

The Big Sur Local Coastal Program Defense Committee



“Each succeeding generation accepts less and less of the real thing because it has no way of understanding what has been lost...Each generation doesn’t know what it is missing – it is as if the eagle and the osprey were never present”

– Michael Frome | Regreening the National Parks 1992

March 28, 2015

Dear Big Sur Resident,

The Big Sur Land Use Plan states: *The scenic beauty of the Big Sur Coast, and the opportunity to escape urban patterns, are prime attractions for residents and visitors alike...Quality should have precedence over quantity of any permitted uses, whether residential, recreational, or commercial...The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason.*

This newsletter is brought to you by **The Big Sur Local Coastal Program Defense Committee**, a group of Big Sur residents brought together by a mutual concern about the County of Monterey's lack of enforcement of existing law prohibiting Short Term Rentals (STR's) in the Big Sur planning area. We believe STR's have a devastating and permanent adverse effect on the Big Sur community, its housing, its culture, and the public access to the coast. We try to address our concerns in the following pages. Please take some time to read; the preservation of the Coast, the wild and rural character, the very values so many have fought for for so long, is in the balance.

Contents:

- p.3 A Letter from former 5th District Supervisor Karin Strasser Kauffman.
- p.6 A Brief History of the Efforts to Preserve the Big Sur Coast.
- p.8 What is the Local Coastal Program?
- p.10 Why the Defense Committee?
- p.11 What you can do.
- p.12 Conclusion.



Letter from Karin Strasser Kauffman

Karin Strasser Kauffman was Big Sur's Supervisor (5th District) from 1984-1993. During that time, she oversaw the passage of the Big Sur Local Coastal Program by both the California Coastal Commission and the County of Monterey. She recently made the following comments at a Clear Ridge Meeting called to discuss Short Term Rentals:

The current controversy over short-term rentals takes me back more than 30 years to when we had decades of discussions about what Big Sur should be like in the future. Big Sur was the only area in the 5th Supervisorial District that was to have a permanent plan in terms of what was to be commercial and what would remain residential, and what the infrastructure would have to be.



In order to get that settled on paper and into specific policies we talked intensely about what makes Big Sur unique. We know it's beautiful, we know it's different from the rest of the world — it's simply stunning. We know it has more water than the Monterey Peninsula; it has wonderful assets of wilderness, wildlife and

peace. It has great cultural attractions. But above all, we know it's fragile. The landscape is fragile. We basically made a decision as a community to keep the Big Sur landscape preserved for posterity, and to its credit the Big Sur community supported that ultimately when, as County Supervisor, I was in charge of the Big Sur Plan. We stopped arguing, and we were all together, especially when federalization was proposed from Washington, D.C. As you know Big Sur locals led the charge and fought that back. For one thing it was going to change the zoning of Big Sur, for another, it was going to change the oversight of Big Sur. Ultimately it was going to change the money made off Big Sur. Everyone wanted a hand in it, from all over the world. And it was likely to price the locals out.

Those are my chief concerns today when I hear about the short term rentals. Long ago we decided to preserve Big Sur for posterity as a community, and we made it legal with the Coastal Act. Incidentally our plan was the only coastal plan that was approved by the Coastal Commission without amendment in the history of the program at that time. It was considered an excellent plan by everybody, once we stopped fighting and got together. The decision was made at that time that Big Sur was to be open space, a small residential community and agricultural ranching. Low impact was suitable to the land. So we have minimum 40-acre parcels and large spreads for grazing, and the U.S. Forest Service and California State Parks is to provide large wilderness for hiking and so forth.

For visitors Big Sur was not to be a “destination” but a “brief experience passing through.” The land could take this and this would guarantee it for the future. Because of that we insisted on having a two lane road forever that could not be widened, that we would never have large hotels, nor new hotels outside the established commercial zones. And a very limited number of caretakers units, because those would be an increase in residential use. There was to be no commercial visitorship outside the established commercial areas. “Short Term Rental” is commercial.

The zoning to me is really critical because it protects the land and maintains it not just for us, but permanently. The other thing that concerns me, having been in government and knowing how things work and knowing intimately how Monterey County works; to have a law that you cannot enforce is a very dangerous thing. It creates disrespect



for that policy and it sets a precedence to disobey other laws. I cannot see how a Short Term Rental law can be enforced in Big Sur. Yes, there are people who are conscientious and home bound and aren't out just for the money, but that is not the majority and that's not what will happen if Short Term Rentals are legalized. Properties will be bought in order to become small hotels. And locals will be priced out of competing for that property as a residential dwelling.

