



Mal Paso Creek Property Association
73 Fern Canyon Road, Carmel CA 93923

July 02, 2018

Kate Battiato, Management Analyst III
Monterey County Resource Management Agency
1441 Schilling Place, 2nd Floor South
Salinas CA, 93901

Re: Comments for the record to the Monterey County Planning Commission, Public Workshop regarding proposed Short-Term Rental ordinance.

Dear Ms. Battiato and members of the Monterey County Planning Commission:

Thank you for your attention and concern regarding the impact and issues related to Short-Term Rentals (STR) in our community. The Mal Paso Creek Property Association (MPCPA) is a voluntary association with a Board of Directors incorporated in 1968 to express the voice of our fellow property owners, specifically with the stated mission to “*protect, conserve and defend the single-family residential character of the Mal Paso Creek area.*” We are writing on behalf of the clear majority of our property owners, to request that the Planning Commission maintain the current prohibition on STR’s in our neighborhood which lies within the Coastal Zone.

Establishing a new County ordinance permitting this commercialization of our residential community would directly violate MPCPA’s Articles of Incorporation, our primary mission statement and the recorded Covenants, Conditions and Restrictions (CC&R’s) in force within our community. In addition, there are a number of environmental protection, resource management and infrastructure capacity issues that would be negatively impacted by this change in land-use policy. Furthermore, we do not believe that the County has properly investigated or evaluated the negative consequences of changing the land-use policies in the Coastal Zone in developing the current draft ordinance, nor has it taken into account the mounting evidence detailing the negative economic effects, increases in crime, erosion of neighborhood quality of life and the other unintended consequences experienced by many communities around the country after permitting STR’s to operate within residential neighborhoods.

The rationale for continuing the current prohibition on STR’s in the Coastal Zone and opposition to any new ordinance includes the following:

1) The CC&R’s associated with the purchase and transfer of property within our community prohibit property rentals of less than 30 days and generally forbid the use of homes and property for commercial purposes.

- Short Term Rentals would violate these deeded restrictions and degrade the residential character of our community.
- As stated above and similarly referenced in the letters submitted to the Planning Commission by the Pebble Beach Co. (Exhibit G) and the Del Monte Forest Property Owners (Exhibit H), MPCPA membership is a voluntary organization of homeowners. Membership is not mandatory

and, therefore, there we have very limited abilities to effectively enforce these existing CC&R's. Other than direct neighbor to neighbor legal action, MPCPA doesn't have any legitimate method of applying sanctions against a property owner illegally operating a STR. For example, if the violating property owner was not a voluntary MPCPA member, we would have no standing in court. It is doubtful that MPCPA would be able to legally apply any sanctions or liens that could not be vacated by cancelling a membership.

- Should Monterey County decide to go forward with changing the STR prohibition in the Coastal Zone with a new ordinance; MPCPA, as well as all of the other property owners associations (CPOA, Carmel Highlands Association, DMFPO, etc.), must realistically rely on the County to respect and enforce these legal provisions and preserve the historic character and community values of these neighborhoods.
- Our community is already experiencing many of the negative impacts outlined below in association with the current illegal STR's operating in our neighborhood. Despite the County's efforts to enforce the current prohibitions, these property owners continue to choose to violate the laws and CC&R's. While it pains us to make such a statement, the MPCPA Board believes that there is no reason to expect that any restrictions or guidelines put forward under a new short-term rental ordinance would be reliably enforced, honored or adhered to given our experiences under the current prohibition. Additionally, from our public and private communications with County officials, it is our best understanding that the level of the County's commitment to sufficient resource allocation and priority level for enforcement efforts under any new STR ordinance are very limited and probably unworkable.

Note: In our experience, the majority of the illegal STR properties operating within the Mal Paso/Carmel Highlands area are whole house rentals with no owners present on site. Many are managed by professional property management firms or real estate agents. As it is the County's intention, as per the current draft STR ordinance, to require a special permit, have STR owners conform to a set of particular regulations and business practices and to collect regular fees and transient occupancy tax (TOT), there is no other rational interpretation but to consider these STRs as de facto commercial businesses. Currently, only commercial entities pay TOT. The County does not have any of these same requirements for the regular long-term renting and leasing of residential property and, therefore, STRs cannot be considered as an equivalent residential use under zoning designations. As such, these new STRs should logically be considered "visitor-serving units" as described and regulated under the local Land Use Plans and existing County ordinances.

