



Public Draft Environmental
Impact Report for the

Monterey County Vacation Rental Ordinances Project

State Clearinghouse No. 2022080643

Prepared for:



County of Monterey

December 2023



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TABLE OF CONTENTS

Section	Page
LIST OF ABBREVIATIONS	VI
EXECUTIVE SUMMARY	ES-1
ES.1 Introduction.....	ES-1
ES.2 Summary Description of the Project.....	ES-1
ES.3 Environmental Impacts and Recommended Mitigation Measures.....	ES-4
ES.4 Summary of Alternatives to the Proposed Project.....	ES-5
ES.5 Areas of Controversy and Issues to be Resolved.....	ES-7
1 INTRODUCTION	1-1
1.1 Purpose and Intended Uses of This Draft EIR.....	1-1
1.2 Scope of This Draft EIR.....	1-1
1.3 Agency Roles and Responsibilities.....	1-2
1.4 Public Review Process.....	1-2
1.5 Draft EIR Organization.....	1-3
1.6 Standard Terminology.....	1-4
2 PROJECT DESCRIPTION	2-1
2.1 Project Overview.....	2-1
2.2 Project Location.....	2-1
2.3 Project Background.....	2-1
2.4 Proposed Vacation Rental Regulations.....	2-2
2.5 Potential Permits and Approvals Required.....	2-10
3 ISSUES ASSOCIATED WITH CURRENT ORDINANCES	3-1
3.1 Social and Economic Factors Under CEQA.....	3-1
3.2 Current Vacation Rental Ordinances.....	3-2
3.3 Issues Associated with Current Ordinances.....	3-2
3.4 Proposed Regulations to Address Potential Issues associated with Vacation Rentals.....	3-4
4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	4-1
4.1 Approach to the Environmental Analysis.....	4-1
4.2 Effects Found Not to Be Significant.....	4-3
4.3 Agriculture Resources.....	4.3-1
4.4 Air Quality.....	4.4-1
4.5 Energy.....	4.5-1
4.6 Greenhouse Gas Emissions and Climate Change.....	4.6-1
4.7 Land Use and Planning.....	4.7-1
4.8 Noise.....	4.8-1
4.9 Population and Housing.....	4.9-1
4.10 Transportation.....	4.10-1
4.11 Tribal Cultural Resources.....	4.11-1
4.12 Utilities and Service Systems (Water supply).....	4.12-1
4.13 Wildfire.....	4.13-1

5 CUMULATIVE IMPACTS.....5-1
 5.1 Cumulative Analysis..... 5-1

6 ALTERNATIVES.....6-1
 6.1 Introduction..... 6-1
 6.2 Considerations for Selection of Alternatives..... 6-2
 6.3 Alternatives Considered but not evaluated further..... 6-4
 6.4 Alternatives Selected for Detailed Analysis 6-6
 6.5 Environmentally Superior Alternative..... 6-12

7 OTHER CEQA SECTIONS.....7-1
 7.1 Growth Inducement..... 7-1
 7.2 Significant and Unavoidable Adverse Impacts..... 7-2
 7.3 Significant and Irreversible Environmental Changes..... 7-3

8 REPORT PREPARERS.....7-1

9 REFERENCES.....8-1

Appendices

- Appendix A – Notice of Preparation and Comments
- Appendix B – Draft Ordinances
- Appendix C – Socioeconomic Analysis

Figures

Figure 4.7-1 Monterey County Communities and Coastal Planning Areas..... 4.7-8

Figure 4.13-1 Monterey County Operational Area Evacuation Zones 4.13-7

Figure 4.13-2 State Responsibility Area Fire Hazard Severity Zones 4.13-10

Tables

Table ES-1 Allowable Commercial Vacation Rentals for Each Planning Area ES-3

Table ES-2 Summary of Impacts and Mitigation Measures..... ES-8

Table 2-1 Allowable Commercial Vacation Rentals for Each Planning Area 2-9

Table 4.4-1 National and California Ambient Air Quality Standards 4.4-2

Table 4.4-2 Sources and Health Effects of Criteria Air Pollutants 4.4-11

Table 4.4-3 Summary of Annual Data on Ambient Air Quality (2019–2021)¹ 4.4-12

Table 4.4-4 Attainment Status Designations for the North Central Coast Air Basin 4.4-12

Table 4.4-5 Monterey Bay Air Resources District Air Quality Thresholds..... 4.4-14

Table 4.6-1 Statewide GHG Emissions by Economic Sector (2020)..... 4.6-8

Table 4.6-2	Monterey County GHG Emissions by Economic Sector (2019).....	4.6-9
Table 4.8-1	Ground-Borne Vibration Impact Criteria for General Assessment.....	4.8-1
Table 4.8-2	Caltrans Recommendations Regarding Levels of Vibration Exposure.....	4.8-2
Table 4.8-3	Exterior Noise Level Standards (Nighttime Only).....	4.8-3
Table 4.8-4	Typical A-Weighted Noise Levels	4.8-5
Table 4.8-5	Human Response to Different Levels of Ground Noise and Vibration.....	4.8-6
Table 4.8-6	County of Monterey Short-Term Rental Noise Complaints	4.8-9
Table 4.9-1	Regional Population Characteristics	4.9-2
Table 4.10-1	Trip Generation Comparison with Vacation Rentals	4.10-9
Table 4.10-2	Trip Generation Comparison with Owner-Occupied Vacation Rentals.....	4.10-10
Table 4.13-1	Evacuation Routes.....	4.13-3
Table 6-1	Summary of Environmental Effects of the Alternatives Relative to the Project.....	6-13

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LIST OF ABBREVIATIONS

°C	degrees Celsius
°F	degrees Fahrenheit
2016 AQMP	2012–2015 Air Quality Management Plan
2022 Scoping Plan	Final 2022 Scoping Plan for Achieving Carbon Neutrality
AB	Assembly Bill
AC	Agricultural Conservation
AMBAG	Association of Monterey Bay Area Governments
BEU	Benito-Monterey Unit
CAA	federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	criteria air pollutant
CARB	California Air Resources Board
CCA	Community Choice Aggregation
CCAA	California Clean Air Act
CCAAP	community climate action and adaptation plan
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFC	California Fire Code
CGC	Coastal General Commercial
CI	carbon intensity
CNEL	Community Noise Equivalent Level
CO ₂	carbon dioxide
CP	Community Plan
CRHR	California Register of Historical Resources
CWPPs	Community Wildfire Protection Plans
CZMA	Coastal Zone Management Act
dB	decibels
DEM	Department of Emergency Management
diesel PM	particulate matter exhaust from diesel engines
DOT	US Department of Transportation
Draft EIR	draft environmental impact report
DWR	California Department of Water Resources
EOC	Emergency Operations Center
EOP	emergency operations plan

EPA	US Environmental Protection Agency
EPAAct	Energy Policy Act of 1992
EPS	Economic & Planning Systems, Inc.
EV	electric vehicles
F	Farmland
FHSZ	Fire Hazard Severity Zones
FHWA	Federal Highway Administration
FRA	Federal Responsibility Area
FRAP	Fire and Resource Assessment Program
FSZ	Farmland Security Zone
FTA	Federal Transit Administration
GHG	greenhouse gas
GIS	Geographic Information Systems
GSA	Groundwater Sustainability Agency
GSP	groundwater sustainability plan
HAP	hazardous air pollutant
HC	Heavy Commercial
HDR	High Density Residential
Hz	hertz
IEPR	Integrated Energy Policy Report
IS	initial study
ITE	Institute of Transportation Engineers
LC	Light Commercial
LCFS	Low Carbon Fuel Standard
LCP	Local Coastal Program
L_{dn}	day-night average sound level
L_{DR}	Low Density Residential
L_{eq}	Equivalent Continuous Sound Level
LHMP	Local Hazard Mitigation Plan
L_{max}	Maximum Sound Level
LOS	level of service
LRA	Local Responsibility Area
LUP	Land Use Plan
M1W	Monterey One Water
MBARD	Monterey Bay Air Resources District
MCC	Monterey County Code
MCCWPP	Monterey County Community Wildfire Protection Plan
MCWRA	Monterey County Water Resources Agency
MDR	Medium Density Residential
MLC	Moss Landing Commercial
MMT CO_2e	million metric tons of carbon dioxide equivalent
mPa	micro-Pascals

MPWMD	Monterey Peninsula Water Management District
MST	Monterey-Salinas Transit
MTP	Metropolitan Transportation Plan
MTP/SCS	Metropolitan Transportation Plan/Sustainable Communities Strategy
MU	Mixed Use
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCAB	North Central Coast Air Basin
NO	nitric oxide
NO ₂	nitrogen dioxide
NOP	notice of preparation
NO _x	oxides of nitrogen
NRHP	National Register of Historic Places
OES	Office of Emergency Services
OPR	Governor's Office of Planning and Research
PG	Permanent Grazing
PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM ₁₀	respirable particulate matter with an aerodynamic diameter of 10 micrometers or less
PM _{2.5}	Fine particulate matter
PPV	peak particle velocity
PRC	Public Resources Code
PVWMA	Pajaro Valley Water Management Agency
RC	Resource Conservation
RDR	Rural Density Residential
RG	Rural Grazing
RMS	root-mean-square
ROG	reactive organic gases
RTDM	Regional Travel Demand Model
RTP	Regional Transportation Plan
SAFE Rule	Safer Affordable Fuel-Efficient Vehicles Rule
SB	Senate Bill
SBMA	Sustainable Groundwater Management Act of 2014
SBMMP	Seaside Basin Monitoring and Management Program
SCS	Sustainable Communities Strategy
SFBAAB	San Francisco Bay Area Air Basin
SIP	state implementation plan
SP	Specific Plan
SPL	sound pressure level
SRA	State Responsibility Area

SVWP	Salinas Valley Water Project
TAC	toxic air contaminant
TAMC	Transportation Agency for Monterey County
Technical Advisory	Technical Advisory on Evaluating Transportation Impacts in CEQA
TISG	Transportation Impact Study Guide
TPZ	timberland production
UWMP	urban water management plan
UWMPA	Urban Water Management Planning Act
VdB	vibration decibels
VMT	vehicle miles traveled
VO	Visitor-Serving/Professional Office
VSC	Visitor-Serving Commercial
WSC	Watershed and Scenic Conservation
WUI	wildland-urban interface
ZEV	zero-emission vehicle

EXECUTIVE SUMMARY

ES.1 INTRODUCTION

This summary is provided in accordance with California Environmental Quality Act Guidelines (State CEQA Guidelines) Section 15123. As stated in Section 15123(a), “an EIR [environmental impact report] shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical.” As required by the guidelines, this chapter includes (1) a summary description of the Monterey County Vacation Rental Ordinances Project (project or proposed regulations), (2) a synopsis of environmental impacts and recommended mitigation measures (Table ES-1), (3) identification of the alternatives evaluated and of the environmentally superior alternative, and (4) a discussion of the areas of controversy associated with the project.

ES.2 SUMMARY DESCRIPTION OF THE PROJECT

ES.2.1 Project Location

The project site encompasses the entirety of unincorporated area of Monterey County. The proposed regulations would not apply within city limits.

ES.2.2 Background and Need for the Project

The County of Monterey Housing and Community Development Department has prepared draft regulations for vacation rentals within the unincorporated areas of Monterey County. The proposed regulations would be applicable to both coastal and noncoastal areas of the unincorporated areas of Monterey County. A vacation rental means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. Vacation rentals include commercial vacation rentals and limited vacation rentals. Vacation rental does not, by definition in the draft regulations, include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding. Commercial vacation rentals require a discretionary permit and will be analyzed on a case-by-case basis, whereas limited vacation rentals will not require a discretionary permit. The difference between a commercial and limited vacation rental is described below (Project Description).

ES.2.3 Project Objectives

- ▶ Preserve the residential character of zoning districts established in Titles 20 and 21;
- ▶ Preserve the sense of security and safety in neighborhoods;
- ▶ Balance economic opportunity with the preservation of housing supply and quality of life;
- ▶ Ensure that vacation rentals are operated in a manner that complies with all rules and regulations to protect the health, safety, and welfare of residents Monterey County;
- ▶ Establish regulations that provide opportunities for homeowners and residents to offer vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County;
- ▶ Establish that limited vacation rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and are an allowed use with a vacation rental operation license and a business license; and,

- ▶ Establish regulations to address commercial vacation rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare.

ES.2.4 Project Description

The project consists of three draft ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. These regulations also provide an amortization of investment for existing vacation rental operations to enable those operations to continue for a limited time, provided that the vacation rental activity was established prior to the effective date of the respective ordinances and that the operator is pursuing all necessary County permits, licenses, and entitlements.

The regulations limit establishment of vacation rentals to existing, legally established single-family dwellings, with a cap of 6 percent of the total residential single-family housing units in each land use planning area except the Big Sur Coast Land Use Plan Area and low-density residential zoning districts in the Carmel Land Use Plan Area (none allowed), for commercial vacation rentals, as detailed below.

The proposed regulations limit establishment of vacation rentals to existing, legally established dwellings. Therefore, no specific development or construction is proposed by any of the draft ordinances.

- ▶ **Limited vacation rental:** A limited vacation rental is a residential property rented as a vacation rental by the owner or operator not more than three times in a 12-month period, with each such rental not to exceed 14 consecutive calendar days in duration.¹
- ▶ **Commercial vacation rental:** A commercial vacation rental is defined as a residential property rented as a vacation rental by the owner or operator for more than three times per 12-month period, which also includes a residential property rented as a vacation rental three or fewer times per 12-month period, if any of the three vacation rentals exceed a duration of 14 consecutive calendar days.

The three draft ordinances are summarized in the following sections.

MONTEREY COUNTY COASTAL ZONING - TITLE 20 AMENDMENT

The proposed amendment to the Monterey County Zoning Ordinance for coastal areas of unincorporated Monterey County (Title 20 of the Monterey County Code) provides definitions for terms not already defined, clarifies in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provides specific regulations for vacation rentals. Title 20 is part of the County's Coastal Implementation Plan and will require certification by the California Coastal Commission.

MONTEREY COUNTY INLAND ZONING - TITLE 21 AMENDMENT

The proposed amendment to the Monterey County Zoning Ordinance for inland areas of unincorporated Monterey County (Title 21 of the Monterey County Code) provide definitions for terms not already defined, clarify in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals.

BUSINESS TAXES, LICENSES AND REGULATIONS - TITLE 7 AMENDMENT

There are two proposed amendments to MCC Title 7. The first is a proposed amendment to MCC Chapter 7.02, which would require an annual business license for hotels and vacation rentals in the coastal and inland areas of

¹ Except for limited vacation rentals in the Big Sur Coast Land Use Plan. The dwelling unit used for a limited vacation rental shall be the principal residence of the owner, resident, or rental operator.

unincorporated Monterey County. The second is to add a new chapter (Chapter 7.120) to set requirements for annual operation permits for vacation rentals and is applicable in the coastal and inland areas of unincorporated Monterey County. The draft amendment, which is provided as Appendix B of this EIR, is summarized as follows.

Business License - The amendment to MCC Chapter 7.02 requires the operator of any of the two types of vacation rentals (limited vacation rentals and commercial vacation rentals) to procure a business license before commencement, operation, or maintenance of any vacation rental. In addition, operators of hotel would be subject to the business license requirement.

Operation License - The proposed ordinance includes adding Chapter 7.120, "Vacation Rental Operation License," to the MCC. In addition to the land use and zoning requirements and site development standards, this Chapter would provide operational requirements for the two types of vacation rentals. The following subsections are contained in Chapter 7.120: definitions, purpose, applicability, regulations for vacation rentals, application and renewal process, fees, grounds for suspension or revocation, enforcement, process for hearing by a hearing officer, and service requirements.

ALLOWABLE COMMERCIAL VACATION RENTALS

The proposed regulations would allow up to six (6) percent of the total single-family residential dwelling count in each of the County's land use planning areas to be used as a commercial vacation rental, with the exception of the Big Sur Coast Land Use Plan Area and low density residential zoning districts in the Carmel Land Use Plan Area. Table ES-1 summarizes the existing dwelling units, existing unpermitted rentals, and allowable commercial vacation rentals for each planning area.

Table ES-1 Allowable Commercial Vacation Rentals for Each Planning Area

Planning Area	Number of Residential Dwelling Units Identified by Assessor's Office	Number of Residential Dwelling Units Allowed for Commercial Vacation Rentals (6% per Planning Area)	Number of Current Advertised Vacation Rental Dwelling Units ¹	Number of Additional Allowable Residential Units Available for Commercial Vacation Rentals as a Result of the Proposed Regulations
Cachagua	512	30	43	-13 ⁴
Carmel ²	2,948	176	218	-42 ⁴
Carmel Valley	5,033	302	163	139
Central Salinas Valley	1,642	98	6	92
Big Sur Coast	925	0 ³	37	-37 ³
Del Monte Forest	1,432	86	83	3
Fort Ord	1,007	60	4	56
Greater Monterey Peninsula	3,879	232	114	118
Greater Salinas	2,001	120	11	109
Moss Landing	61	3	11	-8 ⁴
North County – Inland	5,653	339	21	318
North County – Coastal	3,916	235	52	183
South County	1,296	78	14	64
Toro	4,321	259	48	211

TOTAL	34,626 ⁵	2,018	825	1,193
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Source: Data Provided by County of Monterey, 2023 and EPS, 2023 (Appendix C of this EIR)

Notes:

- ¹ The number of existing vacation rentals is based on advertised data per data received from AirDNA (Appendix C of this EIR). Most vacation rentals are currently not permitted and would be required to obtain a permit upon adoption of the ordinances. In addition, these data do not distinguish whether the operation qualifies as a commercial or limited vacation rental. However, it is assumed that most if not all are used more than three times per year, which would qualify them as commercial vacation rentals.
- ² Per the draft regulations, the overall number of commercial vacation units allowable within the overall Carmel planning area remains set by the 6 percent cap, but none of the units can be located in the low-density residential zoning district.
- ³ For purposes of this analysis, the Big Sur Coast includes two privately owned residential units located in the Coast Non-Coastal area, which are on the border between Big Sur Coast and the Coastal Non-Coastal areas. However, in accordance with the draft regulations, commercial vacation rentals are not allowed in the Big Sur Coast area. Therefore, the existing rentals would no longer be allowed, and there would be a reduction in the number of rentals in this area (decrease by 37 units).
- ⁴ All existing unpermitted vacation rentals would be required to obtain a permit from the County, and permits would be issued on a first-come, first-serve basis. To stay within the allowable number of units for vacation rentals in each planning area, the County would approve up to only 6 percent of the total units at the time of adoption of the applicable ordinance. This means there would be an overall reduction (from current levels) in commercial vacation units rentals permitted in certain planning areas. This affects the Cachagua area, Carmel area, and Moss Landing area.
- ⁵ It should be noted that the total number of 46,830 housing units in the Socioeconomic Analysis prepared by EPS (Appendix C of this EIR) is higher than the 34,626 units identified in this table. The total units reported in the EPS analysis is an overcount. Because census track data does not necessarily align with the corporate boundaries of cities, the total units in the County are overreported by approximately 25 percent compared to assessor parcel data. However, 34,626 units is the total number of units within the unincorporated planning areas, which is the area subject to the proposed ordinances. Therefore, this number is used to determine the available units for rent under the commercial vacation ordinance cap.

ES.3 ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

This EIR has been prepared pursuant to the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 1500, et seq.) to evaluate the physical environmental effects of the proposed Monterey County Vacation Rental Ordinance Project. The County of Monterey Housing and Community Development Department is the lead agency for the project. The County of Board of Supervisors has the principal responsibility for approving the project and certifying the CEQA document.

Table ES-2, presented at the end of this chapter, provides a summary of the environmental impacts for the Monterey County Vacation Rental Ordinances Project.

ES.3.1 Summary of Significant and Unavoidable Impacts

As discussed in Section 4.3 through 4.13 of the EIR and summarized in Table ES-2 below, the project would not result in significant and unavailable impacts.

ES.3.2 Summary of Cumulative Impacts

Chapter 5, "Cumulative Impacts," includes an analysis of cumulative impacts of the proposed regulations taken together with other past, present, and probable future projects producing related impacts. There is no evidence suggesting that implementing the project would result in significant environmental impacts. In addition, no projects have been constructed or approved or are under review in the County that have some relation to any of the other environmental impacts of implementing the project. Therefore, in accordance with State CEQA Guidelines Section 15355, cumulative impacts would not be expected from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Therefore, no significant cumulative impacts related to the proposed regulations are expected.

ES.3.3 Summary of Growth-Inducing Impacts

Chapter 7, "Other CEQA Sections," includes a discussion of growth-inducement potential of the proposed regulations. The proposed regulations would not involve new development but would have the potential to result in new employment opportunities in the unincorporated areas of Monterey County. However, it is likely that no more than 200 jobs (less than 0.05 percent of the County's existing population) would be generated from implementation of the proposed regulations. The proposed regulations would allow additional vacation rentals beyond the existing baseline. However, the current vacancy rate in the unincorporated areas is relatively high, approximately 13 percent. Therefore, it is not anticipated that the proposed regulations would result in the need for new housing due to conversion of existing housing to vacation rentals. The proposed regulations would not result in substantial growth inducement.

ES.4 SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT

This EIR examines the following six alternatives to the proposed regulations. The alternatives are summarized below and are described in detail in Chapter 6, "Alternatives."