And how would you enforce short term rentals in Big Sur? We know the County has a history here of not enforcing other zoning rules—and it is difficult. Most people in Big Sur are not particularly unhappy with that. But they are unlikely to welcome heavy enforcement or mimic Carmel, where every tree is counted. So counting on enforcement for protection of the rules is a double-edged sword. However, having said that, I don't see the County being capable of regulating short term rentals given the scale and terrain of 80 miles of Big Sur land where people reside widely scattered along roads and trails often difficult to access. All I'm saying is, don't count on promised enforcement to take care of the problems.

I really feel for people who say the only way they can continue to live here is to rent it out. But frankly, the property they bought or inherited is not commercial. It's residential and there is a very good reason it is zoned residential. We worked hard to do it fairly and well. The Big Sur community liked the plan that was finally adopted and supported it when the Federal Government was going to come in and scrap it. We supported it because we were worried that Big Sur was going to be over taken by tourists and that the money that was going to come in would be large development--which would drastically change the landscape. I view short term rentals as nowhere near the threat of Federal Government coming in, but it will initiate major changes. And I am worried about it. My heart goes out to the folks who are doing something on a very small scale for simply a supplemental income, and not a business operation. But I don't see them as the ones who will be the ultimate beneficiaries of "Short Term Rentals," and the rest of us will certainly be impacted increasingly in negative fashion. And that's for, as we like to say in Big Sur, "generations to come."



A Brief History of the Efforts to Preserve the Big Sur Coast

For more than seventy years the Big Sur Community, Monterey County, The State of California, and our federal government have come together to preserve the rural character and wild beauty of the Big Sur Coast. There have been many local skirmishes, landmark legal decisions, statewide ballot propositions and national political initiatives. All have worked to the same end: to preserve this



remarkable coast for posterity, as a national treasure.

Past planning has been conscious of the unique qualities of Big Sur. Soon after the construction of Highway 1 in the late 1930's, the County drew national attention when it

successfully prevented the construction of a service station advertising sign and won a landmark case, securing for local government the right to use its police power for aesthetic purposes.

Beginning in 1959 and continuing until 1962, the County worked with local residents and consultants to develop a master plan for the coast. This plan, known as the *Monterey County Coast Master Plan*, has been recognized as both innovative and far reaching and has enjoyed the support of the people in the area.

Thereafter, following passage of the *California Coastal Act* in the fall of 1976 Big Sur became a special study area and the County developed a comprehensive work program to guide preparation of the *Big Sur Local Coastal Program*. (B.S.L.C.P.)

Public participation in development of this plan has been extensive. A Citizen Advisory Committee appointed in 1976 by the Board of Supervisors held numerous meetings to provide direction for the plan and related studies. These meetings were often well attended by residents of the area and the general public. A series of town hall meetings were held in Big Sur at important points in the process to solicit the views of the entire community. Public agency participation

included frequent and close working relationships with virtually every agency with an important role on the coast. Numerous presentations by State and Federal Agency personnel were made to the community.



The plan has specifically been prepared to conform to the purposes and spirit of the California Coastal Act. Its proposals are intended to resolve the difficult issues that face Big Sur's future.

The California Coastal Commission certified the Big Sur plan in 1986. The County of Monterey voted to approve it in 1988.

During the late 1970's and early 1980's, a protracted battle was fought over the federalization of the Big Sur Coast. Who could best protect Big Sur? Should it be a National Park? Or could Monterey County and the local community successfully preserve it? The B.S.L.C.P, being developed during this period, gave many locals hope that the Big Sur coast could be protected with this local oversight. The effort to federalize Big Sur was ultimately defeated.

Some years later Congressman Leon Pannetta assisted in the formation of the Big Sur Multi-Agency Council to bring all agencies involved in Big Sur together. These agencies were united under the policies and goals of the B.S.L.C.P.



In 1990 a Big Sur L.C.P. advocacy group was formed under the title Coast Watch. From 1997-1999 they helped in the effort to exempt the Big Sur Planning Area from the Monterey County STR ordinance thereby making short term rental (less than 30 days) illegal in Big Sur.

What is the Local Coastal Program?