Carmel Area Land Use Plan, Section 4.4.3.D

4. Proposals for development of new or expansion of existing recreation and visitor-serving facilities should be evaluated on an individual basis. All proposals must demonstrate consistency with the land use plan, maximum site and parcel densities, and environmental, visual, design and traffic safety constraints. The expansion and development of recreation and visitor-serving facilities should be of a scale and nature that is compatible with the natural and scenic character of the area.

Carmel Area Land Use Plan, Section 4.4.3.I

1. *Commercial land use in the Carmel Coastal Segment shall be restricted to those locations of existing and proposed visitor-serving accommodations shown on the land use plan map or described in the text. Additional commercial designation of property is not compatible with the intent of this land use plan to preserve the natural and scenic character of the area.*
2. *Expansion of existing commercial visitor-serving facilities or development of new facilities shall be approved only where requirements for adequate parking and wastewater disposal and for*

protection of natural resources can be fully satisfied. Adequate parking shall include all uses on the subject site (e.g. hotel units, restaurant, employees, day use facilities).

3. *Renewal of use permits for existing commercial uses or the establishment of new uses will require careful consideration of the impact of the use on the surrounding community. Particularly where commercial activities are in proximity to residences, care must be taken to ensure that noise or visual modification do not affect the peace and tranquility of existing neighbors.*
4. *Similarly, new commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area.*

Monterey County Coastal Implementation Plan (Chapter 20.146.120)

B.4.g). Detached or attached guest rooms are not to be equipped as permanent living quarters and are not considered residences. Guestquarters are permitted providing the constraints of the parcel and other implementation ordinance development standards and land use plan policies permit. Conditions shall be enforced by CC&Rs or other legal restrictions, including revocation provision for non-conformance, Guesthouses in the coastal zone are subject to the following criteria of development (CLM-62):

- 7) *Guesthouses may not be separately rented, let or leased from the main dwelling (CML-63).*

2) Loss of Affordable Long-term or Mid-Term Housing in the Coastal area:

- *Our area has become increasingly unaffordable for those low or medium income citizens seeking residences in the coastal zone. We have seen small subordinate units on properties, which may have provided low income or medium-term residences for workers in our area, leave the long-term rental market to be used instead as STR's. That has meant that units near the coast which could have been used for teachers, contract nurses, students, general workers and others are no longer available.*
- *Medium and higher valued properties have also left the long-term rental market. Many of these properties have remained on the market at what would normally be prohibitively high prices for extended periods until purchased by trusts, investors building real-estate investment portfolios, foreign nationals, and others who are attracted to these properties primarily as investments. The consequent price inflation makes them unaffordable as long-term rentals or primary home purchases for all except the highest income owners. Instead, owners are offering them as high-end STR rental properties, often renting them to groups and/or for large special events in order to underwrite their investment.*

Carmel Area Land Use Plan, Section 4.4.3.H

The County shall encourage the expansion of housing opportunities in the Carmel area for low and moderate-income households. The County will:

- a) *Adopt an updated housing element with appropriate incentives which will help attain affordable units. This element will be the adopted standard for low and moderate income housing in the Carmel area.*

3) Conversion of residential homes in favor of commercial activities:

- In the instances above, those properties have been lost to the community as residences and have become commercial enterprises - often operated by commercial real estate or property management agencies who are seldom available or responsive to neighborhood concerns.
- Further, several of these properties have been purchased to be offered year-round, or nearly year-round as STR's with impact both on availability as long or medium term coastal residences as well as impact on the character of the neighborhoods in which they are located. Many of these homes are seldom if ever occupied by the purchasers. Consequently, the new owners have no personal stake in the community thus dwindling the pool of available residents that would volunteer for services that keep a neighborhood together such as neighborhood watch, HOA Board positions, fire protection, disaster network (e.g. neighborhood CERT) and other community building organizations.

4) Environmental impacts:

- Those paying to stay in STR's often do not understand the fragile nature of our coastal environment, local environmental regulations and restrictions or the safety risks associated with the hazardous conditions that exist along our coast. This statement is not meant to be defamatory in any way, but merely acknowledges the facts as recognized within the Carmel Area LUP (see below) and borne out by our own observations; that people visiting from outside the area are just not familiar with the local environmental protection values or the necessary safety precautions. These coastal and protected areas are generally unmonitored and unsupervised which places both the tourists and the environment at risk.