ES.4.1 Alternative 1: No Project Alternative

This alternative would consist of continued implementation of existing regulations for vacation rentals within the unincorporated areas of Monterey County. The proposed amendments to Title 20, Title 21, and Title 7 of the Monterey County Code would not occur. The alternative would not include any limitations, such as the 6 percent cap on the number of vacation rentals within the County. An unlimited number of vacation rentals would be allowed within the unincorporated areas of Monterey County under the No Project Alternative.

Compared to the proposed regulations, vacation rentals under the No Project Alternative would generate similar air quality emission, energy demand, greenhouse gas emissions, traffic, and utilities as permanent residences. These impacts would be similar to the proposed regulations. However, the number of units that could be converted to vacation rentals from occupied housing would be greater under this alternative. As such, more existing residents could be displaced due to conversion of occupied housing to vacation rentals. In addition, this alternative would not include additional noise violation penalties that are proposed under the project. Implementation of the No Project Alternative would result in impacts related to population and housing, and noise that would be potentially greater than the proposed regulations.

ES.4.2 Alternative 2: Homestays Alternative

This alternative would include the proposed regulations and additional policies related to homestays. A homestay is a vacation rental of a residential dwelling unit that is concurrently occupied by the dwelling's principal resident while the dwelling is being rented as a vacation rental. This alternative would provide financial benefits to retirees, young couples, etc. that are trying to purchase a home in the current housing market. This alternative would result in a new type of vacation rental option in the unincorporated areas of Monterey County, which could increase the number of vacation rentals as compared to the proposed regulations because homestays will not count toward the six percent commercial vacation rentals cap.

Compared to the proposed regulations, this alternative could increase the number of vacation rentals within the unincorporated areas of Monterey County because it would include a new type of vacation rental. This alternative would result in increased people to a residence that is used as homestay. Therefore, this alternative would increase the number of trips and energy and utility uses as compared to the proposed regulations. This alternative would result in greater impacts related to air quality, energy use, greenhouse gas emission, transportation, and utilities and service systems than the proposed regulations. However, this alternative would create more rental opportunities and would reduce effects of displacement, which would be less and would remain less than significant as compared to the proposed regulations.

ES.4.3 Alternative 3: Reduce Growth Alternative

This alternative would reduce the proposed cap of 6 percent under the proposed regulations to 3 percent for commercial vacation rental. Under the project (6 percent cap) a total of 1,193 units above current vacation rentals would be available for rent. Under this alternative a total of 186 additional units would be available, which is 1,007 fewer than the proposed regulations' 6 percent cap. The reduced number of commercial vacation rentals would allow the existing residential units to continue to be used as residences. Impacts would be similar to the proposed regulations for air quality, energy, greenhouse gas emissions and climate change, transportation, and utilities and service systems.

Compared to the proposed regulations, this alternative would reduce the number of occupied housings to be converted to vacation rentals. Therefore, because this alternative would displace less people as compared to the proposed regulation, impacts would be less and would remain less than significant similar to the proposed regulations.

ES.4.4 Alternative 4: No Additional Growth Alternative

This alternative would include the proposed regulations but would not allow any additional growth on vacation rentals beyond the existing condition. Existing vacation rentals would be required to obtain a permit and comply with the proposed regulations. The cap for this alternative would be zero and no additional residents would be displaced.

Since no additional vacation rentals will be allowed beyond the existing baseline, no impacts would occur with this alternative compared to the proposed regulations, and some issues, such as noise, would be improved over current conditions due to the restrictions included in the proposed ordinance. Therefore, impacts for this alternative would be less than the proposed regulations.

ES.4.5 Alternative 5: Permitting and Policy Options

This alternative would include a variety of permitting and policy modification options for the proposed regulations. The options include permitting and policy modification would include eliminating regulations on limited vacation rentals; eliminating vacation rental operation license requirement and include requirements as part of land use permits; all vacation rentals would be required to include an information package with materials about wildfire and flood evacuation routes, water conservation, and noise control; establish an amortization period would be implemented for currently permitted operations to cease operations or apply to operate under new regulations; and, require all vacation rentals to be inspected annually to ensure fire code requirements are met.

Compared to the proposed regulations, the option to require an information package would result in marginally less impacts related to wildfire, water use, and noise as compared to the proposed regulations. Environmental impacts for all other options would be similar to the proposed regulations.

ES.4.6 Alternative 6: Prohibition of Commercial Vacation Rentals in Residential Zones within the Carmel Valley Master Plan Area

This alternative would prohibit commercial vacation rentals within residential zones within the Carmel Valley Master Plan area. Commercial vacation rentals would be allowed within other zones such as commercial and agriculture zones. No other changes to the proposed ordinance and regulations would change as a result of this alternative. As compared to the proposed regulations, this alternative would result in similar impacts to all resource areas. Therefore, no further discussion is provided.

ES.4.7 Environmentally Superior Alternative

As illustrated Table 6-1, Alternative 4, No Additional Growth Alternative would be the environmentally superior alternative because it would not displace any residents and would reduce any impacts for resource areas as compared to the proposed regulations; however, no significant impacts would be avoided because none were identified.

ES.5 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

A notice of preparation (NOP) and initial study (IS) was distributed for the Monterey County Vacation Rental Ordinance Project on August 29, 2022 and a revised NOP and IS was released on September 6, 2022, to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the project. The first public scoping meeting was held on September 6, 2022 and the second meeting was held on September 19, 2022. The purpose of the NOP and the scoping meetings was to provide notification that an EIR for the project would be prepared and to solicit input on the scope and content of the environmental document. The NOP and responses to the NOP are included in Appendix A of this EIR. Key concerns and issues that were expressed during the scoping process included the following:

- ▶ Impacts related to tribal cultural resources.
- ▶ Impacts related to agriculture, air quality, water usage, hydrology, noise, lighting, parking, traffic, land use and public services.
- ▶ Impacts related to wildfire and evacuation.
- ▶ Impacts related to housing supply and housing availability.
- ▶ Potential alternative to reduce the cap limit on allowed vacation rentals.

In addition to the key concerns summarized above, the County has received various socioeconomic related comments, such as deterioration of the residential character of various areas, which are summarized and discussed in Chapter 3, "Issues Associated with Current Ordinances."

Table ES-2 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Agriculture Resources			
<p>Impact 4.3-1: Conflict with Williamson Act Contracts The project consists of three ordinances that would amend the Monterey County Code but would not result in development or land use changes of any kind. The proposed regulations would allow for existing dwelling units and structures on Williamson Act parcels to be permitted as vacation rentals. Currently, vacation rentals are not listed as an allowable use by the County on Williamson Act land; however, use as vacation rentals would not alter the designations of land under Williamson Act contract or change any existing uses of the land. By providing an additional source of income, vacation rentals could support the economic viability of agriculture. Therefore, the project would not conflict with Williamson Act contracts.</p>	Less than Significant Impact	No mitigation is required.	N/A
Air Quality			
<p>Impact 4.4-1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plans or Result in Emissions That Exceed Thresholds The project would be consistent with the applicable air quality plan (<i>2012–2015 Air Quality Management Plan</i>) and would not result in emission sources that exceed thresholds. The project would not result in a cumulatively considerable net increase of any criteria pollutant.</p>	Less than Significant Impact	No mitigation is required.	N/A
<p>Impact 4.4-2: Expose Sensitive Receptors to Substantial Pollutant Concentrations or Other Emissions (Including Odors) Implementing the project would not result in the construction or operation of any new land use development. It also would not introduce any uses identified as being associated with odors. Therefore, implementing the project would not result in exposure of sensitive receptors to TAC emissions or odors.</p>	Less than Significant Impact	No mitigation is required.	N/A
Energy			
<p>Impact 4.5-1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy, or Wasteful Use of Energy Resources, during Project Construction or Operation, or Conflict with or Obstruct Implementation of a State or Local Plan for Renewable Energy or Energy Efficiency Implementation of the proposed regulations would not be expected to result in an increase in energy consumption, nor would it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. It also would not result in</p>	Less than Significant Impact	No mitigation is required.	N/A

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
the construction or operation of any new land use development or result in population growth or new sources of energy consumption.			
Greenhouse Gas Emissions and Climate Change			
<p>Impact 4.6-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment, or Conflict with Any Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of GHGs</p> <p>Implementation of the proposed regulations would not be expected to result in a significant increase in emissions and would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. It also would not result in the construction or operation of any new land use development or result in population growth or new emission sources that would conflict with GHG reduction planning efforts at the County or state level.</p>	Less than Significant Impact	No mitigation is required.	N/A
Land Use and Planning			
<p>Impact 4.7-1: Cause a Significant Environmental Impact Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect</p> <p>As described above, Monterey County Land Use Plans and the Coastal Act encourage visitor serving uses, with some exception in the Big Sur area and Carmel area. Big Sur has unique housing, transportation, and environmental constraints. Carmel area has unique access and environmental constraints. Within the Inland areas, the transient use of residential property for remuneration is already a permitted use. The proposed regulations would place a cap on permitting of vacation rentals in designated zoning districts and prohibit commercial vacation rentals in Big Sur and in the Low Density Residential zones in the Carmel Area. The requirement of permits would reduce the potential for residential units to be used as vacation rentals. The project would not create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p>	Less than Significant Impact	No mitigation is required.	N/A
Noise			
<p>Impact 4.8-1: Generate a Substantial Increase in Non-transportation Operational Noise</p> <p>The project would not involve development of any kind; therefore, the only increase in non-transportation operational noise possible from the project is expected to be associated with the raised voices and amplified music. Chapter 10.60 of the County</p>	Less than Significant Impact	No mitigation is required.	N/A

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p>Code identifies noise standards throughout the day, including more sensitive night hours when people typically sleep. Section 10.60.050 establishes a process of enforcement that County officials may take in case a noise violation occurs and persists. In addition, the County's noise complaint history related to vacation rentals shows that noise complaints attributed to vacation rentals have been reported. However, the proposed regulations state that vacation rental permittees are responsible for all nuisance violations that occur in the vacation rental and that the permittee is charged a minimum inspection fee whenever an inspection occurs at the unit (proposed County Code Section 7.120.060). Proposed Chapter 7.120 related to limited and/or commercial vacation rentals, states that no outdoor amplified sound is permitted at any time and provides enforcement actions that may be taken by the County if the permittee is not in compliance with any provisions in the Chapter. Also, proposed amendments to Titles 20 and 21 of the County Code include grounds for suspension or revocation if more than two substantiated violations of the terms and conditions of the Coastal Development Permit, Use Permit, and/or Vacation Rental Operation Permit occur within a 12-month period. These provisions are strong disincentives against vacation rental-generated noise in excess of standards. Because noise generated by vacation rentals is expected to be consistent with that of existing residential uses across the unincorporated County, and the County has policies and enforcement mechanisms in place to discourage and enforce individual noise violations, it is not anticipated that implementing the project would result in frequent noise in excess of the noise thresholds identified in Chapter 10.60 and proposed Chapter 7.120 of the County Code. Furthermore, it should be noted that the project would not allow for the use of single family dwellings for events that could be a significant source of noise. Therefore, the project is not expected to substantially increase non-transportation operational noise.</p>			
<p>Impact 4.8-2: Generate a Substantial Increase in Traffic Noise The project involves amending the MCC to regulate vacation rentals in the unincorporated Monterey County and would not involve new development of any kind. As discussed in Section 4.10, "Transportation," average trip rates would likely decrease for residences that are converted from single-family residences to vacation rentals. In addition, even if implementation of the project did result in an increase in the number of vehicular trips in the County, the increase would be slight, and any new trips would be dispersed throughout the roadway network of the unincorporated Monterey County. Therefore, it is not anticipated that roadway</p>	<p>Less than Significant Impact</p>	<p>No mitigation is required.</p>	<p>N/A</p>

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
noise would increase noticeably if it increases at all. Therefore, implementing the project would not generate a substantial increase in traffic noise.			
Population and Housing			
<p>Impact 4.9-1: Induce Substantial Unplanned Population Growth, Either Directly or Indirectly</p> <p>The proposed regulations would not result in the development or construction of new residences or demolition of existing residences. The inclusion of vacation rentals under the proposed regulations would result in modest employment opportunities but because the opportunities would be limited and would be expected to be modestly compensated relative to housing costs in the County, unplanned population growth is not expected.</p>	Less than Significant Impact	No mitigation is required.	N/A
<p>Impact 4.9-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere</p> <p>The conversion of occupied housing to vacation rentals has been reported to displace some residents, but there is no available data to document the quantity. With the relatively limited additional growth in residential vacation rentals over time (estimated at around 76 additional rentals per year) compared to additional new development per year (higher than additional rentals, approximately 260 additional housing units per year), is not expected to displace a substantial number of current residents as a result of the proposed regulations. In addition, implementing the project would not result in any development, nor would it result in the removal or destruction of existing housing units. As such, as a result of the 6 percent cap, ongoing housing development within the County, and that the project would not result in any removal or destruction of housing units, implementing the project would not be expected to displace substantial numbers of residents or homes.</p>	Less than Significant Impact	No mitigation is required.	N/A
Transportation			
<p>Impact 4.10-1: Conflict or Be Inconsistent with CEQA Guidelines pertaining to VMT</p> <p>The project consists of three draft ordinances that would amend the MCC and would not result in development. The uncertainty related to estimating trip lengths associated with vacation rentals makes accurately quantifying the change in total VMT associated with implementation of the project difficult. For this reason, as allowed under State CEQA Guidelines Section 15145, this analysis concludes that it is too speculative to determine to what degree VMT would change as a result of implementation of the project. Therefore, no significance conclusion is provided.</p>	No Significance Conclusion	No mitigation is required.	N/A

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Tribal Cultural Resources			
<p>Impact 4.11-1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource The County of Monterey sent notification for consultation to four tribes, and no responses were received; therefore, no tribal cultural resources were identified. The project and reasonably expected responses to the ordinance do not include excavation or new development. Because there is no potential to disturb or destroy tribal cultural resources, there would be no impact.</p>	No Impact	No mitigation is required.	N/A
Utilities and Service Systems			
<p>Impact 4.12-1: Have Insufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development The project would consist of three ordinances amending the Monterey County Code. There is no evidence to suggest that existing residential units permitted as vacation rentals would demand more water than if these units were not rented for this purpose.</p>	Less than Significant Impact	No mitigation is required.	N/A
Wildfire			
<p>Impact 4.13-1: Substantially Impair an Adopted Emergency Response Plan or Evacuation Plan The proposed regulations would affect only the use of existing dwelling units in established neighborhoods. No new development would be authorized or be reasonably foreseeable. The use of an existing residential dwelling unit as a vacation rental would not interfere with the County's existing adopted emergency response and evacuation plans, including the Monterey County EOP and the EOP Evacuation and Transportation Annex. Therefore, implementation of the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p>	Less Than Significant	No mitigation is required.	N/A
<p>Impact 4.13-2: Exacerbate Wildfire Risks and Expose Project Occupants to Pollutant Concentrations from Wildfire or Expose People or Structures to Significant Post-wildfire Risks Implementation of the project would not exacerbate wildfire risk or expose people or structures to environmental effects of a wildfire. No new development or construction would be induced by implementing the project.</p>	Less Than Significant	No mitigation is required.	N/A

N/A = Not Applicable

1 INTRODUCTION

This draft environmental impact report (Draft EIR) evaluates the environmental impacts of the proposed Monterey County Vacation Rental Ordinances Project (project or proposed regulations). It has been prepared under the direction of the County of Monterey Housing and Community Development Department (lead agency) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines. This chapter of the Draft EIR provides information on:

- ▶ the type, purpose, and intended uses of this Draft EIR,
- ▶ the scope of this Draft EIR,
- ▶ agency roles and responsibilities,
- ▶ the public review process,
- ▶ the organization of this Draft EIR, and
- ▶ the standard terminology.

1.1 PURPOSE AND INTENDED USES OF THIS DRAFT EIR

According to CEQA, preparation of an EIR is required whenever it can be fairly argued, based on substantial evidence, that implementing a proposed project may result in a significant environmental impact. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental impacts of a project, identify possible ways to minimize the significant impacts, and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. This Draft EIR has been prepared to meet the requirements of a project EIR as defined by Section 15161 of the State CEQA Guidelines. A project EIR focuses on the changes in the physical environment that would result from the implementation of a project, including its planning, construction, and operation. It should be noted that possible social and/or economic effects of a project are not considered as environmental impacts under CEQA, unless they, in turn, result in adverse, identifiable effects on the physical environment (Section 15131 of the State CEQA Guidelines). - Chapter 3 of the EIR focuses on the issues associated with the current vacation rental ordinances raised by concerned residents and interested parties that raise social or economic concerns but do not result in physical changes to the environment. Monterey County's intention in preparing a project EIR is that no further environmental analysis would be required for additional regulatory approvals following approval of the project, absent conditions requiring a subsequent EIR, a supplement to the EIR, or an addendum. (See State CEQA Guidelines Sections 15162–15164.)

1.2 SCOPE OF THIS DRAFT EIR

This Draft EIR is somewhat unusual because it evaluates ordinances containing regulations and criteria for the use of residential properties as vacation rentals (previously referred to as short-term rentals), and does not enable any physical development, nor would any development be expected as a result of the ordinances. It considers reasonable responses to the ordinances, such as changes to how people would be expected to use residential land. The analysis includes an evaluation of the following 11 environmental as well as other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts, significant and unavoidable impacts, alternatives):

- ▶ agriculture resources,
- ▶ air quality,
- ▶ energy,

- ▶ greenhouse gas emissions and climate change,
- ▶ land use and planning,
- ▶ noise,
- ▶ population and housing,
- ▶ transportation,
- ▶ tribal cultural resources,
- ▶ utilities and service systems, and
- ▶ wildfire.

Under CEQA and the State CEQA Guidelines, a lead agency may limit an EIR’s discussion of environmental effects when such effects are not considered potentially significant (PRC Section 21002.1[e]; State CEQA Guidelines Sections 15128, 15143). Information used to determine which impacts would be potentially significant was derived from review of the proposed regulations; review of applicable planning documents and CEQA documentation; feedback from public and agency consultation; comments received during public scoping meetings held on September 6, 2022, and September 19, 2022; and comments received on the notice of preparation (NOP), which included an initial study (IS) (see Appendix A of this Draft EIR).

The NOP was distributed on August 29, 2022, to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the project. The purpose of the NOP and the scoping meetings were to provide notification that an EIR for the Monterey County Vacation Rental Ordinances Project was being prepared and to solicit input on the scope and content of the environmental document. As a result of the review of existing information and the scoping process and preparation of the IS, it was determined that each of the issue areas listed above should be evaluated in this Draft EIR. Further information on the NOP and scoping process is provided below, in Section 1.5, “Public Review Process.”

1.3 AGENCY ROLES AND RESPONSIBILITIES

1.3.1 Responsible Agencies

Responsible agencies are public agencies, other than the lead agency (County or County of Monterey), that have discretionary-approval responsibility for reviewing, carrying out, or approving elements of a project. Responsible agencies should participate in the lead agency’s CEQA process, review the lead agency’s CEQA document, and use the document when making a decision on project elements. The one agency that has responsibility for, or jurisdiction over, the implementation of elements of the project is the California Coastal Commission, for vacation rentals that would occur within the Coastal Zone.

1.4 PUBLIC REVIEW PROCESS

As identified above, in Section 1.2, “Scope of This Draft EIR,” in accordance with CEQA regulations, an NOP was distributed on August 29, 2022, to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. A revised NOP was released on September 6, 2022, to correct errors in the original NOP, and the public review period was extended to provide a full 30 days for the public to review the revised NOP. The NOP was available at the County of Housing and Community Development Office, at Castroville Branch – Andy Ausonio Library, at Greenfield Branch Library, at Harrison Memorial Library, and online at <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/vacation-rental-aka-short-term-rental-ordinances-coastal-inland>.

The purpose of the NOP was to provide notification that an EIR for the project was being prepared and to solicit input on the scope and content of the document. The NOP and responses to the NOP are included in Appendix A of this Draft EIR.

This Draft EIR is being circulated for public review and comment for a period of 50 days. During this period, comments from the general public, as well as organizations and agencies, on environmental issues may be submitted to the lead agency.

Upon completion of the public review and comment period, a Final EIR will be prepared that will include both written and oral comments on the Draft EIR received during the public review period, responses to those comments, and any revisions to the Draft EIR made in response to public comments. The Draft EIR and Final EIR together will make up the EIR for the project.

Before adopting the project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

1.5 DRAFT EIR ORGANIZATION

This Draft EIR is organized into chapters, as identified and briefly described below.

