from LAANE study, for NYC, information accessed from State Attorney's study

[19] "Airbnb in the City." Office of New York State Attorney General. October 2014. Accessed on http://www.ag.ny.gov/pdfs/Airbnb%20report.pdf

[20] Accessed on http://www.urbandisplacement.org/map

[21] 2015-2023 Oakland Housing Element. http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak050615.pdf

[22] Zillow Oakland Rentals Price Index http://www.zillow.com/oakland-ca/home-values/

[23] "Affordable Housing Cost Study: Analysis of the Factors that Influence the Cost of Building Multi-Family Affordable Housing in California." *Department of Housing and Community Development*. October, 2014. Accessed at http://www.hcd.ca.gov/housing-policy-development/docs/finalaffordablehousingcoststudyreport-with-coverv2.pdf

[24] Samaan, *Airbnb in Los Angeles*. 16

[25] Oakland Planning Code. (Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No.12939, § 4(Exh. A), 6-16-2009)

[26] Conversation with Scott Miller, Zoning Manager for the City of Oakland, on November 17, 2015

[27] Furthermore, the LAANE report explains, "AirBnB's financial future will be determined in large part by the company's ability to convince municipal authorities to grant the company legitimacy by establishing a regulatory framework around the company's operations. When we examine the experiences that city regulators have had with AirBnB three themes emerge: 1. AirBnB will offer to remit fees equivalent to local tax rates to cities in exchange for legalization. These fees are not negotiated into any public code, but instead are determined by a contract negotiated between the company and cities in private. AirBnB will not share information allowing cities to verify the accuracy of the payments.97 2. As evidenced in Portland, Oregon, AirBnB's flagship "Shared City," AirBnB will not participate in the enforcement of the model legislation it provided to the City, nor will the company monitor its listings for compliance.98 3. The majority of AirBnB hosts will not comply with any licensing or permitting systems.99 AirBnB will not modify its listings to require hosts to display their permit numbers, nor will it voluntarily turn over the addresses of unlicensed hosts to regulatory agencies. This refusal extends to providing addresses so that cities can conduct basic safety inspections to ensure the health and well being of AirBnB's own community of hosts and guests.100"

[28] Under the current law, residents in San Francisco are allowed to rent out their properties an unlimited amount of days if the host is present, while there is a 90-day cap on un-hosted rentals.

[29] Steinmetz, Katy. "San Francisco Lawmakers Propose Tougher Restrictions on Airbnb Rentals." *TIME*. Web. 6 Nov. 2015. Accessed at http://time.com/3757094/san-francisco-airbnb-law/

[30] Huang, Josie. "Los Angeles City Council panel calls for comprehensive plan to regulate short-term rental sites like Airbnb." *Southern California Public Radio*. 4 Aug. 2015. Web. Accessed on http://www.scpr.org/news/2015/08/04/53542/la-panel-puts-off-plan-to-tax-airbnb/

[31] Conversation with Ashley Atkinson, Planning and Housing Specialist for the Office of Mayor Eric Garcetti , on June 19, 2015

[32] Njus, Elliot "Airbnb, Acting as Portland's Lodging Tax Collector, Wont Hand over User Names or Addresses." *Oregonlive*. The Portland Oregonian, 21 July 2014. Web.

[33] Conversation with Office of Commissioner Dan Saltzman on April 3, 2015.

[34] Conversation with Office of Commissioner Dan Saltzman on October 6, 2015.

Community Economics | East Bay Housing Organizations

AIRBNB (/TOPIC/AIRBNB)

Airbnb Will Probably Get You Evicted and Priced Out of the City

By Alice Speri (/contributor/alice-speri)

April 24, 2014 | 5:25 am

Renting your place on Airbnb might help you pay your rent, but it's making New York City — and San Francisco, Montreal, Berlin and other popular destinations — even less affordable than they already are.

The young and mobile love Airbnb. It's a step up from crashing on a friend or a stranger's couch without shelling a month's rent on a three-day stay at a hotel. It's also a great way to make up for rent that's "wasted" on an empty apartment.

> *'In an attempt to make an extra buck, you may be slowly screwing yourself out of the market.'*

For those of us trying to survive in some of the most expensive cities in the world — where everyone wants to live, but fewer and fewer people can afford to — it might even be what allows us to be able to pay the rent.

But wait until you are looking for your next place to live, and see the going rates for rentals in the city.

If you look at the economics of it, Airbnb is ruining your life. Or, at least, your chances at a lasting life in the city. In an attempt to make an extra buck, you may be slowly screwing yourself out of the market.

PETA will NOT be turning Dahmer home into a vegan restaurant. Read more here. (https://news.vice.com/articles/peta-will-not-be-turning-dahmer-home-into-a-vegan-restaurant)

That's the concern of housing rights advocates, tenant groups, and elected officials who have railed against the online rental website and others like it — they are diminishing the supply of affordable housing, they say, making it even harder for most of us to pay for a decent place to live and still have enough money for food and transportation.

"Every unit that's being used for illegal hotel activity is a unit that's not on the residential housing market," Marti Weithman, director of the Goddard Riverside SRO Law Project — one of several community based tenant organizations to have raised the issue — told VICE News. "It's really worsening New York City's chronic housing shortage, particularly for low and middle income folks."

Not Just a New York Problem

On Wednesday, San Francisco City Attorney Dennis Herrera filed two separate lawsuits against short-term rental “scofflaws” who egregiously — and illegally — converted residential apartments into commercial lodgings they advertised on Airbnb and other sites.

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San Francisco. Photo via Flickr (https://www.flickr.com/photos/macinate/1900709055/in/photolist-3TXCzM-apGmot-jLzie-7i7tBQ-3eGRCs-apGmfi-dHAq2y-CLKN6-dXoEQQ-7768sT-4XtnNK-diR2Tc-bZknas-bZknkW-8FK1FB-6e5qbv-9wQm6i-gWFgf-97CMxM-eDYfxY-9AeBTX-givTo-b8ghqB-3x5pbZ-apK3Eb-33PoQ9-dFc61n-aBYpLh-c2pG9d-7HCFqM-4Cc89T-68m7PM-9VizsN-6i2wbL-8bLoEo-8bLpsw-eJnWwN-5CfkKc-8CY47H-byzCBW-5aZFXM-9Huuxq-JHLMi-9rCKXr-9rjSq7-a7b5Jq-cRJXXN-HfGEC-qQ4NA-9m4j7n).

“In the midst of a housing crisis of historic proportions, illegal short-term rental conversions of our scarce residential housing stock risks becoming a major contributing factor,” Herrera said in a statement, promising more lawsuits to come. “We intend to crack down hard on unlawful conduct that’s exacerbating — and in many cases profiting from — San Francisco’s alarming lack of affordable housing.”

Inside the Lavish crib of an Italian mobster. Read more here. (https://news.vice.com/articles/inside-the-lavish-crib-of-an-italian-mobster)

Last January, Berlin started to heavily fine anyone renting out their home for short periods.

> *'You can make more money renting out an apartment every night of the month for $150 versus what you could get in rent.'*

Airbnb denies that it is contributing to the affordable housing shortage that is rampant in many cities.

“In fact, Airbnb makes cities more affordable,” David Hantman, Airbnb's head of global public policy, wrote on the company’s blog (http://publicpolicy.airbnb.com/). “Sixty two percent of Airbnb hosts in New York said Airbnb helped them stay in their homes and the typical Airbnb host in New

York earns $7,530 per year — a modest, but significant amount that can make a huge difference for families."

The company hired a consulting firm to test its housing supply theory against the case of New York City. The firm concluded that "the short-term rental industry is having little effect on urban apartment markets."

The report (http://publicpolicy.airbnb.com/wp-content/uploads/2014/04/Short-TermRentalsandImpactonApartmentMarketNY1.pdf) basically says that operating short-term rentals takes so much time and effort that most landlords aren't really willing to go through the hassle.

> *'New York City lost almost 400,000 affordable housing units in the last decade.'*

But critics say this is BS, as evidenced by the growing number of small and big landlords turning Airbnb-type rentals into their primary focus.

"Because you can make more money renting out an apartment every night of the month for $150 versus what you could get in rent, those units are taken out of the market for people who live here or are trying to find a place to live here," New York State Senator Liz Krueger, an outspoken critic of the practice, told VICE News. "We have the highest rent in the country and the lowest availability of units. We have a serious, real-life problem for people trying to live in this city.... Now, you layer on top of that what Airbnb and others are doing and you're seeing a significant removal of apartments that were intended to be for residents of the city."

Krueger estimated that up to 40,000 New York City units are being listed on Airbnb, not including listings on similar sites.

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New York City. Photo via Flickr (https://www.flickr.com/photos/44534236@N00/5588801197/in/photolist-9vS4Tk-baYtHK-aCRghn-9dLxtB-3LHhWH-3LHoJB-3LHmP6-m5bxk5-42jJXR-3LHe3x-dhuWyQ-dhuTAD-dhsTv3-dhv9Kk-kckPA8-9y7rHu-dfbxCT-bLGqwR-edz7Xm-dhtaqi-3HyswN-dhv4ao-dhuGVR-fkZLoc-kdCdBG-drmBCX-6CdbNc-6aBzTs-6yJVM9-7LuehM-5UFPjq-eSsTaQ-3LMBr5-8VcgMv-fjoccq-fj9374-5ay9jt-5dy2KF-8j5BG-FXXCc-4rC3jF-92TiXQ-azyqri-bU8eFF-HtuVz-7ALQW1-dYWFCc-4cekt9-qtd89-euvFw8#).

Other estimates put that figure at about 20,000 (http://skift.com/2014/02/13/airbnb-in-nyc-the-real-numbers-behind-the-sharing-story/). Either way, that's a lot of apartments in a city with a vacancy rate that's regularly as low as one percent.

"For anyone looking for apartments in 2013, there were only about 67,000 apartments available. That's a really tight housing market," Bennett Baumer, an organizer with the Housing Conservation Coordinators, another housing advocacy group, told VICE News. "Airbnb is exacerbating the affordability crisis and the general anyone-looking-for-an-apartment crisis by taking almost 20,000 apartments out of the market."

> *'Airbnb says it's all about the 'sharing economy'.'*

As usual, the poorer residents of the city are the first to get hurt in the process, critics said.

To put things in perspective, New York City lost almost 400,000 affordable housing units (http://www.cssny.org/publications/entry/an-affordable-place-to-live) in the last decade, according to a study released earlier this year by the Community Service Society, a group fighting poverty in the city.

Although New York has never been a bastion of affordability, things are looking pretty damn bad.

"Throughout the city, we're seeing more and more gentrification, people being pushed out of communities they've been living in for decades, and this is just one more way that people are getting pushed out," Weithman said. "Airbnb says it's all about the 'sharing economy,' when in fact there are tenant groups and community-based organizations in the city that are talking about their affordable housing impact."

“Essentially, if their operations were to be legalized, it would gut rent stabilization as we know it,” she added. “And those are the protections that we have in the city to make housing affordable to all of us.”

Rental and Zoning Violations

Affordability and availability of housing stock is only one of the concerns raised by critics. According to the New York attorney general — who has dragged Airbnb in a messy lawsuit (http://motherboard.vice.com/read/airbnbs-in-a-hot-legal-mess-with-new-york-and-its-not-going-away) — Airbnb is violating various rental and zoning regulations.

> *'People who actually list their apartment often don’t know what the law is.'*

According to the neighbors of Airbnb users, the site is bringing overcrowding, loud parties, and even brothels into their buildings — leading some tenant groups to self-police and report residents illegally listing units on the site.

Airbnb offered to “go legal” and start paying taxes — some $21 million in New York. But that’s hardly going to bring rents down. And for a city of 8 million, it’s not even that much.

“If you’re trying to find a place that you can afford, what’s the difference if somebody is paying tax? It doesn’t really have anything to do with affordability or availability,” Krueger said. “And 21 million, if somebody put it on a platter and said, ‘Here, go build affordable housing,’ that would get you 32 units. That’s not really doing much for me.”

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New York City. Photo via Flickr (https://www.flickr.com/photos/zachvs/1818687657/in/photolist-3WXonv-3LHftK-3LMz6q-2G5omw-3WXoq4-4dfnsf-4dboJt-3KwsuT-fbnAbe-3Qq3Si-9gFitV-6De7RY-6Hbagr-a5sGBN-6DdZTL-aRvTXP-c2zG3A-c2zFd1-c2zGEh-c2zFNh-c2zKgh-c2zGiN-c2zFvJ-c2xiM9).

But that’s not all.

Most people listing their apartments on the site — including 2/3 of those in New York — seem to either not know it's illegal or just how illegalit is.

"People who actually list their apartment often don't know what the law is, they just see it as, 'Oh good, I'll make some money,' " Krueger said. "And then they'll find themselves in court, being evicted from their homes, because it's illegal."

IKEA is now designing housing for refugee camps. Read more here. (https://news.vice.com/articles/ikea-is-now-designing-housing-for-refugee-camps)

On its website, Airbnb encourages users to be "responsible hosts" and check their leases and renting laws in their cities. But the company doesn't take responsibility for people breaking those laws.

> *'We have strong laws in the city for a reason.'*

"Unfortunately, we can't provide individual legal assistance or review lease agreements for our 500,000 hosts, but we do try to help inform people about these issues," Nick Papas, a spokesman for the company, told VICE News. "Countless families have been able to pay their bills and stay in the city they love thanks to Airbnb. People who occasionally share the home in which they live aren't hurting anyone and landlords who seek any excuse to evict tenants so they can raise the rent are only helping themselves."

While it's safe to assume the landlords who turned to listing apartments in bulk know they are breaking the law, once again, it's the small guys who risk paying the highest price.

"Airbnb for the most part does not even talk to its hosts about this issue," Baumer said. "Because it's interested solely in taking the 12 percent of the rent or however much it is, and move on to the next one."

The law, critics hope, will put an end to that.

"We have strong laws in the city for a reason," Weithman said. "There's a housing crisis."

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TOPICS: *eviction (/topic/eviction)*, *americas (/topic/americas)*, *new york (/topic/new-york)*, *lawsuit (/topic/lawsuit)*, *berlin (/topic/berlin)*, *alice speri (/topic/alice-speri)*, *gentrification (/topic/gentrification)*, *airbnb (/topic/airbnb)*, *coach surfing (/topic/coach-surfing)*, *rentals (/topic/rentals)*, *hotel stay (/topic/hotel-stay)*, *affordable housing (/topic/affordable-housing)*, *controlled rentals (/topic/controlled-rentals)*, *housing rights (/topic/housing-rights)*, *illegal hotels (/topic/illegal-hotels)*, *short-term rentals (/topic/short-term-rentals)*, *real estate (/topic/real-estate)*, *san francisco (/topic/san-francisco)*, *montreal (/topic/montreal)*, *marti weithman (/topic/marti-weithman)*

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EXHIBIT F

Ecological Applications, 17(5), 2007, pp. 1388–1402

HUMAN INFLUENCE ON CALIFORNIA FIRE REGIMES

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Abstract. Periodic wildfire maintains the integrity and species composition of many ecosystems, including the mediterranean-climate shrublands of California. However, human activities alter natural fire regimes, which can lead to cascading ecological effects. Increased human ignitions at the wildland–urban interface (WUI) have recently gained attention, but fire activity and risk are typically estimated using only biophysical variables. Our goal was to determine how humans influence fire in California and to examine whether this influence was linear, by relating contemporary (2000) and historic (1960–2000) fire data to both human and biophysical variables. Data for the human variables included fine-resolution maps of the WUI produced using housing density and land cover data. Interface WUI, where development abuts wildland vegetation, was differentiated from intermix WUI, where development intermingles with wildland vegetation. Additional explanatory variables included distance to WUI, population density, road density, vegetation type, and ecoregion. All data were summarized at the county level and analyzed using bivariate and multiple regression methods. We found highly significant relationships between humans and fire on the contemporary landscape, and our models explained fire frequency ($R^2 = 0.72$) better than area burned ($R^2 = 0.50$). Population density, intermix WUI, and distance to WUI explained the most variability in fire frequency, suggesting that the spatial pattern of development may be an important variable to consider when estimating fire risk. We found nonlinear effects such that fire frequency and area burned were highest at intermediate levels of human activity, but declined beyond certain thresholds. Human activities also explained change in fire frequency and area burned (1960–2000), but our models had greater explanatory power during the years 1960–1980, when there was more dramatic change in fire frequency. Understanding wildfire as a function of the spatial arrangement of ignitions and fuels on the landscape, in addition to nonlinear relationships, will be important to fire managers and conservation planners because fire risk may be related to specific levels of housing density that can be accounted for in land use planning. With more fires occurring in close proximity to human infrastructure, there may also be devastating ecological impacts if development continues to grow farther into wildland vegetation.

Key words: California, USA; fire; fire history; housing density; nonlinear effects; regression; wildland–urban interface.

Introduction

Fire is a natural process in many biomes and has played an important role shaping the ecology and evolution of species (Pyne et al. 1996, Bond and Keeley 2005). Periodic wildfire maintains the integrity and species composition of many ecosystems, particularly those in which taxa have developed strategic adaptations to fire (Pyne et al. 1996, Savage et al. 2000, Pausas et al. 2004). Despite the important ecosystem role played by fire, human activities have altered natural fire regimes relative to their historic range of variability. To develop effective conservation and fire management strategies to deal with altered fire regimes, it is necessary to understand the causes underlying altered fire behavior and their human relationships (DellaSalla et al. 2004). Nowhere is this more critical in the United States than in California, which is the most populous state in the nation, with roughly 35×10^6 people. Most of the population lives in lower elevations dominated by hazardous chaparral shrublands susceptible to frequent high-intensity crown fires.

In California, as elsewhere, the two primary mechanisms altering fire regimes are fire suppression, resulting in fire exclusion, and increased anthropogenic ignitions, resulting in abnormally high fire frequencies (Keeley and

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Fotheringham 2003), though climate change, vegetation manipulation, and other indirect factors may also play a role (Lenihan et al. 2003, Sturtevant et al. 2004). For most of the 20th century, fire suppression effectively excluded fire from many western U.S. forest ecosystems, such as ponderosa pine. In these ecosystems, fire exclusion contributed to unnatural fuel accumulation and increased tree density (Veblen et al. 2000, Allen et al. 2002, Gray et al. 2005). Recently, when wildfires have hit many of these forests, hazardous fuel loads have contributed to high-intensity crown fires that are considered outside the historical range of variability (Stephens 1998). While these patterns are widely applicable to many forested landscapes in the western United States, California chaparral shrublands have experienced such substantial human population growth and urban expansion that the increase in ignitions, coupled with the most severe fire weather in the country (Schroeder et al. 1964), have acted to offset the effects of suppression to the point that fire frequency exceeds the historic range of variability (Keeley et al. 1999). Because anthropogenic ignitions tend to be concentrated near human infrastructure, more fires now occur at the urban fringe than in the backcountry (Pyne 2001, Keeley et al. 2004). Profound impacts on land cover condition and community dynamics are possible if a disturbance regime exceeds its natural range of variability, and altered fire regimes can lead to cascading ecological effects (Landres et al. 1999, Dale et al. 2000). For example, too-frequent fire can result in habitat loss and fragmentation, shifting forest composition, reduction of small-mammal populations, and accompanying loss of predator species (Barro and Conard 1991, DellaSalla et al. 2004).