Carmel Area Land Use Plan, Section 5.3.2.1-8

For areas not appropriate or planned for public access, such access should be discouraged. Where such areas are located on private land, the County and other public agencies should cooperate with landowners to develop effective methods for directing access to appropriate locations.

In encouraging public access, the County desires to ensure that the privacy, safety, health, and property of residents are protected. The visiting public (which is generally unaware of the hazards presented by surf and tide) should not be directed into hazardous locations unless professional supervision is provided.

Carmel Area Land Use Plan, Section 5.3.3

In areas of existing or potential access where habitat and resource protection are identified as a major concern, studies should be conducted by qualified individuals or agencies to determine maximum acceptable levels of public use and methods by which resource values can best be protected. The conclusions of these studies should guide management of access at such locations.

Where highly sensitive plant or wildlife habitat is present, access may be inappropriate and should not be permitted.

- There have been no long-term reviews of the impact of this STR activity on our sewage systems (primarily septic), water systems (public, private and community), and other utilities. Where small units may have had 1 or 2 residents, they are now full to the brim with visitors without regard to occupancy limits. Increasingly, high end "vacation homes" which only used to be visited occasionally by their owners are now booked by visitors and groups at a much higher

frequency and occupancy rate. Moreover, transient visitors paying “premium” rental fees are very likely to expect full and unencumbered use of the guest accommodation’s utilities, despite any conservation information or admonitions provided. Higher than normal occupancy rates will inevitably lead to stresses on the available infrastructure.

Monterey County Coastal Implementation Plan (Chapter 20.146.050)

Proof of adequacy of septic systems may be required as a part of the permit application process. This proof of adequacy must document that the system is in working condition and is adequate to serve both the proposed and the existing use. (Ref. Policy 2.4.4. B. 3 Water Pollution Control). (CLM-23)

Any parcel in the Land Use Plan area proposed for up-zoning shall be tested and approved by the county Health Department for suitability for waste disposal systems prior to approval of the new zoning. Such testing shall be at the expense of the applicant (Ref. Policy 2.4.4.B.4 Water Pollution Control). (CLM-26)

Dual leach fields are required for any new development in Carmel Highlands and other areas in the Camel area Coastal Segment which are not expected to be served by sewers or package treatment plants (Ref. Policy 2.4.4.B.6 Water Pollution Control). (CLM-27).

- Many of the current illegal STR’s are advertising (e.g. VRBO, Airbnb, etc.) available occupancy levels far beyond the design capacities of these water and septic systems – as high as 8-12 occupants per rental. Our community has been under moratoriums of additional water connections, water rationing (see enclosed Carmel Riviera Mutual Water Co. water conservation notices), new septic system operation and construction restrictions and other development limitations (see the Carmel Highlands Onsite Wastewater Management Study: <http://www.co.monterey.ca.us/home/showdocument?id=46532>). Should these occupancy levels continue or increase under a new STR ordinance with the current inadequate infrastructure conditions and over-capacities, and there is no evidence to suggest that they would not, these newly permitted activities risk potential harmful effects to the coastal environment plus additional public health and safety risks to tourists and the surrounding neighbors.
- Even with reasonable restrictions applied to any new ordinance(s), the fragile and hazardous nature of the coastal and wildland areas of our communities are susceptible to severe damage of even a single adverse event such as: a sewage spill (many of the current illegal and potentially permitted STR’s operate septic systems directly adjacent to the National Marine Reserve), wildfires (there have been many illegal beach bonfires observed and reported at our local beaches and coves started by STR tenants) and other activities damaging to the protected but unsupervised coastal environment.
- The Mal Paso Creek area, the Carmel Highlands and the Big Sur Coast generally are all designated as “Very High Risk” and also as a “Very High Wildfire Severity Zone” for wildfires by the California Department of Forestry and Fire Protection (CALFIRE). As we have seen very recently and from past fires in the region, these wildfires produce tremendous damage to the environment and cause tragic losses to lives and property. These environmental impacts last for years following an event - affecting ecosystems, watersheds, infrastructure, property and lives. Out-of-the-area visitors are generally unaware of these risks and, unfortunately, often behave accordingly. The recent Soberanes fire is a prime example of this. The cause of which has been determined to be from an illegal campfire in a closed and unsupervised section of Garrapata State Park – immediately adjacent to our community. Just one week prior to the Soberanes Fire, STR tenants started a large illegal bonfire on Malpaso Creek Beach. A resident notified our Fire

Dept. who responded to put it out. Had this fire gotten out of control or left abandoned, this could have been both a human and environmental tragedy – and this has not been the only incident.