The Big Sur Local Coastal Program is a collection of planning documents that provide the policies and procedures that govern all development in the Big Sur planning area (Mal Paso Creek North, Monterey County Line South). These documents are:

1. The Big Sur Land Use Plan (LUP)
2. Regulations for permits.
3. Regulations for Development (Coastal Implementation Plan)

These policies and procedures were designed to carry out this basic goal:

“To preserve for posterity the incomparable beauty of the Big Sur country, its special cultural and natural resources, its landforms and seascapes and inspirational vistas. To this end, all development must harmonize with and be subordinate to the wild and natural character of the land.” (LUP, 2.1, pg.5)

Guiding Principles:

1. Carrying capacity of the land and the two lane Highway 1.
2. Cumulative effects.
3. Quality of visitors experience.



Note: In order to maximize public access and minimize negative impacts, the B.S.L.C.P. radically limits all destination activities on the Big Sur Coast (residential, commercial and recreational).

Some Extracts from the Big Sur LUP:

1. Big Sur has attained a worldwide reputation for spectacular beauty; sightseeing and scenic driving are the major recreational activities. (LUP, 1.2, pg.2)
2. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience. (LUP, 2.1, pg.5)
3. 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, 3.1, pg.8)
4. It is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed) (LUP, 3.2, pg.10)
5. 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 (LUP, 5.4.2, pg. 77)
6. The County shall protect existing affordable housing in the Big Sur coastal area from loss due to deterioration, conversion or any other reason. (LUP, 5.4.2.I, pg. 87)



Why The Defense Committee?

The committee has formed because Monterey County appears to have made a business decision which is threatening the integrity of the L.C.P. and therefore the future preservation of the coast. The County is compelled by law to implement the Big Sur L.C.P., as is, not as they deem beneficial to the county treasury.

We the undersigned know that Commercial Events and Short Term Rentals (STR's) in residentially zoned areas are prohibited under the policies of both the B.S.L.C.P and Monterey County General Plan. That these activities negatively impact the community, its housing, its culture, and public access to the coast is indisputable.

Monterey County, rather than enforcing the prohibition of STR's, is currently taking taxes from them (Transient Occupancy Tax - TOT). By doing so the County is encouraging and tacitly approving an activity that is illegal.

For the sake of the Big Sur Coast, the visiting public, and the Big Sur community (half of whom are renters) the County must enforce the existing law prohibiting STR's.



What you can do.

With your help we hope to build a community coalition in defense of the L.C.P. before serious damage is done to the Coast. A first step is to please take our survey:

Should STRs remain illegal? Yes / No

I am a: Property Owner / Caretaker / Renter

I will join the defense committee: Yes / No

Please visit the Defense Committee Website: **www.BigSurLCP.org**

You can write us with comments and your survey response, etc. at:

LCP Defense, PO Box 610, Big Sur CA 93920.

E-mail us at: **bigsurLCP@gmail.com**

Thank you!



Members of the LCP Defense Committee are: Mary & Ken Wright, Kirk Gafill, Peggy Goodale, Steve Beck, Marty Morgenrath, Mary Trotter, Janet Sommerville, Celia & Ray Sanborn, Mary Lu & Magnus Torén, Debra Stoller, Orrin Hein, Ehren Woyt, Marcus Foster, Dave Smiley, Sydney Ocean, Linda Sonrisa, Barbara Woyt, Laurie and Tim Green, Scott Bogen, Mary Ann Vasconcellos, Heidi Hopkins, Martha Karstens, Tim & Jean Weiss, Cara Weston & Bette Sommerville.

The artwork in this newsletter is courtesy of the George Choley Family.
The photography is courtesy of Kodiak Greenwood.



Conclusion

What would the Big Sur Coast look like today if we had no Big Sur L.C.P? Would visitors and residents still be awed by mile after mile of unmarred California coast? Or would it be ruined like most other beautiful coastal areas?

At present there are approximately 100 illegal STR's in Big Sur. Unless stopped, these illegal commercial activities in the residential areas will continue to grow, making the Big Sur L.C.P. a whim of politics. Destination traffic will further congest Highway 1, overwhelm our services and create increased pressures for development. As more of our homes are converted to accommodate STR's and events, commerce will absorb our community, leaving the hospitality industry and county politics to keep watch over the Big Sur coast.

Thirty years ago, in discussions about setting up the Big Sur Multi-Agency Council, Leon Panetta, our congressman at the time, said that the protection of the coast would be left largely in the hands of the Big Sur Community. Well, here we are...

If we value, not simply for ourselves but for posterity, the non-urban, non-commercial, wild beauty of the coast we must, as a community, decide to resist the perversion of our L.C.P.. We cannot passively stand by while the urban patterns, the commercialization, and the degradation of the environment take over. **We are the ones, as history has shown, who need to act. Join us.**