Landscape-level interactions between human activities and natural dynamics tend to be spatially concentrated at the wildland–urban interface (WUI; see Plate 1), which is the contact zone in which human development intermingles with undeveloped vegetation (Radeloff et al. 2005). The WUI has received national attention because housing developments and human lives are vulnerable to fire in these locations and because anthropogenic ignitions are believed to be most common there (Rundel and King 2001, USDA and USDI 2001). The majority of WUI fire research has focused on strategies to protect lives and structures (e.g., Cohen 2000, Winter and Fried 2000, Winter et al. 2002, Shindler and Toman 2003) or on the assessment of fire risk using biophysical or climate variables that influence fire behavior (Bradstock et al. 1998, Fried et al. 1999, Haight et al. 2004). However, it is also important to understand how the WUI itself (or other indicators of human activity) affects fire and to quantify the spatial relationships between human activities and fire (Duncan and Schmalzer 2004).

The influence of proximity to the WUI and other human infrastructure appears to vary markedly with region. In the northern Great Lakes states, areas with higher population density, higher road density, and lower distance to nonforest were positively correlated with fire (Cardille et al. 2001). Also, in southern California, a strong positive correlation between population density and fire frequency was reported (Keeley et al. 1999). However, no relationship between housing count and fire was found in northern Florida counties (Prestemon et al. 2002); population density and unemployment were positively related, and housing density and unemployment were negatively related to fire in a different analysis of Florida counties (Mercer and Prestemon 2005). A negative relationship between housing density and fire was also found in the Sierra Nevada Mountains of California (CAFRAP 2001).

In addition to potential regional differences, it is also difficult to draw general conclusions from these studies because they used different indicators of human activities, their data sets differed in spatial and temporal scale, and they were conducted in small areas where ranges of variability in both fire frequency and level of development were limited. Human–fire relationships may also vary based on factors that were not accounted for, such as pattern of development. Another explanation for the discrepancy is that relationships between human activities and fire may be nonlinear in that humans may affect fire occurrence positively or negatively, depending on the level of influence. These nonlinear effects were apparent in data from a recent study in the San Francisco Bay region, where population growth was positively related to fire frequency over time up to a point, but then fire frequency leveled off as population continued to increase (Keeley 2005).

Whether positive or negative, the significance of the relationships between human activities and fire that were detected in previous studies stresses the importance of further exploring links between anthropogenic and environmental factors and their relative influence on wildfire patterns across space and time. Therefore, our research objective was to quantify relationships between human activities and fire in California counties using temporally and spatially rich data sets and regression models. Although fire regimes encompass multiple characteristics, including seasonality, intensity, severity, and predictability, we restricted our analysis to questions about fire frequency and area burned to determine: (1) what the contemporary relationship between human activities and fire is; (2) how human activities have influenced change in fire over the last 40 years; and (3) whether fire frequency and area burned vary nonlinearly in response to human influence.

Humans are responsible for igniting the fires that burn the majority of area in California (Keeley 1982); therefore, we expected our anthropogenic explanatory variables to significantly explain fire activity on the current landscape and over time. In addition to population density (which simply quantifies the number of people in an area), we expected the spatial pattern of human development (indicated by housing density and

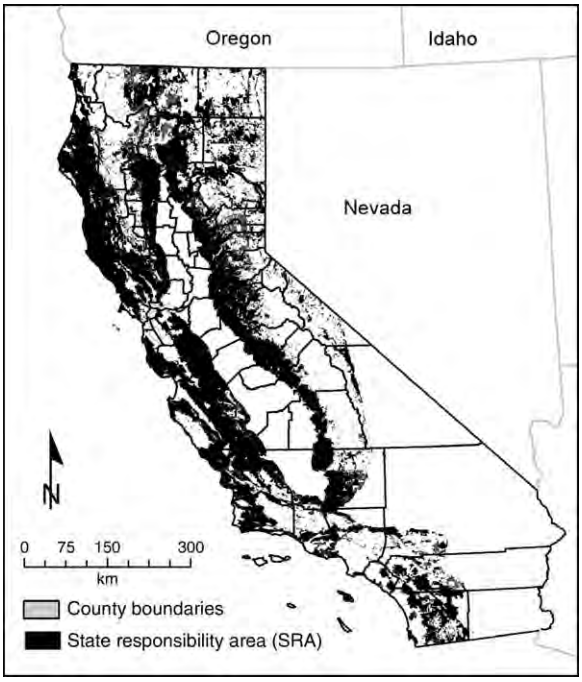

FIG. 1. Map of California Department of Forestry and Fire Protection (CDF) state responsibility areas (SRAs) within county boundaries of California, USA.

land cover combinations and distance variables) to be an important influence on fire because we assumed that anthropogenic ignitions are most likely to occur where human presence is greatest. We also expected that the relationships between human activities and fire would be both positive and negative because humans ignite fires, but development patterns affect fuel continuity and the accessibility of fire suppression resources. Finally, we included several environmental variables in the analysis because we expected the human relationships to be mediated by these other biophysical variables that shape the pattern and frequency of fire (Wells et al. 2004).

METHODS

Study area

California is the second largest state in the continental United States and is the most populous and physically diverse. Most of the state has a mediterranean climate, which, along with a heterogeneous landscape, contributes to tremendous biodiversity (Wilson 1992). Because the state contains a large proportion of the country's endangered species, it is considered a "hotspot" of threatened biodiversity (Dobson et al. 1997). There is extensive spatial variation in human population density: large areas in the north are among the most sparsely populated in the country, but metropolitan regions in the south are growing at unprecedented rates (Landis and Reilly 2004). Much of the landscape is highly fire-prone, but fire regimes vary, and fire management is divided among many institutions. Humans have altered California's fire regimes, and its fire-related financial losses are among the highest in the country (Halsey 2005).

Data

Dependent variables: fire statistics.—We assembled our fire statistics from the California Department of Forestry and Fire Protection (CDF; Sacramento, California, USA) annual printed records, which included information on all fires for which the CDF took action between 1931 and 2004. For all state responsibility areas (SRA; Fig. 1), fire statistics are recorded by county and include numbers by size class, total area burned, vegetation type, and cause. Because the statistics did not include spatially explicit information on individual fires, we weighted the data by the area within the SRA in each county by calculating proportions to use as our dependent variables. These fire statistics were substantially more comprehensive than the readily available electronic Statewide Fire History Database, which excludes most fires <40 ha, which in many counties represents $>90\%$ of the fires. Although both anthropogenic and lightning ignitions would be important to consider for fully understanding fire patterns in other regions (e.g., Marsden 1982), humans were responsible for $\sim 95\%$ of both the number of fires and area burned in California in the last century. We restricted our analysis to these anthropogenic fires because our focus was on human relationships with fire. Although the fire statistics were not spatially explicit, we developed GIS grids at 100-m resolution to derive data for all of the explanatory variables. The data for these explanatory variables were only extracted and averaged from within the SRA boundaries corresponding to the fire data.

Out of the 58 counties in California, we had fire statistics for 54 of them for the year 2000. Therefore, to assess the contemporary relationship between fire and human activities (hereafter referred to as the "contemporary analysis"), we analyzed the data from these counties using the annual number of fires and area burned as our dependent variables (Table 1).

Based on a preliminary exploration of the fire history data (averaged across all counties), we observed two distinct trends during the last 50 years. First, the number of fires substantially increased until 1980 and then decreased until 2000; and second, the average area burned changed inversely to the number of fires, but the differences over time were less dramatic and not statistically significant (Fig. 2). Considering these trends, we broke the historic analysis into two equal time periods (1960–1980 and 1980–2000) to compare the relative influence of the explanatory variables on both the increase (i.e., from 1960 to 1980) and decrease (from 1980 to 2000) in fire activity. The year 1980 is used to compute differences for both time periods because the census data that formed the basis for many of our explanatory variables were only available by decade. We averaged the number of fires and the area burned for 10-

TABLE 1. Variables analyzed in the regression models.

Variable	Source	Processing
2000 data		
Dependent variables		
Number of fires	CDF	proportion in SRA, square-root transformed
Area burned	CDF	proportion in SRA, square-root transformed
Explanatory variables		
Human		
Intermix WUI	SILVIS	proportion in SRA
Interface WUI	SILVIS	proportion in SRA
Low-density housing	SILVIS	proportion in SRA
Distance to intermix WUI	SILVIS	mean Euclidean distance in SRA
Distance to interface WUI	SILVIS	mean Euclidean distance in SRA
Population density	SILVIS	proportion in SRA
Road density	TIGER	mean km/km^2 in SRA
Distance to road	TIGER	mean Euclidean distance in SRA
Biophysical		
Ecoregion	CDF	discrete class
Vegetation type	CDF	area burned in vegetation type/area burned in SRA
Historic data, 1960–1980 and 1980–2000		
Dependent variables		
Change in number of fires	CDF	difference between decadal averages, proportion in SRA, square-root transformed
Change in area burned	CDF	difference between decadal averages, proportion in SRA, square-root transformed
Explanatory variables		
Human		
Change in housing density	SILVIS	difference between decades
Change in distance to low-density housing	SILVIS	difference between mean Euclidean distance in SRA
Initial housing density	SILVIS	mean housing density in either 1960 or 1980
Initial distance to low-density housing	SILVIS	mean Euclidean distance in SRA in either 1960 or 1980
Biophysical		
Ecoregion	CDF	discrete class
Vegetation type	CDF	mean area burned in vegetation type/area burned in SRA over time period

Notes: Key to abbreviations: WUI, wildland–urban interface; SRA, state responsibility area. Sources are as follows: CDF, California Department of Forestry and Fire Protection, Sacramento, California, USA, *unpublished data*; SILVIS, Radeloff et al. (2005); TIGER, U.S. Census Bureau (2000).

year time periods that bracketed the dates of the census data (e.g., 1955–1964 [1960], 1975–1984 [1980], 1995–2004 [2000]) and then calculated the difference in averages from the 1960–1980 and 1980–2000 periods for our dependent variables (Table 1). By averaging the fire data, we smoothed some of the annual variability that may have occurred due to stochastic factors such as weather.

Explanatory variables: housing data.—Data for most of the anthropogenic variables were available through a nationwide mapping project that produced maps of the WUI in the conterminous United States using housing density data from the 1990 and 2000 U.S. Census (U.S. Census Bureau 2002) and land cover data from the USGS National Land Cover Dataset (Radeloff et al. 2005). The maps were produced at the finest demographic spatial scale possible, the 2000 decennial census blocks. The vegetation data were produced at 30-m resolution. These maps delineated two types of WUI in accordance with the Federal Register definition (USDA and USDI 2001). "Intermix WUI" is defined as the intermingling of development with wildland vegetation; the vegetation is continuous and occupies >50% of the area. "Interface WUI" is defined as the situation in which development abuts wildland vegetation; there is <50% vegetation in the WUI, but it is within 2.4 km of an area that has >75% vegetation. In both types of WUI communities, housing must meet or exceed a density of more than one structure per 16 ha (6.17 housing units/km^2). Interface WUI tends to occur in buffers surrounding higher-density housing, whereas intermix WUI is more dispersed across the landscape (Fig. 3A, B).

The WUI data were only produced for 1990 and 2000 due to the lack of historic land cover data, but housing density data were available from 1960 to 2000. Historic housing density distribution was estimated using back-casting methods to allocate historic county-level housing unit counts into partial block groups (as described in Hammer et al. 2004). We used both intermix and interface WUI as explanatory variables (proportions within the county SRAs) in the current analysis to evaluate how these different patterns of vegetation and housing density affected fire activity. We also used low-density housing (housing density $\geq$6.17 housing units/km^2 and <49.42 housing units/km^2) to determine whether it could act as a substitute for WUI as an explanatory variable in the historic analysis (Table 1).

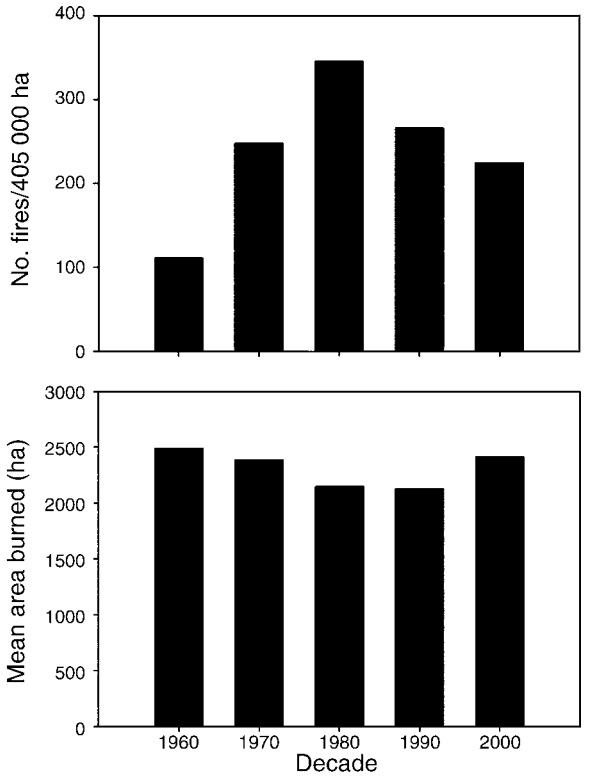

FIG. 2. Trends in number of fires and area burned for all land in the state responsibility areas (SRAs) in California from 1960 to 2000.

Looking at an overlay of fire perimeters from the electronic Statewide Fire History Database (from the last 25 years; *available online*)[7] on the WUI data, it was apparent that many fires occurred close to the WUI, but not necessarily within the WUI (Fig. 3C, D). Therefore, we calculated the mean distance to intermix and interface WUI to evaluate as explanatory variables (Table 1). These means were calculated by iteratively determining the Euclidean distances from every grid cell in the county SRA boundaries and then averaging the distances across all cells to determine means for the counties. We also included population density data from the 2000 Census.

For the historic analysis, we calculated changes in mean housing density and mean distance to low-density housing between the 1960–1980 and 1980–2000 periods to relate to change in the dependent variables. We excluded the proportion of low-density housing from our analysis because it was highly correlated with mean housing density ($r = 0.84$). Unlike the historical fire data that switched in their direction of change over time, housing density continued to increase while the mean distance to low-density housing continued to decline (Fig. 4). We included the initial values of these data (e.g., 1960 and 1980) to account for the fact that the same magnitude of change may have different effects on the dependent variables depending on the starting value of the explanatory variables (Table 1).

Explanatory variables: road data.—The quality of road data can vary according to data source (Hawbaker and Radeloff 2004), so we compared the U.S. Geological Survey digital line graph (DLG; U.S. Geological Survey 2002) and the US TIGER 2000 GIS (U.S. Census Bureau 2000) layers of roads to determine whether there were substantial differences that could affect the interpretation of the results. After calculating and summarizing road density by county, we found a strong positive correlation ($r = 0.97$). Therefore, we used the TIGER data because they were produced in 2000, the same year as the contemporary analysis. The more current TIGER data generally capture new development that might not be included in the DLG data. We evaluated mean road density and mean distance to roads in the current analysis (Table 1), but road data were unavailable for the historic analysis.

Explanatory variables: environmental.—In the absence of human influence, fire behavior is primarily a function of biophysical variables (Pyne et al. 1996, Rollins et al. 2002). These can vary widely across a county, but ecoregions capture broad differences by stratifying landscapes into unique combinations of physical and biological variables (ECOMAP 1993). Our ecoregion data were the geographic subdivisions of California defined for The Jepson Manual (Hickman 1993), designated through broadly defined vegetation types and geologic, topographic, and climatic variation (Fig. 5).

Because vegetation type influences the ignitability of fuel and the rate of fire spread (Bond and van Wilgen 1996, Pyne et al. 1996), we also evaluated the proportion of area burned within three broad vegetation types: shrubland, grassland, and woodland (Fig. 5). Differences in fire regimes between broadly defined vegetation types can be striking, particularly between shrubland and woodland in southern California (Wells et al. 2004). The CDF fire statistics included information on the proportion of area burned in these vegetation types. For the historic analysis, we averaged the proportion of fires burned within different vegetation types over the entire decade (Table 1).