Monterey County Coastal Implementation Plan (Chapter 20.146.80)

Development shall only be permitted on areas of high to extreme (very high) fire hazards if:

...the development will not increase the threat of fire, due to the adequacy of the fire protection measures required by the Fire District and other measures required by the Planning Department. (CLM-48)

- The coastal and inland areas of the Carmel Highlands are located within or adjacent to several protected natural resource areas and designated Environmentally Sensitive Habitat Areas (ESHA) including: The Monterey National Marine Sanctuary, The California Sea Otter Game Refuge, Carmel Bay State Marine Conservation Area, Pt. Lobos State Marine Reserve, Pt. Lobos Marine Conservation Area. In addition, there are several protected preserves in the inland areas as well as protected plant and animal species. It should be noted that the coastal areas inside our community are not designated as “public access” within our Carmel Area LUP and CIP due to hazardous access and ocean conditions and under provisions to limit natural resource damage as well as disturbances to residential property owners. Nevertheless, MPCPA members and residents have reported increased incidences of private property trespass and illegal activities - many associated with the tenants of these illegal STR’s. Reported environmentally destructive and hazardous activities have included: climbing on and other recreational activities causing erosion to sensitive coastal cliffs and bluffs, removal of specimens from tidepools and other protected areas, illegal camp or cooking fires, and disturbances to wildlife, including marine mammals. None of these protected areas have been studied for the adverse environmental effects resulting from the changes in the Coastal LUP to allow for STR’s and increased tourist activities within the Coastal Zone.

Monterey County Coastal Implementation Plan (Chapter 20.146.120)

All development and use of land, whether public or private, must conform to the development standards of this ordinance and must meet the same resource protection standards set forth in this ordinance. Where conflicts occur between one or more provisions of the plan, such conflicts shall be resolved in a manner which on the whole is the most protective of significant coastal resources (Ref. Policy 4.4.2.7). (CLM-57)

Monterey County Coastal Implementation Plan (Chapter 20.146.040)

Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses are considered compatible only in a situation in which the proposal incorporates necessary site planning and design features which protect habitat impacts and which do not set a precedent for continued land development with the potential to degrade the resource. (Ref. Policy 2.3.3.2). (CLM-16)

For projects in or adjacent to environmentally sensitive habitat areas, the County shall refer projects to the California Department of Fish and Game for evaluation of impacts from development and suggested mitigations for those impacts. These impacts shall include but will not be limited to development of new or intensified land uses such as public access, recreation and associated facilities. Recommendations from the California Department of Fish and Game shall be included as conditions of project approval (Ref. Policy 2.3.3.10). (CLM-16)

Concentration of recreational development or recreational activities near accessible tidepool communities shall not be permitted (Ref. Policy 2.3.4; Wetlands and Marine Habitats Policy #5). (CLM-20)

Carmel Area Land Use Plan, Section 5.3.4 (Table)

Malpaso Creek Beach:

Sensitive habitat: riparian habitat along mouth of Malpaso Creek and small pocket beach. Discourage informal trails and heavy usage.

Carmel Highlands – Riviera (remaining shoreline):

Residential area with a history of low public use. Trespass on private property should be discouraged and low use levels maintained.

- *Sensitive habitat: relatively undisturbed rocky intertidal area.*
- *Steep cliffs and rocky shoreline pose hazards to shoreline users.*
- *High fire hazard in area east of Highway One.*

5) Environmental and public safety concerns with overuse of already overburdened public infrastructure:

- The above environmental impacts are aggravated by infrastructure insufficiency. There has been an exponential rise in tourism along the coast that has impacted traffic on Highway 1. It can't be overstated that Hwy. 1 is the only ingress/egress, both north and south, to the Carmel Highlands and greater Big Sur communities for both residents and first responders. It is already operating well above its design traffic capacity resulting in substantial congestion – especially on weekends and holidays, but increasingly more frequent even during the work week. There are often miles long traffic backups, parking overflows at Pt. Lobos causing unsafe traffic conditions and safety risks to pedestrians and drivers. It is not uncommon to require 1 to 2 hours just to drive from Carmel Highlands to Rio Road during peak commuter and recreational travel periods. Besides the general day to day disruption and inconvenience of not being able to reliably plan our normal daily activities (work, shopping, medical appointments, etc.), we are very concerned about what might happen if we need to travel on Highway 1 in an emergency at a time when traffic is at a standstill. Potentially, add to this the extra burden and of evacuating STR clients (locations and numbers perhaps unknown by first responders) from unfamiliar surroundings on these already congested roadways and hazards are multiplied.
- This congestion also contributes to increased air pollution and a greater potential for ocean and stream pollution due to larger quantities of highway runoff and/or accidental spills.
- The additional traffic and congestion that is generated by the regular operation of short-term rentals within the community are, arguably, unknown and difficult to quantify. Nevertheless, Hwy. 1 is already dangerously above over-capacity such that any additional utilization would have negative impacts. Our anecdotal experience with the current illegal STR activity within our neighborhood suggests that both increased utilization and the introduction of commuters not familiar with the highways, local roads, traffic patterns and hazards has exacerbated the traffic and safety problems. It should be noted that, generally, STR activities are also highest during peak tourist season which is also when Hwy 1 is most impacted.
- The access roads within the Carmel Highlands are narrow, winding and can be confusing to visitors not familiar with the neighborhood. The street parking is very limited and generally unsafe with the potential to interfere with emergency access or evacuations. We are already

experiencing “lost” STR tenants, sometimes in the middle of the night, and increasingly, even limousines, tour busses and/or other larger vehicles carrying visitor and/or special event groups choking or completely blocking the narrow roads in the Highlands.

- Several of our neighborhood streets are private roads. These roads are generally not designed for the higher traffic or additional commercial activities produced by STR operations. These roads are maintained by the resident property owners and they should not be required to be saddled with additional repair and maintenance or to subsidize commercial activities that they don't approve of and were not the conditions that existed when their properties were originally purchased.

Monterey County Coastal Implementation Plan (Chapter 20.146.100)

Major development projects - both residential and recreation and visitor-serving, which impact Highway 1, including significant expansion of existing facilities - shall contribute their fair-share towards improvements of Highway 1 required as a result of traffic generated by the particular project (Ref. Policy 3.1.3.9). As such, a traffic study shall be required prior to the application being determined complete and shall be prepared by a qualified traffic engineer. The study shall include, at a minimum: 1) estimated amounts and types of existing traffic and traffic to be generated by the proposed development; 2) assessment of impacts to service level and safety; 3) provide needed improvements to mitigate impacts; and 4) provide analysis of improvement's cost. The applicant's 'fair share' of improvements cost shall be negotiated with the County through the public hearing process, based on the information provided in the traffic study. (CLM-53)

Monterey County Coastal Implementation Plan (Chapter 20.146.120)

New commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from public views from Highway 1 as far as possible and shall in no event create traffic hazards or danger for pedestrians. (Ref. Policy 4.4.3.1-4). (CLM-73)

6) California Environmental Quality Act (CEQA) requirements and the need for a full Environmental Impact Report (EIR) and environmental and cultural resources review process:

- Given the above reported environmental damage already observed from the illegal STR operations and the potential for the same and additional adverse environmental impacts should the County chose to move forward with an ordinance permitting STR's within the Coastal Zone, MPCPA believes that there is sufficiently demonstrated evidence and/or potential that such an ordinance and the activities that it would permit “...may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.” As such, consideration of an ordinance permitting STR's in the Coastal Zone is sufficient to require a full environmental review process under the California Environmental Quality Act (CEQA) including a complete and public EIR process.
- Furthermore, given these already observed and the potential for further increased environmental impacts, we don't believe that this land-use changes or any potential new STR ordinance would qualify for a categorical, negative declaration or mitigated negative declaration exemption under CEQA.
- In addition to the stated and potential negative environment impacts, these Coastal Areas contain many protected cultural resource sites and sacred natural resources. Some of these are

located within our community and on private property. The potential adverse impacts of additional tourist activities near to or at these sites also needs to be examined and analyzed for potential negative impacts.