- ▶ The “Executive Summary”: The summary introduces the Monterey County Vacation Rental Ordinances Project; provides a summary of the environmental review process, effects found not to be significant, and key environmental issues; and lists significant impacts and mitigation measures to reduce significant impacts to a less-than-significant level.
- ▶ Chapter 1, “Introduction”: This chapter provides a synopsis of the project; a description of the type, purpose, and intended uses of this Draft EIR; a description of the scope of this EIR; a description of the lead and responsible agencies; a summary of the public review process; a description of the organization of this EIR; and definitions of standard terminology used in this EIR.
- ▶ Chapter 2, “Project Description”: This chapter describes the location, background, and goals and objectives for the project and describes the project elements in detail.
- ▶ Chapter 3, “Issues Associated with Current Ordinances”: This chapter summarizes the social and/or economic issues associated with the current vacation rental ordinances raised by concerned residents and interested parties; and describes how the proposed regulations address these issues.
- ▶ Chapter 4, “Environmental Impacts and Mitigation Measures”: The sections in this chapter evaluate the environmental impacts expected to be generated by the project, arranged by subject area (e.g., air quality, transportation). In each subsection of Chapter 4, the regulatory setting, environmental setting, analysis methodology, and thresholds of significance are described. The anticipated changes to the environmental setting after development of the project are then evaluated. For any significant or potentially significant impact that would result from project implementation, mitigation measures are presented, and the level of impact significance after mitigation is identified. Environmental impacts are numbered sequentially in each section (e.g., Impact 4.2-1, Impact 4.2-2, etc.). Any required mitigation measures are numbered to correspond to the impact numbering; therefore, the mitigation measure for Impact 4.2-2 would be Mitigation Measure 4.2-2.
- ▶ Chapter 5, “Cumulative Impacts”: This chapter provides information required by CEQA regarding cumulative impacts that would result from implementation of the project, as well as other past, present, and probable future projects.
- ▶ Chapter 6, “Alternatives”: This chapter evaluates alternatives to the project, including alternatives considered but eliminated from further consideration, the No Project Alternative, and two alternative development options. It also identifies the environmentally superior alternative.

- ▶ Chapter 7, “Other CEQA Sections”: This chapter evaluates growth-inducing impacts and the irreversible and irretrievable commitment of resources associated with the project. It also discloses any significant and unavoidable adverse impacts.
- ▶ Chapter 8, “Report Preparers”: This chapter identifies the preparers of this Draft EIR.
- ▶ Chapter 9, “References”: This chapter identifies the documents, web sources, and individuals used as sources for the analysis presented in this Draft EIR.

1.6 STANDARD TERMINOLOGY

This Draft EIR uses the following standard terminology:

- ▶ “No impact” means no change from existing conditions (no mitigation is needed).
- ▶ “Less-than-significant impact” means no substantial adverse change in the physical environment (no mitigation is needed).
- ▶ “Potentially significant impact” means a substantial adverse change in the environment that might occur (mitigation is recommended because potentially significant impacts are treated as significant).
- ▶ “Significant impact” means a substantial adverse change in the physical environment that would occur (mitigation is recommended).
- ▶ “Significant and unavoidable impact” means a substantial adverse change in the physical environment that would occur and that cannot be avoided, even with the implementation of all feasible mitigation.

2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The County of Monterey Housing and Community Development Department has prepared draft regulations for vacation rentals within the unincorporated areas of Monterey County. The proposed regulations would be applicable to coastal and non-coastal (inland) areas of the unincorporated areas of the County. A vacation rental means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. Vacation rentals include commercial vacation rentals and limited vacation rentals. Vacation Rental does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding. Commercial vacation rentals require a discretionary permit and will be analyzed on a case-by-case basis, whereas limited vacation rentals will not require a discretionary permit.

The proposed regulations have been developed to ensure that vacation rentals remain compatible with existing residential uses. In cases where the vacation rental would have the potential to be out of character with a residential use, such as a visitor-serving commercial use, the regulations include provisions for discretionary review before establishment of the use. The objectives of the County's proposed regulations are to:

- ▶ Preserve the residential character of zoning districts established in Titles 20 and 21;
- ▶ Preserve the sense of security and safety in neighborhoods;
- ▶ Balance economic opportunity with the preservation of housing supply and quality of life;
- ▶ Ensure that vacation rentals are operated in a manner that complies with all rules and regulations to protect the health, safety, and welfare of residents Monterey County;
- ▶ Establish regulations that provide opportunities for homeowners and residents to offer vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County;
- ▶ Establish that limited vacation rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and are an allowed use with a vacation rental operation license and a business license; and,
- ▶ Establish regulations to address commercial vacation rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare.

2.2 PROJECT LOCATION

The proposed regulations for vacation rentals would be applicable to coastal and noncoastal areas of unincorporated Monterey County. The regulations would not apply within city limits.

2.3 PROJECT BACKGROUND

Monterey County has allowed bed and breakfast facilities in certain residential areas of the County in both inland and coastal areas since the 1980's. In the late 1990's, the County determined the need to define and regulate a broader category of vacation rental uses of residential properties (also known as vacation rentals) separate from bed and breakfast facilities. In 1997, the County of Monterey adopted regulations known as "regulations for the transient use of residential property for remuneration." These regulations became effective in the inland unincorporated areas of the County 30 days after adoption (Title 21). Due to a number of factors, the regulations were never certified in the coastal unincorporated areas (Title 20). Approximately 29 permits were approved over the course of 28 years yet the

proliferation of vacation rentals (permitted or not) increased significantly with the popularization of online vacation rental platforms such as Airbnb or VRBO. For several years, Monterey County has experienced a growing demand for and use of individual homes for vacation rentals and an increasing number of complaints from concerned residents and other interested parties regarding the current vacation rental ordinances. The complaints received are varied, including but not limited to noise and parking concerns, unsafe or illegal activities, and inquiries as to whether a particular residence has obtained the proper permits and tax registrations for vacation rental operation. In response to this growing demand for vacation rentals, the County began drafting a vacation rental ordinance in 2014. Chapter 3 of this Draft EIR provides a detailed discussion regarding the issues associated with the current vacation rental ordinances and how the issues are addressed by the proposed regulations.

2.4 PROPOSED VACATION RENTAL REGULATIONS

The project consists of three draft ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. These regulations also provide an amortization of investment for existing vacation rental operations to enable those operations to continue for a limited time, provided that the vacation rental activity was established before the effective date of the respective ordinances and that the operator is pursuing all necessary County permits, licenses, and entitlements. The regulations limit establishment of vacation rentals to existing, legally established single-family dwellings, with a cap of 6 percent of the total residential single-family housing units in each land use planning area except the Big Sur Coast Land Use Plan Area and low density residential zoning districts in the Carmel Land Use Plan Area, for commercial vacation rentals, as detailed below.

No specific development or construction would be entitled under any of the draft ordinances. Two types of vacation rentals would be affected by the proposed regulations:

- ▶ **Limited vacation rental:** A limited vacation rental is a residential property rented as a vacation rental by the owner or operator not more than three times in a 12-month period, with each such rental not to exceed 14 consecutive calendar days in duration.¹
- ▶ **Commercial vacation rental:** A commercial vacation rental is a residential property rented as a vacation rental by the owner or operator more than three times in a 12-month period. "Commercial vacation rental" also includes a residential property rented as a vacation rental three or fewer times per 12-month period if any of the three vacation rentals exceed a duration of 14 consecutive calendar days.

The Monterey County Zoning Ordinances for coastal and inland areas (Titles 20 and 21 of the MCC, respectively) would be amended to specify which types of vacation rentals are allowed and which types require a discretionary permit. Both ordinances would include a section entitled "Regulations for Vacation Rentals." This section will contain the criteria and minimum standards for vacation rentals. The amendment to MCC Chapter 7.02, "Business Taxes, Licenses, and Regulations," would allow the County to require business licenses for hotels (as defined by MCC Section 5.40.020.A), commercial vacation rentals, and limited vacation rentals; and vacation rental operation licenses for both types of vacation rentals. The rules for vacation rental operation would be included in the new Chapter 7.120, "Vacation Rental Operation License," in Chapter 7.02 of the MCC. A summary of each draft ordinance and the proposed amendments are identified below. The draft regulations allow for current permitted operations per Section 21.64.280 of the MCC to become legal non-conforming uses.

2.4.1 Monterey County Coastal Zoning - Title 20 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for coastal areas of unincorporated Monterey County (Title 20) would provide definitions for terms not already defined, clarify in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation

¹ Except for limited vacation rentals in the Big Sur Coast Land Use Plan. The dwelling unit used for a limited vacation rental shall be the principal residence of the owner, resident, or rental operator.

rentals. Title 20 is part of the County's Coastal Implementation Plan and will require certification by the California Coastal Commission. The draft ordinance, which is provided as Appendix B, is summarized as follows.

DEFINITIONS

The following terms are defined in the ordinance:

- ▶ "commercial vacation rental,"
- ▶ "limited vacation rental,"
- ▶ "residential property,"
- ▶ "rooming or boarding,"
- ▶ "roominghouse or boardinghouse,"
- ▶ "transient," and
- ▶ "vacation rental."

These definitions provide clarity for implementation of the regulations and are consistent with the definitions proposed in the Title 21 and Chapter 7 amendments.

REGULATIONS FOR LIMITED VACATION RENTALS

Limited vacation rentals occur three or fewer times in a 12-month period, with each such rental not to exceed 14 consecutive calendar days. The ordinance includes limited vacation rentals as an allowed use and exempts these uses from a Coastal Development Permit in the following zoning districts: High Density Residential (HDR(CZ)), Medium Density Residential (MDR(CZ)), Low Density Residential (LDR(CZ)), Rural Density Residential (RDR(CZ)), Watershed and Scenic Conservation (WSC(CZ)), Coastal General Commercial (CGC(CZ)), Moss Landing Commercial (MLC(CZ)), Visitor-Serving Commercial (VSC(CZ)), Coastal Agriculture Preserve (CAP(CZ)), and Agricultural Conservation (AC(CZ)). Limited vacation rentals are prohibited in any other zoning district. In addition, rentals are only allowed in a single-family dwelling. A property manager, owner, or operator shall concurrently reside on the property while the property is rented if an agricultural operation is active on the property for any rentals within Coastal Agriculture Preserve (CAP(CZ)) and Agricultural Conservation (AG(CZ)) zoning districts.

The owner or operator of a rental shall comply with the following requirements:

- ▶ obtain a vacation rental operation license pursuant to Chapter 7.120 of the MCC;
- ▶ obtain a business license from the County pursuant to Section 7.02.060(C) of the MCC; and
- ▶ register the limited vacation rental with the Monterey County Treasurer-Tax Collector and obtain a Transient-Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the MCC.

Limited vacation rentals are required to conform with applicable state and local requirements such as building and fire codes, and water quality (or bottled water with notification and advisory sign) requirements.

REGULATIONS FOR COMMERCIAL VACATION RENTALS

Regulations for commercial vacation rentals allow more frequent vacation rentals than limited vacation rentals. The concept is that the higher the frequency and duration of use of a residence as a vacation rental, the greater the shift from traditional residential use (long-term owner or renter occupied housing) would occur. Therefore, the regulations require commercial vacation rentals to obtain a discretionary permit before commencement of use. This allows the County to exercise judgement on a case-by-case basis for each commercial vacation rental application. The amendment adds commercial vacation rental as an allowed use subject to a Coastal Development Permit in the following zoning districts: High Density Residential (HDR(CZ)), Medium Density Residential (MDR(CZ)), Low Density

Residential (LDR(CZ)), Rural Density Residential (RDR(CZ)), Watershed and Scenic Conservation (WSC(CZ)), Coastal General Commercial (CGC(CZ)), Moss Landing Commercial (MLC(CZ)), Visitor-Serving Commercial (VSC(CZ)), Coastal Agriculture Preserve (CAP(CZ)), and Agricultural Conservation (AC(CZ)). Commercial vacation rentals are prohibited in any other zoning district. In addition, rentals are only allowed in a single-family dwelling. A property manager, owner, or operator shall concurrently reside on the property while the property is rented if an agricultural operation is active on the property for any rentals within Coastal Agriculture Preserve (CAP(CZ)) and Agricultural Conservation (AG(CZ)).

The commercial vacation rental shall not exceed six percent of the total single family residential dwelling unit count, calculated not more than 90 days prior to the effective date of this ordinance. The ordinance also includes the following limitations within certain planning areas:

- ▶ Big Sur Coast Land Use Plan Area: commercial vacation rentals are prohibited within the Big Sur Coast area.
- ▶ Carmel Area Land Use Plan Area: commercial vacation rentals are prohibited in low density residential (LDR(CZ)) zoning districts within the Carmel area. Vacation rentals within the allowable zoning districts in the plan area are subject to visitor-serving facilities policies in section 4.4.3.D of the Carmel Area Land Use Plan. A total of 176 maximum Coastal Development Permits shall be issued at any given time for commercial rental uses within the Carmel Area.
- ▶ Del Monte Forest Land Use Plan Area: a total of 86 maximum Coastal Development Permits shall be issued at any given time for commercial vacation rental uses within the Del Monte Forest area.
- ▶ North County Coastal Land Use Plan Area: a total of 235 maximum Coastal Development Permits shall be issued at any given time for commercial vacation rentals within the North County area.

The owner or operator of a rental shall comply with the following requirements:

- ▶ obtain a vacation rental operation license pursuant to Chapter 7.120 of the MCC;
- ▶ obtain a business license from the County pursuant to Section 7.02.060(C) of the MCC; and
- ▶ register the limited vacation rental with the Monterey County Treasurer-Tax Collector and obtain a Transient-Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the MCC.

Commercial vacation rentals are required to conform with applicable state and local requirements such as building and fire codes, and water quality (or bottled water with notification and advisory sign) requirements. In addition, the ordinance identifies several regulations to qualify for a commercial vacation rental that deal with issues such as access, water systems, water sources, on-site wastewater treatment system(s), County emergency response times, parking, and solid waste.

ADDITIONAL REGULATIONS

In addition, the ordinance provides regulations for phasing out unpermitted operations, application and renewal process, grounds for suspension and revocation, procedure for administrative fines and penalties for violation of the regulations, and enforcement and indemnification. These regulations would work in concert with the operational requirements listed in MCC Chapter 7.120.

2.4.2 Monterey County Inland Zoning - Title 21 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for inland areas of unincorporated Monterey County (Title 21) would provide definitions for terms not already defined, clarify in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The draft ordinance, which is provided as Appendix B, is summarized as follows.

DEFINITIONS

The amendment defines the following new terms: "commercial vacation rental," "limited vacation rental," "residential property," "rooming or boarding," "roominghouse or boardinghouse," "transient," and "vacation rental." These terms provide clarity for implementation of regulations and are consistent with the definitions proposed in the Title 20 and Chapter 7 amendments.

The existing definitions for "roominghouse or boardinghouse" and "transient" have been amended to be consistent with the proposed regulations. These terms are consistent with the definition proposed in the Title 20 amendment.

REGULATIONS FOR LIMITED VACATION RENTALS

Limited vacation rentals are an allowable use, where applicable, with a vacation rental operation license and business license.

Consequently, these uses would be allowed in zoning districts where single-family dwellings are allowed uses. The amendment includes limited vacation rentals as an allowed use in the following zoning districts: High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Rural Density Residential (RDR), Light Commercial (LC), Heavy Commercial (HC), Visitor-Serving/Professional Office (VO), Farmland (F); Rural Grazing (RG); Permanent Grazing (PG); Resource Conservation (RC), Limited Agricultural District ("A" District), Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or "CP" Districts" – Uses Allowed) except industrial and public/quasi-public land use designations in the CP districts, and Specific Plan (SP), which is also subject to Section 21.41.030.B, except industrial and public/quasi-public land use designations in the SP district. Limited vacation rentals are prohibited in any other zoning district. In addition, rentals are only allowed in single-family dwellings. A property manager, owner, or operator shall concurrently reside on the property while the property is rented if an agricultural operation is active on the property for any rentals within Farmland (F), Rural Grazing (RG), Permanent Grazing (PG), and Limited Agricultural District ("A" District) zoning districts.

The owner or operator of a rental shall comply with the following requirements:

- ▶ obtain a vacation rental operation license pursuant to Chapter 7.120 of the MCC;
- ▶ obtain a business license from the County pursuant to Section 7.02.060(C) of the MCC; and
- ▶ register the limited vacation rental with the Monterey County Treasurer-Tax Collector and obtain a Transient-Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

Limited vacation rentals are required to conform with applicable state and local requirements such as building and fire codes, and water quality (or bottled water with notification and advisory sign) requirements.

REGULATIONS FOR COMMERCIAL VACATION RENTALS

Regulations for commercial vacation rentals allow more frequent vacation rentals than limited vacation rentals. Therefore, the regulations require commercial vacation rentals to obtain a discretionary permit before commencement of use. The amendment adds commercial vacation rental as an allowed use subject to a Use Permit, in the following zoning districts: High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Rural Density Residential (RDR), Light Commercial (LC), Heavy Commercial (HC), Visitor-Serving/Professional Office (VO), Farmland (F), Rural Grazing (RG), Permanent Grazing (PG), Resource Conservation (RC), Limited Agricultural District ("A" District), Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or "CP" Districts" – Uses Allowed) except industrial and public/quasi-public land use designations in the CP districts, and Specific Plan (SP), which is also subject to Section 21.41.030.B, except industrial and public/quasi-public land use designations in the SP district. Commercial vacation rentals are prohibited in any other zoning district. In addition, rentals are only allowed in single-family dwellings. A property manager, owner, or operator shall concurrently reside on the property while the property is rented if an agricultural operation is active on

the property for any rentals within Farmland (F), Rural Grazing (RG), Permanent Grazing (PG), and Limited Agricultural District ("A" District) zoning districts.

The commercial vacation rental shall not exceed six percent of the total single family residential dwelling unit count, calculated not more than 90 days prior to the Effective Date. The ordinance also includes the following limitations within certain planning areas:

- ▶ Cachagua Area Plan: a total of 30 maximum Use Permits shall be issued at any given time for commercial vacation rental uses within the Cachagua Area Plan area.
- ▶ Carmel Valley Master Plan: a total of 302 maximum Use Permits shall be issued at any given time for commercial vacation rentals uses within the Carmel Valley Master Plan area.
- ▶ Central Salinas Valley Area Plan: a total of 98 maximum Use Permits shall be issued at any given time for commercial vacation rentals in the Central Salinas Valley Area.
- ▶ Ford Ord Master Plan: a total of 60 maximum Use Permits shall be issued for commercial vacation rental uses within the Fort Ord Master Plan area.
- ▶ Greater Monterey Peninsula Area Plan: a total of 232 maximum Use Permits shall be issued for commercial vacation rental uses within the Greater Monterey Peninsula Area Plan area.
- ▶ Greater Salinas Area Plan: a total of 120 maximum Use Permits shall be issued for commercial vacation rental uses within the Greater Salinas Area.
- ▶ North County Inland Area Plan: a total of 339 maximum Use Permits shall be issued for commercial vacation rental uses within the North County Inland Area.
- ▶ South County Area Plan: a total of 78 maximum Use Permits shall be issued for commercial vacation rental uses within the South County Area Plan.
- ▶ Toro Area Plan: a total of 259 maximum Use Permits shall be issued at any given time for commercial vacation rental uses within the Toro Area Plan area.

The owner or operator of a rental shall comply with the following requirements:

- ▶ obtain a vacation rental operation license pursuant to Chapter 7.120 of the MCC;
- ▶ obtain a business license from the County pursuant to Section 7.02.060(C) of the MCC; and
- ▶ register the limited vacation rental with the Monterey County Treasurer-Tax Collector and obtain a Transient-Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the MCC.

Commercial vacation rentals are required to conform with applicable state and local requirements such as building and fire codes, and water quality (or bottled water with notification and advisory sign) requirements. In addition, the ordinance identifies several regulations to qualify for a commercial vacation rental that deal with issues such as access, water systems, water sources, on-site wastewater treatment system(s), County emergency response times, parking, and solid waste.

ADDITIONAL REGULATIONS

In addition, the proposed ordinance provides regulations for phasing out unpermitted operations, application and renewal process, grounds for suspension and revocation, procedure for administrative fines and penalties for violation of the regulations, and enforcement and indemnification. These regulations would work in concert with the operational requirements listed in MCC Chapter 7.120.

2.4.3 Business Taxes, Licenses and Regulations - Title 7 Amendment

The proposed amendment to MCC Title 7 includes amending Chapter 7.02 to require a business license for hotels and vacation rentals and adding Chapter 7.120 to establish operation permits for vacation rentals. Both Chapters 7.02 and 7.120 are applicable in the coastal and inland areas of unincorporated Monterey County. The draft amendment, which is provided as Appendix B, is summarized as follows.

BUSINESS LICENSE

The amendment to MCC Chapter 7.02 requires the operator of any of the two types of vacation rentals (limited vacation rentals and commercial vacation rentals) to procure a business license before commencement, operation, or maintenance of any vacation rental. In addition, operators of hotel would be subject to the business license requirement.

VACATION RENTAL OPERATION LICENSE

The proposed ordinance includes adding Chapter 7.120, "Vacation Rental Operation License," to the MCC. In addition to the land use and zoning requirements and site development standards, this Chapter would provide operational requirements for the two types of vacation rentals. The following subsections are contained in Chapter 7.120: definitions, purpose, applicability, regulations for vacation rentals, application and renewal process, fees, grounds for suspension or revocation, enforcement, process for hearing by a hearing officer, and service requirements. The following sections provide a summary of regulations for vacation rentals.

Regulations for Vacation Rentals

All operators who intend to operate a vacation rental, including a limited vacation rental and commercial vacation rental, shall obtain a Vacation Rental Operation License for the fixed location and dwelling in which the vacation rental is to occur.

The owner of the subject property, or their authorized agent, must obtain all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the MCC before the County will issue a Vacation Rental Operation License. The operator applying for a Vacation Rental Operation License shall provide written proof to the Monterey County Housing and Community Development Director or his or her designee of all applicable land use entitlements. Limited vacation rentals are exempt from this requirement; therefore, they do not require a land use entitlement.

In addition, the use of a residential property for a vacation rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The vacation rental operator shall research any conditions, covenants, or other restrictions to which the property is subject and verify to the best of their knowledge that operating the vacation rental would not be in violation of those conditions, covenants, or other restrictions. The vacation rental operator shall also provide proof of approval from any applicable homeowners' association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the vacation rental use.