Analytical methods

Diagnostics and data exploration.—Before developing regression models, we examined scatter plots for each variable. Nonlinear trends were apparent (e.g., Fig. 6), suggesting that we needed to include quadratic terms for the explanatory variables in the regressions. Unequal variances in the residual plots prompted us to apply a square-root transformation to the dependent variables. We also plotted semivariograms of the models' residuals (using centroids from the SRA boundaries) and found no evidence of spatial autocorrelation. To check for

[7] ⟨http://frap.cdf.ca.gov/data/frapgisdata/select.asp⟩

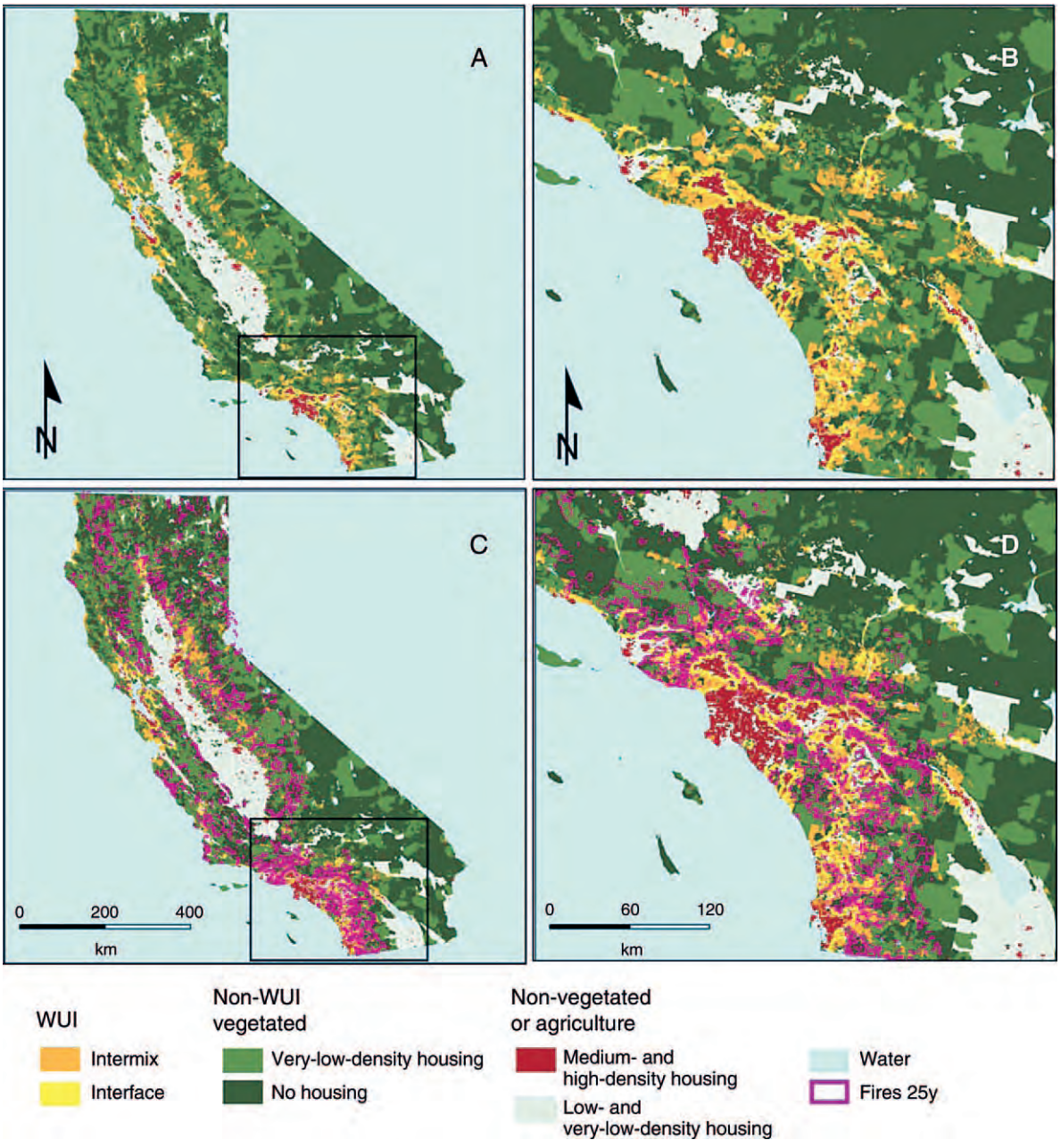

FIG. 3. The wildland–urban interface (WUI) in 2000 with and without fire perimeter overlays (from 1979 to 2004) in (A, C) California and (B, D) southern California. Housing density is defined as follows: very low, >0–6.17 housing units/km^2; low, 6.17–49.42 housing units/km^2; medium, 49.42–741.31 housing units/km^2; and high, >741.31 housing units/km^2 (USDA and USDI 2001). "Fires 25y" refers to 25 years of fire perimeters, from 1980 to 2005.

multicollinearity, we calculated the correlation coefficients between all of the explanatory variables and only included noncorrelated variables ($r \leq 0.7$) in the multiple regression models.

The areas of CDF jurisdiction for each county varied slightly over time. Therefore, we compared separate regressions from the full historic data set ($n = 37$) to a subset of the data excluding counties that experienced a greater than 20% change in area over time ($n = 23$). For both the 1960–1980 regressions and the 1980–2000 regressions, every one of the explanatory variables that was significant in the subset was also significant in the full data set, with very similar R^2 values; therefore, we felt confident proceeding with the full data set for the historic analysis because we had greater power with the larger sample size.

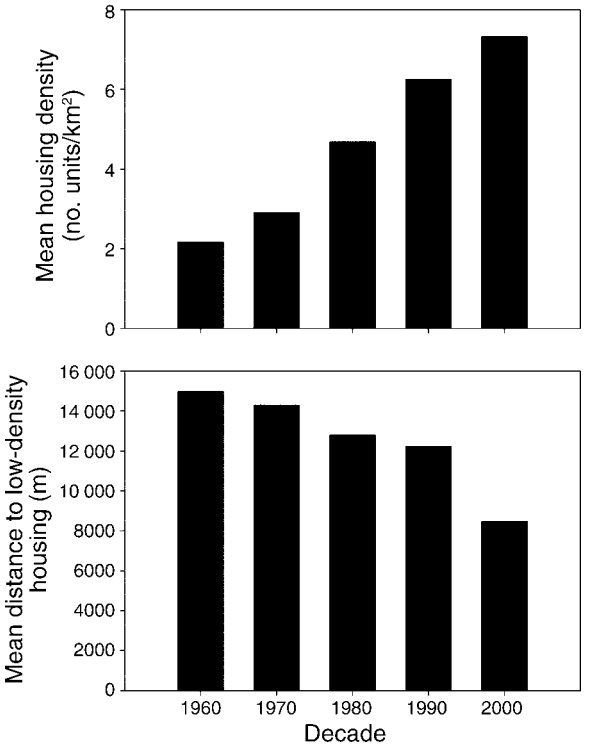

FIG. 4. Trends in housing density and distance to low-density housing (6.17–49.42 housing units/km^2) for all land in the state responsibility areas (SRAs) in California from 1960 to 2000.

Statistical analysis

We used the same regression modeling approach for both the current and historic analyses. First, we developed bivariate regression models for all of the explanatory variables and their quadratic terms so that we could evaluate their independent influence on fire frequency and area burned. To account for the interactions between variables (and their quadratic terms), we also built multiple regression models using the R statistical package (R Development Core Team 2005). For all models, we first conducted a full stepwise selection analysis (both directions) using Akaike Information Criteria to identify the best combination of predictor variables (Burnham and Anderson 2002). Some of the models retained a quadratic term without including the lower-order variable. In these models, we added the lower-order term, rebuilt the model, and then proceeded with a backwards elimination process until all predictor variables in the model were significant with P values ≤ 0.05.

RESULTS

Current analysis

Bivariate regressions.—Many of the anthropogenic variables were highly significant in explaining the number of fires in 2000. The quadratic term for each of these variables was also significant, and the direction of influence was both positive and negative (Fig. 7). Compared to the other variables, population density explained the greatest amount of variability. The proportion of intermix WUI and low-density housing in the counties also explained significant variation in the number of fires; but the proportion of interface WUI was insignificant. The number of fires was significantly related to the mean distance to both types of WUI, but neither of the road variables was significant. All three vegetation types, particularly shrubland, significantly influenced the number of fires, but ecoregion was insignificant.

For the anthropogenic variables, the number of fires was highest at intermediate levels of population density (from ~35 to 45 people/km^2; Fig. 6), proportion of intermix WUI (~20–30% in the county), and proportion of low-density housing (~25–35% in the county). It was also highest at the shortest distances to intermix and interface WUI, but started to level off at ~9–10 km for intermix (Fig. 6) and 14–15 km for interface WUI.

Unlike the number of fires, none of the anthropogenic variables were significantly associated with the area burned in 2000. In fact, shrubland was the only variable that explained significant variation in area burned.

Multiple regression.—When all of the variables were modeled in the multiple regressions, the resulting model for number of fires in 2000 included population density, the proportion of intermix WUI and its quadratic term, grassland and its quadratic term, and shrubland (Table 2). The model was highly significant with an adjusted R^2 value of 0.72.

The multiple regression model for area burned in 2000 included distance to road, shrubland, and woodland, and all three variables had significant positive relationships (no quadratic terms were retained). This model was also highly significant with an adjusted R^2 of 0.50.

Historical analysis 1960–1980

Bivariate regressions.—Change in the number of fires (net increase) from 1960 to 1980 was significantly explained by each of the human-related variables except for change in the mean distance to low-density housing (Fig. 8). The quadratic term was also significant in the separate models, except for the initial distance to low-density housing (in 1960), which had a negative influence on the change in number of fires. Change in number of fires was also significantly related to ecoregion and shrubland vegetation.

The only three variables with significant influence on the change in area burned (net decrease) were the three vegetation types.

Multiple regression.—The explanatory variables that were retained in the multiple regression model for change in the number of fires from 1960 to 1980 included mean housing density in 1960 and its quadratic term, grassland vegetation, and ecoregion (Table 2). The adjusted R^2 value was highly significant at 0.72.

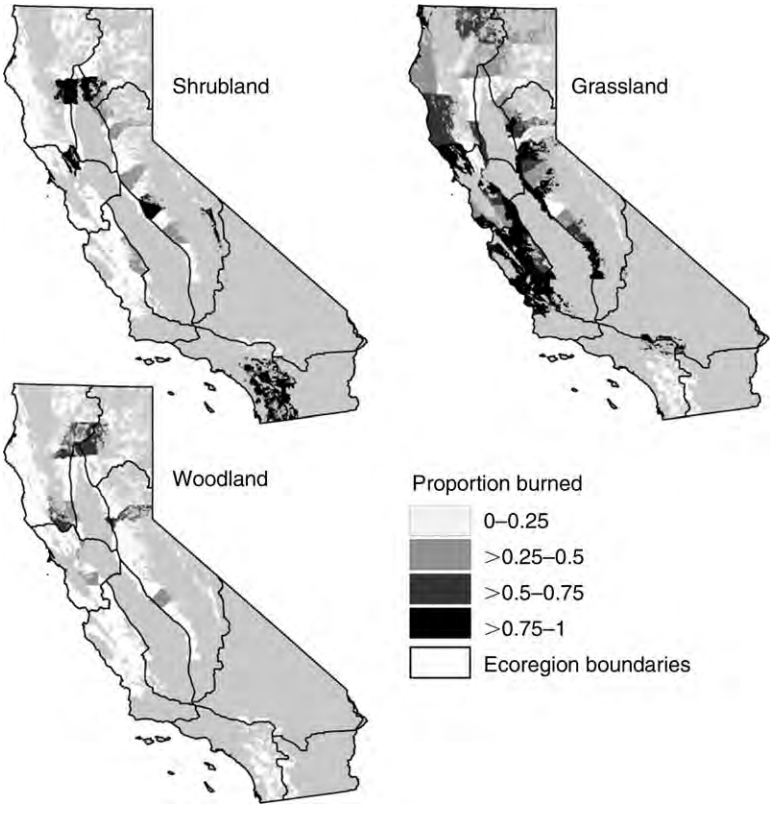

FIG. 5. Maps showing ecoregion boundaries and the proportion of area burned in shrubland, grassland, and woodland in 2000.

Mean housing density in 1960 was positively associated with change in area burned from 1960 to 1980, and the distance to low-density housing had first a positive, then a negative influence because the quadratic term was included. Other variables retained in the multiple regression model included shrubland and its quadratic term, grassland, woodland, and ecoregion.

Historical analysis 1980–2000

Bivariate regressions.—Initial housing density (in 1980) was the only significant explanatory variable explaining change in number of fires (net decrease) from 1980 to 2000 (Fig. 9). Woodland vegetation was the only significant variable out of the separate models explaining change in area burned from 1980 to 2000 (net increase). The quadratic terms were significant for both of these models.

Multiple regression.—The multiple regression model explaining change in number of fires from 1980 to 2000 included change in housing density, initial housing density (in 1980), and woodland vegetation; the quadratic term was also significant for these three variables (Table 2). Although the model was significant, the R^2 was substantially lower than the 1960–1980 model, at 0.26.

The multiple regression model explaining change in area burned included initial housing density (in 1980) and its quadratic term, initial distance to low-density

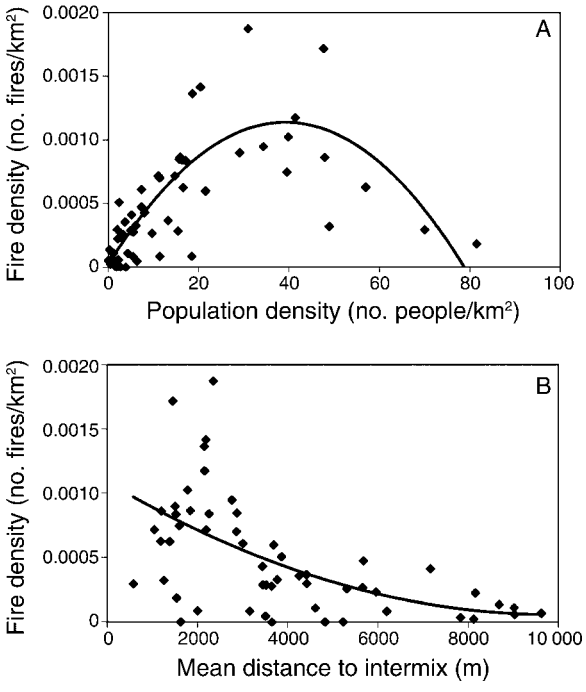

FIG. 6. The relationships between (A) the proportion of the number of fires and population density and (B) the proportion of the number of fires and mean distance to intermix wildland–urban interface (WUI).

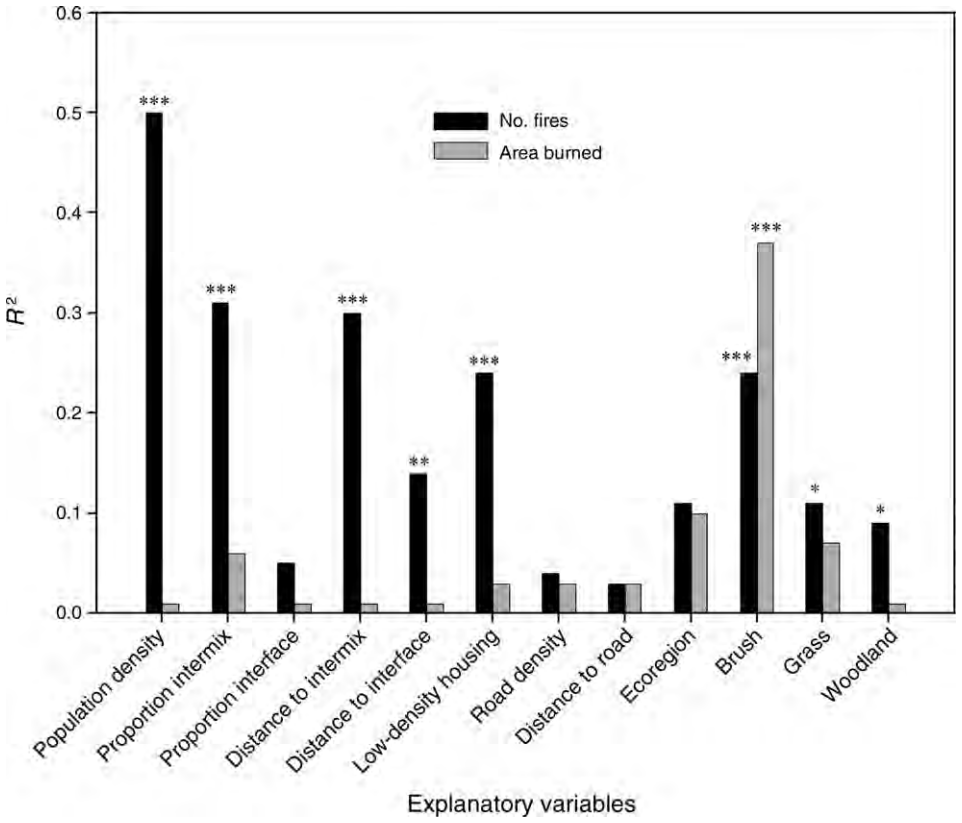

FIG. 7. R^2 values and significance levels for the explanatory variables in the bivariate regression models for number of fires and area burned in 2000.
* $P < 0.05$; ** $P < 0.01$; *** $P < 0.001$.

housing, woodland vegetation and its quadratic, and ecoregion. This model had better explanatory power than the number of fires model, with an R^2 of 0.41.

DISCUSSION

The expression of fire on a landscape is influenced by a combination of factors that vary across spatial and temporal scales and involve both physical and biological characteristics. Fire behavior has long been viewed as a largely physical phenomenon illustrated by the classic fire environment triangle that places fire as a function of weather, fuels, and topography (Countryman 1972), but clearly the human influence on modern fire regimes must also be understood to meet fire management needs (DellaSalla et al. 2004). We first asked what the current relationship is between human activities and fire in California and found that humans and their spatial distribution explained a tremendous proportion of the variability in the number of fires, but that area burned was more a function of vegetation type. Anthropogenic ignitions are the primary cause of fire in California and were the focus of our analysis, so we were not surprised by the strong human influence. Nevertheless, the high explanatory power of the models underscores the importance of using locally relevant anthropogenic factors as well as biophysical factors in fire risk assessments and mapping. The models also identify which indicators of human activity are most strongly associated with fire in California. For number of fires, the proportion of intermix WUI explained more variation than any other variable except for population density, suggesting that the spatial pattern of housing development and fuel are important risk factors for fire starts.

Human-caused ignitions frequently occur along transportation corridors (Keeley and Fotheringham 2003, Stephens 2005), so it was surprising that neither road density nor average distance to road were significant in explaining fire frequency. Although roads are important in local-scale ignition modeling, detecting their influence on fire ignitions may be difficult at an aggregated, county level since they are narrow, linear features. On the other hand, distance to roads was the only anthropogenic variable associated with area burned, having a positive influence when grassland and shrubland were also accounted for in the multiple regression model, which may reflect the difficulty of fire suppression access contributing to fire size.

Humans influence fire frequency more than area burned because anthropogenic ignitions are responsible

TABLE 2. Variables retained in the multiple regression models for the current and historic analyses.