7) Sufficient and reasonable access under current ordinances and Coastal LUP:

- We understand the desire to make our beautiful coastal environment available to visitors to our area but believe that there are sufficiently available hotel rooms and time-shares within the Carmel Highlands to accommodate any safe and reasonable level of visitor volume. There are two resort hotels actually operating inside the boundaries of our community within areas specifically zoned for these activities: The Highlands Inn (Hyatt) and the Tickle Pink Inn. Additionally, there are other hotels and guest accommodations immediately adjacent to our community both to the north and south. Our area has always had a strong tourist economy, and those tourists filled our hotels and commercial establishments before Airbnb, VRBO, etc. It is difficult to understand the need for any further tourist accommodations within our residential community, especially given the potential environmental risks and already overburdened infrastructure. In addition, judging by the advertised rental prices for the illegal STR's operating in our community, often going for over \$1,000 per night, we don't see how this activity is providing any additional "affordable" coastal access opportunities.
- Abundant coastal access and recreational opportunities are provided by the State and Regional parks that are within and completely surrounding our community. These include: Point Lobos State Reserve, Carmel State Beach, Garrapata State Park, and Palo Corona Regional Park. There are even plans for additional public recreational areas to be added in the future.
- Many in our neighborhood historically rented their homes for longer term rentals—often a year at a time, which is much preferable to high-turnover rental investments.
- Furthermore, for those interested in sharing their properties with others, they may do so without permits for stays of 30-days or more. For those wishing to regularly host short term visitors, the current Bed and Breakfast ordinance (20.64.100 and 21.64.100) provides them means to do so under conditions and limitations better suited for our coastal community (It is interesting that so few of these permits have been requested or approved). These current ordinances allow the residential character of our neighborhoods to be maintained, while opening appropriate properties to transient visitation.

8) Preservation of the residential character of our communities:

In addition to the above, our members have expressed the following concerns if STRs are allowed to continue or proliferate in the Carmel Highlands:

- Loss of "neighborhood" residential character, by introducing "STR businesses" with high turnover of transient traffic instead of neighbors.
- Impact of increased volume of people on our fragile coastal ecosystem.
- Safety concerns and increases in crime, vandalism and trespass by introduction of transients unfamiliar with conditions, laws, and hazards of the area. It should be noted that this is not merely a hypothetical concern, as there have already been multiple incidents related to the illegal STRs operating within our community.
- Increases in wear-and tear on our beach areas and increased costs to maintain easements and insure against liabilities on our common areas due to increased non-resident traffic and insurance costs (see below).
- Excess and time-inappropriate noise issues, disruptive and/or prohibited large special events (permitted and/or not), increased litter, excessive or inappropriately parked vehicles.

Monterey County Coastal Implementation Plan (Chapter 20.146.120)

Renewal of use permits for existing commercial uses or the establishment of new uses will require careful consideration of the impact of the use on the surrounding community. Where commercial activities are in proximity to residences, noise or visual modification must be reviewed on a case-by-case basis to determine whether or not this affects the peace and tranquility of neighbors (Ref. Policy 4.4.3.1-4). (CML-73)

- Increased liability risks for both individual property owners and community organizations, like MPCPA may require additional insurance costs. We have consulted our attorney who warns that paying commercial tenants (aka STR clients) are entitled by law to a higher “expectation of safety” than what would normally be in effect on private or shared community property – putting us at increased risk for lawsuits. This will place an additional burden on our community members, essentially forcing the long-term residents of our community to subsidize the commercial operations of a few property owners. If our current experience is a predicate, most of those being so rewarded under a new STR ordinance will be absentee property owners and faceless LLC’s.

In summary, on behalf of our property owners, MPCPA requests that the County not move to permit STR’s in the Carmel Highlands and in the coastal areas. For the multiple reasons stated above, it is our collective opinion that short-term rental activities are not compatible with the residential qualities and values of the Carmel Highlands community. Furthermore, there are serious environmental, public safety and infrastructure capacity issues such that any thorough analysis would conclude that the operation of STR’s within our coastal community would result in negative impacts to the community and surrounding natural resources. We also believe that given the potential for adverse environmental damage as a consequence of altering the current Coastal Plans and passing an ordinance permitting STR’s within the Coastal Zone, a full Environmental Impact Report and accompanying public review process is absolutely necessary. We request that no further consideration or action by the County be undertaken until a full environmental, cultural resource, infrastructure capacity, and traffic analyses are conducted under the requirements of CEQA. Additionally, we would oppose any attempt to authorize a new STR ordinance or other change in land-use policy permitting STRs within the Coastal Zone under a CEQA “negative declaration” or “mitigated negative declaration”.

Thank you for the opportunity to comment on this important matter that affects our members and the greater coastal community.

Respectfully Yours,



Michael A. Emmett

President, Mal Paso Creek Property Association
73 Fern Canyon Road
Carmel CA 93923