As a requirement of the Vacation Rental Operations License, upon receipt of an approved License, the operation shall mail an informational letter to (a) neighboring properties within a 300-foot radius of the vacation rental operation; (b) if applicable, a homeowners' association and any other entity with authority to enforce conditions, covenants, or other restrictions; and (c) if applicable, all properties with ownership or access rights to any shared private road used to access the vacation rental operation.

Regulations for Limited Vacation Rental

"Limited vacation rental" is defined below (see a.). The following definitions and requirements apply:

- a. "Limited vacation rental" means a residential property rented as a vacation rental by the owner or operator for not more than three times per 12-month period, which each such rental not to exceed 14 consecutive calendar days in duration.

Limited vacation rentals are allowed without the need for a discretionary permit.

Regulations for Commercial Vacation Rental

"Commercial vacation rental" is defined below (see a.). The following definitions, requirements, and prohibition apply:

- a. "Commercial vacation rental" means a residential property rented as a vacation rental by the owner or operator for more than three times per 12-month period. "Commercial vacation rental" also includes a residential property rented as a vacation rental three or fewer times per 12-month period, if any of the three vacation rentals exceed a duration of 14 consecutive calendar days.
- b. Establishment of the vacation rental is subject to a discretionary permit (Use Permit in the inland areas and a Coastal Development Permit in the coastal zone areas).
- c. Commercial vacation rentals are prohibited in Big Sur and in Low Density Residential zoning districts in the Carmel Area.

2.4.4 Allowable Growth of Commercial Vacation Rentals

The proposed regulations would allow up to 6 percent of the total single-family residential dwelling count in each of the County's land use planning areas to be used as commercial vacation rentals, with the exception of the Big Sur Coast. Additionally, while the 6 percent cap applies to the overall Carmel area, no commercial vacation rentals would be permitted in Low Density Residential zoning districts.

CEQA requires that the analysis of environmental impacts is based on the difference between existing conditions—the baseline—and the impacts that would occur under the proposed project. Therefore, an understanding of the number of existing vacation rentals in the County is required. At the time the NOP was released, the data used to identify the existing unpermitted rentals was based on advertised data available from a specialty firm, Host Compliance, as of May 2022 (see page 1-2 of the Environmental Checklist of the NOP, Appendix A of this EIR). These numbers used were the best available data that the County was aware of when the NOP was released. However, since the NOP, an additional source of data with a more comprehensive database was identified, a firm known as AirDNA. Advertised vacation rentals data identified by AirDNA as of June 2023 was used, which includes data from AirBNB, VRBO, and HomeAway (Appendix C of this EIR), and this data updated the data used for the NOP. Table 2-1 identifies the number of existing dwelling units, existing unpermitted rentals, and allowable commercial vacation rentals for each planning area based on the AirDNA data. Table 2-1 shows that more commercial vacation rentals are currently on the market than was known when the NOP was released. This is the data used for the analysis in this EIR because it is more accurate.

Table 2-1 Allowable Commercial Vacation Rentals for Each Planning Area

Planning Area	Number of Residential Dwelling Units Identified by Assessor's Office	Number of Residential Dwelling Units Allowed for Commercial Vacation Rentals (6% per Planning Area)	Number of Current Advertised Vacation Rental Dwelling Units ¹	Number of Additional Allowable Residential Units Available for Commercial Vacation Rentals as a Result of the Proposed Regulations
Cachagua	512	30	43	-13 ⁴
Carmel ²	2,948	176	218	-42 ⁴
Carmel Valley	5,033	302	163	139
Central Salinas Valley	1,642	98	6	92
Big Sur Coast	925	0 ³	37	-37 ³
Del Monte Forest	1,432	86	83	3
Fort Ord	1,007	60	4	56
Greater Monterey Peninsula	3,879	232	114	118
Greater Salinas	2,001	120	11	109
Moss Landing	61	3	11	-8 ⁴
North County – Inland	5,653	339	21	318
North County – Coastal	3,916	235	52	183
South County	1,296	78	14	64
Toro	4,321	259	48	211
TOTAL	34,626 ⁵	2,018	825	1,193

Source: Data Provided by County of Monterey, 2023 and EPS, 2023 (Appendix C of this EIR)

Notes:

- ¹ The number of existing vacation rentals is based on advertised data per data received from AirDNA (Appendix C of this EIR). Most vacation rentals are currently not permitted and would be required to obtain a permit upon adoption of the ordinances. In addition, these data do not distinguish whether the operation qualifies as a commercial or limited vacation rental. However, it is assumed that most if not all are used more than three times per year, which would qualify them as commercial vacation rentals.
- ² Per the draft regulations, the overall number of commercial vacation units allowable within the overall Carmel planning area remains set by the 6 percent cap, but none of the units can be located in the low-density residential zoning district.
- ³ For purposes of this analysis, the Big Sur Coast includes two privately owned residential units located in the Coast Non-Coastal area, which are on the border between Big Sur Coast and the Coastal Non-Coastal areas. However, in accordance with the draft regulations, commercial vacation rentals are not allowed in the Big Sur Coast area. Therefore, the existing rentals would no longer be allowed, and there would be a reduction in the number of rentals in this area (decrease by 37 units).
- ⁴ All existing unpermitted vacation rentals would be required to obtain a permit from the County, and permits would be issued on a first-come, first-serve basis. To stay within the allowable number of units for vacation rentals in each planning area, the County would approve up to only 6 percent of the total units at the time of adoption of the applicable ordinance. This means there would be an overall reduction (from current levels) in commercial vacation units rentals permitted in certain planning areas. This affects the Cachagua area, Carmel area, and Moss Landing area.
- ⁵ It should be noted that the total number of 46,830 housing units in the Socioeconomic Analysis prepared by EPS (Appendix C of this EIR) is higher than the 34,626 units identified in this table. The total units reported in the EPS analysis is an overcount. Because census tract data does not necessarily align with the corporate boundaries of cities, the total units in the County are overreported by approximately 25 percent compared to assessor parcel data. However, 34,626 units is the total number of units within the unincorporated planning areas, which is the area subject to the proposed ordinances. Therefore, this number is used to determine the available units for rent under the commercial vacation ordinance cap.

2.5 POTENTIAL PERMITS AND APPROVALS REQUIRED

The following actions would be needed by the County for implementation of the project:

- ▶ Adoption of the following proposed ordinances:
 - Amended Section 7.02.060 of the MCC and added Chapter 7.120 Relating to Vacation Rental Activities
 - Amended Title 20 (Coastal Zone) of the MCC Relating to Vacation Rentals
 - Amended Title 21 (Non-Coastal Zoning) of the MCC Relating to Vacation Rentals
- ▶ Subsequent Approval after Ordinances are adopted:
 - Obtain applicable Land Use Permit for commercial vacation rentals in inland and coastal areas
 - Obtain Vacation Rental License and Business License

The following actions would be needed by the California Coastal Commission for implementation of the project in the coastal area:

- ▶ Certification of the following amended ordinance:
 - Amended Title 20 (Coastal Zone) of the MCC Relating to Vacation Rentals
- ▶ Potential subsequent action after Title 20 ordinance is adopted/certified:

County Coastal Development Permit approval may be appealable to the Commission

3 ISSUES ASSOCIATED WITH CURRENT ORDINANCES

3.1 SOCIAL AND ECONOMIC FACTORS UNDER CEQA

Pursuant to CEQA, lead agencies must analyze potentially significant adverse impacts of a project on the physical environment. The term “environment” means:

The physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance...The “environment” includes both natural and man-made conditions (CEQA Guidelines Section 15360).

Under CEQA, potential effects from implementing a project, such as reductions in property values, loss of tax revenues, and reductions in parking would not constitute an effect (i.e., an impact) on the physical environment.

CEQA Guidelines Section 15131 states the following regarding consideration of social or economic factors as part of an EIR:

- (a) *Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.*
- (b) *Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.*
- (c) *Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.*

Many of the issues raised by concerned residents and interested parties regarding vacation rentals in the unincorporated areas of Monterey County are social issues related to human behavior (e.g., parties, loud music, etc.). In addition, increased volume of vacation rentals in the unincorporated areas of Monterey County has resulted in increased concern related to economic issues including the belief that vacation rentals affect housing availability and affordability (e.g., investors buying for-sale houses to be used as tourist accommodations). The fact that social and economic issues are not considered environmental issues under CEQA does not, in any way, diminish their importance and their connection to vacation rentals. The following sections provide a discussion regarding the opinions and issues raised by residents and interest parties and do not necessarily constitute an effect on the physical environment.

3.2 CURRENT VACATION RENTAL ORDINANCES

Current Monterey County Codes (MCC) applicable to regulate vacation rentals (30 days or less) include the following:

- ▶ Title 21 – Inland Areas: Section 21.64.280 (Administrative Permits for Transient Use of Residential Property for Remuneration)
- ▶ Title 20 – Coastal Zones: Sections 20.10.050W, 20.12.050U, 20.14.050Z, and 20.16.050NN (similar use as determined by the Planning Commission)
- ▶ Chapter 5.40 (Uniform Transient Occupancy Tax Ordinance)

Under the existing Title 21, vacation rental is not specifically defined, however transient use of residential property in the inland areas means the use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort, or other transient lodging uses for not less than 7 or more than 30 consecutive calendar days. Vacation rentals that meet this definition may be permitted in the inland areas with an approved Administrative Permit.

Vacation rental is not specifically defined in Title 20 (Coastal Zone). In coastal areas, rental for 30 days or less may be permitted with an approved Coastal Development Permit based on a determination by the Planning Commission that the proposed use is of a similar character, density and intensity to those listed in the applicable zoning code sections if determined to be consistent and compatible with the intent of the applicable Chapter of the zoning code and the applicable land use plans.

Rental for 30 days or less requires payment of transient occupancy tax. Each operator renting accommodations to a visitor is required to register with the Tax Collector and obtain a transient occupancy registration certificate, to be at all times posted in a conspicuous place on the premises.

Long-term rentals (greater than 30 consecutive days) are not regulated under the Monterey County Code. Therefore, long-term rentals are allowed without a permit and are not subject to transient occupancy tax.

3.3 ISSUES ASSOCIATED WITH CURRENT ORDINANCES

While vacation rentals have been in practice at least since the 1990s in Monterey County, they have grown substantially in number over the last decade, advanced by advertising platforms (e.g., Airbnb and VRBO). In the unincorporated areas of Monterey County, this growth has been greater in the coastal areas of Monterey County and Carmel Valley and has led to increased concern and discussion regarding the need for additional regulation (Monterey County Civil Grand Jury 2021). Potential negative side effects that can accompany vacation rentals have been raised by the public in responses to the notice of preparation for this EIR, at public hearings for vacation rental applications and regulations, and through complaints submitted to the County. These potential negative side effects, including nuisance issues (e.g., traffic, parking, and noise), impacts to housing availability, and disruptions to the residents' daily life, have been classified into nine categories and are summarized below. It is noted that public issues have been raised via several mechanisms, including direct complaints to law enforcement, planning officials, and at public meetings. Consequently, the number of comments and complaints on these issues cannot be quantified, except to note that they are commonly expressed. It is also noted that some of the issues raised in the comments reflect the views of the commenters and have not been independently verified in all instances.

The issues summarized below are related to social and economic impacts. Analysis of physical environmental impacts as defined under CEQA is contained in Chapter 4, "Environmental Impacts and Mitigation Measures," of this EIR.

Noise

The following issues were raised related to noise associated with vacation rentals:

- ▶ Visitors may have large events and gatherings at the vacation rental.
- ▶ Visitors may not understand neighborhood or community rules (e.g., quiet hours) or the impacts of amplified noise in certain areas such as valleys.

- ▶ Noise from a second home used as a vacation rental is more frequent than if used strictly as a second home.
- ▶ Change in use from single-family (or multi-family) residential to a visitor serving property most likely means more use and a higher intensification of use; that is, more people gather and make noise than at typical single-family homes.

Traffic

The following issues were raised related to traffic associated with vacation rentals:

- ▶ More traffic generation due to multiple groups of visitors staying at a vacation rental.
- ▶ Visitors may not understand traffic patterns in the area (e.g., the time of day when traffic is present) and could add more traffic to the area during peak hours.
- ▶ Visitors may not understand road hazards on smaller rural roads, leading to danger to visitors and local residents.
- ▶ Visitors may not understand the distance between the vacation rental and services (e.g., grocery stores, restaurants, and gas stations) and could take multiple trips to reach services, which could increase traffic coming through the neighborhood.
- ▶ If a second home is being used as a vacation rental, that would likely mean there is more traffic than the second home would normally generate.
- ▶ Change in use from single-family (or multi-family) residential to a vacation rental may mean more people, and more people could increase traffic generated noise.

Parking

The following issues were raised related to parking associated with vacation rentals:

- ▶ Single-family homes have limited parking space to accommodate multiple or large groups of visitors, which could lead to visitors taking up street parking typically used by residents.
- ▶ Vehicles may park on roads and block access for emergency vehicles and/or evacuation routes.

Housing Stock/Affordable Housing

The following issues were raised regarding housing stock or affordable housing availability associated with vacation rentals:

- ▶ It may be more profitable to rent a residential unit as a vacation rental than providing the unit as long-term rental housing.
- ▶ Change in use from single-family (or multi-family) residential to a vacation rental will likely take the housing unit out of the housing market and rental stock.
- ▶ Comments have stated that studies have shown that areas with a significant number of vacation rentals have been shown to increase the price of rental units and purchase prices.

Lighting

The public expressed concern that visitors may not understand the lighting regulations in the Monterey County Code.

Fire

The public expressed concern that visitors may not understand the danger of fire and may increase fire risk, particularly during the dry season.

Emergency Evacuation

The public expressed concern that visitors may not understand how to evacuate or may choose to disregard evacuation orders in the event of an emergency, particularly in the remote areas of Monterey County.

Safety/Security

The following issues were raised regarding safety or security concerns associated with vacation rentals:

- ▶ There are concerns about the frequency of new visitors staying in primarily residential neighborhoods, being unknown to the neighbors and disrupting residents' daily life.
- ▶ There are concerns that visitors do not have connections to the community and may not respect the community as much as residents.
- ▶ There are concerns that visitors who would not be allowed to live proximate to a sensitive use due to legal concerns (e.g., Megan's Law restricting proximity to schools and parks) could violate restrictions by using a vacation rental.

Private Infrastructure

The following issues were raised regarding the use of private infrastructure (e.g., roads, water systems, septic systems, and waste management) associated with vacation rentals:

- ▶ Public safety hazards of visitors using remote rural roads that are not up to standard road conditions and require more careful driving.
- ▶ Public safety concerns of visitors driving on private roads and damaging the road or not allowing safe passage by other vehicles.
- ▶ Public safety of using private water systems and septic systems that do not have appropriate capacity. Visitors may not understand the limits of septic tanks or appropriately conserve water.

3.4 PROPOSED REGULATIONS TO ADDRESS POTENTIAL ISSUES ASSOCIATED WITH VACATION RENTALS

The project includes regulations to permit only a limited number of vacation rentals to operate in each land use planning area in Monterey County, with the exception of the Big Sur Coast Land Use Plan Area and low density residential zoning districts within the Carmel Land Use Plan Area, where vacation rentals would not be permitted. In addition, vacation rentals permitted by the project would be subject to regulations and operational standards. The intention of the project is to allow some vacation rentals to legally operate, while addressing many of the issues (discussed in Section 3.3 above) that are commonly associated with vacation rentals. The proposed regulations contain several provisions that establish limitations on how many and where vacation rentals can operate, operational standards vacation rentals must comply with, and associated penalties for property owners that do not enforce the provisions of the ordinances. Cumulatively, these provisions serve to limit the effect vacation rentals will have on existing neighborhoods and the environment. The County recognizes that it cannot eliminate all instances where events or behaviors result in issues associated with vacation rentals (and similarly cannot eliminate instances where long-term residents also cause issues) but has engendered to provide ordinances that include sufficient limitations, restrictions, and penalties to reduce these instances. The proposed regulations are provided in Attachments A to C. The following provides a summary of how the proposed regulations are addressing some of the issues raised by the public.

3.4.1 Noise

The proposed regulations include a limitation on the number of visitors who can stay at a vacation rental at one time (through maximum occupancy and a maximum occupancy by bedroom), which would limit the number of visitors and further prevent large events or gatherings at the vacation rental. The proposed regulations also require individuals who are operating a vacation rental to comply with existing County noise regulations. Violations and complaints can prevent the property owner from renewing their license and permit, and two violations may result in the loss of the land use entitlements.

Vacation rentals would be permitted with restrictions on the maximum occupancy/maximum occupancy by bedroom, the duration and frequency of permitted limited vacation rentals, and the six percent cap on the allowed commercial vacation rentals in each planning area. As a result, vacation rentals are not likely to noticeably increase the use or higher intensification of use compared to long-term residential use. There is the possibility that a unit used as a vacation rental would have a higher frequency of use compared to being used as a second home. An analysis of impacts related to noise is included in Section 4.8, "Noise " of this EIR.

Noise regulations are contained in Chapter 10.60 of the Monterey County Code and these regulations apply to all land uses. The specific sections in the proposed vacation rental regulations that address noise nuisance include the following:

- ▶ Addition of a new Chapter 7.120, including:
 - Limited vacation rental complying with Noise Control [Chapter 10.60] and Nuisance and Nuisance Animals [Chapter 8.36] (Section 7.120.040.E.3);
 - Commercial vacation rentals complying with Noise Control [Chapter 10.60] and Nuisance and Nuisance Animals [Chapter 8.36] (Section 7.120.040.F.3);
 - Limited vacation rental maximum occupancy limits (Section 7.120.040.E.14);
 - Commercial vacation rental maximum occupancy limits (Section 7.120.040.F.13); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 7.120.080.B).
- ▶ Addition of new Section to Chapter 20.64.290, including:
 - Bedroom definition (Section 20.64.290.A.2);
 - Regulations for commercial vacation rentals - six percent cap, except in Big Sur Coast Land Use Plan [prohibition] and Carmel Land Use Plan in low density residential zoning districts [prohibition] (Section 20.64.290.E.2);
 - Grounds for suspension or revocation (Section 20.64.290.I.2); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 20.64.290.J.1).
- ▶ Addition of new Section to Chapter 21.64.290, including:
 - Bedroom Definition (Section 21.64.290.A.2);
 - Regulations for commercial vacation rentals – six percent cap (Section 21.64.290.E.2);
 - Grounds for suspension or revocation (Section 21.64.290.I.2); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 21.64.290.J.1).

The General Plan policies, local land use plan policies, and the Monterey County Code provisions that address noise nuisance include the following:

- ▶ 2010 Monterey County General Plan Chapter 4 Safety Element Goal S-7 (maintain a healthy and quiet environment free from annoying and harmful sounds).
- ▶ 1982 General Plan Chapter 2 (Environmental Constraints), Goal 22 (to maintain an overall healthy and quiet environment by trying to achieve living and working conditions free from annoying and harmful sounds) and

Policy 38.1.2 (the effects of road noise on County roads and highways shall be mitigated to comply with all noise control policies of this General Plan).

- ▶ Carmel Land Use Plan Development Policy 4.4.3.1.3 (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).
- ▶ Chapter 8.36 (Nuisance and Nuisance Animals).
- ▶ Chapter 10.60 (Noise Control).

3.4.2 Traffic

The proposed regulations include a limitation on the number of visitors who can stay at a vacation rental at one time (through maximum occupancy and a maximum occupancy by bedroom), which would limit the number of vehicles and visitors.

The exact locations of individual future vacation rentals in the unincorporated County are not known and, therefore, the travel patterns and trip lengths associated with implementation of the project cannot be known or forecasted at this time. Therefore, any estimate of average trip length for trips associated with vacation rentals in unincorporated Monterey County would be speculative.

Further, because vacation rentals are periodically occupied, they may generate fewer overall daily trips than an occupied single-family detached housing it would replace. The number of homes used for vacation rentals instead of full occupancy (by the owner or renter) is unpredictable, and the associated uncertainty related to trip lengths associated with vacation rentals makes accurately quantifying the change in total VMT associated with implementation of the project speculative. Therefore, as discussed in detail in Section 4.10, "Transportation" of this EIR, the lack of reliable data, variety of possible scenarios and circumstances, and number of assumptions that would need to be made make it too speculative to determine the VMT impact of the project. Therefore, no significance conclusion is provided.

The proposed regulations include restrictions on the maximum occupancy/maximum occupancy by bedroom, the duration and frequency of permitted limited vacation rentals, and the six percent cap on the allowed commercial vacation rentals in each planning area. It is also expected that occupancy of vacation rentals would be less than if the same residence was a full time rental or primary residence. For these reasons, vacation rentals are not anticipated to result in an increase in traffic, or if there was an increase, it would likely be minor.

The specific sections in the proposed amendments to the Monterey County Code that would minimize traffic issues include the following:

- ▶ Addition of a new Chapter 7.120, including:
 - Limited vacation rental maximum occupancy limits (Section 7.120.040.E.14);
 - Commercial vacation rental maximum occupancy limits (Section 7.120.040.F.13); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 7.120.080.B).
- ▶ Addition of new Section to Chapter 20.64.290, including:
 - Bedroom definition (Section 20.64.290.A.2);
 - Regulations for commercial vacation rentals - six percent cap, except in Big Sur Coast Land Use Plan [prohibition] and Carmel Land Use Plan in low density residential zoning districts [prohibition] (Section 20.64.290.E.2); and

- Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 20.64.290.J.1).
- ▶ Addition of new Section to Chapter 21.64.290, including:
 - Bedroom Definition (Section 21.64.290.A.2);
 - Regulations for commercial vacation rentals – six percent cap (Section 21.64.290.E.2); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 21.64.290.J.1).