Analysis and explanatory variable	Coefficient and intercept	*P*
Current		
2000		
No. fires		
Population density	0.0006	<0.01
Proportion intermix	0.0702	<0.01
(Proportion intermix)^2	−0.2629	<0.01
Grassland	0.0496	<0.01
(Grassland)^2	−0.0441	<0.01
Shrubland	0.0093	0.02
Overall model (adjusted R^2: 0.72)	0.0001	<0.01
Area burned		
Distance to road	0.00004	<0.01
Shrubland	0.0833	<0.01
Woodland	0.0559	<0.01
Overall model (adjusted R^2: 0.50)	−0.0052	<0.01
Historic		
1960–1980		
No. fires		
Initial housing	2.7649	<0.01
(Initial housing)^2	−0.1523	<0.01
Grassland	4.6311	0.05
Ecoregion	...†	<0.01
Overall model (adjusted R^2: 0.72)	0.6443	<0.01
Area burned		
Initial housing	0.0188	<0.01
Initial distance	0.00002	<0.01
(Initial distance)^2	-2×10^{-10}	<0.01
Shrubland	−0.3641	0.12
(Shrubland)^2	0.8778	0.01
Grassland	0.0371	<0.01
Woodland	0.0449	0.01
Ecoregion	...†	0.03
Overall model (adjusted R^2: 0.51)	−0.373	<0.01
1980–2000		
No. fires		
Change housing	3.0666	0.01
(Change housing)^2	−0.2661	0.01
Initial housing	−1.8269	0.01
(Initial housing)^2	0.0505	0.03
Woodland	38.1957	0.03
(Woodland)^2	−107.0112	0.02
Overall model (adjusted R^2: 0.26)	−1.894	0.01
Area burned		
Initial housing	−0.0114	0.01
(Initial housing)^2	0.0003	0.05
Initial distance	−0.000003	<0.01
Woodland	0.0292	0.18
(Woodland)^2	−1.2831	0.02
Ecoregion	...†	0.05
Overall model (adjusted R^2: 0.41)	0.0409	<0.01

† Coefficients are not listed for categorical variables.

for fire initiation, but fire spread and behavior is ultimately more a function of fuel availability and type (Bond and van Wilgen 1996, Pyne et al. 1996). Yet humans do have some control over fire size through suppression and, indirectly, through fuel connectivity (Sturtevant et al. 2004), although fires are extremely difficult to suppress in California shrublands under high-wind conditions that typify the most destructive fires (Keeley and Fotheringham 2003). Therefore, human effects on area burned may cancel one another out to some extent because fire suppression can minimize the increase in area burned that would result from increased ignitions, at least at the WUI. Fire suppression resources are more likely to be concentrated on structural protection in developed areas (Calkin et al. 2005), which would explain the positive relationship between area burned and distance to road. Roads can serve as firebreaks and can also provide access routes for firefighters.

The inclusion of vegetation type in the multiple regression models illustrates that, despite the strong influence of humans, fire occurrence remains a function

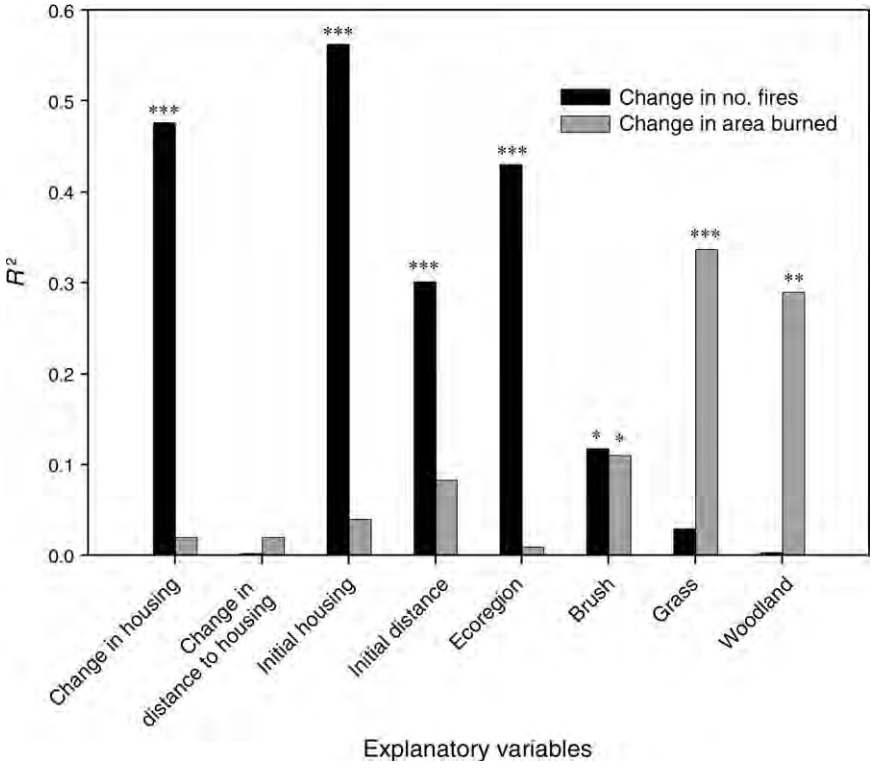

FIG. 8. R^2 values and significance levels for the explanatory variables in the bivariate regression models for number of fires and area burned from 1960 to 1980.
* $P < 0.05$; ** $P < 0.01$; *** $P < 0.001$.

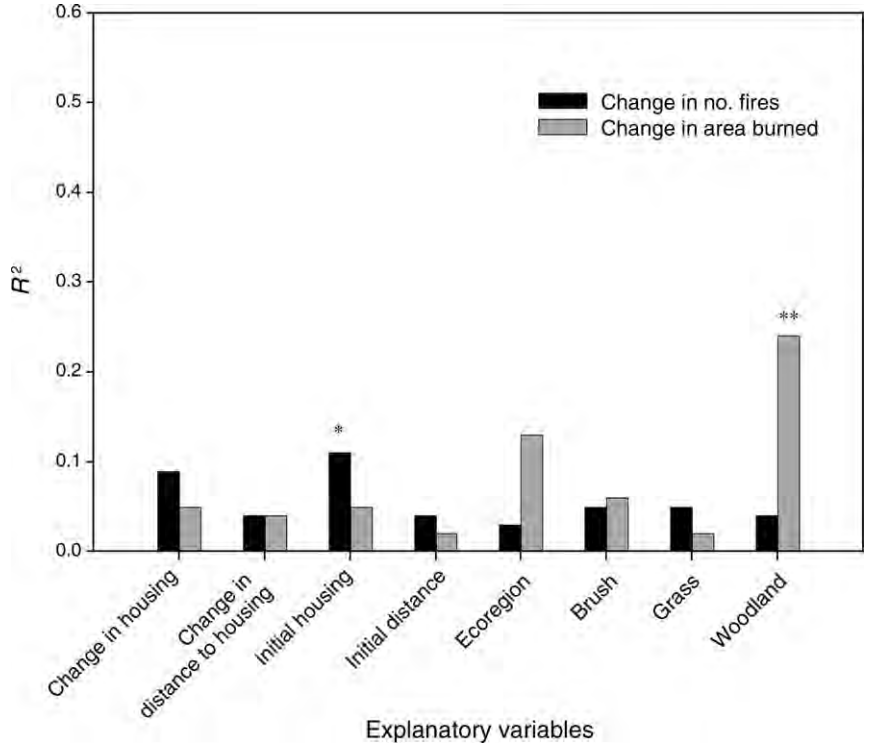

FIG. 9. R^2 values and significance levels for the explanatory variables in the bivariate regression models for number of fires and area burned from 1980 to 2000.
* $P < 0.05$; ** $P < 0.01$; *** $P < 0.001$.

PLATE 1. (Left) Wildland–urban interface (WUI) and (right) burned-over fuel break, both at the eastern end of Scripps Ranch (San Diego County, California, USA) after the autumn 2003 Cedar Fire (largest fire in California since the beginning of the 20th century). Photo credits: J. E. Keeley.

of multiple interacting social and environmental variables. For number of fires and area burned, shrubland had the strongest explanatory power of the vegetation types. Chaparral and coastal sage scrub are both extremely fire-prone vegetation types and high human population density tends to be distributed in these types; other studies have shown that they have experienced a higher rate of burning than other vegetation types in the southern part of the state in the last century (Keeley et al. 1999, Keeley 2000, Wells et al. 2004). Increased ignitions in highly flammable vegetation types can lead to very hazardous conditions (Halsey 2005).

The second question we asked was "How do human activities relate to change in fire?" In the last 40 years, the most substantial change was the increase in number of fires from 1960 to 1980. The decrease in number of fires was less dramatic between 1980 and 2000; and the change in area burned was relatively small in both time periods. Housing development patterns were most influential when change was greatest, from 1960 to 1980, and for trends in fire frequency (vs. area burned).

Although anthropogenic influence was partially responsible for the change in area burned, the apparent inverse relationship between change in fire frequency and change in area burned may be spurious. In other words, the explanation for a decrease in number of fires may be independent of the concurrent increase in area burned. Trends in area burned are naturally cyclic due to broad-scale factors such as climate. Recent research has shown that change in climate was a major factor driving fire activity in the western United States in the last several decades (Westerling et al. 2006); however, that research was restricted to large montane fire events on federally owned land above 1370 m. Therefore, while climate change may have played some role in our observed change in area burned, we cannot extend those results to our analysis because we included fires of all sizes under multiple land ownership classes, and historical fire patterns in the lower elevations do not correspond to patterns in montane forests (Halsey 2005).

Fire both constrains and is constrained by the fuel patterns it creates, resulting in cycles of fire activity and temporal autocorrelation in area burned, in part because young fuels are often less likely to burn (Malamud et al. 2005). Temporal autocorrelation effects vary with ecosystem, fuel type, and the area of analysis; but in all vegetation types, temporal dependence diminishes over time due to post-fire recovery. Therefore, we assumed that the effects would be low in our study because we were looking at change over 20-year time periods. Furthermore, the chaparral vegetation that dominates much of California recovers very quickly following fire, meaning that the effect of temporal autocorrelation in this vegetation type would last for only brief periods of time. Also, under extreme weather conditions, young age classes are capable of carrying fires in the southern portions of California (Moritz 1997, Moritz et al. 2004).

In general, the anthropogenic influence on fire frequency and extent was complicated through the combination of positive and negative effects, which helps to answer our third question: "Do fire frequency and area burned vary nonlinearly in response to human influence?" Nonlinear effects were evident in the scatter plots and confirmed by the significance of quadratic terms in most of the models. The regression models indicate that humans were responsible for first increasing and then decreasing fire frequency and area burned. These dual influences may explain why prior studies presented conflicting results, because a positive or negative response was dependent on the level of human presence. Aside from the fact that we intentionally tested hypotheses regarding nonlinear relationships, our data also contained a wide range of human presence due to the large extent and diversity of the state of California.

The scatter plots illustrate how these human–fire relationships occurred. For both the number of fires and area burned, and in the current and historic analyses, the

maximum fire values occurred at intermediate levels of human presence (as in Fig. 6A); and when human activity was either lower or higher, fire activity was lower. Initial increase in fire occurrence with increasing population is reasonable since human presence results in more ignitions. However, it appears that when human population density and development reach a certain threshold density, ignitions decline, and this is likely the result of diminished and highly fragmented open space with fuels insufficient to sustain fire. In addition, above a certain population threshold, fire suppression resources are likely to be more concentrated in the WUI. Inverse relationships were evident in the scatter plots of distance (Fig. 6B). In these, fire frequency and area burned were greatest at short distances to WUI; and at longer distances, the trend lines leveled off. These distance relationships indicate that more fires would be expected in close proximity to settled areas where ignitions are likely to occur.

The inclusion of quadratic terms in the multiple regression models supports the concept that fire frequency and area burned were dependent on the level of human activity. Initial housing density was important in all four historic multiple regression models, and initial distance to low-density housing was important in both of the historic area-burned models. The change in number of fires for both periods was also related to change in housing density, in bivariate regression models for the earlier period and in the multiple regression model for the later period (1980–2000). These results further emphasize that fire activity was a function of a certain level of human presence. In addition to the strong influence of human presence, ecoregion and vegetation types were also highly significant in the multiple regression models, suggesting that the particular level of human activity that was most influential in explaining fire activity was dependent upon biophysical context.

The primary value of the multiple regression models was to identify the most influential variables and their direction of influence when accounting for other factors. While they explained how fire activity varied according to context-dependent interactions, their purpose was not to provide a formula for determining fire risk at a landscape scale. Environmental and social conditions differ from region to region, and processes such as fire and succession are controlled by a hierarchy of factors, with different variables important at different scales (Turner et al. 1997). Nevertheless, these models provide strong evidence about the strength and nature of human–fire relationships. That these relationships are significant across a state as diverse as California suggests that human influence is increasingly overriding the biophysical template; yet, managers must account for the interactions with ecoregion and vegetation type when making management decisions. Determining the conditions (e.g., thresholds) for nonlinear anthropogenic relationships will be important to understand how fire risk is distributed across the landscape.

At the coarse scale of our analysis, we can estimate these thresholds based on the nonlinear relationships in our scatter plots (as in Fig. 6) and suggest that fire frequency is likely to be highest when population density is between 35 and 45 people/km^2, proportion of intermix WUI is ~20–30%, proportion of low-density housing is ~25–35%, the mean distance to intermix WUI is <9 km, and the mean distance to interface WUI is <14 km. Our next step is to more precisely define these relationships at scales finer than the county level (where management decisions often occur) and to understand the conditions under which human activities positively or negatively influence fire.

These results imply that fire managers must consider human influence, together with biophysical characteristics such as those represented in the LANDFIRE database, when making decisions regarding the allocation of suppression and hazard mitigation resources. If human presence is not explicitly included in decision making, inefficiencies may result, because fire occurrence is related to human presence on the landscape. In particular, we identify an intermediate level of housing density and distance from the WUI at which the effects of human presence seem to be especially damaging, i.e., a point at which enough people are present to ignite fires, but development has not yet removed or fragmented the wildland vegetation enough to disrupt fire spread. This intermediate level of development is one that large areas of the lower 48 states, particularly in the West and Southwest, will achieve in the coming decade. Hence, the WUI's location, extent, and dynamics will continue to be essential information for wildland fire management.

Conclusion

In addition to the risk to human lives and structures, changing fire regimes may have substantial ecological impacts, and the results in this analysis support the hypothesis that humans are altering both the spatial and temporal pattern of the fire regime. Although the overall area burned has not changed substantially, the distribution of fires across the landscape is shifting so that the majority of fires are burning closer to developed areas, and more remote forests are no longer burning at their historic range of variability (Pyne 2001). In either case, the ecological impacts may be devastating. Due to lack of dendrochronological information, historic reference conditions are difficult to determine in stand-replacing chaparral shrublands. Although chaparral is adapted to periodic wildfire, there is substantial evidence that fires are burning at unprecedented frequencies, and this repeated burning (at intervals closer than 15–20 years apart) exceeds many species' resilience and has already resulted in numerous extirpations (Zedler et al. 1983, Haidinger and Keeley 1993, Halsey 2005).

If present trends continue in California, the population may increase to 90×10^6 residents in the next 100 years. Recent trends in housing development patterns also indicate that growth in area and number of houses in intermix WUI has far outpaced the growth in interface WUI (Radeloff et al. 2005; Hammer et al., *in press*). Our results showing that fire frequency and area burned tend to be highest at intermediate levels of development (more typical of intermix than interface) suggest that fire risk is a function of the spatial arrangement of housing development and fuels. Therefore, in addition to more people in the region that could ignite fires, future conditions that include continued growth of intermix WUI may also contribute to greater fire risk. Land use planning that encourages compact development has been advocated to lessen the general impacts of growth on natural resources (Landis and Reilly 2004), and we suggest that reducing sprawling development patterns will also be important to the control of wildfires in California.

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ATTACHMENT 2

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M E M O R A N D U M

TO: County of Monterey
California Coastal Commission

FROM: Sara A. Clark
Attorney for Big Sur Local Coastal Program Defense Committee

DATE: December 16, 2019

RE: Monterey County Vacation Rental Ordinance and the Big Sur Land Use Plan

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Thank you for agreeing to meet with representatives of the Big Sur Local Coastal Program Defense Committee concerning development of the Monterey County Vacation Rental Ordinance ("Ordinance"). To facilitate a productive discussion, this short memo outlines the Defense Committee's position with respect to (a) the consistency of vacation rentals with the existing Big Sur Land Use Plan ("BSLUP") and (b) the impact of the Coastal Act on Monterey County's ability to ban vacation rentals in Big Sur. We look forward to hearing your comments on and questions about this analysis.

Big Sur Land Use Plan

As the County and Coastal Commission are aware, State Planning and Zoning Law and the California Coastal Act require development decisions—like the Ordinance—to be consistent with the County-adopted and Coastal Commission-approved BSLUP. The Defense Committee is concerned that vacation rentals, such as those that would be allowed by the draft Ordinance, are inconsistent with the BSLUP in at least four ways:

1) **Residential Land Uses**. The BSLUP segregates and protects residential areas from visitor-serving uses. Specifically, Policy 5.4.3.G.2 states that "[d]evelopment 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." Section 5.1.1 further clarifies that

residential and visitor-serving uses should not be mixed, noting that these residential areas are "not well suited for . . . visitor uses." The BSLUP therefore excludes vacation rentals, which are inherently visitor-serving, from residential areas. While the draft materials classify vacation rentals as a "residential" use, this position is untenable, particularly in light of recent changes to state law. Gov't Code § 66300(c) (defining short-term rentals as a commercial use) (effective Jan. 1, 2020).

2) **Visitor Serving Cap**. Policy 5.4.2.9 of the BSLUP limits the number of new visitor-serving lodge or inn units to 300, in order to protect the "capacity of Highway One to accommodate recreational use," avoid the "overuse" of coastal areas, and to respect rural character and natural resources. Vacation rentals—even when limited by number of nights or the presence of a principal resident—are visitor-serving units. They bring additional traffic to Highway One and visitors to overused areas, just like hotel or inn guests.

The County has never publicly released information with a current accounting of visitor-serving units in Big Sur. However, based on the information in Exhibit A, the Defense Committee believes that current visitor-serving units already exceed the cap by 26 units, if existing entitlements are taken into account, or are just shy of the cap, if entitled but not built units are excluded.

3) **Existing Affordable Housing**. Policy 5.4.3.I.1 mandates that the County "shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion, or any other reason." Yet, vacation rentals directly result in loss of affordable units and indirectly put pressure on long-term rental prices. The County has not provided any empirical support for its position that the proposed vacation rental ordinance will not exacerbate the existing affordability and availability issues in Big Sur.

4) **Vacation Rental Traffic**. The BSLUP recognizes the importance of maintaining sufficient capacity on Highway One, particularly for affordable recreational travel and day trips. *See also* Big Sur Coast Transportation and Highway One Background Report (1979) (noting that Highway capacity cannot support future recreational travel demand, necessitating limits on residential and other uses). Consequently, Policy 4.1.3.C.2 of the BSLUP mandates that "proposed new or expanded . . . visitor-serving uses shall be required to submit . . . a traffic component which evaluates the anticipated impact to Highway 1 service capacity." While the proposed vacation rental ordinance expands visitor-serving uses, the County has provided no adequate study of its traffic impacts.

The Defense Committee looks forward to further discussing these perceived inconsistencies with both the County and the Coastal Commission.

Coastal Act Requirements

The Defense Committee is aware that Coastal Commission staff have taken the position that the Coastal Act may require the Ordinance to further open Big Sur to vacation rentals, based on "requirements to maximize public recreational access opportunities for everyone." The Defense Committee believes that adherence to the BSLUP—which protects Highway capacity as the primary means of providing low-cost coastal access—is the best mechanism for meeting this goal. Moreover, the Defense Committee believes that Coastal Act provides more leeway for place-specific regulation than stated in previous staff correspondence.

