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Via Electronic Mail Only

Chair Supervisor Wendy Root Askew
Monterey County Board of Supervisors
168 West Alisal Street, 1st Floor
Salinas, California 93901
Email: RMAcomments@co.monterey.ca.us

Re: Comments of the Big Sur Defense Committee on the Monterey
County Vacation Rental Ordinance

Dear Chair Root Askew and Members of the Board:

On behalf of this firm's client, the Big Sur Local Coastal Program Defense Committee ("BSDC"), I write regarding the Board of Supervisor's consideration of the proposed Monterey County Vacation Rental Ordinance. As you know, the BSDC is a group of residents and business owners concerned for the preservation of the cultural and natural values of Big Sur and the land use plan that protects them for the public to enjoy. The BSDC has been carefully tracking the County's consideration of a vacation rental ordinance.

While the County provided relatively little time for the public to review the current draft, the BSDC appreciates the effort made by County Staff and the Board to respond to the unique conditions in Big Sur. The BSDC is generally supportive of the concept of Limited Vacation Rentals ("LVRs") proposed for Big Sur in the draft ordinance, provided that the County is able to implement thorough and effective enforcement mechanisms to ensure that these standards are actually complied with.

The BSDC also requests three modifications to the proposal to help ensure that the County's intent of ensuring that LVRs are similar in character, density, and intensity to residential use. *First*, the staff report asks whether the Vacation Rental Operation Permit ("VROP") regulations should be reduced for LVRs. As the VROP regulations are the County's mechanism for ensuring that vacation rentals of any type

remain consistent with residential uses, the BSDC would oppose any direction to relax these requirements.

Second, the BSDC is concerned about the significant lag time that will result from the implementation plan discussed in the vacation rental ordinance and staff report. As proposed, the vacation rental ordinance still needs to be considered in formal public hearings by the Planning Commission and Board of Supervisors (which could take months). Once approved, the regulations for LVRs in Big Sur would need to be certified by the Coastal Commission, which could take six months or a year. Then, the proposed amortization program would become effective, giving existing operators another year. Finally, the proposed enforcement program would start with education and outreach, with true code enforcement not proposed until year three. All in all, it could be *four years* until the County is actively ensuring that current commercial operators in Big Sur come into compliance. This is far too long.

The BSDC requests two modifications to address this issue. First, the amortization program found in proposed Section 20.64.290(F) should not apply in Big Sur. Because of the lengthy Coastal Commission certification process, existing operators will have sufficient notice that commercial operations in Big Sur will no longer be allowed. An additional 1 year phase-out period after certification is unnecessary. Moreover, the phase out language only contemplates the scenario where an owner or operator needs time to bring an existing operation through the discretionary permitting process. Because Commercial Vacation Rentals will not be allowed in Big Sur, no time is necessary for them to come “into compliance” with such regulations. Commercial Vacation Rental use should immediately cease once the Coastal Commission acts.

Third, the County has not provided adequate justification for exempting LVRs from the Visitor Serving Unit caps found in the Big Sur Land Use Plan. The VSU caps are mandatory for all overnight visitor serving uses. *See* Big Sur LUP, Table 1; *see also* Big Sur Coastal Implementation Plan § 20.145.140(B)(1)(c)(5). Even if the LVR regulations are sufficiently protective to justify counting LVRs as a ½ unit, which they may be, the fact remains that LVRs will likely be used most frequently at peak periods, such as holidays. Consequently, application of the VSU caps is necessary to ensure that LVRs do not overburden the already-constrained infrastructure in Big Sur.

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Thank you for your time and attention on this important matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Sara A. Clark