The General Plan policies and local land use plan policies/sections provisions that address traffic issues include the following:

- ▶ 2010 Monterey County General Plan Chapter 2 Circulation Element Goal C-3 (Minimize the negative impacts of transportation in the County).
- ▶ 1982 Monterey County General Plan Chapter 4 (Road and Highway Transportation), Policy 39.2.5 (Driveways, mid-block access point, intersections, and on-street parking shall be limited along major roads and highways, where possible), and Policy 39.3.1 (The County shall continue its program of traffic problem identification and shall continue its efforts to improve congested and critical locations).
- ▶ Big Sur Coast Land Use Plan Specific Policies 4.1.3.A.1 to 4.1.3.A.6 (Road Capacity and Safety Improvements), 4.1.3.C.1 to 4.1.3.C.3 (Traffic Regulation and Coastal Priority Uses), and 4.2 (Recommended Actions).
- ▶ Carmel Area Land Use Plan Highway Section 3.1.3 (Highway 1 and Transportation Polices) and Section 3.1.4 (Recommended Actions).
- ▶ Del Monte Forest Land Use Plan Circulation Key Policy 100 (Protect public access to the shorelines and reserve limited highway capacity for coastal priority uses).
- ▶ North County Land Use Plan Sections 3.1.1 (Key Policy), 3.1.2 (General Policies), 3.1.3 (Specific Policies), and 3.1.4 (Recommended Actions).

3.4.3 Parking

The County regulates parking through existing Title 20 and Title 21 sections that require a certain amount of parking spaces per use type. The proposed regulations include a limitation on the number of visitors who are able to stay at a vacation rental at one time (through maximum occupancy and a maximum occupancy by bedroom), which would limit the number of vehicles. Therefore, it would limit the number of parking spaces required for vacation rentals. Furthermore, commercial vacation rentals are required to provide detailed site plans that illustrate locations of driveways and on-site parking.

The specific sections in the proposed regulations that would minimize parking issues include the following:

- ▶ Addition of a new Chapter 7.120, including:
 - Restrict public nuisances such as litter, parking congestion, and noise (Section 7.120.020.B.4.a);
 - Provide site plan illustrating locations of driveways and on-site parking (Section 7.120.050.B.5);
 - Limited vacation rental maximum occupancy limits (Section 7.120.040.E.14);
 - Commercial vacation rental maximum occupancy limits (Section 7.120.040.F.13); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 7.120.080.B).

- ▶ Addition of new Section to Chapter 20.64.290, including:
 - Bedroom definition (Section 20.64.290.A.2);
 - Regulations for commercial vacation rentals – six percent cap, except in Big Sur Coast Land Use Plan [prohibition] and Carmel Land Use Plan in low density residential zoning districts [prohibition] (Section 20.64.290.E.2);
 - Regulation for parking for commercial vacation rentals (Sections 20.64.290.E.12.j); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 20.64.290.J.1).
- ▶ Addition of new Section to Chapter 21.64.290, including:
 - Bedroom Definition (Section 21.64.290.A.2);
 - Regulations for commercial vacation rentals – six percent cap (Section 21.64.290.E.2);
 - Regulation for parking for commercial vacation rentals (Section 21.64.290.E.12.j); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 21.64.290.J.1).

Monterey County Code sections that address parking issues include the following:

- ▶ Sections 20.58.040 (Single-Family Detached 2 spaces/unit) and 21.58.040 (Single-Family Detached 2 spaces/unit).

3.4.4 Housing Stock/Affordable Housing

SOCIOECONOMIC ANALYSIS

Economic & Planning Systems, Inc. (EPS) was retained to conduct a Socioeconomic Analysis (Appendix C) to evaluate the socioeconomic impacts of the proposed regulations for vacation rentals within the unincorporated areas of Monterey County. The Socioeconomic Analysis identified the demographic, socioeconomic, residential market, economic, and vacation rental market profiles in unincorporated Monterey County and made the following findings related to housing availability and housing affordability:

- ▶ The unincorporated County's housing inventory comprises about 46,830 units as of 2021 following an estimated net increase of more than 2,100 housing units (5 percent) between 2010 and 2021. It is noted that the 46,830 units is higher than shown in the project description, which is based on assessor data, and reflects an overlap between census tract and city boundaries; some of these 46,830 units are in incorporated cities. The planning area that experienced the most growth was the Central Salinas Valley area, adding over 900 units, followed by the Fort Ord area with almost 790 units. Some areas experienced overall declines in supply, including the Carmel & Del Monte Forest Coastal, Greater Monterey Peninsula, North County Inland, South County, and Toro planning areas. These declines may be attributable to modifications to U.S. Census Tract boundaries between the two periods (2020 and 2021).
- ▶ The unincorporated County's housing inventory is estimated to include 73 percent single-family detached units, 20 percent multifamily units (including attached single-family units), and the remainder consisting of mobile homes and other types of housing. The supply allocation by type has remained relatively similar over the last decade; the only housing type that has experienced a decrease was multifamily with 2-4 units with a net decline of about 40 units. The residential type that experienced the largest amount of growth was the "Mobile Homes and Others" category with the addition of 615 units in the North County Coastal Area.

- ▶ According to the American Community Survey as of 2021, approximately 66 percent of households in the unincorporated County own their homes, while the remaining 34 percent rent. The proportion of housing tenure has remained relatively consistent since 2010, with the percentage of renters increasing slightly from 33 percent to the current figure of 34 percent, following a similar trend in both the County as a whole and the State.
- ▶ On average, the vacancy rate in the unincorporated County, at about 13 percent, is much higher than the County as a whole (9 percent) or the State as a whole (nearly 8 percent). The planning areas with less affordable housing that are considered more tourism-based (Big Sur, Carmel, Del Monte Forest, Carmel Valley, Greater Monterey Peninsula areas) have higher residential vacancy rates compared to the other planning areas largely because of the inventory of seasonal, recreational, or occasional-use housing units.
- ▶ Active listings for vacation rentals in the unincorporated Monterey County planning areas increased by an estimated 420 units between 2015 and 2021 compared to the addition of 1,577 housing units to the planning areas supply. However, these additional vacation rentals comprise both existing and new housing units so this study is unable to determine the exact percentage of new housing units that are currently being used as vacation rentals. The bulk of the additional vacation rental inventory occurred in the Carmel & Del Monte Forest Coastal and the Carmel Valley Master Plan Planning Areas.
- ▶ Generally, the available literature on vacation rentals' impact on the housing market has coalesced around two main conclusions. At the metropolitan level, the impact of vacation rentals on housing prices appears to be minimal when compared to other factors such as population growth, interest rates, and the strength of the regional economy. At a smaller scale (including urbanized areas in coastal planning areas of Monterey County), based on a review of available research, vacation rentals can have moderate to substantial impacts on housing supply and prices, especially in communities already facing housing affordability issues.
- ▶ Several studies conducted over the last 6 years in various jurisdictions with differing housing and vacation rental dynamics and differing analytical methodologies have found that a 1 percent increase in vacation rentals "in a local market" (studies reviewed various geographic units of analysis to define this market context, from ZIP codes to fixed-distance proximities ranging from 200 meters to 0.25 miles) can increase rental rates and housing prices anywhere from 0.02 percent (i.e., have a negligible impact) to between 4.0 to 4.9 percent. Vacation rentals may increase for-sale housing prices by allowing vacation rental investors to outbid purchasers who seek to occupy a unit full-time and by increasing neighborhood attractiveness (and property values) through higher maintenance standards. Vacation rentals primarily impact rental prices through the conversion of long-term rental units to vacation rentals, decreasing the number of long-term rental units in an area and increasing competition and rents.
- ▶ Coincident with vacation rental regulations adopted in one market, Placer County, the County studied the vacation rental market and vacation rental impacts on the broader housing market. The study included a literature review of peer-reviewed academic articles and industry publications primarily focused on impacts within major tourist markets. The studies consistently revealed a negative impact between the prevalence of vacation rentals in a given housing market and the availability and affordability of both rental and for-sale housing in the market. However, the study also indicated that the impact of vacation rentals on housing prices was likely smaller than broader market forces such as low housing inventory, COVID-related remote work migration, and interest rates.
- ▶ To assist in writing a new vacation rental policy in Sonoma County, County Staff contracted with Dr. Robert Eyler, a Professor of Economics at Sonoma State University, to determine the impact of vacation rentals on the County's housing market. Dr. Eyler's study found little to no relationship between the prevalence of vacation rentals in the County and changes in home prices, although the study did note that it was only able to evaluate data at a countywide level and that there could be impacts on specific regions or market segments (i.e., at smaller geographic scales).

In summary, residential housing markets are complex and influenced by many interconnected factors, such as interest rates and the type and scope of employment opportunities, net population growth and the socioeconomic characteristics of residents and households, residential zoning regulations and the location and quality of available land, public health and environmental conditions, and the extent and quality of amenities inherent in a community, all impact the availability and affordability of housing. Based on research reviewed for this Socioeconomic Analysis,

vacation rentals also likely play a role in influencing the availability and affordability of housing, in particular in areas where tourism plays a key role. However, because of the complexity of the local housing market, it is difficult to predict the impact that the proposed regulations will have on housing availability and affordability. Limiting the number of vacation rentals in the unincorporated Monterey County may curb speculative investment activity, limiting the number of vacation rental conversions and preserving owner- and renter-occupied housing units for long-term use. Refer to Appendix C for the complete Socioeconomic Analysis. Additional discussion related to population and housing displacement associated with the proposed regulations is included in Section 4.9. "Population and Housing."

PROPOSED REGULATIONS

The number of commercial vacation rentals would be limited by the proposed regulations to not exceed six percent of the total single-family residential dwelling unit count in each planning area, with the exception of the Big Sur Coast Land Use Plan Area and low density residential zoning districts within the Carmel Land Use Plan Area, where vacation rentals would not be permitted. This cap would limit the number of single-family dwellings that can be converted from long-term rentals or owner-occupied homes to visitor-serving purposes. CEQA impacts analysis related to housing is included in Section 4.9, "Population and Housing."

The specific sections in the proposed regulations that would minimize impacts to housing stock include the following:

- ▶ Addition of new Section to Chapter 20.64.290, including:
 - Regulations for commercial vacation rentals - six percent cap, except in Big Sur Coast Land Use Plan [prohibition] and Carmel Land Use Plan in low density residential zoning districts [prohibition] (Section 20.64.290.E.2); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 20.640.290.J.1).
- ▶ Addition of new Section to Chapter 21.64.290, including:
 - Regulations for commercial vacation rentals – six percent cap (Section 21.64.290.E.2); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 21.64.290.J.1).

3.4.5 Lighting

Regulations of lighting are included in Title 21 and the various coastal land use plans. Most of the regulations are for new development and the design of new structures. Therefore, most of the lighting regulations are not applicable in the case of vacation rentals because the project does not include new development and construction of new structures. Further, lighting of an existing vacation rental would presumably be no different than lighting of any other existing residence. However, if new exterior lighting is installed in Inland Areas of the unincorporated County, the property owner would be required to comply with the Monterey County Code Section 21.63.020, "Design Guidelines for Exterior Lighting." In the Coastal Areas of the unincorporated County, the property owner would need to comply with Local Coastal Program regulations for each of the four Coastal Planning Areas, which require control of exterior lighting.

3.4.6 Fire

Regulation of fire is part of the existing Monterey County Code Chapter 18.09 (Fire Code) which holds the owner/occupant responsible for the correction and abatement of hazardous conditions in violation of the Fire Code. The addition of new Sections 7.120.040.E.19 (Outdoor fire areas for limited vacation rentals) and 7.120.040.F.18 (Outdoor fire areas for commercial vacation rentals) regulate how outdoor fire areas must be used and managed

when not prohibited by state or local fire bans or regulations. Furthermore, all vacation rentals are required to comply with applicable state building codes, which include appropriate fire codes. An analysis of impacts related to wildfire is included in Section 4.13, "Wildfire" of this EIR.

The specific sections in the proposed regulations that are related to fire hazards include the following:

- ▶ Addition of a new Chapter 7.120, including:
 - Outdoor fire areas for limited vacation rentals (Section 7.120.040.E.19).
 - Outdoor fire areas for commercial vacation rentals (Section 7.120.040.F.18). and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 7.120.080.B).

General plan goals and/or policies, and Monterey County Code provisions that related to fire hazards include the following:

- ▶ 2010 Monterey County General Plan Chapter 4 Safety Element Goal S-4 (Fire Hazards)
- ▶ 1982 Monterey County General Plan Chapter 2 (Fire Hazards) and Policies 17.1.1 to 17.1.3 (Public education programs related to fire hazards and citizen responsibility)
- ▶ Chapter 18.09 (Fire Code)

3.4.7 Emergency Evacuation

Amendments to Title 20 and Title 21 require that visitors are notified of emergency service limitations. The application for commercial vacation rental must demonstrate that response times for County emergency services are adequate.

The specific sections in the proposed regulations that are related to emergency services/evacuation include the following:

- ▶ Addition of new Chapter 7.120, including:
 - A property manager should be available 24 hours per day and must be able to respond to complaints and arrive at the site within 30 minutes, during all times that the property is rented as a limited vacation rental or a commercial vacation rental (Sections 7.120.040.E.5 and 7.120.040.F.5).
 - Violation of Chapter 7.120 may be punishable by fine or by imprisonment (Section 7.120.080).
- ▶ Addition of new Section to Chapter 20.64.290, including:
 - Emergency services and limitation requirements for commercial vacation rentals (Section 20.64.290.E.12.i);
 - Inspection requirements for commercial vacation rentals (Section 20.64.290.H.1.f); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 20.64.290.J.1).
- ▶ Addition of new Section to Chapter 21.64.290, including:
 - Emergency services and limitation requirements for commercial vacation rentals (Section 21.64.290.E.12.i);
 - Inspection requirements for commercial vacation rentals (Section 21.64.290.H.1.f); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 21.64.290.J.1).

General plan goals and/or policies that related to emergency services/evacuation include the following:

- ▶ 2010 Monterey County General Plan Chapter 4 Safety Element Goal S-2 (Flood Hazards), Goal S-4 (Fire Hazards), and Goal S-5 (Emergency Preparedness).
- ▶ 1982 Monterey County General Plan Figure 8 (Evacuation Routes), Chapter 2 (Flood Hazards and Fire Hazards), Policy 16.2.1 (The County's primary means of minimizing risk from flood hazards shall be through land use planning and the avoidance of incompatible structural development in flood prone areas), Policy 16.3.1 (Information should be made available to property owners and residents living in floodplains and coastal inundation areas to encourage participation in the Federal Flood Insurance Program), and Policies 17.1.1 to 17.1.3 (Public education programs related to fire hazards and citizen responsibility).

3.4.8 Safety/Security

The safety and security of nearby residents are taken into account in the proposed regulations by limiting the number of visitors that are allowed at each vacation rental and by further limiting the number of individuals allowed per bedroom. In addition, the proposed regulations require a property manager contact be provided and be available at all times while the unit is rented. The property manager is also required to arrive at the rental unit within 30 minutes in the event an issue arises. If the vacation rental has violations or complaints, the proposed regulations can prevent the property owner from renewing their permit, and two violations may result in the loss of the use permit in inland areas and the coastal development permit in coastal areas.

The specific sections in the proposed regulations that address safety/ security include the following:

- ▶ Addition of a new Chapter 7.120, including:
 - Respond to complaints within 30 minutes for limited vacation rentals (Section 7.120.040.E.5);
 - Limited vacation rental maximum occupancy limits (Section 7.120.040.E.14);
 - Respond to complaints within 30 minutes for commercial vacation rentals (Section 7.120.040.F.5);
 - Commercial vacation rental maximum occupancy limits (Section 7.120.040.F.13);
 - Application and renewal process, including verification to ensure the property is safe and habitable for its intended use (Section 7.120.050); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 7.120.080.B).
- ▶ Addition of new Section to Chapter 20.64.290, including:
 - Bedroom definition (Section 20.64.290.A.2);
 - Grounds for suspension or revocation (Section 20.64.290.I.2); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 20.64.290.J.1).
- ▶ Addition of new Section to Chapter 21.64.290, including:
 - Bedroom Definition (Section 21.64.290.A.2);
 - Grounds for suspension or revocation (Section 21.64.290.I.2); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 21.64.290.J.1).

Monterey County Code provisions that address safety/security include the following:

- ▶ Title 11 (Public Peace, Morals, and Welfare) includes regulations to protect Monterey County residents' safety and security, including enforcement mechanisms for offenses by or against public officers, offenses against public decency, offenses against public peace, and offenses against property.

3.4.9 Private Infrastructure

The proposed regulations require that vacation rentals must comply with the "proof of access" regulations for the County and further that the owner notify all individuals on shared private roads of the vacation rental, which will allow residents to be informed of the vacation rental operations. The proposed regulations also require that the vacation rentals have water that meet bacteriological and acute primary drinking water standards and, if not, that they provide bottled water and notify renters that the water and water quality do not meet bacteriological and/or acute primary drinking water standards. California Health and Safety Code Section 116275 regulates the water provided for residential and similar uses for drinking, cooking, and bathing. A vacation rental must also be allowed by the Homeowner's Association to ensure that the vacation rental would not violate any applicable conditions, covenants, or other restrictions. Commercial vacation rental must meet the on-site wastewater requirements set forth in the newly proposed Chapter 7.120 of the Monterey County Code. An analysis of impacts related to water supply is included in Section 4.12, "Utilities and Service Systems (Water Supply)" of this EIR.

The specific sections in the proposed regulations that address public services and private infrastructure include the following:

- ▶ Addition of a new Chapter 7.120, including:
 - Vacation rentals shall not violate any applicable conditions, covenants, or other restrictions on real property (Section 7.120.040.C);
 - Notify neighboring properties and appropriate entities regarding vacation rental operation (Section 7.120.040.D);
 - Drinking water standards for limited vacation rentals (Section 7.120.040.E.17);
 - On-site wastewater treatment system requirements for limited vacation rentals (Section 7.120.040.E.18);
 - Drinking water standards for commercial vacation rentals (Section 7.120.040.F.16);
 - On-site wastewater treatment system requirements for commercial vacation rentals (Sections 7.120.040.F.17);
 - Water quality standards (Section 7.120.050.B.8);
 - Provide on-site wastewater treatment information signs (Section 7.120.050.B.9); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 7.120.080.B).
- ▶ Addition of new Section to Chapter 20.64.290, including:
 - Water quality requirements for limited vacation rentals (Section 20.64.290.D.12);
 - Require a property manager/owner/operation residing on the property while the commercial vacation rental is rented if an agricultural operation is active (Section 20.64.290.E.7);
 - Register the commercial vacation rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate (Section 20.64.290.E.11);
 - Water system, on-site wastewater treatment system, parking, solid waste collection requirements for commercial vacation rentals (Section 20.64.290.E.12.e-k);

- Provide evidence/notification regarding drinking water standards, water system requirements, and on-site wastewater treatment system performance (Section 20.64.290.H.1.h-j);
 - Grounds for suspension or revocation including not meeting drinking water standards, on-site wastewater treatment system not in good conditions, does not have a coastal development permit and water system permit (Section 20.64.290.I.3.f-h); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 20.64.290.J.1).
- ▶ Addition of new Section to Chapter 21.64.290, including:
- Water quality requirements for limited vacation rentals (Section 21.64.290.D.12);
 - Require a property manager/owner/operation residing on the property while the commercial vacation rental is rented if an agricultural operation is active (Section 21.64.290.E.7);
 - Register the commercial vacation rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate (Section 21.64.290.E.11);
 - Water system, on-site wastewater treatment system, parking, solid waste collection requirements for commercial vacation rentals (Section 21.64.290.E.12.e-k);
 - Provide evidence/notification regarding drinking water standards, water system requirements, and on-site wastewater treatment system performance (Section 21.64.290.H.1.h-j);
 - Grounds for suspension or revocation including violation of drinking water standards, on-site wastewater treatment system not in good conditions, does not have a coastal development permit and water system permit (Section 21.64.290.I.3.f-h); and
 - Violation of any provision or failure to comply with any requirements may be charged with a misdemeanor punishable by a fine of not more than \$1,000 and/or by imprisonment for a period of not more than six months (Section 21.64.290.J.1).