First, on March 8, 2019, the Coastal Commission unanimously adopted its environmental justice policy. While recognizing the importance of low-cost access to coastal resources, the policy also acknowledges the crucial role for the Commission in encouraging affordable housing, addressing impacts of incremental housing stock loss, and protecting existing affordable housing in the coastal zone. Affordable access to the coast is not the Commission's only mission; it must be balanced by these very real affordability concerns, which are particularly acute in Big Sur.

Second, in a June 12, 2019 Coastal Commission Workshop on short-term rentals, Executive Director Jack Ainsworth acknowledged that in certain situations, a place-specific ban on short-term rentals may be appropriate. He noted that the underlying jurisdiction would need to justify why short-term rentals were not necessary or appropriate to provide affordable, visitor-serving accommodation, including by providing data on the existing accommodations and the proposed short-term rentals.

Finally, the Commission does not appear to have considered the importance of affordable housing on providing the low-cost access sought by the Commission. All of the visitor-serving amenities in Big Sur require people to run them, from hotel workers to café employees to park rangers. If these service workers do not have access to affordable housing in or near Big Sur, the costs are ultimately passed on to visitors to the coast, through higher prices, fewer services, and greater traffic. Affordable worker housing is a major coastal access issue.

To aid in this discussion, the Defense Committee has developed additional data demonstrating that the ratio of existing visitor-serving accommodations to Big Sur residents, as compared to other jurisdictions. As shown in Exhibit B, Big Sur is already providing significantly more visitor-serving units per resident than other jurisdictions in Monterey County, especially if campsites are taken into account. Other communities appear better suited to accommodate vacation rentals with lesser impact on housing stock.

The Defense Committee is also working to assemble data demonstrating that existing visitor-serving accommodations provide sufficient capacity for demand, and that vacation rentals do little to provide increased affordable access in Big Sur. We believe that this data will be sufficient to justify exclusion of the Big Sur area from the Ordinance, based on the criteria outlined by Commission Director Ainsworth. We look forward to discussing how to best complete this data collection effort with County and Commission Staff.

Exhibit A
Visitor-Serving Units Compared to BSLUP Cap

Business/Employer	Rooms	Cabins	Tent Cabins	Totals
Big Sur Campgrounds and Cabins		20	4	24
Big Sur Lodge	62			62
Big Sur River Inn	22			22
Deetjen's Big Sur Inn	20			20
Esalen Institute	90[1]			90
Fernwood Resort	12	6	13	31
Glen Oaks Motel/Big Sur Roadhouse	16	10		26
Gorda	4	12		16
Lucia Lodge	10			10
New Camaldoli Hermitage	17			17
Post Ranch Inn	39			39
Ripplewood Resort		17		17
Riverside Campground and Cabins		12		12
TreeBones Resort		18		18
Ventana Inn and Spa	60			60
Westmere entitlement per 1986 LUP	24			24
Chappellet entitlement per 1986 LUP	6			6
Total	**382**	**95**	**17**	**494**
1986 Total per LUP				**168**
Post 1986, to be limited by 300 unit cap				**326**

Source: Big Sur Chamber website and/or direct contact with property representatives, except Big Sur Campground and Cabins – estimated.

[1] Per Steve Beck, Esalen employee, existing accommodations total 87 units; however, up to 90 units are permitted by Section 5.1.4 of the LUP.

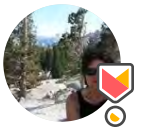
Exhibit B
Ratio of Visitor-Serving Units to Residents

Jurisdiction	Total Rooms	Population	Residents/Rooms
Monterey City	4,816	28,289	5.9
Salinas	2,026	156,259	77.1
Pacific Grove	1,076	15,546	14.4
Carmel	1,007	3,876	3.8
Marina	759	22,535	29.7
Seaside	700	33,930	48.5
Monterey County	12,213	435,954	35.7
Big Sur (rooms only)	461	1,728.0	3.7
Big Sur (rooms and campsites)	1061	1,728.0	1.6

1166511.3

Isolation Retreat - discounts for longer rentals

Carmel



5 guests · 3 bedrooms · 5 beds · 1.5 baths

Entire home
You'll have the house to yourself.

Self check-in
Check yourself in with the lockbox.

Sparkling clean
14 recent guests said this place was sparkling clean.

Karin is a Superhost
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Open floor space home on one acre with views of ocean and private hot tub area with hot outdoor shower

Contact host

Amenities

Kitchen

Wifi

Free parking on premises

Hot tub

Show all 31 amenities

Sleeping arrangements

Bedroom 1
1 king bed

Bedroom 2
1 queen bed,1 single bed

Availability

This host offers 10% off if you stay a week and a 50% monthly discount.

April 2020

SuMoTuWeThFrSa

Reviews

★ **5.0** | **27** reviews

Search reviews

Check-in **5.0**

Communication **5.0**

Cleanliness **5.0**

Location	5.0
Accuracy	4.8
Value	4.7

Travis
March 2020

Can’t say enough great things about Karin and her beautiful home. It’s tranquil, clean, and secluded while somehow also being centrally located, 10-20 min of everything one would want to do in the Carmel/Monterrey area. Karin is very detailed and communicative for anything that...
Read more

Helen
January 2020

My partner and I had a lovely weekend stay at Karin’s home. She was kind enough to grant a booking request the night before. Upon arrival, the house was quite clean and ocean view was spectacular. The hot tub was such a wonderful perk as it made for a relaxing trip. I would...Read more

---

Mary
December 2019

This house is absolutely beautiful. The house is lovely, the setting is perfect, the hot tub is wonderful and in a perfect setting. The house is well stocked with everything you need for anything. Kitchen is ready for cooking anything. Plenty of towels. TV etc available. Do be...Read more

Response from Karin:
Thank you for your feedback. I am lying for fast internet and will call them to see why it is spotty. AT&T phones work well and

Verizon less so.

December 2019

Brian
December 2019

Highly recommend!

Jill
December 2019

This home is in a beautiful location - the view cannot be beat! The kitchen was fully equipped and we had a lovely Thanksgiving weekend at her home. A great jumping off point and location in Carmel.

Christopher
November 2019

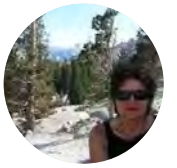
This place is a little slice of heaven. It's secluded, boasts absolutely beautiful views, and is thoroughly cozy inside while still providing ample, comfortable space to spread out. The private hot tub, with views through the trees of the water and the night sky, is particularly...Read more

Michelle
November 2019

This place is over the top amazing. The windy road journeyed as you travel to this spot builds the anticipation for something magical and it does not disappoint. Most outstanding is the view of the ocean and

sunset from the expansive deck with dining area and lounge chairs and...
Read more

Hosted by Karin



Carmel, CA · Joined in September 2014

★ 27 Reviews Verified

Karin is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

I travel for work and fun and love to stay in airbnb.

Interaction with guests
I am available by text and phone and sometimes in person

Karin supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. **Learn more**

Response rate: **100%**

Response time: **within an hour**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app.
Learn more

The neighborhood

Karin’s place is located in Carmel California United States.

Close to Point Lobos State Park, Big Sur and Monterey Aquarium and wharf

Exact location information is provided after a booking is confirmed.

Open map

Check-in
4:00 PM - 11:00 PM

Checkout
11:00 AM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.

Report this listing

$425 per night
★ **5.0** (27 reviews)

Reserve

Explore other options in and around Carmel

More places to stay in Carmel: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

San Francisco
Los Angeles
Santa Monica
Oakland
Santa Barbara
Berkeley
Venice
West Hollywood
South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
San Jose
Sonoma
Palo Alto
Napa
Malibu
Beverly Hills

English (US) $ USD

Privacy · Terms · Sitemap

Explore

Saved

Log in

HawksNest Sanctuary DO NOT REQUEST, CONTACT US

Carmel

2 guests · 1 bedroom · 1 bed · 1 bath

Entire home
You'll have the house to yourself.

Sparkling clean
15 recent guests said this place was sparkling clean.

Kevin & Jill is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Great location
100% of recent guests gave the location a 5-star rating.

Welcome to HawksNest Sanctuary! Nurture your body, mind and spirit on the edge of wilderness.
Please expand all the windows and read everything about this sanctuary before contacting us. Please select the “Contact host” link below, NOT the red “Request to Book” or “Reserve” link to the right. If you are using the app, it is the the “Contact host” link at the bottom. Thank you kindly.

Contact host

Amenities

- Kitchen
- Wifi
- Free parking on premises
- Hot tub

Show all 33 amenities

Sleeping arrangements

Bedroom 1
1 queen bed

Availability

This host offers a 15% weekly discount.

April 2020

SuMoTuWeThFrSa

Reviews

★ **4.97** | **155** reviews

Search reviews

Cleanliness	5.0
Location	5.0
Accuracy	5.0
Communication	5.0
Check-in	5.0
Value	4.9

Erik
March 2020

An incredible place with great views and an amazing hot tube. The place was decorated with lovely flowers throughout and had a great fireplace and candles available for use. Kevin and Jill provided guides to local state parks and resturants and were very hopeful.

Ethan
February 2020

This is a beautiful tranquil stay with private views of the ocean, a jacuzzi overlooking a wooded canyon, a fully equipped guest apartment, and exceptional hosts. Kevin and Jill are by far the most detailed and communicative hosts we've encountered, which sets expectations well... Read more

---

Riley
February 2020

We saw the amazing reviews but were wondering if it would be as good as they say. Spoiler: the stay was even better than we could have imagined. The hosts are so incredibly welcoming: great communication, lots of tips about the local area, and just overall such wonderful people... Read more

---

Jake
January 2020

If we could give more stars we would! Kevin and Jill go above and beyond to make sure your stay here is absolutely perfect and comfortable. Not to mention they are two of the loveliest people we have ever met. They are kind, generous, and truly care about making sure your trip...Read more

---

Doris (Dee)
December 2019

Best week ever at Hawk's Nest Sanctuary. Everything was perfect....Kevin and Jill set the bar high with communication, kindness, and making us feel so special and welcome. The place was spotless, comfortable, and the view breathtaking. So much to do in the area...Point Lobos,...
Read more

Maime
November 2019

The views from Kevin and Jill's home are simply amazing. We loved having our morning coffee and breakfast sitting outside looking into the valley and ocean. After spending our days out hiking and exploring, we enjoyed a glass of wine looking out into the beautiful sunset. There...Read more

---

Catherine
November 2019

What a spectacular place! We could not have been happier with our decision to stay here. Kevin and Jill are lovely people and will make sure you have everything you need and more.

Hosted by Kevin & Jill

Carmel-by-the-Sea, CA · Joined in September 2012

★ 359 Reviews 4 References Verified

Kevin & Jill is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

I was one of three girls with the name of Kevin in my high school graduating class. I feel blessed to live with my partner of sixteen years on this sacred piece of land at the edge of wilderness overlooking a canyon and the ocean. My wife Jill & I write and create various...Read more

Interaction with guests
As your hosts, we want you to have a wonderful stay while visiting this retreat setting. Although we live above the rental space, we cherish the tranquility of the property and our privacy as much as we respect those same needs for our guest's ultimate benefit. That said, we...Read more

Kevin & Jill supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. **Learn more**

Languages: **English**

Response rate: **100%**

Response time: **within an hour**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. **Learn more**

The neighborhood

Kevin & Jill's place is located in Carmel California United States.

The house is located in a very quiet, residential area at the end of a private road. The house itself is perched on the edge of a canyon and borders wilderness area. Most of the homeowners are retired and many are only here part-time.

Show guidebook

Exact location provided 48 hours after a booking is confirmed.

Open map

Check-in
3:00 PM - 6:00 PM

Checkout
11:00 AM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Report this listing

English (US) $ USD

Privacy · Terms · Sitemap

Explore Saved Log in

HawksPerch Haven Studio DO NOT REQUEST, CONTACT US

Carmel

2 guests · Studio · 1 bed · 1 bath

Entire home
You'll have the apartment to yourself.

Sparkling clean
17 recent guests said this place was sparkling clean.

Kevin & Jill is a Superhost
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Great location
100% of recent guests gave the location a 5-star rating.

A quiet respite on the edge of wilderness only minutes to Carmel. Please expand all the windows and read everything about this sanctuary before contacting us. Please select the "Contact host" link below, NOT the red "Request to Book" or "Reserve" link to the right. If you are using the app, it is the the "Contact host" link at the bottom. Thank you kindly.

Contact host

Amenities

Kitchen

Cable TV

Wifi

TV

Show all 28 amenities

Sleeping arrangements

Common spaces
1 double bed

Availability

This host offers a 15% weekly discount.

April 2020

SuMoTuWeThFrSa

Reviews

★ 5.0 | 204 reviews

Search reviews

Communication 5.0

Cleanliness	5.0
Check-in	5.0
Accuracy	5.0
Location	5.0
Value	5.0

Betsey
February 2020

Charming, quaint space. Great location of the mountains and ocean. Loved the deck overlooking the ocean. Very special.

Maggie
January 2020

Kevin and jills studio was the perfect place to stay. The best part was enjoying our morning coffee on the rooftop deck to the best view!

Edgar
December 2019

This is my first time booking a trip with Airbnb so I was unsure what to expect. After booking it I had received a detailed message of rules and pictures of how to get there which made it easy for me to find the house and parking. When we arrived they showed us around and told us...
Read more

Andrew
December 2019

What a great get away. As current San Diegans, it was a great way to escape the norm of noise and congestion of the city. The space was beautiful, the kitchen had plenty of everything we needed, the space was immaculate, and the roof was amazing while the weather cooperated. I...
Read more

Marc
November 2019

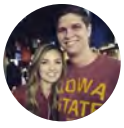
HawksPerch is a nexus of wonder and warmth. The natural beauty that this cottage is perched on is only equalled by the love that its owners radiate. My girlfriend and I felt enveloped by the nurturing and healing peace and radiance of this blessed place. It is no wonder then,...
Read more

Response from Kevin & Jill:
Thank you, Marc! We so enjoyed having you and Olivia in this sanctuary for respite. Just want to clear up for other folks reading this that HawksPerch is not a...Read more

November 2019

Katriina
November 2019

This is a wonderful place to stay, I would certainly recommend it to anyone going to the area. Kevin & Jill have an attention to detail and care a lot about the property and this does not go unnoticed. A perfect getaway sanctuary.



Emily
November 2019

Just book this place! Wow! We were totally spoiled staying with Kevin and Jill at their gorgeous property. They go above and beyond to make you feel comfortable and at home. The nicest touches that exceeded all of our expectations. And the view - it's incredible! It's a short...Read more

Hosted by Kevin & Jill

Carmel-by-the-Sea, CA · Joined in September 2012

★ 359 Reviews 4 References Verified

Kevin & Jill is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

I was one of three girls with the name of Kevin in my high school graduating class. I feel blessed to live with my partner of sixteen years on this sacred piece of land at the edge of wilderness overlooking a canyon and the ocean. My wife Jill & I write and create various...Read more

Interaction with guests
As your hosts, we want you to have a wonderful stay while visiting this retreat setting. We live below the rental space. We cherish the tranquility of the property and our privacy as much as we respect those same needs for our guest's ultimate benefit. That said, we are happy to...Read more

Kevin & Jill supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. **Learn more**

Languages: **English**

Response rate: **100%**

Response time: **within an hour**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

The neighborhood

Kevin & Jill's place is located in Carmel California United States.

The house is located in a very quiet, residential area at the end of a private road. The house itself is perched on the edge of a canyon and borders wilderness area. Most of the homeowners are retired and many are only here part-time.

Show guidebook

Exact location provided 48 hours after a booking is confirmed.

Open map

Check-in
3:00 PM - 6:00 PM

Checkout
11:00 AM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Report this listing

$185 per night

★ **5.0** (204 reviews)

Reserve

Explore other options in and around Carmel

More places to stay in Carmel: Houses · Bed and breakfasts · Lofts · Villas · Condominiums

San Francisco
Los Angeles
Santa Monica
Oakland
Santa Barbara
Berkeley

Venice
West Hollywood
South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
San Jose
Sonoma
Palo Alto
Napa
Malibu
Beverly Hills

English (US) $ USD

Privacy · Terms · Sitemap

Serene Retreat For Luxurious Social Distancing

Carmel

8 guests · 3 bedrooms · 4 beds · 2 baths

Entire home
You'll have the apartment to yourself.

Sparkling clean
10 recent guests said this place was sparkling clean.

Great location
100% of recent guests gave the location a 5-star rating.

Great check-in experience
94% of recent guests gave the check-in process a 5-star rating.

If there was ever a time to escape the bustling city and get away to a peaceful sanctuary on the coast it might be now. This home is tucked away in Mid Valley Carmel adjacent to the river, the ideal safe haven for your entire family. With 3 elegantly furnished bedrooms and 2 baths this house ensures you won't feel cooped up or confined. Whether you want a quiet place to escape the panic of COVID 19, an outdoor firepit to relax or a spacious yard for the kids to run look no further.

Contact host

Amenities

Kitchen

Dryer

Wifi

Washer

Show all 22 amenities

Sleeping arrangements

Bedroom 1
1 king bed

Bedroom 2
1 queen bed

Availability

This host offers a 60% monthly discount.

April 2020

SuMoTuWeThFrSa

Reviews

★ 4.88 | 16 reviews

Search reviews

Location 5.0

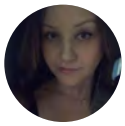
Accuracy	4.9
Cleanliness	4.9
Check-in	4.9
Communication	4.8
Value	4.7

Tez Deepthi
March 2020

This place is peaceful and lovely.

Rikard
January 2020

Our 7-person extended family stayed at Kevin's for a long weekend. The home is beautiful and welcoming, with a very enjoyable outdoor space and a beautiful kitchen. We all slept very well in the comfortable beds.



Sarah
January 2020

The home is bigger than I expected. It is very beautiful. The whole area feels calming. Great location, close to everything!

Jen
January 2020

It’s a great space and location. The house was a lot larger than I expected. My friends and I had a great time utilizing the kitchen for our diy pizza

night. the backyard is breathtaking and fire pit really adds to the experience.

Emily
January 2020

The home was exactly as it looks in the picture -- it's beautiful with tons of space for gathering around with friends or family. The backyard was spacious as well. The amenities were very well thought-out with everything we needed. All in all, the home really made my group's...
Read more

Angela
January 2020

We had a great stay! Our group had 8 people, and the house was just the right size, with large common rooms and enough bedding, dishware, etc. to accommodate us. The house was in a good location, with grocery stores and restaurants about 10-15 mins away driving, and close to...
Read more

Mairghread
December 2019

A true gem!

