

July 25, 2019

Recap of Planning Commission Special Meeting on Short Term Rental Ordinances on July 24, 2019:

Big Sur had a good representation at meeting, that while modest in quantity, covered a lot of ground in public testimony making case as to why short-term rentals are incompatible with the Big Sur Land Use Plan.

Proponents of short term rentals were well organized and represented by 30-40 members of the Monterey County Vacation Rental Alliance. Their public comments were similar to ones they have made in past.

Forty-seven individuals offered public comment in the morning part of the meeting. After the lunch break, only a dozen or so members of public returned and none made any further public comment.

County staff asked Planning Commissioners to consider each area where staff had outlined options for consideration in its staff report and then use a “straw vote” process to indicate consensus or lack thereof of Planning Commission preferred option or variant to one of the options.

The areas where staff sought input on options were as follows:

Definition of a Principal Resident

Planning Commission voted 8-1 in favor of defining a Principal Resident requirement as follows: 275 days per year plus of residency, another form of residency proof to be recommended by staff, and that resident was a “natural person.”

Approval Threshold – Ministerial vs. Discretionary

Planning Commission voted unanimously:

Homestays would be processed as Ministerial permits and that Principal Resident definition noted above was a requirement

Limited Short Term Rentals would be processed as Ministerial permits, if limited to no more than 4 contracts per year, a limit of one contract per week, and a limit of 90 days maximum total rental days per year.

A second straw vote was taken to add additional requirement that for a Ministerial Permit for Limited Short Term Rentals inclusion of the Principal Resident requirement. This was approved by a vote of 7-2.

Visitor Serving Counts

Planning Commission voted unanimously to having staff develop a formula that would be proportional to the transient occupancy availability of a unit over the course of a year. The

comments made by the commissioners indicated that this formula would be applied to all forms of short term rentals, including Homestays and Limited Short Term Rentals.

Areas-Specific Modifications

Big Sur – Planning Commission consensus was that no further modifications beyond application of previously agreed upon options (Definition of a Principal Resident, Approval Threshold – Ministerial vs. Discretionary, and Visitor Serving Counts) was needed.

Carmel Area – Planning Commission voted unanimously to apply previously agreed upon options (Definition of a Principal Resident, Approval Threshold – Ministerial vs. Discretionary, and Visitor Serving Counts) and to prohibit Commercial Short Term Rentals.

Carmel Valley - Planning Commission voted unanimously that no further modifications beyond application of previously agreed upon options (Definition of a Principal Resident, Approval Threshold – Ministerial vs. Discretionary, and Visitor Serving Counts) was needed.

Other Proposed Modifications

Planning Commission voted unanimously to accept staff's recommended language.

Next steps –

County staff will update its report to reflect Planning Commission input and bring this to Planning Commission for its review with understanding that Planning Commission will confirm or amend staff's interpretation of Planning Commission input. Planning Commissioners discussed at length, prior to taking straw votes that their votes were not binding and they had option of changing their minds after staff presented updated report. Thus, it both remains to be seen what language and in what form staff will use to report the Planning Commission comments and straw votes.

Timing of County Staff report back to Planning Commission is date uncertain. Thus, no current estimated time line available on this process going forward until that occurs.

Following Planning Commission's opportunity to review report from County staff, then updated report and draft ordinances will be presented to Board of Supervisors for their input.

County staff will then conduct environmental analysis of ordinance.

After environmental analysis, County staff, will then present Final Ordinance to Planning Commission for its consideration.

This summary is based on my contemporaneous notes taken during meeting and any errors or omissions are my responsibility.

Kirk Gafill

Big Sur Local Coastal Plan Defense Committee