Monterey County Code Chapters that address public services and private infrastructure include the following:

- ▶ Chapter 15.04 (Domestic Water Systems)
- ▶ Chapter 15.08 (Water Wells)
- ▶ Chapter 15.20 (Sewage Disposal)
- ▶ Chapter 16.80 (Regulations Relating to Applications Involving Use of Private Roads)

4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

4.1 APPROACH TO THE ENVIRONMENTAL ANALYSIS

This Draft EIR identifies and focuses on the environmental impacts associated with the Monterey County Vacation Rental Ordinances Project, in accordance with CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

4.1.1 Special Considerations

The analysis of the project presents unusual issues. The project would not result in any direct physical changes from construction and the ordinances would place a cap on commercial vacation rentals that currently does not have one. It also would provide regulations aimed at addressing noise, the overnight and daytime occupancy, and other social and economic issues raised by the public (which are addressed in Chapter 3, “Issues associated with Current Ordinances”). The analysis was prepared in light of the following considerations:

- ▶ A limited vacation rental would be defined as a residential property rented as a vacation rental by the owner not more than three times in a 12-month period, with each such rental not to exceed 14 days. Due to the very occasional use of the limited vacation rentals, the focus of the analysis in the EIR is on the commercial vacation rentals.
- ▶ The baseline is the current number of vacation rentals as derived from the subscription-based AirDNA data (listings from AirBNB, VRBO, and HomeAway) (Appendix C of this EIR). The actual number of units rented out as vacation rentals may be higher, but there is no means available to determine the number more precisely. This is a conservative approach to the analysis. Over time, without the ordinance in place, the number of units rented for vacation purposes could grow well beyond the current number. To that end, the cap and regulatory structure limit the extent to which any effects from renting units for vacation uses could occur.
- ▶ If the owner of a home does not rent it for vacation purposes—if vacation rentals are not permitted in a given single family residential dwelling—there is a likelihood the owner would be seeking an alternative economic use; otherwise, they would not have been likely to have made the unit available for vacation rent. The only other likely alternatives are full-time residential use or sale the unit. As of 2021 approximately half of the vacant supply of housing units in unincorporated Monterey County (approximately 2,785 of the 5,442 total vacant units) consisted of seasonal, recreational, or occasional-use housing units¹ (Appendix C of this EIR). These homes are used only occasionally if not rented. However, given that the owners who wish to rent their house are already seeking an economic return for someone using it, it follows that some would seek a renter or sell the unit.
- ▶ No data is available to determine the percent occupancy of commercial vacation rental units on an annualized basis. Absent this data, the analysis assumes that the units would be occupied at the same rate as hotel rooms, which is around 65 percent per year. This is likely a higher occupancy rate than would occur, but is assumed and provides a conservative analysis of potential impacts. This is documented further in the analysis in Sections 4.3 through 4.13.
- ▶ It is also likely that with no change to the ordinance, the number of units made available for vacation rent would exceed the cap, especially in higher demand areas such as coastal areas, and these vacation rentals would not have the restrictions on use imposed by the ordinance. There is no evidence suggesting a different conclusion.
- ▶ Because of the general lack of documented information surrounding vacation rental uses including differences between habits and patterns of use between vacation renters and typical residents, in some instances the EIR

¹ Seasonal, recreational, or occasional-use includes vacant units used or intended for use only in certain seasons or for weekends or other occasional use throughout the year.

preparers were left with the need to speculate whether significant environmental changes may occur. Section 15145 of the State CEQA Guidelines instructs, "If, after thorough investigation, the Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." In instances where an impact is too speculative to evaluate, this EIR explains its rationale for this conclusion and does not draw a conclusion on the significance of an impact.

The purpose of this EIR is to meet the informational requirements that would lead Monterey County to an informed decision regarding consideration of the environmental impacts of the project. To that end, this EIR relies on reasonable assumptions where substantial evidence is not available, explains the basis for its conclusions, and describes uncertainty surrounding impacts where such uncertainty exists.

4.1.2 Format of Environmental Impact Analysis

Chapter 3 of this Draft EIR, "Issues associated with Current Ordinances," summarizes the issues associated with the current vacation rental ordinances and provides a summary on how the proposed regulations address these issues.

Sections 4.3 through 4.13 of this Draft EIR present a discussion of regulatory background, existing conditions, environmental impacts associated with implementation of the project, mitigation measures to reduce the level of impact, and residual level of significance (i.e., whether impacts would be significant and unavoidable after application of all feasible mitigation measures). Issues evaluated in these sections consist of the environmental topics identified for review in the notice of preparation (NOP) prepared for the project (see Appendix A of this EIR).

Chapter 5 of this Draft EIR, "Cumulative Impacts," presents an analysis of the project's impacts considered together with those of other past, present, and probable future projects producing related impacts, as required by Section 15130 of the State CEQA Guidelines. Chapter 6, "Alternatives," presents a reasonable range of alternatives and evaluates the environmental effects of those alternatives relative to those of the project, as required by Section 15126.6 of the State CEQA Guidelines. Chapter 7, "Other CEQA Sections," includes an analysis of the project's growth inducing impacts, as required by Section 21100(b)(5) of CEQA.

The remainder of this chapter addresses the following resource topics:

- ▶ Section 4.3, "Agriculture Resources";
- ▶ Section 4.4, "Air Quality";
- ▶ Section 4.5, "Energy";
- ▶ Section 4.6, "Greenhouse Gas Emissions and Climate Change";
- ▶ Section 4.7, "Land Use and Planning";
- ▶ Section 4.8, "Noise";
- ▶ Section 4.9, "Population and Housing";
- ▶ Section 4.10, "Transportation";
- ▶ Section 4.11, "Tribal Cultural Resources";
- ▶ Section 4.12, "Utilities and Service Systems"; and
- ▶ Section 4.13, "Wildfire."

Sections 4.3 through 4.13 of this Draft EIR each include the following components:

- ▶ **Regulatory Setting:** This subsection presents information on the laws, regulations, plans, and policies relevant to each resource topic, including federal, state, regional, and local regulations that address potentially adverse environmental impacts.
- ▶ **Environmental Setting:** This subsection presents the existing environmental conditions in the project area and in the surrounding area as appropriate, in accordance with State CEQA Guidelines Section 15125. This setting

generally serves as the baseline against which environmental impacts are evaluated. The NOP for the project was issued on August 29, 2022, and a revised NOP on September 6, 2022. Typically, and in accordance with State CEQA Guidelines Section 15125, the date on which the NOP is issued is considered appropriate for establishing the baseline.

- ▶ **Environmental Impacts and Mitigation Measures:** This subsection presents thresholds of significance and discusses significant and potentially significant effects of the project on the existing environment in accordance with State CEQA Guidelines Section 15126.2. The thresholds of significance are based on the checklist presented in Appendix G of the most recently adopted State CEQA Guidelines, best available data, applicable regulatory standards, and local practice and standards. The level of each impact is determined by analyzing the effect of the project on the defined baseline conditions and comparing it to the applicable significance thresholds. The thresholds of significance are defined, and thresholds for which the project would have no impact are disclosed and dismissed from further evaluation.

Project impacts and mitigation measures are numbered sequentially in each subsection (Impact 4.3-1, Impact 4.3-2, Impact 3.2-3, etc.). A summary impact statement precedes a more detailed discussion of each environmental impact. The discussion presents the analysis, rationale, and substantial evidence upon which conclusions are drawn regarding the level of significance of the impact. The determination of level of significance of the impact is presented in bold text.

A “less-than-significant” impact is one that would not result in a substantial adverse change in the physical environment. An impact would be “potentially significant” or “significant” if it could or clearly would, respectively, result in a substantial adverse change in the physical environment; both are treated the same under CEQA in terms of procedural requirements and the need to identify feasible mitigation. Where no significant impact conclusion can be made because of speculation, the analysis explains why.

Mitigation measures are identified, as feasible, to avoid, minimize, rectify, reduce, or compensate for significant and potentially significant impacts, in accordance with the State CEQA Guidelines Section 15126.4. Unless otherwise noted, the mitigation measures presented are recommended in this EIR for consideration by the County to adopt as conditions of approval.

Where an existing law, regulation, or permit specifies mandatory and prescriptive actions about how to fulfill the regulatory requirement as part of the project definition, leaving little discretion in its implementation, and would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is considered before determining impact significance. Where existing laws or regulations specify a mandatory permit process for future projects, performance standards without prescriptive actions to accomplish them, or other requirements that allow substantial discretion in how they are accomplished, or have a substantial compensatory component, the level of significance is determined before applying the influence of the regulatory requirements. In this circumstance, the impact would be potentially significant or significant, and the regulatory requirements would be included as a mitigation measure.

This subsection also describes whether mitigation measures would reduce project impacts to a less-than-significant level. Significant and unavoidable impacts are identified as appropriate in accordance with State CEQA Guidelines Section 15126.2(b). Significant and unavoidable impacts also are summarized in Chapter 6, “Other CEQA Sections.”

- ▶ **References:** The full references associated with the sources cited in Sections 4.3 through 4.13 are presented in Chapter 9, “References,” organized by chapter or section number.

4.2 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (CEQA Section 21100, State CEQA Guidelines Section 15128). In the initial study prepared by the County to address the proposed regulations, some potential impacts were discussed and dismissed from further consideration because the County determined that the impacts would not occur with implementation of the proposed regulations for the

resources identified below. Accordingly, these resources are not addressed in later sections of this Draft EIR. For a discussion of these resources, see the initial study, which is included as Appendix A of this EIR.

4.2.1 Aesthetics

The project would not authorize or facilitate any new development in the project area. It would apply only to existing dwelling units and would not affect how residences are used in relation to scenic resources. From a scenic vista standpoint, visitors to a residence are not distinguishable from permanent residents. Because the project would have no impact related to aesthetics, this impact is not discussed further in this EIR.

4.2.2 Biological Resources

The project would not authorize or facilitate any new development in the project area. Activities permitted by the project would not result in reasonably foreseeable impacts on habitats, natural communities, species, or existing policies protecting biological resources. Because the project would not have a significant impact related to biological resources, this issue is not discussed further in this EIR.

4.2.3 Cultural Resources

The project would not authorize or facilitate any new development or modifications to existing buildings in the project area. In addition, the proposed regulations would not implement grading or excavation. Activities permitted by the proposed regulations would not result in reasonably foreseeable impacts on historical structures or historical resources defined in State CEQA Guidelines Section 15064.5. Therefore, the project would have no impact on cultural resources. This issue is not discussed further in this EIR.

4.2.4 Geology and Soils

The project would not authorize or facilitate any new development. Grading or excavation is not proposed as part of the project. The proposed regulations have been prepared to have provisions consistent with the County's existing on-site water treatment system requirements to ensure proper functionality. Because the project does not propose new development and would comply with existing standards and regulatory requirements, it would not have a significant impact related to geology and soils. This impact is not discussed further in this EIR.

4.2.5 Hydrology and Water Quality

The project would not authorize or facilitate any new development and, because of caps on the number of commercial vacation rentals that may operate, eligibility restrictions, and prohibitions on the types of buildings that may be used, is not expected to induce growth or development. Vacation rentals would be located in existing dwelling units; therefore, implementing the project would not result in new impervious surfaces, interfere with groundwater recharge, or result in any changes in drainage or runoff. Any future modifications to existing dwelling units being used as vacation rentals, which would not occur under the project, would be required to comply with all existing water quality regulations and County design standards. Furthermore, the operation of the vacation rentals would be similar to operation of the existing residential uses and would not violate any water quality or drainage standards. There is a potential for the project to have an impact on the use of groundwater. This issue is discussed in Section 3.10, "Utilities and Service Systems," of this EIR. All other hydrology and water quality impacts are not discussed further in this EIR.

4.2.6 Hazards and Hazardous Materials

The project would not authorize or facilitate any new development, and no grading or excavation would occur as a result of implementing the project. Users of vacation rentals are not expected to use hazardous materials other than small quantities of household hazardous materials, such as cleaning agents. Vacation rental uses would occur only on sites already used for residential dwellings. The proposed regulations would comply with Title 14 of the California Code of Regulations and local emergency safety regulations. Therefore, the project would not have a significant impact related to hazards and hazardous materials. These issues are not discussed further in this EIR.

4.2.7 Mineral Resources

The project would not authorize or facilitate any new development, and no grading or excavation would occur as a result of implementing the project. Because the project would have no impact on mineral resources, this impact is not discussed further in this EIR.

4.2.8 Public Services

The project only affects the use of existing residential structures in established neighborhoods and no new development is enabled by the ordinance. There is no evidence that vacation rentals would increase demands on fire protection services, police services, schools, parks, and other public facilities so as to require the construction of new or expanded facilities. Therefore, the project would not have a significant impact related to public services. This issue is not discussed further in this EIR.

4.2.9 Recreation

The project would not authorize or facilitate any new development. The proposed regulations would not cause an increase in the number of permanent residents in Monterey County or the increased use of recreational facilities, which could cause a substantial physical deterioration of such facilities. Therefore, the project would not have a significant impact related to recreation. This issue is not discussed further in this EIR.

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4.3 AGRICULTURE RESOURCES

This section presents an analysis of the potential environmental impacts of the project related to agriculture resources. It presents the regulatory setting, describes the environmental setting, and evaluates the potential impacts of the project related to agriculture resources.

No comments related to agriculture resources were received in response to the notice of preparation.

In the initial study prepared by Monterey County to address the proposed regulations, some potential impacts for agriculture resources were discussed and dismissed from further consideration because the County determined that the impacts would not occur. In addition, implementing the proposed regulations would not result in a change to land use designations or zoning, nor would it result in any new development. Therefore, the proposed regulations would not affect any existing areas zoned and used for agriculture. The only issue area not scoped out in the initial study was the potential impact on lands currently operating under Williamson Act contracts because the proposed ordinance would allow vacation rentals to be operated on Williamson Act parcels and vacation rentals were not listed as a compatible use with Williamson Act lands. Therefore, the focus of this section is only on the potential for the project to affect Williamson Act contracts.

4.3.1 Regulatory Setting

FEDERAL

No federal regulations are related to Williamson Act contracts; therefore, none apply to the project.

STATE

California Land Conservation Act (Williamson Act)

The California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), commonly known as the Williamson Act, provides a tax incentive for the voluntary enrollment of agricultural and open space lands in contracts between local government and landowners. The act allows local governments to assess agricultural land based on the income-producing value of the property rather than the "highest and best use" value, which had previously been the rule. The intent and effect of this rule was to reduce property tax pressure that had previously resulted in conversion of agriculture to urban uses. The contract enforceably restricts the land to agricultural and open space uses and compatible uses defined in state law and local ordinances. An agricultural preserve, which is established by local government, defines the boundary of an area within which a city or county will enter into contracts with landowners.

Terms of Williamson Act contracts are 10 years or longer, as established by each county. Monterey County contracts provide for a 10-year term. The contract is automatically renewed each year, maintaining a constant 10-year contract, unless the landowner files to initiate nonrenewal. A "notice of nonrenewal" starts the 9-year nonrenewal period. During the nonrenewal process, the annual tax assessment gradually increases. At the end of the 9-year nonrenewal period, the contract is terminated. Only a landowner can petition for a contract cancellation. Tentative contract cancellations can be approved only after a local government makes specific findings and determines the cancellation fee to be paid by the landowner. In some instances, the 9-year nonrenewal period can be waived, generally subject to substantial tax penalties.

The State of California has the following policies regarding public acquisition of, and locating public improvements on, lands in agricultural preserves and on lands under Williamson Act contracts (Government Code Sections 51290–51295):

- ▶ State policy is to avoid locating federal, state, or local public improvements and improvements of public utilities, and the acquisition of land, in agricultural preserves.
- ▶ State policy is to locate public improvements that are in agricultural preserves on land other than land under Williamson Act contract.

- ▶ State policy is that any agency or entity proposing to locate such an improvement, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public of land, particularly prime agricultural land, in an agricultural preserve.

Since 1998, another option in the Williamson Act Program has been the creation of Farmland Security Zone (FSZ) contracts (Government Code Section 51296 et seq.). An FSZ is an area created in an agricultural preserve by a board of supervisors upon the request of a landowner or group of landowners. FSZ contracts offer landowners greater property tax reduction and have a minimum initial term of 20 years. Like Williamson Act contracts, FSZ contracts renew annually unless a notice of nonrenewal is filed.

State was provided in 1971 by the Open Space Subvention Act (Government Code Section 16140 et seq.) created a formula for allocating annual payments to local governments based on acreage enrolled in the Williamson Act Program. Subvention payments were made through fiscal year 2009 but have been suspended in more recent years because of revenue shortfalls.

Assembly Bill 1265 of 2011

Assembly Bill 1265 (Chapter 90, Statutes of 2011) was approved in summer 2011 and essentially reinstated parts of the Williamson Act, Revenue and Taxation Code, and Open Space and Subvention Act that allowed eligible counties to recapture 10 percent of the property tax benefits provided to their owners of Williamson Act lands by decreasing the duration of the Land Conservation Act and FSZ contracts by 1 and 2 years, respectively. Senate Bill 1353 (Chapter 322, Statutes of 2014), approved by the governor on September 15, 2014, eliminates the January 1, 2016, sunset clause and makes the option for participating counties to recapture portions of foregone tax revenue permanent.

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan contains numerous policies aimed at protecting agricultural land but none that are specific to the Williamson Act.

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address wildfire risk in the coastal areas of the County (Monterey County 1982). The following policies from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 1.1.3.** Landowners shall be encouraged voluntarily to restrict the development potential of property through grants of conservation easements, Williamson Act contracts, or other appropriate protections in areas designated for open space uses such as agriculture and resource conservation.
- ▶ **Policy 30.0.5.** The County shall support other policies that provide tax and economic incentives which will enhance competitive capabilities of farms and ranches, thereby insuring long-term preservation, enhancement, and expansion of viable agricultural lands. Examples of these policies and programs may include the following:
 - Establishment of a program to purchase and lease back agricultural lands near urban or developing areas for continued agricultural use.
 - Use of voluntary restriction to agricultural uses through contributions of conservation easements or other appropriate techniques.
 - Use of Williamson Act Contracts.

Carmel Area Land Use Plan

The Carmel Area Land Use Plan (Monterey County, updated 1999a) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the Carmel area. The following Policy from the plan are applicable to the project:

- ▶ **General Policy 4.** The County should encourage eligible landowners to secure tax benefits by putting their land under agricultural contracts in accordance with the Williamson Act. Scenic easements should be encouraged as a suitable means for protecting agricultural land of high scenic value and where the land does not qualify for the agricultural preserve program.

North County Land Use Plan

The North County Land Use Plan (Monterey County, updated 1999b) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and local agencies in the North County area. The following policies from the plan are applicable to the project:

- ▶ **General Policy 4.** The County should continue its agricultural preserve (Williamson Act) program and promote the inclusion of prime and productive land. Eligible landowners should be assisted by the County in becoming aware of Williamson Act benefits, preparing contracts, and securing tax benefits. Scenic or resource conservation easements will be encouraged as a suitable means for protecting agricultural lands of high scenic value adjacent to populated areas and where agricultural land does not qualify for the agricultural preserve program.
- ▶ **Specific Policy 1b.** An agricultural land use designation, Agricultural Conservation, shall be applied to: 1) relatively small pockets of prime agricultural soils (SCS Class I and II) that are not within or adjacent to the more extensive agricultural areas designated under the Agriculture Preservation land use category, 2) other productive agricultural lands generally characterized by slopes over 10 percent with erodible soils once an agricultural management plan has been approved, and 3) grazing lands where such a low-intensity agricultural use is the most compatible use of an area. The Agricultural Conservation category shall also be applied to lands not in areas designated under the Agriculture Preservation land use category that are placed into Williamson Act agricultural preserve contracts. Emphasis shall be placed on preserving the most viable agricultural areas of a parcel for agricultural use.

4.3.2 Environmental Setting

The California Department of Conservation manages the State of California Farmland Mapping and Monitoring Program, which evaluates productive agricultural lands. It also oversees the Williamson Act Program. In 2022 (the most current year for which data are available), approximately 732,000 acres of land were under Williamson Act contract in Monterey County, and approximately 67,000 acres were under FSZ contract. Williamson Act and FSZ parcels are located throughout the County, ranging from agricultural uses in the Salinas Valley and Watsonville to natural preserve areas along the Big Sur coast. In addition, Monterey County created in 1984 the Monterey County Agricultural and Historical Land Conservancy (now known as the Ag Land Trust). The Ag Land Trust accepts agricultural conservation easements by gift or as a result of direct purchase from landowners to serve as a flexible resource protection tool. The trust has completed 110 acquisitions since its founding and owns (in fee) nearly 6,000 acres of agricultural land. It also holds permanent farmland conservation easements on nearly 39,000 acres of prime and productive agricultural lands. When 13 additional conservation easement projects already approved by the California Department of Conservation are completed before the end of 2023, the Ag Land Trust anticipates adding more than 5,000 acres to its holdings. Of this total of approximately 50,000 acres, all but approximately 2,000 acres are located in Monterey County (Del Piero, pers. comm., 2023).

4.3.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

This section evaluates the potential impacts on agricultural land under a Williamson Act contract based on consideration of existing regulations that pertain to its identification, the proposed regulations, and applicable state regulations.

THRESHOLDS OF SIGNIFICANCE

An agriculture resources impact would be significant if implementation of the project would:

- ▶ Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- ▶ Conflict with existing zoning for agricultural use or a Williamson Act contract;
- ▶ Conflict with existing zoning for, or cause rezoning of, forest land, or timberland zoned Timberland Production;
- ▶ Result in the loss of forest land or conversion of forest land to non-forest use; or
- ▶ Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

ISSUES NOT DISCUSSED FURTHER

In the initial study prepared by Monterey County to address the proposed regulations, some potential impacts were discussed and dismissed from further consideration because the County determined that the impacts would not occur with implementation of the proposed regulations. Impacts related to the following thresholds are included among those that were dismissed:

- ▶ Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- ▶ Conflict with existing zoning for, or cause rezoning of, forest land, or timberland zoned Timberland Production;
- ▶ Result in the loss of forest land or conversion of forest land to non-forest use; and
- ▶ Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.
- ▶ For a discussion of these impacts, see the initial study, which is included as Appendix A of this EIR.

