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Does Big Sur plan allow vacation rentals? It depends on who you ask

By CHRIS COUNTS

WHILE OFFICIALS work to create an ordinance that will regulate, while also allowing, short term rentals in the coastal areas of Monterey County, it's unclear what they will do in Big Sur, where opposition to the practice is stronger than elsewhere, and a local land use plan imposes some of the toughest restrictions on development in the country.

Will short term rentals even be permitted along the highly scenic coastline? And if they are, will they be allowed on private and gated roads — where most homes are located? These are two questions that officials hope to answer in the coming months.

What is the BSLUP?

Following a lengthy and contentious battle over the proposed federalization of the Big Sur coast in the late 1970s and early 1980s, the Big Sur Land Use Plan was developed because many believed Big Sur's scenic qualities were so important that they needed extra protection from development. The plan was certified by the California Coastal Commission in 1986 and approved by Monterey County in 1988. It was guided by the California Coastal Act, which passed in 1976 and was famously hostile to development, but also sought to strike a balance between preserving Big Sur's "rural and wilderness character" while making it "accessible to as many as can be accommodated."

The plan places particularly tough standards on new subdivisions and requires that almost all new development be built outside the viewshed of Highway 1.

Because nobody in the 1980s could have anticipated the existence or success of AirBnB and other websites that advertise short term rentals, the plan says nothing about them. But both proponents and opponents suggest the plan supports their views.

Why they should be permitted

Proponents say the plan endorses vacation rentals by encouraging more visitation. "Without compromising its character or depleting its resources, the area should be accessible to as many as can be accommodated," a sentence reads.

"The plan has two primary missions — one is resource protection, and the other is visitor access," said resident Lloyd Jones, who doesn't offer short term rentals on his property, but believes the practice should be legal in Big Sur. "Vacation rentals support both," Jones explained, because staying in an existing home "is better for resource protection than building a hotel room." He also refuted the idea that short-term rentals eliminate workforce housing by pointing out that the plan calls for most workforce housing to be provided by businesses, which are located in commercial zones, not residential ones.

Why they should be prohibited

But resident Ken Wright said he believes the plan does prohibit short term rentals. He said short term rentals are replacing long term rentals in residential neighborhoods, reducing the number of affordable homes available to those who work in Big Sur.

"The county shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason," the plan reads.

The plan also seems to support the idea that visitor serving accommodations should be limited to specific areas along Highway 1.

“The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand,” the plan reads. But “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.”

Balancing resource protection with accommodating visitors seems like no easy task, but the plan appears to offer a remedy in case there is a dispute between the two — and it might not bode well for short term rentals. “Where there are conflicts, protection of these natural resources is the primary objective with definite precedence over land use development,” the plan states.

What comes next?

It’s unclear what impact the Big Sur Land Plan will have on the process to craft a countywide ordinance regulating vacation rentals along the coast. County official Melanie Beretti said it’s too early to say if the ordinance will treat Big Sur differently than other sections of the county’s coastline, but she did say that “it’s possible that certain areas need to be handled differently.”

She also conceded that “we can’t adopt a policy that is counter to existing land use plans.”

For now, Beretti is working on setting up two public workshops on the subject, and she’s hoping to get the first one on the county planning commission’s agenda sometime in June.

The hearing would “bring forward all the complicated factors and lay them out in an intelligible manner,” and offer the public “an opportunity to weigh in.” The planning commission would also have a chance to “give staff direction in moving forward with a draft ordinance.”

A second public workshop would present a chance to fine-tune the draft ordinance, and if all goes according to plan, the draft would go before the planning commission for review. Eventually, the supervisors would vote on it, but it’s too early to say when, Beretti said.

“We want to move the process forward as quickly as we can,” she added. “But we don’t want to rush it and leave no room for public comment.”