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VIA EMAIL AND PERSONAL DELIVERY

County of Mendocino
Planning Commission
860 N Bush St.
Ukiah, CA 95482
(pbscommissions@mendocinocounty.org)

Re: Comment Upon November 17, 2022, 9:00 AM Agenda Item 6b
Concerning Restrictions on Short-Term Vacation Rentals

Dear Planning Commission:

As I previously discussed in my November 1, 2022 letter, I represent—and write of behalf of—Friends of Coastal Access and Paul Clark. Friends of Coastal Access is a public interest group interested in promoting and protecting—among other things—affordable and sustainable development of, and access to, the Mendocino County Coast. Mr. Clark owns a local real estate brokerage and property management firm.

Preliminarily—and for brevity—I would like to incorporate my letter of November 1, 2022, by reference.

Unfortunately, due to a prior commitment, I will be unable to attend the November 17, 2022, meeting; but I do want to make a couple additional points to augment my earlier letter. I also want to make sure both my earlier letter and this letter are made part of the administrative record as to this resolution.

First, I wanted to address the issue of whether the proposed resolution is a “project” within the meaning of CEQA.

[A] proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment. This determination is made without considering whether, under the specific circumstances in which the

proposed activity will be carried out, these potential effects will actually occur. Consistent with this standard, a “reasonably foreseeable” indirect physical change is one that the activity is capable, at least in theory, of causing.

(Union of Medical Marijuana Patients, Inc. v. City of San Diego (2019) 7 Cal.5th 1171, 1198 citing Muzzy Ranch Co. v. Solano County Airport Land Use Com. (2007) 41 Cal.4th 372, 381.)

At present, short term vacation rentals are highly consistent with Mendocino County’s dispersed and rural character. A more permissive attitude toward short term vacation rentals preserves this character, while restricting such rentals necessarily focuses development of further transient occupancy inventory into dense clusters of hotels and motels. This can lead to increased vehicle miles traveled and potential blight in areas lacking hotel or motel developments.

And second, the proposed resolution is not consistent with Mendocino County’s General Plan. “[T]he ‘general plan has been aptly described as the constitution for all future developments’ within the city or county.” *(Orange Citizens for Parks & Recreation v. Superior Court (2016) 2 Cal.5th 141, 152 quoting Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 570.)* Short term vacation rentals provide a particularly cost effective price point for travelers both because of the nature of the accommodations and because visitors can prepare their own meals in short term vacation rentals with kitchens. Mendocino County General Plan Coastal Element Policy 3.7-5 specifically provides that Lower-cost visitor and recreational facilities for persons and families of low and moderate income shall be protected, encouraged and, where feasible, provided. The current resolution undercuts this policy.

Based upon the foregoing, my clients respectfully ask that the proposed resolution be withdrawn. It is bad for Mendocino County, and the proposed manner of adoption is contrary to law. Thank you very much for your time and attention to this matter.

Best regards,



Colin W. Morrow