Impact 4.3-1: Conflict with Williamson Act Contracts

The project consists of three ordinances that would amend the Monterey County Code but would not result in development or land use changes of any kind. The proposed regulations would allow for existing dwelling units and structures on Williamson Act parcels to be permitted as vacation rentals. Currently, vacation rentals are not listed as an allowable use by the County on Williamson Act land; however, use as vacation rentals would not alter the designations of land under Williamson Act contract or change any existing uses of the land. By providing an additional source of income, vacation rentals could support the economic viability of agriculture. Therefore, the project would not conflict with Williamson Act contracts. This impact would be **less than significant**.

As described in Chapter 2, "Project Description," the project consists of amendments to three ordinances—Title 20, Title 21, and Monterey County Code Title 7—with the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed in unincorporated Monterey County. These ordinances would also limit the establishment of vacation rentals to existing, legally established dwellings and would allow up to 6 percent of the total residential dwelling count in each land use planning area of Monterey County to be used as a commercial vacation rental, with the exception of the Big Sur Coast Land Use Plan Area and low density residential zoning districts within the Carmel Land Use Plan Area, where vacation rentals would not be permitted. It is reasonably foreseeable that implementing the proposed regulations would result in permitted vacation rentals in existing residential development but would not incentivize or otherwise induce construction of new structures or demolition of existing structures.

Vacation rentals are currently not listed as an allowable use under the Williamson Act, but approval of the proposed regulations would not require the designation of any land currently zoned under the Williamson Act or the functional uses of the land to be changed. Acquiring a permit to become a vacation rental would not prohibit the land from accomplishing the goals or serving the purpose of Williamson Act land. In addition, there is no connection between using an existing dwelling for a vacation rental and the ability to cultivate surrounding farmland. Implementation of the proposed regulations would not change the amount of land designated under the Williamson Act. Although a vacation rental is not currently a listed allowable use for lands under the Williamson Act, implementing the proposed regulations would not hinder the functionality of the land and would not conflict with a Williamson Act contract. This impact would be **less than significant**.

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4.4 AIR QUALITY

This section includes a discussion of existing air quality conditions, a summary of applicable regulations, and an analysis of potential air quality impacts caused by the project.

Some comments related to air quality pollution concerns and increased vehicle miles traveled (VMT) were received in response to the notice of preparation for this project. These comments are addressed, as appropriate, in this section. See Appendix A of this EIR for all notice of preparation comments received.

4.4.1 Regulatory Setting

Air quality in the project area is regulated through the efforts of various federal, state, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, planning, policy-making, education, and a variety of programs. The agencies responsible for improving the air quality are discussed below.

FEDERAL

US Environmental Protection Agency

The US Environmental Protection Agency (EPA) has been charged with implementing national air quality programs. EPA's air quality mandates draw primarily from the federal Clean Air Act (CAA), which was enacted in 1970. The most recent major amendments to the CAA were made by Congress in 1990. EPA's air quality efforts address both criteria air pollutants (CAPs) and hazardous air pollutants (HAPs). EPA regulations concerning CAPs and HAPs are presented in greater detail below.

Criteria Air Pollutants

The National Ambient Air Quality Standards (NAAQS) are shown in Table 4.4-1. The CAA established the requirement that each state prepare a state implementation plan (SIP) for attaining and maintaining the NAAQS. The federal CAA Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. California's SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. EPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments and whether implementation will achieve air quality goals. If EPA determines a SIP to be inadequate, EPA may prepare a federal implementation plan that imposes additional control measures. If an approvable SIP is not submitted or implemented within the mandated time frame, sanctions may be applied to transportation funding and stationary air pollution sources in the air basin.

Table 4.4-1 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	California (CAAQS) ^{a,b}	National (NAAQS) ^c	
			Primary ^{b,d}	Secondary ^{b,e}
Ozone	1-hour	0.09 ppm (180 µg/m ³)	—	Same as primary standard
	8-hour	0.070 ppm (137 µg/m ³)	0.070 ppm (147 µg/m ³)	
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	Same as primary standard
	8-hour	9 ppm ^f (10 mg/m ³)	9 ppm (10 mg/m ³)	
Nitrogen dioxide (NO ₂)	Annual arithmetic mean	0.030 ppm (57 µg/m ³)	53 ppb (100 µg/m ³)	Same as primary standard
	1-hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)	—
Sulfur dioxide (SO ₂)	24-hour	0.04 ppm (105 µg/m ³)	—	—
	3-hour	—	—	0.5 ppm (1300 µg/m ³)
	1-hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)	—
Respirable particulate matter (PM ₁₀)	Annual arithmetic mean	20 µg/m ³	—	Same as primary standard
	24-hour	50 µg/m ³	150 µg/m ³	
Fine particulate matter (PM _{2.5})	Annual arithmetic mean	12 µg/m ³	12.0 µg/m ³	15.0 µg/m ³
	24-hour	—	35 µg/m ³	Same as primary standard
Lead ^f	Calendar quarter	—	0.15 µg/m ³ ^g	Same as primary standard
	30-day average	1.5 µg/m ³	—	—
	Rolling 3-month average	—	0.15 µg/m ³	Same as primary standard
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m ³)	No national standards	
Sulfates	24-hour	25 µg/m ³		
Vinyl chloride ^f	24-hour	0.01 ppm (26 µg/m ³)		
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km		

Notes: µg/m³ = micrograms per cubic meter; CAAQS = California ambient air quality standards; km = kilometers; mg/m³ = milligrams per cubic meter; NAAQS = national ambient air quality standards; ppb = parts per billion; ppm = parts per million.

^a California standards for ozone, carbon monoxide, SO₂ (1- and 24-hour), NO₂, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

^b Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; "ppm" in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

^c National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. The PM₁₀ 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. The PM_{2.5} 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact the US Environmental Protection Agency for further clarification and current federal policies.

^d National primary standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

^e National secondary standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

^f The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

^g In areas designated nonattainment for the lead standards before the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m³ as a calendar quarterly average) also remain in effect.

Sources: CARB 2016; EPA 2022a.

Hazardous Air Pollutants and Toxic Air Contaminants

TACs or, in federal parlance, HAPs, are a defined set of airborne pollutants that may pose a present or potential hazard to human health. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

A wide range of sources, from industrial plants to motor vehicles, emit TACs. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects, such as cancer, birth defects, neurological damage, asthma, bronchitis, and genetic damage, or short-term acute effects, such as eye watering, respiratory irritation (a cough), runny nose, throat pain, and headaches.

For evaluation purposes, TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to the pollutant. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. This contrasts with CAPs, for which acceptable levels of exposure can be determined and for which the ambient standards have been established (Table 4.4-1). Cancer risk from TACs is expressed as excess cancer cases per one million exposed individuals, typically over a lifetime of exposure.

EPA regulates HAPs through its National Emission Standards for Hazardous Air Pollutants. The standards for a particular source category require the maximum degree of emission reduction that EPA determines to be achievable, which is known as the Maximum Achievable Control Technology standards. These standards are authorized by Section 112 of the 1970 CAA, and the regulations are published in 40 CFR Parts 61 and 63.

STATE

The California Air Resources Board (CARB) is the agency responsible for providing coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA). The CCAA, which was adopted in 1988, required CARB to establish the California Ambient Air Quality Standards (CAAQS) (Table 4.4-1).

Criteria Air Pollutants

CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned CAPs. In most cases, the CAAQS are more stringent than the NAAQS. Differences in the standards are generally explained by the health effects studies considered during the standard-setting process and the interpretation of the studies. In addition, the CAAQS incorporate a margin of safety to protect sensitive individuals.

The CCAA requires that all local air districts in the state endeavor to attain and maintain the CAAQS by the earliest date practical. It specifies that local air districts should focus particular attention on reducing the emissions from transportation and areawide emission sources. The CCAA also provides air districts with the authority to regulate indirect sources.

Toxic Air Contaminants

Toxic air contaminants (TACs) in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (Hot Spots Act) (AB 2588, Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are required before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted EPA's list of HAPs as TACs. Most recently, particulate matter (PM) exhaust from diesel engines (diesel PM) was added to CARB's list of TACs.

After a TAC is identified, CARB then adopts an airborne toxics control measure for sources that emit that particular TAC. If a safe threshold exists for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate best available control technology for toxics to minimize emissions.

The Hot Spots Act requires that existing facilities that emit toxic substances above a specified level prepare an inventory of toxic emissions, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

AB 617 of 2017 aims to help protect air quality and public health in communities around industries subject to the state's cap-and-trade program for greenhouse gas (GHG) emissions. It imposes a new state-mandated local program to address nonvehicular sources (e.g., refineries, manufacturing facilities) of CAPs and TACs. The bill requires CARB to identify high-pollution areas and directs air districts to focus air quality improvement efforts through adoption of community emission reduction programs in these identified areas. Currently, air districts review individual sources and impose emissions limits on emitters based on best available control technology, pollutant type, and proximity to nearby existing land uses. This bill addresses the cumulative and additive nature of air pollutant health effects by requiring community-wide air quality assessment and emission reduction planning.

CARB has adopted diesel exhaust control measures and more stringent emissions standards for various transportation-related mobile sources of emissions, including transit buses, and off-road diesel equipment (e.g., tractors, generators). Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially lower levels of TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1-3-butadiene, diesel PM) have been reduced substantially over the last decade and will be reduced further in California through a progression of regulatory measures (e.g., Low Emission Vehicle/Clean Fuels and Phase II reformulated gasoline regulations) and control technologies. Adopted regulations are also expected to continue to reduce formaldehyde emissions emitted by cars and light-duty trucks. As emissions are reduced, it is expected that risks associated with exposure to the emissions will also be reduced.

LOCAL

At the local level, responsibilities of air quality districts include overseeing stationary-source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required by CEQA. The air quality districts are also responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws and for ensuring that the NAAQS and CAAQS are met.

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan serves as a blueprint for future development and supportive infrastructure in the inland areas of the County. It presents goals and policies that guide the general distribution and intensity of land uses, including residential, agricultural, commercial and industrial, public facilities, and open space uses, in the County. The following goal and policies from the Conservation and Open Space Element (Monterey County 2020) pertaining to air quality are relevant to the project:

GOAL OS-10-1: Provide for the protection and enhancement of Monterey County's air quality without constraining routine and ongoing agricultural activities.

- ▶ **Policy OS-10.1:** Land use policy and development decisions shall be consistent with the natural limitations of the County's air basins.
- ▶ **Policy OS-10.2:** Mass transit, bicycles, pedestrian modes of transportation, and other transportation alternatives to automobiles shall be encouraged.
- ▶ **Policy OS-10.3:** Monterey County shall promote conservation of naturally vegetated and forested areas for their air purifying functions.
- ▶ **Policy OS-10.4:** Monterey County shall encourage concentrating industrial and commercial development in areas that are more easily served by public transit.
- ▶ **Policy OS-10.5:** Mixed land uses that reduce the need for vehicular travel shall be encouraged.

- ▶ **Policy OS-10.6:** The Monterey Bay Unified Air Pollution Control District's air pollution control strategies, air quality monitoring, and enforcement activities shall be supported.
- ▶ **Policy OS-10.7:** Use of the best available technology for reducing air pollution emissions shall be encouraged.
- ▶ **Policy OS-10.8:** Air quality shall be protected from naturally occurring asbestos by requiring mitigation measures to control dust and emissions during construction, grading, quarrying, or surface mining operations. This policy shall not apply to Routine and Ongoing Agricultural Activities except as required by state and federal law.
- ▶ **Policy OS-10.9:** The County of Monterey shall require that future development implement applicable Monterey Bay Unified Air Pollution Control District control measures. Applicants for discretionary projects shall work with the Monterey Bay Unified Air Pollution Control District to incorporate feasible measures that assure that health-based standards for diesel particulate emissions are met. The County of Monterey will require that future construction operate and implement MBUAPCD [respirable particulate matter with an aerodynamic diameter of 10 micrometers or less is referred] PM₁₀ control measures to ensure that construction-related PM₁₀ emissions do not exceed the MBUAPCD's daily threshold for PM₁₀. The County shall implement MBUAPCD measures to address off-road mobile source and heavy duty equipment emissions as conditions of approval for future development to ensure that construction-related [oxides of nitrogen] NO_x emissions from non-typical construction equipment do not exceed the MBUAPCD's daily threshold for NO_x.
- ▶ **Policy OS-10.10:** In the design of future development within Community Areas and Rural Centers, the following sustainable land use strategies shall be considered to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people:
 - Take an integrated approach to siting, design, and operation of buildings and infrastructure
 - Incorporate multiple-uses for infrastructure (e.g., recreational fields designed to capture stormwater and reduce urban runoff)
 - Design development to take advantage of solar orientation
 - Recycle brownfield sites
 - Employ individual and systematic water conservation measures (e.g., native vegetation, bioswales, graywater reuse, high efficiency appliances)
 - Promote Transit Oriented Development (TOD) to increase mobility and reduce auto dependency
 - Provide preferential carpool/vanpool parking spaces
 - Implement a parking surcharge for single occupant vehicles
 - Provide for shuttle/mini bus service
 - Provide bicycle storage/parking facilities and shower/locker facilities
 - Provide onsite child care centers
 - Provide transit design features within the development
 - Develop park-and-ride lots
 - Employ a transportation/rideshare coordinator
 - Implement a rideshare program
 - Provide incentives to employees to rideshare or take public transportation
 - Implement compressed work schedules
 - Implement telecommuting program
 - Provide bicycle paths within major subdivisions that link to an external network

- Provide pedestrian facilities within major subdivisions
- Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.

Future development shall be designed to maximize energy efficiency to the extent feasible and accommodate energy infrastructure (i.e., transmission lines, power plants and pipelines, and fueling stations), including the potential for distributed renewable generation.

- ▶ **Policy OS-10.11** (currently underway): The County of Monterey shall develop a community climate action plan and the Board of Supervisors shall target considering adoption of the plan. Staff shall diligently pursue completion of the plan and regularly update the Board on the progress of the plan preparation. This plan shall have a target to reduce emissions by 2030 to a level that is 40% less than 1990 emission levels. This plan should include environmental justice considerations including the impact of climate change and adaptation strategies on Disadvantaged Communities, as that term is defined in Government Code Section 65302(h)(4)(A), low-income and/or under-resourced communities, communities of color, and/or indigenous peoples as necessary.

At a minimum, the Plan shall:

- a. Establish a current inventory of GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial, and agricultural emissions;
- b. Review progress made between 2010 and 2020 to reduce GHG emissions;
- c. Forecast GHG emissions for 2030 for County operations;
- d. Forecast GHG emissions for areas within the jurisdictional control of the County for "business as usual" conditions;
- e. Identify strategies to reduce and sequester GHG emissions and set performance indicators for each strategy;
- f. Quantify the reductions in GHG emissions from the identified strategies and evaluate the social and health impacts that may result from their implementation;
- g. Quantify carbon sequestration in agricultural soils and crops;
- h. Establish requirements for monitoring and reporting of indicators;
- i. Establish a schedule of actions for implementation;
- j. Identify funding sources for implementation; and
- k. Identify a reduction goal for the 2045.

During preparation of the community climate action plan, the County shall also evaluate potential options for incorporating changes in County policies within the General Plan including, but not limited to, those regarding health and safety, land use, and circulation, as necessary, as well as the Hazard Mitigation Plan to further achieve the 2030 and 2045 reduction goals. The County shall also consider measures to promote public awareness of climate change and strategies to mitigate the effects of climate change. The County shall continue planning for adaptation due to climate change.

- ▶ **Policy OS-10.12:** Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following technologies, strategies, or their functional equivalent:
 - All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system.
 - All new commercial buildings shall meet requirements of the LEED rating system for commercial buildings or an equivalent rating system.

- All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system.
 - The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more.
 - Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, bicycles, and alternative fuel vehicles shall be provided for new commercial and institutional developments.
 - New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means.
- ▶ **Policy OS-10.13:** The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance that will:
- identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas;
 - consider the potential need for exemption from other General Plan policies concerning visual resources, ridgeline protection, or biological resources;
 - evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and
 - adopt measures to protect renewable energy resources, such as utility easement, right-of-way, and land set-asides, as well as visual and biological resources.

The County shall also complete the following:

- Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.
 - If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use.
 - The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use.
- ▶ **Policy OS-10.14:** The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM₁₀ emissions to less than 50% of the statewide PM₁₀ emissions average for comparable equipment.
- ▶ **Policy OS-10.15:** Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:
- an energy tracking and management system;
 - energy-efficient lighting;
 - lights-out-at-night policy;
 - occupancy sensors;

- heating, cooling and ventilation system retrofits;
- ENERGY STAR appliances
- green or reflective roofing;
- improved water pumping energy efficiency;
- central irrigation control system;
- energy-efficient vending machines;
- preference for recycled materials in purchasing;
- use of low or zero-emission vehicles and equipment
- recycling of construction materials in new county construction;
- solar roofs; and
- conversion of fleets (as feasible) to:
 - Electric vehicles,
 - Ultra Low-Emission vehicles,
 - Methanol fleet vehicles,
 - Liquid propane gas fleet vehicles, or
 - Compressed natural gas fleet vehicles

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address wildfire risk in the coastal areas of the County (Monterey County 1982). The following policies from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 20.1.1.** The County's land use and development policies shall be integrated and consistent with the natural limitations of the County's air basins.
- ▶ **Policy 20.2.2.** The County shall adopt and support, as a minimum, the Air Quality Plan for the Monterey Bay Region as prepared by the Association of Monterey Bay Area Governments.
- ▶ **Policy 20.2.4.** The County should operate in accordance with current regional, state, and federal air quality standards.
- ▶ **Policy 20.2.5.** The County shall encourage the use of the best available control technology as defined in the most current Monterey Bay Unified Air Pollution Control District rules and regulations in reducing air pollution emissions.

Monterey Bay Air Resources District

The Monterey Bay Air Resources District (MBARD) is responsible for air monitoring, permitting, enforcement, long-range air quality planning, regulatory development, education, and public information activities related to air pollution. MBARD has air quality jurisdiction over the North Central Coast Air Basin (NCCAB), composed of Monterey, Santa Cruz, and San Benito Counties.

The NCCAB is in nonattainment status for state PM₁₀ standards but is considered in attainment for all other CAAQS and NAAQS (CARB 2021a). The most recent air quality plan for the region is the *2012–2015 Air Quality Management Plan* (2016 AQMP). The 2016 AQMP documents MBARD's progress toward attaining the state ozone standard (which was achieved in 2020). The 2005 Particulate Matter Plan contains the district's plan for implementing Senate Bill 656 and achieving attainment of the state's PM₁₀ standards. MBARD has developed various rules to reduce emissions and implement its programs and regulations. The project may be subject to the following MBARD rules:

- ▶ **Rule 400** – Visible Emissions: Limits visible emissions from sources within the district.
- ▶ **Rule 402** – Nuisances: Prohibits sources from creating public nuisances while operating within the district.
- ▶ **Rule 403** – Particulate Matter: Provides particulate matter emission limits for sources operating within the district.
- ▶ **Rule 404** – Sulfur Compounds and Nitrogen Oxides: Limits emissions of sulfur compounds, nitrogen oxides, and nitrogen dioxide from sources within the district.
- ▶ **Rule 1000** – Permit Guidelines and Requirements for Source Emitting Toxic Air Contaminants.

4.4.2 Environmental Setting

The project area is located in the NCCAB, which encompasses Monterey, Santa Cruz, and San Benito Counties. The ambient concentrations of air pollutant emissions in the air basin are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources, as discussed separately below.

CLIMATE, METEOROLOGY, AND TOPOGRAPHY

The NCCAB encompasses an area of more than 5,100 square miles, with Monterey County covering more than 3,320 square miles. The air basin is situated downwind of the San Francisco Bay Area Air Basin (SFBAAB). Ozone tends to be a seasonal pollutant that develops primarily in summer, when the sunlight is strongest. Peak ozone concentrations follow the typical May through October seasonal pattern seen elsewhere in the state. Transport of ozone precursor emissions from the SFBAAB plays a dominant role in ozone concentrations measured in San Benito and Santa Cruz Counties (MBARD 2017).

The northwest sector of the basin is dominated by the Santa Cruz Mountains. The Diablo Range marks the northeastern boundary, and together with the southern extent of the Santa Cruz Mountains, it forms the Santa Clara Valley, which extends into the northeastern tip of the basin. Farther south, the Santa Clara Valley evolves into the San Benito Valley, which runs northwest-southeast and has the Gabilan Range as its western boundary. West of the Gabilan Range is the Salinas Valley, which extends from Salinas at its northwestern end to King City at its southeastern end. The western side of the Salinas Valley is formed by the Sierra de Salinas, which also forms the eastern side of the smaller Carmel Valley. The coastal Santa Lucia Range defines the western side of the Carmel Valley (MBARD 2008).