Hosted by Kevin

Monterey, CA · Joined in July 2016

★ 152 Reviews Verified

Interaction with guests
Host is available with questions as needed.

Kevin supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. Learn more

Response rate: **85%**

Response time: **within a few hours**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

---

About this place

When you stay in an Airbnb, you're staying at someone's place.

This is Kevin's place.

Remle helps host.

The neighborhood

Kevin’s place is located in Carmel California United States.

Exact location information is provided after a booking is confirmed.

Open map

Check-in
After 4:00 PM

Checkout
11:00 AM

House rules

Cancellation policy

Report this listing

★4.88 (16 reviews)

Explore other options in and around Carmel

More places to stay in Carmel: Houses · Bed and breakfasts · Lofts · Villas · Condominiums

San Francisco
Los Angeles
Santa Monica
Oakland
Santa Barbara
Berkeley
Venice
West Hollywood
South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
San Jose
Sonoma
Palo Alto
Napa
Malibu
Beverly Hills

English (US) $ USD

Privacy · Terms · Sitemap

Carmel Highlands, CA

Show details

Hospitality by LUXURY RETREATS

Luxe

Extraordinary homes with five-star everything

Pristine and expertly designed, each Airbnb Luxe home comes with luxury amenities, services, and a dedicated trip designer.

Learn more >

The Airbnb Luxe difference

Start-to-finish trip planning

Trip designers coordinate your arrival, departure, and everything in between.

300+ point inspection

Every Airbnb Luxe home is personally verified to be in pristine condition.

On-trip care, 24/7
Premium, on-demand assistance for any question, at any hour.

Amenities

Outdoor

Sun loungers

Hot tub

Indoor

Dining area for 8 people

Gas fireplace

Wine storage

Chef's kitchen

Essentials

Wifi

Washer

Dryer

Parking

Heating

Satellite TV

Iron

Ironing board

+ 1 more

Show all 15 amenities

Carmel Highlands, CA

Have a question about this home?

We'll connect you directly to an Airbnb Luxe trip designer, your contemporary concierge who knows every home and can help you plan your entire trip.

Ask a trip designer

Pricing and availability

Cancellation Policy and House Rules

Cancel up to 95 days before your trip and get a full refund. Cancel within 95 days of the trip and the reservation is non-refundable.

Read all policies and house rules

English (US) $ USD

Privacy · Terms · Sitemap

$3215 / night

Explore Saved Log in

Ask a question

Del Monte Forest, CA

Monterey Pine and Cypress trees act like a velvet rope at this A-list home in Del Monte Forest. Don’t worry about the guest list; your party-goers will find plenty of space to lounge by the firepit, pull up a stool at the wet bar, and explore all the smaller enclaves. But first, a round at the legendary Pebble Beach, where Tiger Woods once mounted a 7-shot comeback-win with only 7 holes to go.

Hospitality by LUXURY RETREATS

Show all photos

Sleeping arrangements

Bedroom

Bedroom 2

Bedroom 3

Bedroom 4

Airbnb luxe

Extraordinary homes with five-star everything

Pristine and expertly designed, each Airbnb Luxe home comes with luxury amenities, services, and a dedicated trip designer.

Learn more >

The Airbnb Luxe difference

Start-to-finish trip planning

Trip designers coordinate your arrival, departure, and everything in between.

300+ point inspection

Every Airbnb Luxe home is personally verified to be in pristine condition.

On-trip care, 24/7
Premium, on-demand assistance for any question, at any hour.

Amenities

Outdoor

Putting green

Natural gas barbeque

Fire pit

Sun loungers

Garden

Terrace

Indoor

Wine cellar

Gas fireplace

Wet bar

Smart TV

Sound system

Essentials

Wifi

Heating

Washer

Dryer

Nespresso machine

Ice machine

Ceiling fan

Outdoor seating

+ 3 more

Shared

Cable TV

Show all 23 amenities

Del Monte Forest, CA

Airport

Monterey Regional Airport	13 min drive
Norman Y. Mineta San Jose International Airport	79 min drive
San Francisco International Airport (SFO)	106 min drive

Beaches

Asilomar State Beach	10 min drive
Monastery Beach	13 min drive
Lovers Point Park and Beach	14 min drive

Golf

Spyglass Hill Golf Course	3 min drive

Points of Interest

Pebble Beach	2 min drive
Carmel-by-the-Sea	8 min drive
Old Fisherman's Wharf	15 min drive
Cannery Row	16 min drive
Monterey Bay Aquarium	17 min drive
Big Sur	63 min drive

Have a question about this home?

We'll connect you directly to an Airbnb Luxe trip designer, your

contemporary concierge who knows every home and can help you plan your entire trip.

Ask a trip designer

Pricing and availability

Cancellation Policy and House Rules

Cancel up to 95 days before your trip and get a full refund. Cancel within 95 days of the trip and the reservation is non-refundable.

Read all policies and house rules

English (US) $ USD

Privacy · Terms · Sitemap

$3571 / night




Ask a question

Response to Planning Commission re June 10, 2020 Short Term Rental Ordinances
By Monterey County Vacation Rental Alliance

Monterey County Planning Commissioners:

MCVRA is asking Commissioners to "envision opportunity," as the Commission decides what sort of short-term rental ordinance the Commission will recommend to the Board of Supervisors.

We think it is time for the community to come together. Everyone is looking for our County to "reopen" itself and to restart our visitor-based economy, at a time when many residents are facing a real economic crisis. This is our time. We must reopen our visitor-serving economy as quickly as we can – but safely, of course – and one way to do this is to make sure that the visitors we want to attract will have the maximum set of options possible. Many visitors – let's call them "potential visitors" - are looking for exactly the kind of opportunities provided by short-term rentals. Think about visitors who come as families and want to find a way to visit and stay together as a family. Think about visitors who will be nervous about lodging opportunities that will expose them to many travelers they don't know, and who might pose a health danger to them. These are stakeholders, too, in this decision-making process.

We urge the Commission to be open to an approach that *encourages* the widest possible opportunity to serve the visitors who want to come to Monterey County – and whom we want to attract.

Unheard Stakeholders

The County has heard from short term rental (STR) owners and from neighbors as it developed these draft ordinances but it has not heard from or considered other stakeholders. STRs provide a desired form of lodging for many visitors. STRs provide jobs for local residents. STR visitor spending supports local businesses. These stakeholders have not been heard. It is time they be considered.

The COVID-19 pandemic exhibited the extent to which STRs provide local benefits. STR owners had to lay off housekeepers, window cleaners, and gardeners. Property managers, painters, and handymen saw their income from STRs come to a halt. STR guests stopped spending at restaurants, bars, wineries, grocery stores, shops, and local attractions.

These overly complex, confusing draft ordinances with onerous and expensive permitting processes will perpetuate these impacts. Most current STRs will be forced to cease operations. Workers will not be rehired. Local businesses will not benefit. Many travelers will go elsewhere. Let's draft ordinances that allow STRs to continue serving visitors and the local economy but with enforceable regulations to protect neighborhoods. Let's draft ordinances that will receive voluntary compliance by STR owners. Let's draft ordinances that will provide coastal lodging required by the Coastal Act, receive Coastal Commission approval, and actually get enacted.

Let's Develop Ordinances That Will Succeed

The draft ordinances are far too complex. No one will understand them. Does each Planning Commissioner understand the details of these ordinances such that they could explain them to an owner or to a neighbor? If not, the ordinances are too complex.

So let's redraft these ordinances to recognize the needs of ALL stakeholders and simply the ordinances in the process. The draft ordinances can be easily revised to do this.

1. Limited STR Requirements
Drop the requirement that Limited STRs must be a primary residence. Many second home owners do not want to rent very often but the ordinance forces them to apply for a Commercial STR permit. The Limited STR permit should allow limited rental activity in both primary and second homes. The ordinances already define the allowed rental activity in the Limited and Commercial categories.

Limited rental activity should be allowed in any home, not just those with only one or two bedrooms. Limit the number of nights per year but not the number of bedrooms.

2. Replace Use Permits and Coastal Development Permits With Vacation Rental Operations Permits
Both the coastal and inland draft ordinances would require a $6,000, burdensome, lengthy, and discretionary permit for Commercial STRs every 5 years. This is far more onerous than the perpetual permit offered by the 1997 inland ordinance. The County staff admits that only 22 permits have been issued under the 1997 inland ordinance. Why would anyone think these even more onerous ordinances will succeed? These new ordinances will meet the same fate as the 1997 ordinances. Owners will not comply and the County won't have the STR TOT to fund adequate enforcement.

Simply utilize the Vacation Rental Operation Permit (VROP) for all types of STRs and drop the use permit/CDP requirement for Commercial STRs. There is no way the limited County staff will be able to administer use permit/CDP applications. Owners will then voluntarily comply. The annual VROP makes enforcement easy – just don't renew the permit if the applicant has a history of violations.

3. Eliminate Bans in Big Sur, Carmel Highlands, and Del Monte Forest
The coastal draft ordinance bans all Commercial STRs in Big Sur, the low density residential (LDR) part of the Carmel Area (Carmel Highlands, and Del Monte Forest. This bans all second homes and all primary residences with more than limited rental activity. Commercial STRs, as the ordinances define, represent the majority of all STRs. These would be banned along 83% of the Monterey County coastline, which directly violates one of the most important requirements of the California Coastal Act, California Public Resources Code §30001.5:

> The basic goals of the state for the coastal zone are to ... (c) 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.

The Coastal Commission staff submitted a letter dated May 28, 2019 objecting to the ban on Commercial STRs in Big Sur and Del Monte Forest. However, these June 10, 2020 ordinances maintain that ban and go even further, extending the ban to Carmel Highlands.

Instead of these bans, implement reasonable density limits on Limited and Commercial STRs in these areas. Santa Cruz County is a model for this approach and it is working.

4. Occupancy Limits

The occupancy (headcount) limits are overly restrictive and may violate fair housing laws. The limit certainly does not welcome families with children. The rental industry standard is two people per bedroom plus one more in the dwelling. This should be the standard when the whole house is rented.

5. Private Roads in Coastal Zone
The coastal ordinance states that Commercial STR that is not accessible directly from a public road is subject to regulations similar to Monterey County Code Section 21.64.320, Regulations Relating to Applications Involving Use of Private Roads. That regulation CANNOT be utilized, even in a "similar" fashion, for private roads in coastal zone. The regulation was rejected by the Coastal Commission.

Summary

The County is now six (6) years into the development of new STR ordinances and all we have are draft ordinances that are unlikely to get Coastal Commission approval and that will receive very poor voluntary compliance. If the debates are not resolved, now, with a system that protects our communities and the natural environment – but that also provides the greatest possible opportunities to the widest range of potential visitors – the County will be missing an opportunity. And we can't afford to blow our chance.

Please put an end to what does seem an "endless" process that, more than anything, appears to be aimed at denying visitors an opportunity to enjoy the beauties and attractions found in Monterey County, and particularly along the Monterey County coast, where state law actually demands exactly the opposite approach.

Thank you for taking seriously our very strongly-felt concerns.

Respectfully,

The directors of the Monterey County Vacation Rental Alliance

Cc: County Supervisors
California Coastal Commission

STR's Found by Searching Air BnB, VRBO, MVHO, https://luxevaca.com/monterey-vacation-rentals/ **for "Carmel Highlands" between 3-30-2020 through 4-2-2020**

Submitted 4-2-20 By Robert Danziger

Properties other than 196 Upper Walden and other Brian Andrews Properties (already reported), that have current or previous Code Enforcement Cases open or opened against them

1. **166 Mal Paso Road – Gary Boyd Hanner**
   a. Gary Carmel Highlands - Houses for Rent in Carmel, California, United States
   b. Gary's Profile - Airbnb

Additional Information on 166 Mal Paso.

Owner:
Dr. Gary Boyd Hanner
Physical location of illegal STR 166 Mal PASO

Code Enforcement Case Number: 18CE00128 – 166 Mal Paso

Sheriff's report (Case # 19-02913) 5/18/2019

Reported to Sheriff because renters were firing off bottle rockets in the middle of fire season in an "Extreme Wildfire Area" on. Complaints were also filed with the County

Property Tax Issue

Owner is getting a "Homeowner's Exemption" on his property tax even though it is not owner-occupied, and the property was never re-assessed.

Major Building Code Issues

The Airbnb website has this listed as a 4 bedroom house with accommodations for up to 8 guests (in the past it was listed for up to 10 guests) . County records list this house as 2 bedroom 3 bath. Neighbors report unpermitted construction activity. As many as 15 people have stayed there at one time.

Allowed occupied camper van on property.

Hazardous Waste Spills

The septic system is not sized for the advertised level of occupancy. The septic system leaked in August 2019.

CONTACT ADDRESSES

745 Main St. Cedarville CA 96104
PO Box 246 Cedarville CA 96104
132 Mee Thee uh Road
Fort Bidwell ,Ca. 96112

Telephone - 530-279 6105, 530-279-6194
Fax 530-279-6288
Dr Gary Boyd Haffner NPI. 140-795-0710

April 13-16
Reservation for three nights $3000 with service and cleaning fees ,total $3818.00
166 Mal Paso
APN 243 171 013 000
Owner Gary Haffner ,host Joel ,nephew

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2. **183 Sonoma Lane, 1 of 2 STR'ed by Susan Bradley (Elaine), Owned by Alvin Segal**

   Code Enforcement Case Number: 12CE00218 – 183 Sonoma Lane

   a. Susan Bradley - Elaine Carmel Ocean Room with a View on over 1/2 Acre - Houses for Rent in Carmel, California, United States
   b. Susan Bradley Elaine 6 miles to Pebble Beach w/ Magical Ocean View - Houses for Rent in Carmel-by-the-Sea, California, United States
   c. Susan Bradley/Elaine Seaside, CA

3. **Also STR'ed by Susan Bradley**
   a. Susan Elaine Bradley Romantic Views with Hot Tub, Private Bath - Houses for Rent in Seaside, California, United States

Susan Bradley/Elaine Generally

Susan Bradley Elaine's Profile - Airbnb

4. Lotte Cathedral Redwood Studio with loft - Cottages for Rent in Carmel Highlands, California, United States
    a. Lotte Cathedral RedwoodLotte's Profile - Airbnb

    General Information: Lotte and Anina Marcus; 95 Corona
    Code Enforcement Case Number: 18CE00130 – 95 Corona

    Annina Marcus VRBO listing 828842
    95 Corona Road
    Advertising April 16 through April 28 $150 a night total $2174

5. GREY HAVENS, Studio Apartment, Carmel Highlands CA - Guest suites for Rent in Carmel-by-the-Sea, California, United States
    a. Grey Havens Stephen's Profile - Airbnb
    General Information: 14 Mt. Devon; Stephen Adair (house owned by his mother)
    Code Enforcement Case Number: 17CE00410 – 14 Mt Devon

6. Kevin and Jill HawksNest Sanctuary DO NOT REQUEST, CONTACT US - Houses for Rent in Carmel, California, United States

7. Kevin and Jill HawksPerch Haven Studio DO NOT REQUEST, CONTACT US - Apartments for Rent in Carmel, California, United States

    a. Hawk's Nest Kevin & Jill's Profile - Airbnb
    Kevin and Jill; 149 San Remo Road and 30850 San Remo Road; Owner: Kevin Kennedy, partner = Jill
    Code Enforcement Case Number: 18CE00129 – 149 San Remo

8. Judy Lewis Ocean View French Country Cottage, Charming & Tranquil, Beach!

    * The vacation site does have a COVID-19 notice regarding travel and cancellation suggestion but does not restrict due to the shelter in place order

    VRBO
    Judy Lewis
    Advertising and accepting Reservation April 13 through April 16
    $1452.53 for stay
    7 Mentone Road
    VRBO 34047 (since **2011**)

    Code Enforcement Case Number: 18CE00127 – 7 Mentone

Website under: Ocean View French Country Cottage

9. Su Spectacular Horizon/Ocean View, Entire Guesthouse - Guesthouses for Rent in Carmel-by-the-Sea, California, United States
    a. Su's Profile - Airbnb

    16 Mentone Road, Su/Suji Kim
    Code Enforcement Case Number: 18CE00163 – 16 Mentone

10. APRIL Ideal Private Home 2 Shield In Luxury Near Beaches - Houses for Rent in Carmel-by-the-Sea, California, United States
    a. April's Profile - Airbnb

    General Information: April Montgomery 6 Mal Paso Road

    Code Enforcement Case Number: 17CE00409 – 6 Mal Paso
    Code Enforcement Case Number: 18CE00128 – 6 Mal Paso

Significant Violator

Luxe Vaca

491 Palisades Drive, Marina, CA 93933
866-614-8866
Sean Ward, CEO
Zorka Aguilar Ward, Director of Guest Services

11. Sean Matthew Luxe Vaca https://luxevaca.com

    Sean Matthew; Luxe Vacation Rentals; 25 properties in Monterey County; General Information: changed Air BnB ads on some properties to reflect SIP policy, but on its home site it says - current as of April 1, 2020:

Coronavirus refuge Escape the Coronavirus and stay in one of our disinfected Luxury homes away from the large cities. We will do free delivery of

everything you need no reason to get exposed to others! Also there are outdoor activities that can be enjoyed by the family like bike rides, beach walks, golf and free home delivery groceries. Let us help you be safe and enjoy a vacation! 10 percent discount when you book direct with LUXEVACA.com or MYVHO.com Vacation homes all over the United states! Great deals lake and ocean views and take a look at our Luxury Estates ! Carmel, Pebble Beach, Monterey , Lake Tahoe just to mention a few of our vacation adventure areas ! Ask about our free food delivery! LUXEVACA.com Luxury Vacation Rental Estates ! Carmel, Pebble Beach, Monterey and Lake Tahoe!

https://www.facebook.com/luxevaca/?hc_ref=ARSlrTwrjdPDg72QkCTqqhPHeyq0D0gy5grofLnh0VZ2YbDCXUm3T5wjpByb7j82mSk&ref=nf_target&__tn__=kC-R

https://myvho.com/search-results/?location_area_id=13687

12. Luxury Retreats – Sean Matthew Ward #1Ronda Vacation Rentals, Homes, Experiences & Places - Airbnb

13. Luxury Retreats – Sean Matthew Ward - #2 Sea Meadows Vacation Rentals, Homes, Experiences & Places - Airbnb

14. Luxury Retreats – Sean Matthew Ward - #3 South Cottage at 7 coves Luxury Retreats Vacation Rentals, Homes, Experiences & Places - Airbnb

    a. 25 properties in Monterey County: https://luxevaca.com/monterey-vacation-rentals/

    b. Current as of April 1, 2020:

