

Summary of notes on Planning Commission meeting 01.10.18.

Staff Presentation:

Staff presented three basic options for moving forward with consideration of STR regulations in Big Sur Planning Area:

- 1) Postpone consideration until County ready to move forward with Big Sur Land Use Plan update (a minimum of six months from now)
- 2) Develop regulations for all Coastal Zone areas in Title 20 and then evaluate these draft regulations against each individual Land Use Plan (there are 12 separate Land Use Plans in Monterey County) for consistency.
- 3) Consider moratorium on STRs in Big Sur Planning Area

Planning Commission comments/questions:

Commissioner Diehl asked staff to describe quickest path to a resolution of this process. Staff replied that option #2, developing regulations for entire Coastal Zone and then evaluating them against each Land Use Plan for consistency would be most efficient process.

In that discussion, staff confirmed that any proposed short term regulations for the Big Sur Planning Area would have to be consistent with the current Big Sur Coast Land Use Plan. If there was a conflict, the regulations would have to be changed to conform to the Plan or the Plan could be amended to allow for consistency with the regulations. It was noted that amending the current Plan would be a lengthy process.

Commissioner Diehl made clear that she did not believe there was a quick process available that could provide for resolution of this issue. There were additional comments and questions by commissioners on issues ranging from enforcement and licensing to determination of when ministerial permit (administrative/over the counter) vs. use permit might be required. Commissioner Diehl then stated that she believed that staff's recommended approach of Developing regulations in Title 20 would be the likely outcome.

Public Comment:

21 speakers made public comments, with about an equal distribution of proponents and opponents.

The January 10, 2018, memorandum on Short-Term Rentals and the Big Sur Coast LCP, by Dr. Charles Lester, past director of the California Coastal Commission, was referenced by both representatives of the Big Sur LCP Defense Committee and at least two of the Monterey County Vacation and Rental Alliance members, including their attorney, Gary Patton.

Planning Commission/Staff discussion:

Staff clarified that in terms of process, to address the consistency issue between proposed regulations and local LUPs, staff would initially meet with local LUACs to discuss/review and then would bring back those findings to the Planning Commission.

Commissioner Diehl made point that goal of a public process was not efficiency but rather to conduct properly and thus it was inherently time consuming to get process right. She then outlined the basic

path that Option #2 (Developing Regulations in Title 20) would take:

- Staff to review draft regulations with LUACs
- Informal consistency evaluation for each LUP prior to presentation of draft regulations to Planning Commission to seek further direction/action
- Presentation of Draft Ordinance to Planning Commission. If Planning Commission takes action on draft (i.e. directs staff to proceed), then final and formal consistency review and environmental review would be conducted.
- Final Draft including consistency review/environmental review would be presented to Planning Commission for their vote.
- If approved, then ordinance would be sent to Board of Supervisors for their review.
- If Board of Supervisors approved ordinance or a variation thereof, it would then be sent to California Coastal Commission for its review.
- If California Coastal Commission approved, then potential litigation would be next option for opponents of an approved ordinance.

There were a variety of additional comments and questions from other Planning Commissioners with extensive commentary by Commissioner Wizard about Gary Patton's January 8, 2018, letter to the Planning Commission.

The memorandum from Dr. Lester, was referenced multiple times by members of the Planning Commission, and noted as a particularly useful analysis on the issue of STRs and the Big Sur LCP.

Commissioner Diehl made motion to have staff proceed with Option #2, Developing regulations in Title 20, with notable emphasis that she believed the preferred and more appropriate option would have been to evaluate proposed regulations in conjunction with updated Big Sur LUP, but that was not possible due to current County priorities and staffing. Commissioner Roberts seconded.

Commissioner Vandevere made final comments on this motion noting retired Congressman Sam Farr's past public comments before the Planning Commission in opposition to STRs on the Big Sur Coast and described that given Congressman Farr's history as a Planning Commissioner, County Supervisor, and State Assemblyman, that his testimony was particularly compelling.

Vote was taken and motion was approved unanimously.

Additional discussion, led by Commissioner Wizard and then Commissioner Diehl, ensued about need/desire to have the Planning Commission recommend to the Board of Supervisors that enforcement of STRs be given greater resources and an elevated priority (currently STR violations are the lowest priority - level 3, with health/safety violations, being highest priority - level 1). Staff will report back to Planning Commission at next workshop/meeting on its recommendations for elevating priority and how enforcement could be optimized.

The above summary description and its sequencing may include errors or omissions are sourced from my contemporaneous notes taken at the meeting, not from the official transcript.

Kirk Gafill

