

May 21, 2015

Supervisor Dave Potter
5th District - Monterey County
Monterey Courthouse
1200 Aguajito Rd., Ste. 1
Monterey, CA 93940

Submitted by Email

Re: Issue Statement on Short Term Rentals in the Big Sur Planning Area

Dear Supervisor Potter,

As per your request, the Big Sur Local Coastal Program Defense Committee has prepared the following issue statement on short term rentals in the Big Sur Planning Area.

ISSUE STATEMENT:

Should Short Term Rentals be permitted in the Big Sur 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 and then after its adoption, CoastWatch provided the county with a thorough 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 limited enforcement efforts by Monterey County, 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 this continued and rapid expansion of non-permitted commercial destination activity in residential neighborhoods are significant and cumulative as they further contribute to reducing the availability of affordable long term housing, the remaining capacity of Highway 1, and the quality of life and special culture of the local community.

The county's lack of effective enforcement of existing law prohibiting short term rentals and its efforts to allow for their permitted use in the coastal areas of the county, including the Big Sur Planning Area, are of great concern to our community and have led to the creation of the Big Sur Local Coastal Program Defense Committee. Last month, members of the committee met with Monterey County Supervisor Potter to convey our concerns about the devastating and permanent adverse impacts that short term rentals have on the Big Sur community; its housing, public access to the coast, culture, and their incompatibility with the Big Sur Local Coastal Plan.

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 Master Plan and following the passage of the Coastal Act in 1972, the creation of local coastal plans. 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 Local Coastal Program including the Big Sur Coast Land Use Plan (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 its fundamental policies were to prohibit development visible from Highway 1 and preserve the limited two-lane highway capacity for the traveling public.

To achieve these goals of preserving the environment and allowing for its visual access by the public, 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:

Low and Moderate Income Housing –

“The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, **conversion** (author’s emphasis) or any other reason.” (LUP, 5.4.3.I, pg. 106)

Highway 1/Traffic Capacity-

“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.” (LUP, 1.2, pg. 2)

“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)

“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)

“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)

Community and Culture –

“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** (author’s emphasis); 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. Each current and additional short term rental in the Big Sur Planning Area represents a conversion of existing housing, an additional increase in destination traffic impacts, and the loss of long term community housing stock.

- 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.
- The transient visitor use resulting from short term rental conversions adds significant additional and cumulative destination traffic impacts to Highway 1, further reducing capacity for the priority scenic driving uses of the Coastal Act.
- 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 Planning Area should be excluded from any countywide ordinance permitting short term rentals.

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

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