    Coronavirus refuge Escape the Coronavirus and stay in one of our disinfected Luxury homes away from the large cities. We will do free delivery of everything you need no reason to get exposed to others! Also there are outdoor activities that can be enjoyed by the family like bike rides, beach walks, golf and free home delivery groceries. Let us help you be safe and enjoy a vacation! 10 percent discount when you book direct with LUXEVACA.com or MYVHO.com Vacation homes all over the United states! Great deals lake and ocean views and take a look at our Luxury Estates ! Carmel, Pebble Beach, Monterey , Lake Tahoe just to mention a few of our vacation adventure areas ! Ask about our free food delivery! LUXEVACA.com Luxury Vacation Rental Estates ! Carmel, Pebble Beach, Monterey and Lake Tahoe!

i. https://www.facebook.com/luxevaca/?hc_ref=ARSlrTwrjdPDg72QkCTqqhPHeyq0D0gy5grofLnh0VZ2YbDCXUm3T5wjpByb7j82mSk&ref=nf_target&__tn__=kC-R
ii. https://myvho.com/search-results/?location_area_id=13687

Previously Reported:

15. 196 Upper Walden Road #1 – Peter Davis/Brian Andrews

a. Brian Andrews 2Lrg Comfy Suites Prvt Entrance/Parking Views - Guest suites for Rent in Carmel-by-the-Sea, California, United States

16. 196 Upper Walden Road #2 – Peter Davis/Brian Andrews

b. Brian Andrews Couples secluded prvt Ocean View Big Sur Carmel - Guest suites for Rent in Carmel-by-the-Sea, California, United States

17. 196 Upper Walden Road #3 – Peter Davis/Brian Andrews

c. Brian Andrews Secluded Couples Getaway Forest Castle By the Sea - Guest suites for Rent in Carmel-by-the-Sea, California, United States

18. Brian Andrews Carmel Knolls

d. Brian Andrews Groups/work Carmel Kitchen washer/dryer Parking - Houses for Rent in Carmel-by-the-Sea, California, United States

19. Brian Andrews Santa Maria

e. Brian Andrews Comfy Cozy Clean Cute Carriage House Santa Maria - Guesthouses for Rent in Santa Maria, California, United States

Brian Andrews Generally

f. Brian's Profile - Airbnb
g. Brian Andrews Well lots of things happening I'm out... - Brian Allen Andrews

Not Reported To Sheriff but to be reported to RMA

20. Carmel Highland Inn vacation rental -VRBO listing 969706
    one bedroom showing availability 3-31through April 3
    $695 a night with fees $2284 contact David Bain

21. 1 LX 41 Oceanview historic Villa seven bedroom -VRBO
    APN 241-181-010-000
    151 Highlands Drive
    Contact Zorka Ward
    Owner Paul Mountford
    Possible contact numbers 303-906-1100, 1-800-379-7873
    Possibly CEO of pure storage in Mountain View California

22. Paul Sublime Carmel Highlands - Houses for Rent in Carmel-by-the-Sea, California, United States
    a. Paul's Profile - Airbnb
    Paul Christopher, southwest corner of Van Ess/Highway 1

23. Sanctuary #1 3123 The Last Resort - Pool/Spa/Gym/Game Room! Very Private Oceanfront! - Houses for Rent in Carmel, California, United States

24. Sanctuary #2 3772 The Waves - New Vacation Rental! Ocean Front! Watch Whales & Sunsets! - Houses for Rent in Carmel Highlands, California, United States

25. Sanctuary #3 Vacation Rentals's Profile - Airbnb

26. Sanctuary #4 3794 Forever Views II - New Vacation Rental! Expansive Ocean Views! - Houses for Rent in Carmel, California, United States

27. Karen and Patrick Suel - Relax @ PeaceCove, Carmel Highlands - Houses for Rent in Carmel, California, United States
    b. Karen's Profile - Airbnb
    General Information: 29190 Fern Canyon; Patrick and Karen Suel

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    c. Karin's Profile - Airbnb

    Karin Twohig 209a Crest
    Availability April 6 through April 10 total 1905 with deposit 2902

29. KEVIN Sanctuary Retreat For Luxurious Social Distancing - Houses for Rent in Carmel-by-the-Sea, California, United States

30. Kevin Serene Retreat For Luxurious Social Distancing - Apartments for Rent in Carmel, California, United States

    d. Kevin's Profile - Airbnb

31. Jeannine Beautiful Carmel Meadows Getaway - Houses for Rent in Carmel-by-the-Sea, California, United States
    e. Jeannine's Profile - Airbnb
32. Chimera Vacations Oceanfront Luxury Villa Overlooking Big Sur Coast - Serviced apartments for Rent in Carmel-by-the-Sea, California, United States
    f. Chimera Vacations's Profile - Airbnb

33. Evolve NEW! Craftsman Bungalow w/ Fire Pit & Ocean Views! - Cottages for Rent in Carmel Highlands, California, United States
    g. Evolve's Profile - Airbnb

Ambiguous if Compliant with Shelter-in-Place Order

34. Karen Carmel Riveria, Oceanfront. Fabulous views, 4B/5Ba - Houses for Rent in Carmel, California, United States

STR's Found by Searching Air BnB, VRBO, MVHO, https://luxevaca.com/monterey-vacation-rentals/ **for "Carmel Highlands" between 3-30-2020 through 4-2-2020**

Submitted 4-2-20 By Robert Danziger

Properties other than 196 Upper Walden and other Brian Andrews Properties (already reported), that have current or previous Code Enforcement Cases open or opened against them

1. **166 Mal Paso Road – Gary Boyd Hanner**
   a. Gary Carmel Highlands - Houses for Rent in Carmel, California, United States
   b. Gary's Profile - Airbnb

Additional Information on 166 Mal Paso.

Owner:
Dr. Gary Boyd Hanner
Physical location of illegal STR 166 Mal PASO

Code Enforcement Case Number: 18CE00128 – 166 Mal Paso

Sheriff's report (Case # 19-02913) 5/18/2019

Reported to Sheriff because renters were firing off bottle rockets in the middle of fire season in an "Extreme Wildfire Area" on. Complaints were also filed with the County

Property Tax Issue

Owner is getting a "Homeowner's Exemption" on his property tax even though it is not owner-occupied, and the property was never re-assessed.

Major Building Code Issues

The Airbnb website has this listed as a 4 bedroom house with accommodations for up to 8 guests (in the past it was listed for up to 10 guests) . County records list this house as 2 bedroom 3 bath. Neighbors report unpermitted construction activity. As many as 15 people have stayed there at one time.

Allowed occupied camper van on property.

Hazardous Waste Spills

The septic system is not sized for the advertised level of occupancy. The septic system leaked in August 2019.

CONTACT ADDRESSES

745 Main St. Cedarville CA 96104
PO Box 246 Cedarville CA 96104
132 Mee Thee uh Road
Fort Bidwell ,Ca. 96112

Telephone - 530-279 6105, 530-279-6194
Fax 530-279-6288
Dr Gary Boyd Haffner NPI. 140-795-0710

April 13-16
Reservation for three nights $3000 with service and cleaning fees ,total $3818.00
166 Mal Paso
APN 243 171 013 000
Owner Gary Haffner ,host Joel ,nephew

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2. **183 Sonoma Lane, 1 of 2 STR'ed by Susan Bradley (Elaine), Owned by Alvin Segal**

   Code Enforcement Case Number: 12CE00218 – 183 Sonoma Lane

   a. Susan Bradley - Elaine Carmel Ocean Room with a View on over 1/2 Acre - Houses for Rent in Carmel, California, United States
   b. Susan Bradley Elaine 6 miles to Pebble Beach w/ Magical Ocean View - Houses for Rent in Carmel-by-the-Sea, California, United States
   c. Susan Bradley/Elaine Seaside, CA

3. **Also STR'ed by Susan Bradley**
   a. Susan Elaine Bradley Romantic Views with Hot Tub, Private Bath - Houses for Rent in Seaside, California, United States

Susan Bradley/Elaine Generally

Susan Bradley Elaine's Profile - Airbnb

4. Lotte Cathedral Redwood Studio with loft - Cottages for Rent in Carmel Highlands, California, United States
    a. Lotte Cathedral RedwoodLotte's Profile - Airbnb

    General Information: Lotte and Anina Marcus; 95 Corona
    Code Enforcement Case Number: 18CE00130 – 95 Corona

    Annina Marcus VRBO listing 828842
    95 Corona Road
    Advertising April 16 through April 28 $150 a night total $2174

5. GREY HAVENS, Studio Apartment, Carmel Highlands CA - Guest suites for Rent in Carmel-by-the-Sea, California, United States
    a. Grey Havens Stephen's Profile - Airbnb
    General Information: 14 Mt. Devon; Stephen Adair (house owned by his mother)
    Code Enforcement Case Number: 17CE00410 – 14 Mt Devon

6. Kevin and Jill HawksNest Sanctuary DO NOT REQUEST, CONTACT US - Houses for Rent in Carmel, California, United States

7. Kevin and Jill HawksPerch Haven Studio DO NOT REQUEST, CONTACT US - Apartments for Rent in Carmel, California, United States

    a. Hawk's Nest Kevin & Jill's Profile - Airbnb
    Kevin and Jill; 149 San Remo Road and 30850 San Remo Road; Owner: Kevin Kennedy, partner = Jill
    Code Enforcement Case Number: 18CE00129 – 149 San Remo

8. Judy Lewis Ocean View French Country Cottage, Charming & Tranquil, Beach!

    * The vacation site does have a COVID-19 notice regarding travel and cancellation suggestion but does not restrict due to the shelter in place order

    VRBO
    Judy Lewis
    Advertising and accepting Reservation April 13 through April 16
    $1452.53 for stay
    7 Mentone Road
    VRBO 34047 (since **2011**)

    Code Enforcement Case Number: 18CE00127 – 7 Mentone

Website under: Ocean View French Country Cottage

9. Su Spectacular Horizon/Ocean View, Entire Guesthouse - Guesthouses for Rent in Carmel-by-the-Sea, California, United States
    a. Su's Profile - Airbnb

    16 Mentone Road, Su/Suji Kim
    Code Enforcement Case Number: 18CE00163 – 16 Mentone

10. APRIL Ideal Private Home 2 Shield In Luxury Near Beaches - Houses for Rent in Carmel-by-the-Sea, California, United States
    a. April's Profile - Airbnb

    General Information: April Montgomery 6 Mal Paso Road

    Code Enforcement Case Number: 17CE00409 – 6 Mal Paso
    Code Enforcement Case Number: 18CE00128 – 6 Mal Paso

Significant Violator

Luxe Vaca

491 Palisades Drive, Marina, CA 93933
866-614-8866
Sean Ward, CEO
Zorka Aguilar Ward, Director of Guest Services

11. Sean Matthew Luxe Vaca https://luxevaca.com

    Sean Matthew; Luxe Vacation Rentals; 25 properties in Monterey County; General Information: changed Air BnB ads on some properties to reflect SIP policy, but on its home site it says - current as of April 1, 2020:

Coronavirus refuge Escape the Coronavirus and stay in one of our disinfected Luxury homes away from the large cities. We will do free delivery of

everything you need no reason to get exposed to others! Also there are outdoor activities that can be enjoyed by the family like bike rides, beach walks, golf and free home delivery groceries. Let us help you be safe and enjoy a vacation! 10 percent discount when you book direct with LUXEVACA.com or MYVHO.com Vacation homes all over the United states! Great deals lake and ocean views and take a look at our Luxury Estates ! Carmel, Pebble Beach, Monterey , Lake Tahoe just to mention a few of our vacation adventure areas ! Ask about our free food delivery! LUXEVACA.com Luxury Vacation Rental Estates ! Carmel, Pebble Beach, Monterey and Lake Tahoe!

https://www.facebook.com/luxevaca/?hc_ref=ARSlrTwrjdPDg72QkCTqqhPHeyq0D0gy5grofLnh0VZ2YbDCXUm3T5wjpByb7j82mSk&ref=nf_target&__tn__=kC-R

https://myvho.com/search-results/?location_area_id=13687

12. Luxury Retreats – Sean Matthew Ward #1Ronda Vacation Rentals, Homes, Experiences & Places - Airbnb

13. Luxury Retreats – Sean Matthew Ward - #2 Sea Meadows Vacation Rentals, Homes, Experiences & Places - Airbnb

14. Luxury Retreats – Sean Matthew Ward - #3 South Cottage at 7 coves Luxury Retreats Vacation Rentals, Homes, Experiences & Places - Airbnb

    a. 25 properties in Monterey County: https://luxevaca.com/monterey-vacation-rentals/

    b. Current as of April 1, 2020:

    Coronavirus refuge Escape the Coronavirus and stay in one of our disinfected Luxury homes away from the large cities. We will do free delivery of everything you need no reason to get exposed to others! Also there are outdoor activities that can be enjoyed by the family like bike rides, beach walks, golf and free home delivery groceries. Let us help you be safe and enjoy a vacation! 10 percent discount when you book direct with LUXEVACA.com or MYVHO.com Vacation homes all over the United states! Great deals lake and ocean views and take a look at our Luxury Estates ! Carmel, Pebble Beach, Monterey , Lake Tahoe just to mention a few of our vacation adventure areas ! Ask about our free food delivery! LUXEVACA.com Luxury Vacation Rental Estates ! Carmel, Pebble Beach, Monterey and Lake Tahoe!

i. https://www.facebook.com/luxevaca/?hc_ref=ARSlrTwrjdPDg72QkCTqqhPHeyq0D0gy5grofLnh0VZ2YbDCXUm3T5wjpByb7j82mSk&ref=nf_target&__tn__=kC-R
ii. https://myvho.com/search-results/?location_area_id=13687

Previously Reported:

15. 196 Upper Walden Road #1 – Peter Davis/Brian Andrews

a. Brian Andrews 2Lrg Comfy Suites Prvt Entrance/Parking Views - Guest suites for Rent in Carmel-by-the-Sea, California, United States

16. 196 Upper Walden Road #2 – Peter Davis/Brian Andrews

b. Brian Andrews Couples secluded prvt Ocean View Big Sur Carmel - Guest suites for Rent in Carmel-by-the-Sea, California, United States

17. 196 Upper Walden Road #3 – Peter Davis/Brian Andrews

c. Brian Andrews Secluded Couples Getaway Forest Castle By the Sea - Guest suites for Rent in Carmel-by-the-Sea, California, United States

18. Brian Andrews Carmel Knolls

d. Brian Andrews Groups/work Carmel Kitchen washer/dryer Parking - Houses for Rent in Carmel-by-the-Sea, California, United States

19. Brian Andrews Santa Maria

e. Brian Andrews Comfy Cozy Clean Cute Carriage House Santa Maria - Guesthouses for Rent in Santa Maria, California, United States

Brian Andrews Generally

f. Brian's Profile - Airbnb
g. Brian Andrews Well lots of things happening I'm out... - Brian Allen Andrews

Not Reported To Sheriff but to be reported to RMA

20. Carmel Highland Inn vacation rental -VRBO listing 969706
    one bedroom showing availability 3-31through April 3
    $695 a night with fees $2284 contact David Bain

21. 1 LX 41 Oceanview historic Villa seven bedroom -VRBO
    APN 241-181-010-000
    151 Highlands Drive
    Contact Zorka Ward
    Owner Paul Mountford
    Possible contact numbers 303-906-1100, 1-800-379-7873
    Possibly CEO of pure storage in Mountain View California

22. Paul Sublime Carmel Highlands - Houses for Rent in Carmel-by-the-Sea, California, United States
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    Paul Christopher, southwest corner of Van Ess/Highway 1

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SUMMARY OF RESPONSE TO THE ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 7.02.060 OF THE MONTEREY COUNTY CODE AND ADDING CHAPTER 7.110 RELATING TO VACATION RENTAL ACTIVITIES

Priscilla Helm Walton, Carmel Valley Association

The proposed ordinance is fundamentally inconsistent with the Carmel Valley Master Plan. The allowances outlined in the Ordinance do not adequately restrict the number and operational parameters of vacation rentals for Carmel Valley.

• ***Staff did not follow direction received during the last public hearing from the Commission itself*** based on consensus votes on various aspects of the Ordinance.

• The process is inefficient because it requires the public to review a document that has not been assessed for legal accuracy and consistency. The time allowed for review is insufficient.

• The assumption that Limited Vacation Rental uses are similar in character, density, and intensity to residential use is **not supported by any evidence.**

• The staff contention that "as a matter of land use policy Limited Vacation Rentals should not be counted against visitor-serving unit counts**." This is contrary to Planning Commission direction. The attempt to provide differing values to equate vacation rentals is based on an incorrect assumption.**

• The Ordinance allows for a total duration of sixty (60) days of NO PRINCIPAL RESIDENT and a total one-hundred forty (140) days of rentals. **This does not reflect the clear direction of the Planning Commission during the last working session,** which stated no more than four contracts per year, with a limit of 90 total days.

• Staff makes the erroneous assumption that Limited Vacation Rentals, as defined and restricted in the May Draft Ordinances, are consistent with the intensity of a residential use (water use, traffic, etc.) and do not result in the loss of a residential unit from the market. No supportive data presented

• There is a concern that the county has overstepped its authority as a public agency by including in Public Policy that they are in the business of "allowing for a reasonable amortization of investment for existing vacation rentals."

• **There is fundamentally no difference** between a "limited and a Commercial Vacation Rental. A financial transaction with money being exchanged between the resident and a visitor is a commercial transaction in both instances.

• The Ordinance does not provide a verifiable count of existing Visitor-Serving Units and those existing at the time of the Carmel Valley Master Plan. Those numbers need to be compared and deducted from the CAP numbers of Visitor- Serving Units for Carmel Valley.

• Enforcement lacks any serious plan for monitoring. What is presented is confusing, lacks clarity, and is of dubious quality. This lack of clarity will compound the serious lack of enforcement in general and the perception by the public that no enforcement exists.

Date: June 8, 2020

To: Planning Commissioners

Paul C. Getzelman, Chair

Amy D. Roberts, Vice-Chair

Ernesto Gonzalez

Ana Ambriz

Rich Coffelt

Francisco Mendoza

Melissa Duflock

Kate Daniels

Etna Monsalve

Martha Diehl

Re: AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 7.02.060 OF THE MONTEREY COUNTY CODE AND ADDING CHAPTER 7.110 RELATING TO VACATION RENTAL ACTIVITIES

Staff: Carl Holm, John Dugan, Brandon Swanson, Melanie Beretti

From: Priscilla Walton, President, Carmel Valley Association (CVA)

CVA appreciates the opportunity to review the newly released vacation rental ordinance. While the staff report has incorporated several recommendations from various parties and public entities since the July 24, 2019, presentation before the Planning Commission, there are still *key areas of major concern* and mistakes that must be rectified. In particular, ***staff did not follow direction received during the last public hearing from the Commission itself*** based on consensus votes on various aspects of the Ordinance.

From a public process standpoint, the release of the documents and timing of the hearing have not allowed for adequate review time and public response. Over one hundred pages of text were released on Thursday, June 4, and the scheduled hearing before the decision makers is on June 10, without the benefit of a County Counsel summary ("forthcoming"). It is inefficient process-wise to require the public to review a document that has not been assessed for legal accuracy and consistency. Additionally, scheduling a hearing a few working days after the release of complex information is unacceptable and appears to be intentionally undermining the ability of the public to provide meaningful comments, especially during the COVID19 pandemic and the challenges it presents. The errata sheet that contains numerous comments from persons presented on June 5th was also not appropriate for a late release. Were portions of the community able to see the draft ordinance before others? CVA notes that several of the comments contained in the errata were dated prior to the official release of the Ordinances on the County website. We request a continuance of the hearing date pending further review of the documentation.

As the Carmel Valley Association indicated in our response to the last iteration of the inland ordinance, it is still fundamentally inconsistent with the Carmel Valley Master Plan and as such will be more than likely subject to litigation. The allowances outlined in the Ordinance do not adequately restrict the number and operational parameters of vacation rentals for Carmel Valley. CVA maintains that the Ordinance, as written, would be fundamentally harmful to the intent of the Carmel Valley Master Plan because it will further degrade the rural character of the Carmel Valley.

We urge you to address the following issues prior to moving forward with the ordinance:

- The assumption that Limited Vacation Rental uses are similar in character, density, and intensity to residential use is not supported by any evidence. This is exactly the reason they are so controversial. In the area of Carmel Valley, they introduce a hotel-type use into rural neighborhoods that does not support the underlying intent of the zoning or community character. (Page 1, Section 1 Paragraph C).

- Any entity renting a room to outside people should have all individual rooms counted as one VSU for each room. The Commission supported with an 8:0 (one Commissioner had to leave toward the end of the meeting) consensus vote that all Vacation Rentals count against visitor-serving unit/facility counts in land use plans that include maximum counts. In the area plans that include counts for visitor-serving facilities/units/etc., referred to collectively as Visitor-Serving Unit (or VSU), each hotel/motel **room** is counted as one VSU. A different standard should not apply for Vacation Rentals. Staff contends (**CONTRARY TO PLANNING COMMISSION DIRECTION**) that "as a matter of land use policy Limited Vacation Rentals should not be counted against visitor-serving unit counts".

- The **Planning Commission suggested** utilizing an equation to calculate Visitor-Serving Unit (VSU) equivalency for vacation rentals. They stated that two key factors should be considered in this equation:1) the maximum occupancy per room (or unit) and 2) the total days per year the room (or unit) is available to be rented. However, the equation that staff used in response to this direction is nothing less than a disaster. It results in less than one percent VSU counts for rooms, a confusing and unenforceable mess. This "equation" is also based on the incorrect assumption thatfour4 persons normally occupy a standard hotel/motel room. VSUs are all about accommodating guests per room, not per building, as the guest count is connected to car parking, trips on CV and neighborhood roads, water use, sewer use, etc. One room rented out for a vacation rental is equivalent to one hotel room. The calculation provided for partial value of a VSU is capricious, ridiculous, and not based on any evidence presented. This attempt to provide differing values will increase the difficulty of enforcement and will result in an artificial increase of allowed VSUs in Carmel Valley.

- (**CONTRARY TO PLANNING COMMISSION DIRECTION**) The Planning Commission also previously supported the limits of one (1) contract per week to limit turnover and no more than four (4) contracts per year for Limited STRs. However, this is not reflected in the current draft of the Ordinance, which allows up to ***20*** *contracts per year for a Limited STR*. The Commission recommended restricting Limited STRs to Principal Residences, a restriction that was unique to Homestays in the April draft ordinances. The Commission supported with a 7:2 consensus vote that a Limited Short-Term Rental (Limited STR) be allowed to

rent for **not more than 90 total days per year**. In response, staff has combined Homestays and Limited STRs into a single vacation rental category without proper restrictions that would require the owner to be present. Not only could the home be rented more often than what the Planning commission directed staff to do, the Principal Resident will not be required to be present for three of those 20 rentals per year. The current Ordinance allows for a total duration of sixty (60) days of NO PRINCIPAL RESIDENT and a total one-hundred forty (140) days of rentals. This does not reflect the clear direction of the Planning Commission during the last working session, which stated no more than four contracts per year, with a limit of 90 total days.

- Staff makes the erroneous assumption that Limited Vacation Rentals (formerly referred to as Limited STRs and now combined with Homestays), as defined and restricted in the May Draft Ordinances, are consistent with the intensity of a residential use (water use, traffic, etc.) and do not result in the loss of a residential unit from the market. This is simply incorrect and unsubstantiated. Data support that Vacation Rentals diminish the housing supply for long-term rentals. RMA has provided no evidence to support this assertion. Please provide documentation. (Page 1, Section, Paragraph C).

- We believe that a CEQA Analysis is required. Advertised Platforms constitute "Projects" even though they are not new developments. A CEQA assessment of their impact (adding up the totals for each platform site) on traffic generation, water use, etc., needs to be examined for the Carmel Valley Master Plan. Our attorney provided comments addressing this issue in our prior comment letter from 2019, which were apparently ignored. These comments still apply to the current proposed CEQA exemption.

- There is a concern that the county has overstepped its authority as a public agency by including in Public Policy that they are in the business of "allowing for a reasonable amortization of investment for existing vacation rentals" (See page 1, Paragraph F). The Ordinance provides an initial time period during which a vacation rental may continue to operate, provided the vacation rental activity was established prior to the effective date of the Ordinance. What if they operate in areas that have already exceeded allowed VSUs? No one ever guaranteed anyone a reasonable return on an investment of a single family residence, as it is not supposed to be a commercial investment.

- CVA believes that **there is fundamentally no difference** between a "limited and a Commercial Vacation Rental. A financial transaction with money being exchanged between the resident and a visitor is a commercial transaction in both instances. They both must pay the TOT. We believe that this may be indefensible in a court of law.

- The county must provide a verifiable count of the existing Visito- Serving Units in Carmel Valley. CVA undertook a detailed investigation of existing Visito-Servingr Units in the spring of 2020. This was done to determine the baseline number or existing VSUs. (See attachment A) This needs to be compared to the actual Number of VSUs existing at the time of the 2010 Carmel Valley Master Plan. Those numbers need to be deducted from the CAP numbers of visitor-serving units east of Majorca and the CAP west of Majorca in the Carmel Valley Master Plan.

- Without the baseline numbers and the units built since 2010 and their subtraction from the VSU numbers, this ordinance will discriminate against Carmel Valley by over-loading an area that is already suffering from over-tourism. In Carmel Valley, no vacation rentals should be allowed until the existing VSU count has been completed by the County and agreeable to all affected parties, such as CVA.

- Given the uncertainty of the existing number of rentals already in operation that could come forward with permit requests (based on the caveat in the Ordinance they can come forward and they do so) and the lack of documentation of the remaining available VSUs in Carmel Valley, *all Vacation Rentals should be required to stop operations (currently required under Health Officer orders regardless as part of COVID19 except for essential travel), until such availability is definitively assessed and agreed upon.* Section 7.110.080 Phasing Out Unpermitted Operations - how would this apply to the CV cap, with permitted operators that already exceed the CAP limits. How will this be addressed?

- 7.110.090 Enforcement – There is no provision made for how this would be monitored, only what would happen if someone is caught. There is one enforcement officer and one hearing officer. There should be a projection as to how many County personnel are needed to process a specific number of vacation rentals. Two enforcement personnel will not be sufficient if the number required is not based on the number of ads for vacation rentals. What is the County's formula for enforcement personnel needs? If someone was renting a six-bedroom house, why would they only rent out two bedrooms? Additionally, the Ordinance states that "the maximum overnight occupancy while being rented as a Limited Vacation Rental shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of six (6) persons per unit, no matter how many bedrooms." However, in other places in the Ordinance, the limit is four persons per rental. The Commission

supported with an 8:1 consensus vote limiting Homestays allowed with a ministerial permit to one contract per week to limit turnover, limiting maximum rental occupancy to four (4) persons renting at a time. Mistakes like these are pervasive throughout the Ordinance and impossible to follow. This should have been reviewed prior to public release.

- Individuals who have been reported renting Vacation Rentals, especially those doing so during the pandemic, should not be allowed to rent. At minimum, they should go to the back of the line and not be rewarded for scoffing at the laws. Priority should be given to "good citizens."

- Also missing is the provision that no one person may hold a license to more than one vacation rental at any one time.

- We request that the nomenclature for all rooms for Commercial and Limited STRs be changed to Urban Vacation Rentals and Rural Vacation Rentals. All rooms rented out are visito- serving units. Each room in a motel or hotel is counted as a VSU, so why not the same for Vacation Rentals? This would allow for a determination of density as to how many Visitor-Serving Units are allowed in an urban area versus a rural area.

- The firm position of the CVA that has been repeatedly stated throughout the public process is that the community in Carmel Valley categorically opposes all non-owner hosted Vacation Rentals. The current Ordinance allows for three rentals *without the concurrent occupancy of the Principal Resident for up to, but not more than three (3) times of the twenty (20) times per 12-month period.* Not only is this unenforceable, it is non-sensical. This giant loophole could be used to justify absences of the Principal Resident for much more than three times per year. Who would be monitoring this? Even when egregious complaints are lodged with the County, there are no staff available to immediately address a problem, and the sheriff won't respond unless there is a health and safety issue to address.

Again, the request is to modify the Ordinance to address the following:

- The owner must be a natural person or living trust for a natural person who is a permanent year-round resident, and the home must be his or her primary residence.
- No absentee owners, property management companies, corporations, LLCs, or other forms of ownership would be permitted.
- The owner must be required to live in and be present on site during the entire vacation rental period, with NO EXCEPTIONS.

To reiterate, in order for the CVA to support Limited Vacation Rentals in Carmel Valley, the owner must be present at all times, and the rental must also count toward the visitor-serving unit cap as stated in the Carmel Valley Land Use Plan, with a strong enforcement system, close supervision, and accountability.

We sincerely hope that the Commission is able to take a step back and consider staff's lack of response to clear direction, and the input from the public.

Attachment A:

Carmel Valley 2020 VSU Count Report

Survey completed by the Carmel Valley Association Land Use Committee – Feb 2020

Total CVMP Area Rooms Counted = 753* **

Count East of Via Mallorca = 588 Total

Quail Lodge	=	93
Saddle Mountain	=	7 +
Folktale Winery	=	1
Holly Farm	=	3
Carmel Valley Ranch	=	181
Waldrup B&B	=	1
Bernardus Lodge	=	73
Los Laureles Lodge	=	31
Portofino Inn	=	22
Carmel Valley Lodge	=	31
Hidden Valley Inn	=	21
Hidden Valley Music	=	6
Old World Inn	=	10
Contenta Inn	=	19
Blue Sky Lodge	=	16

Holman Ranch = 14

Robles Del Rio Lodge = 59

Count West of Via Mallorca = 165 Total

Carmel Mission Inn = 165

*These counts do not include The Cottages, Hacienda Carmel, Del Mesa Carmel, Tehama, or The CV Manor as their guest rooms are only open to member guests and not to the general public.

**Stonepine is beyond Los Tulares HOA, the eastern boundary of the CV Master Plan

March 4, 2020

Brandon Swanson

Interim RMA Chief of Planning

Monterey County Resource Management Agency

1441 Schilling Place

Salinas, CA 93901

Attachment B: Letter to Brian Swanson from CVA Land Use Committee:

Dear Mr. Swanson:

At the last CVA/RMA meeting, you requested a letter on the methodology for how the CVA Land Use Committee arrived at our final figures for the VSU count within the Carmel Valley Master Plan and especially east of Via Mallorca to the CVMP eastern boundary.

At the CVA LUC October 2019 meeting, we made a list of the Carmel Valley commercial hotels, lodges, inns, B&Bs, events centers with lodging, retirement communities and camps that rent rooms/cabins. We eliminated any properties that were west of Highway 1 and east of Los Tulares HOA

passed the CV Village. We did not include any known STRs in this count. This process eliminated Carmel River Inn and Stonepine Estate Resort. Once we had a complete list, each Committee member was assigned 2-6 properties to visit onsite and or call to determine how many rooms on which they were collecting TOT. As a proof device, we ordered and paid for a list of all TOT collection permits in zip codes 93923 and 93924. The six-page (416 entries) TOT list arrived on January 23, 2020.

At one of our last CVA/RMA meetings in 2019, two key factors were determined:

1. Retirement community rented rooms were not public and only for the use of member guests which eliminated The Cottages, Hacienda Carmel, Del Mesa Carmel, Tahama and The Manor.
2. Properties that formerly rented but were not renting rooms at this time still retained there VSU counts which added the Portofino Inn & Spa and Robles Del Rio Lodge. It took contacting the property owner or online research to determine their VSUs still vested with the properties.

One example of fact checking the numbers was that Jeff emailed the General Manager of Carmel Valley Ranch, whom he knew personally, and asked him what the CVR official VSU count was. He immediately emailed back 181. To double check, Jeff called the front desk clerk at CVR and was told 181, the same.

There were some interesting factors that came up such as The Holly Farm has 28 beds, but they are contained in only three rooms and 3 is the VSU count for The Holly Farm. Also, the Waldrup B&B in Miramonte only has a one room VSU. Folktale is another event location that rents a house on property only to event people during their events equaling 1 VSU. We discovered that Saddle Mountain has 7 tent cabins it has built to rent out commercially.

The last double-check device we used was to go through the 416 TOT permit holders to locate all the properties on our list. All were there except the Portofino Inn and Robles Del Rio Lodge which makes sense as they are not operating at the moment although I did see contractors at Portofino in Nov 2019.

Sincerely,

Jeff Wood and Lesley Nall, Co-Chairs, CVA Land Use Committee

Spectacular Horizon/Ocean View, Entire Guesthouse

Carmel-by-the-Sea

4 guests · 1 bedroom · 3 beds · 1 bath

Entire home
You'll have the guesthouse to yourself.

Great location
100% of recent guests gave the location a 5-star rating.

Great check-in experience
100% of recent guests gave the check-in process a 5-star rating.

Highly rated host
Su has received 5-star ratings from 90% of recent guests.

Enjoy entire suite in a magically secluded nature; spectacular horizon/ocean view, completely private, accessed via detached entrance, very spacious(950sf+) yet cozy and airy. Just 10 min drive to Carmel downtown, 5min to Monastery Beach & Pt. Lobos Park. You'll love the location that's perfect for relaxing, exploring Big Sur, Carmel and Monterey. It's a French brick rustic feel where you can call a sanctuary.

Contact host

Amenities

Kitchen

Wifi

Kitchen

Wifi

Free parking on premises

Dryer

Show all 34 amenities

Sleeping arrangements

Bedroom 1
1 king bed,1 queen bed,1 sofa bed

Availability

This host offers 25% off if you stay a week and a 45% monthly discount.

April 2020

SuMoTuWeThFrSa

Reviews

★ **4.83** | **291** reviews

Search reviews

Check-in **5.0**

Communication	5.0
Location	4.9
Accuracy	4.9
Cleanliness	4.8
Value	4.6

Dexter
March 2020

We loved our stay! The space was perfect for a get away that is close to so many different things to do along the PCH. Would definitely come back again!

Tucker
March 2020

Really beautiful place, with a very generous host. Definitely will be back in the future.

Erin
March 2020

We had a great time at Su's place! It was very clean and relaxing and in a good location to everything we wanted to do. The weather wasn't great but Su still recommended activities for us and offered us umbrellas during the rain. The power also went out on the last morning but Su...
Read more

Stephanie
March 2020

Quiet, cozy chateau nestled into the hills overlooking the Pacific. Excellent location - just 10 minutes from Carmel and about 40 minutes from Big Sur. Su was a wonderful hostess and provided us with great recommendations in advance of our stay. We hope to return one day!

Jacqueline
February 2020

Loved staying here! Su is very attentive and has some great suggestions for local restaurants and views. Great location as well.

Kevin
February 2020

Su was very communicative and the place has a spectacular view (it is a large part of the price you pay to stay there.) The guest suite is clean and the bed was very comfortable. Note that you cannot use the fireplace and in her house rules she asks you only to cook "light"...Read more

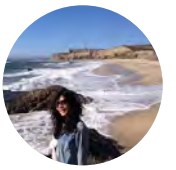
Response from Su:
We wish we knew our neighbor's pipe was broken, hence the water system was shut down by the water committee as we do manage our own water system. Until you...Read more

February 2020

Sharon
February 2020

Su was a lovely host and the beauty from the balcony of her place is incredible! Very soft and comfortable bed, and great location for exploring Big Sur. Had such an amazing stay!

Hosted by Su



Carmel-by-the-Sea, CA · Joined in March 2014

★ 328 Reviews 2 References Verified

"My religion is very simple. My religion is kindness." - Dalai Lama Hello, I'm a global marketing consultant who used to traveling around the world pretty often and have lived in 4 different countries. I love contemporary art and promote European and Asian arts to galleries...Read more

Interaction with guests
If I am around, would love to meet and greet when you are checking-in. Once you are checked-in, you might want to interact with the serenity, the ocean, the birds and the sounds of wind and sea, oh with the pouring stars... and then you will be busy with exploring the surrounding...
Read more

Su supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. **Learn more**

Languages: **English, 日本語, 한국어**

Response rate: **100%**

Response time: **within an hour**

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app.
Learn more

The neighborhood

Su’s place is located in Carmel-by-the-Sea California United States.

We are truly blessed to be able to live in this magical neighborhood. Considering our neighbored's hotel with the partial ocean view room rate at$830 (low season) and going above $1800(busy season) plus resort fees and etc. of much smaller space(323sqf), our guests truly appreciated the spectacular ocean view, spacious and secluded blissfulness in our guesthouse.

Show guidebook

Exact location information is provided after a booking is confirmed.

Open map

Check-in
3:00 PM - 10:00 PM

Checkout
11:00 AM

House rules

Cancellation policy

Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.

Report this listing

$225 per night
★ **4.83** (291 reviews)

Reserve

Explore other options in and around Carmel-by-the-Sea

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Santa Monica
Oakland
Santa Barbara
Berkeley
Venice
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South Lake Tahoe
Santa Cruz
Marina del Rey
Long Beach
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Beverly Hills

English (US) $ USD

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