The semipermanent high-pressure cell in the eastern Pacific Ocean is the basic controlling factor in the climate of the air basin. In summer, the high-pressure cell is dominant and causes persistent west and northwest winds over the entire California coast. Air descends in the Pacific Ocean, forming a stable temperature inversion of hot air over a cool coastal layer of air. The onshore air currents pass over cool ocean waters to bring fog and relatively cool air into the coastal valleys. The warmer air aloft acts as a lid to inhibit vertical air movement. The generally northwest-southeast orientation of mountainous ridges tends to restrict and channel the summer onshore air currents. Surface heating in the interior portion of the Salinas and San Benito Valleys creates a weak low pressure that intensifies the onshore air flow during the afternoon and evening. In the fall, the surface winds become weak, and the marine layer grows shallow, dissipating altogether on some days. The air flow is occasionally reversed in a weak offshore movement, and the relatively stationary air mass is held in place by the high pressure cell, which allows pollutants to build up over a period of a few days. It is most often during this season that the north or east winds develop to transport pollutants from either the San Francisco Bay Area or the Central Valley into the NCCAB. During the winter, the Pacific High migrates southward and has less influence on the air basin. Air frequently flows in a southeasterly direction out of the Salinas and San Benito Valleys, especially during night and morning hours. Northwest winds are nevertheless still dominant in winter, but easterly flow is more frequent. The general absence of deep, persistent inversions and the occasional storm systems usually result in good air quality for the basin as a whole in winter and early spring (MBARD 2008).

Monterey Bay is a 25-mile-wide inlet that allows marine air at low levels to penetrate the interior. The Salinas Valley is a steep-sloped coastal valley that opens out on Monterey Bay and extends southeastward with mountain ranges of 2,000–3,000 feet in elevation on either side. The broad area of the valley floor near the mouth is 25 miles wide, narrowing to about 6 miles wide at Soledad, which is 40 miles inland, and narrowing to 3 miles wide at King City, which is about 60 miles from the coast. At Salinas, near the northern end of the valley, west and northwest winds occur about half the time during the year. Although the summer coastal stratus rarely extends beyond Soledad, the extended sea breeze, which consists of warmer and drier air currents, frequently reaches far down the Salinas Valley. In the southern end of the valley, which extends into the South Central Coast Air Basin to Paso Robles, winds are generally weaker most of the year except during storm periods (MBARD 2008).

Local meteorology is monitored at various locations in Monterey County. Measurements recorded at the Western Regional Climate Center station in the City of Monterey (Station 045795), summarized here, are assumed to represent the typical meteorology in the project area. Over the period of record, the average annual precipitation is approximately 19.7 inches (WRCC 2012a). January temperatures range from an average minimum of 43.4°F to an average maximum of 59.9°F, and July temperatures range from an average minimum of 51.9°F to an average maximum of 67.5°F (WRCC 2012b). The prevailing wind is 6.2 miles per hour, and wind direction is out of the west (WRCC 2023a, 2023b).

CRITERIA AIR POLLUTANTS

Concentrations of CAPs are used to indicate the quality of the ambient air. A brief description of the key CAPs of concern in the NCCAB is provided below. Emission source types and health effects for all CAPs are summarized in Table 4.4-2. Monitoring data and NCCAB attainment status are discussed below.

Ozone

Ozone is a photochemical oxidant (a substance whose oxygen combines chemically with another substance in the presence of sunlight) and the primary component of smog. Ozone is not directly emitted into the air but is formed through complex chemical reactions between precursor emissions of reactive organic gases (ROG) and NO_x in the presence of sunlight. ROG are volatile organic compounds that are photochemically reactive. ROG emissions result primarily from incomplete combustion and the evaporation of chemical solvents and fuels. NO_x are a group of gaseous compounds of nitrogen and oxygen that result from the combustion of fuels.

Emissions of the ozone precursors ROG and NO_x decreased between 2000 and 2010 because of more stringent motor vehicle standards and cleaner-burning fuels, and they are projected to continue decreasing from 2010 to 2035 (CARB 2013).

Nitrogen Dioxide

Nitrogen dioxide (NO_2) is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO_2 are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO_2 . The combined emissions of NO and NO_2 are referred to as NO_x and are reported as equivalent NO_2 . Because NO_2 is formed and depleted by reactions associated with photochemical smog (ozone), the NO_2 concentration in a particular geographical area may not be representative of the local sources of NO_x emissions (EPA 2012).

Particulate Matter

Respirable particulate matter with an aerodynamic diameter of 10 micrometers or less is referred to as PM_{10} . PM_{10} consists of particulate matter emitted directly into the air, such as fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires and natural windblown dust, and particulate matter formed in the atmosphere by reaction of gaseous precursors (CARB 2013). Fine particulate matter ($\text{PM}_{2.5}$) is a subgroup of smaller particles that have an aerodynamic diameter of 2.5 micrometers or less.

Direct emissions of PM₁₀ in California have increased slightly over the last 20 years and are projected to increase slightly through 2035. Emissions of PM_{2.5} are dominated by several of the same sources as emissions of PM₁₀, but are more greatly influenced by combustion sources (CARB 2013).

Table 4.4-2 Sources and Health Effects of Criteria Air Pollutants

Pollutant	Sources	Acute ¹ Health Effects	Chronic ² Health Effects
Ozone	Secondary pollutant resulting from reaction of ROG and NO _x in presence of sunlight. ROG emissions result from incomplete combustion and evaporation of chemical solvents and fuels; NO _x results from the combustion of fuels.	Increased respiration and pulmonary resistance; cough, pain, shortness of breath, lung inflammation	Permeability of respiratory epithelia, possibility of permanent lung impairment
Carbon monoxide (CO)	Incomplete combustion of fuels; motor vehicle exhaust	Headache, dizziness, fatigue, nausea, vomiting, death	Permanent heart and brain damage
Nitrogen dioxide (NO ₂)	Combustion devices (e.g., boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines)	Coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis, or pulmonary edema; breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, death	Chronic bronchitis, decreased lung function
Sulfur dioxide (SO ₂)	Coal and oil combustion, steel mills, refineries, and pulp and paper mills	Irritation of upper respiratory tract, increased asthma symptoms	Insufficient evidence linking SO ₂ exposure to chronic health impacts
Respirable particulate matter (PM ₁₀), fine particulate matter (PM _{2.5})	Fugitive dust, soot, smoke, mobile and stationary sources, construction, fires and natural windblown dust, and formation in the atmosphere by condensation and/or transformation of SO ₂ and ROG	Breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, premature death	Alterations to the immune system, carcinogenesis
Lead	Metal processing	Reproductive/developmental effects (fetuses and children)	Numerous effects, including neurological, endocrine, and cardiovascular effects

Notes: NO_x = oxides of nitrogen; ROG = reactive organic gases.

¹ "Acute" refers to effects of short-term exposures to criteria air pollutants, usually at fairly high concentrations.

² "Chronic" refers to effects of long-term exposures to criteria air pollutants, usually at lower, ambient concentrations.

Source: EPA 2022b.

MONITORING STATION DATA AND ATTAINMENT DESIGNATIONS

Ambient air quality is monitored at seven permanent stations in the NCCAB. Six stations are operated by MBARD, and one station, at Pinnacles National Park, is operated by the National Park Service. There are three monitoring stations in Monterey County.

Table 4.4-3 summarizes the air quality data from the last 3 years of available data (2019–2021). Data are summarized for the entire NCCAB. Both CARB and EPA use this type of monitoring data to designate areas according to their attainment status for CAPs.

Attainment designations for the NCCAB are summarized in Table 4.4-4. As noted, the NCCAB is in attainment status for all NAAQS but is currently designated as a nonattainment area for the CAAQS for PM₁₀.

Table 4.4-3 Summary of Annual Data on Ambient Air Quality (2019–2021)¹

	2019	2020	2021
Ozone			
Maximum concentration (1-hr/8-hr avg, ppm)	0.079/0.067	0.090/0.074	0.078/0.070
Number of days state standard exceeded (1-hr/8-hr)	0/0	0/3	0/1
Number of days national standard exceeded (8-hr)	0	4	1
Highest 8-Hour national design value (0.070 NAAQS)	0.064	0.065	0.066
Fine Particulate Matter (PM_{2.5})			
Maximum 24-hour concentration (µg/m ³)	53.0	387.8	27.2
Annual Average concentration (µg/m ³)	6.5	11.0	6.7
Number of days national standard exceeded (24-hour measured)	1	22	0
Respirable Particulate Matter (PM₁₀)			
Maximum 24-hour concentration (µg/m ³)	130.7	238.6	130.0
Annual Average concentration (µg/m ³)	19.7	26.8	24.0
Number of days state standard exceeded	-	-	13
Number of days national standard exceeded (estimated days)	0.0	2.7	0.0

Notes: µg/m³ = micrograms per cubic meter; ppm = parts per million; - = data not available.

¹ Measurements are the maximum of the monitoring locations within the North Central Coast Air Basin. An exceedance of a standard is not necessarily related to a violation of the standard. Ozone attainment for the NAAQS is based on the design value.

Source: CARB 2023a.

Table 4.4-4 Attainment Status Designations for the North Central Coast Air Basin

Pollutant	National Ambient Air Quality Standard	California Ambient Air Quality Standard
Ozone	Attainment (1-hour)	Attainment (1-hour) ¹
	Attainment (8-hour)	Attainment (8-hour)
Respirable particulate matter (PM ₁₀)	Attainment (24-hour)	Nonattainment (24-hour)
		Nonattainment (annual)
Fine particulate matter (PM _{2.5})	Attainment (24-hour)	(No state standard for 24-Hour)
	Attainment (annual)	Attainment (annual)
Carbon monoxide (CO)	Attainment (1-hour)	Attainment (1-hour)
	Attainment (8-hour)	Attainment (8-hour)
Nitrogen dioxide (NO ₂)	Unclassified/Attainment (1-hour)	Attainment (1-hour)
	Unclassified/Attainment (annual)	Attainment (annual)
Sulfur dioxide (SO ₂)	(Attainment Pending) (1-Hour)	Attainment (1-hour)
		Attainment (24-hour)
Lead (particulate)	Attainment (3-month rolling average)	Attainment (30-day average)
Hydrogen sulfide	No federal standard	Unclassified (1-hour)
Sulfates		Attainment (24-hour)
Visibility-reducing particles		Unclassified (8-hour)
Vinyl chloride		Unclassified (24-hour)

Notes:

¹ The North Central Coast Air Basin (which includes Monterey County) was designated as Nonattainment-Transitional Air Quality in 2017 (based on 2014–2016 data) and was redesignated as Attainment in 2020 (based on 2017–2019 data). The North Central Coast Air Basin remains designated as an Attainment area for Ozone CAAQS (CARB 2018, 2021b, 2022).

Sources: CARB 2023a; EPA 2023.

TOXIC AIR CONTAMINANTS

TACs are air contaminants that “may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health” (CARB 2023b). Many pollutants are identified as TACs because of their potential to increase the risk of developing cancer or their acute or chronic health risks. Individual TACs vary greatly in the risk they present. At a given level of exposure, one TAC may pose a hazard that is many times greater than another.

There are no federal or state standards for allowable ambient concentrations of TACs. However, for TACs that are known or suspected carcinogens, CARB has consistently found that there are no levels or thresholds below which exposure is risk-free. For certain TACs, a unit risk factor can be developed to evaluate cancer risk. For acute and chronic health risks, a similar factor called a hazard index is used to evaluate risk.

ODORS

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person’s reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

With respect to odors, the human nose is the sole sensing device. The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals can smell minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; an odor that is offensive to one person may be perfectly acceptable to another (e.g., fast food restaurant). It is important to also note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition occurs only with an alteration in the intensity. Typical sources of odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (MBARD 2008).

SENSITIVE RECEPTORS

A sensitive receptor is defined by MBARD as any residence, including private homes, condominiums, apartments, and living quarters; education resources, such as preschools and K–12 schools; daycare centers; and health care facilities, such as hospitals or retirement and nursing homes. A sensitive receptor includes long-term care hospitals, hospices, prisons, and dormitories or similar live-in housing. Proper siting of a new land use can minimize or eliminate significant impacts on local or regional air quality (MBARD 2008).

4.4.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Air quality impact analyses typically evaluate the potential air quality effects associated with construction and operation of a proposed project. In this case, the project consists of three draft ordinances that would amend the Monterey County Code for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. The regulations would limit establishment of vacation rentals to existing, legally established dwellings and allow up to 6 percent of dwelling units per land use planning area, with the exception of Big Sur Coast Land Use Plan Area and low density residential zoning districts within the Carmel Land Use Plan Area, to be used as commercial vacation rentals. No specific development or construction is proposed for any of the draft ordinances. The project would put a cap, where none currently exists, on the number of vacation rental properties permitted throughout the unincorporated areas of Monterey County.

As noted in other sections of this EIR (see Section 4.10, "Transportation," and Section 4.6, "Greenhouse Gas Emissions and Climate Change") it is not feasible to quantify the potential emission changes associated with implementation of the project relative to baseline conditions, because activity data for vacation rentals, such as trip lengths and utility consumption, are unavailable. This is discussed in more detail in the analysis below. Therefore, consistent with the State CEQA Guidelines Sections 15064.3(b)(3) and 15064.4(a), the analysis herein is qualitative in addressing the potential air quality impacts associated with project implementation.

THRESHOLDS OF SIGNIFICANCE

An air quality impact would be significant if implementation of the project would:

- ▶ Conflict with or obstruct implementation of the applicable air quality plan,
- ▶ Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard,
- ▶ Expose sensitive receptors to substantial pollutant concentrations, or
- ▶ Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Appendix G of the State CEQA Guidelines further indicates that the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make significance determinations. MBARD has adopted thresholds for regional and localized air pollutants to assist lead agencies in determining the significance of environmental effects with respect to local attainment of CAAQS and NAAQS.

MBARD's numerical thresholds for evaluating construction and operational criteria pollutant emissions are presented in Table 4.4-5. Projects that result in emissions in excess of these established thresholds are expected to have a significant cumulative impact on regional air quality because an exceedance of the threshold is anticipated to contribute to CAAQS and NAAQS violations. These thresholds are shown for context. Implementing the project would not have any construction activities, and, as stated above, quantifying operation-related air emissions is not feasible.

Table 4.4-5 Monterey Bay Air Resources District Air Quality Thresholds

Phase	ROG	NO _x	CO	PM ₁₀	SO ₂
Construction	—	—	—	82 ¹	—
Operations	137 ²	137 ²	550 ¹	82 ²	150 ¹

Notes: CO = carbon monoxide; NO_x = oxides of nitrogen; PM₁₀ = respirable particulate matter; ROG = reactive organic gases; SO₂ = sulfur dioxide.

¹ Indirect sources only. Indirect emissions result from mobile sources that access the project area but generally emit off-site, whereas direct emissions are emitted on-site (e.g., stationary sources, on-site mobile equipment).

² Indirect and direct sources are included.

Source: MBARD 2008.

MBARD provided guidance for evaluating impacts from TACs in its 2008 CEQA Air Quality Guidelines. According to MBARD guidance, construction equipment or processes could result in significant impacts if emissions at a sensitive receptor were to exceed the adopted threshold, as based on the best available data, or result in a cancer risk greater than one incident per 100,000. Operational equipment or processes would not result in significant air quality impacts if they comply with MBARD Rule 1000, which applies to any source that requires a permit to construct or operate, pursuant to MBARD Regulation II, and has the potential to emit carcinogenic or noncarcinogenic TACs. The rule also requires sources of carcinogenic TACs to install best available control technology and reduce the cancer risk to less than one incident per 100,000 (MBARD 2008).

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.4-1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan or Result in Emissions That Exceed Thresholds

Implementation of the proposed regulations would be consistent with the growth projections in the 2016 AQMP and would not result in new construction. Because the project would be consistent with the 2016 AQMP and would not result in emission sources that exceed thresholds, it would be consistent with the applicable air quality plans and would not result in a cumulatively considerable net increase of any criteria pollutant. Therefore, this impact would be **less than significant**.

The MBARD prepares AQMPs that address attainment of air quality standards, including the attainment of the ozone CAAQS. These air quality plans accommodate growth by projecting growth in emissions based on different indicators. For example, population forecasts adopted by the Association of Monterey Bay Area Governments are used to forecast population-related emissions. Through the planning process, emission growth is offset by basinwide controls on stationary, area, and transportation sources of air pollution (MBARD 2008).

Projects that are not consistent with the 2016 AQMP have not been accommodated in the AQMP and would have a significant cumulative impact on regional air quality unless emissions are totally offset. A proposed residential project that increases population is consistent with the AQMP if the population increase resulting from the project would not cause the estimated cumulative population (i.e., existing population plus population from locally approved and unconstructed projects) to exceed forecasts for the next 5-year increment. Projects that would not result in population growth (e.g., hotels, motels) are evaluated on a case-by-case basis for consistency (MBARD 2008).

Implementing the proposed regulations would not result in any population growth or long-term emission sources. The proposed regulations would provide definitions for terms not already defined, state in which zoning districts vacation rentals would be authorized and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The proposed regulations would not authorize or facilitate any new development that would result in population growth. Instead, they would establish a countywide cap on the number of active vacation rental permits that may exist at any given time.

It should be noted that implementing the project would not incentivize or necessarily increase the use of vacation rental properties. As shown in Table 2-1 in Chapter 2, "Project Description," the number of currently reported vacation rental listings (825 units) is less than what the estimated allowable 6-percent cap would ultimately allow (2,018 units). An increase in the number of listings could ultimately increase the amount of activity and emission sources associated with vacation rental use, including VMT associated with renters traveling to the project area from local and regional areas and traveling in the area during their stay, as well as increase energy use associated with increase rental unit occupancy. However, implementing the project would not increase population, nor would it result in new emission sources that would exceed the emission growth assumed in the AQMP and emission forecast.

Based on available data and information, it is not possible to accurately quantify changes to emissions related to the project. However, it is possible that vacation rental-related activity would increase as a result of implementing the project. It is assumed that most vacation rentals would function as temporary households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. VMT may increase as a result of the project because renters travel from out of town to use the rentals. Some of the VMT increase may be offset because traditional residential use would include full time occupation of a home (and VMT would be generated daily) rather than on a fractional basis associated with vacation rentals (with VMT generated only on those days when the units are rented). As discussed in Section 4.10 (Transportation), estimating VMT changes is speculative.

As discussed above, the project would not involve development of any kind. Therefore, no construction activity and associated emissions would occur. Operationally, it is assumed that most vacation rentals would function as households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. In addition, it is assumed that permanent residential utility and energy consumption would be replaced by utility and energy consumption by guests staying at the properties. Although there are no default land uses for

vacation rentals in standard air quality models, the utility consumption associated with a hotel land use (the land use that most closely resembles a vacation rental) is similar to that associated with residential units on a per-unit basis (when comparing a single residential dwelling unit to a single hotel room). Thus, assuming that the activity of guests staying at rental properties would replace the activity of residential households, there would be no increase in overall emissions in the project area.

Because implementing the project would not result in an increase in population or long-term emissions beyond what has been planned for in the 2016 AQMP, indirect emissions associated with the project are deemed to be consistent with the AQMP. The project would not directly conflict with any control measures identified in the AQMP and would not conflict with or otherwise obstruct implementation of the AQMP. Moreover, implementing the project would not result in new emissions that exceed MBARD numerical thresholds. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 4.4-2: Expose Sensitive Receptors to Substantial Pollutant Concentrations or Other Emissions (Including Odors)

Implementing the project would not result in the construction or operation of any new land use development. It also would not introduce any uses identified as being associated with odors. Therefore, implementing the project would not result in exposure of sensitive receptors to TAC emissions or odors. This impact would be **less than significant**.

Typically, land use development projects contribute to localized air pollutant emissions during construction and operational activities. Project construction typically emits TACs, specifically diesel particulate matter, through the use of diesel-powered equipment and trucks. Operation of typical land use development is not associated with long-term sources of TACs. Moreover, land uses associated with odor complaints typically include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (MBARD 2008).

As noted above, implementing the project would not result in any new construction. In addition, operational uses of vacation rentals would be similar to typical residential uses, limited to motor vehicle travel, some gas combustion for space and water heating, and other minor sources of emissions typical in residential areas. In addition, the project does not include any uses identified by MBARD as being associated with odors and therefore would not produce objectionable odors. Thus, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

4.5 ENERGY

This section was prepared pursuant to State CEQA Guidelines Section 15126 and Appendix F of the guidelines, which require that EIRs include a discussion of the potential energy impacts of projects. The analysis considers whether implementing the project would result in the inefficient, wasteful, and unnecessary consumption of energy.

Some comments regarding energy use were received in response to the notice of preparation for this EIR. These comments are addressed, as appropriate, in this section. See Appendix A of this EIR for all notice of preparation comments received.

4.5.1 Regulatory Setting

Energy conservation is embodied in many federal, state, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., certification by the US Environmental Protection Agency's [EPA's] ENERGY STAR program) and to transportation (e.g., fuel efficiency standards). At the state level, CCR Title 24 sets forth energy standards for buildings. Further, the state provides rebates and tax credits to encourage installation of renewable energy systems and established the Flex Your Power program to promote energy conservation. At the local level, individual cities and counties establish policies in their general plans and climate action plans related to the energy efficiency of new development and land use planning and to the use of renewable energy sources.

FEDERAL

Energy Policy and Conservation Act, and CAFE Standards

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Pursuant to this act, the National Highway Traffic and Safety Administration, part of the US Department of Transportation (DOT), is responsible for revising existing fuel economy standards and establishing new vehicle economy standards.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the United States. EPA calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. The CAFE values are a weighted harmonic average of the EPA city and highway fuel economy test results. Based on information generated under the CAFE program, DOT is authorized to assess penalties for noncompliance. Under the Energy Independence and Security Act of 2007 (described below), the CAFE standards were revised for the first time in 30 years.

Energy Policy Act of 1992 and 2005

The Energy Policy Act of 1992 (EPAAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. It requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are provided under EPAAct. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 is designed to improve vehicle fuel economy and help reduce US dependence on oil. It represents a major step forward in expanding the production of renewable fuels, reducing dependence on oil, and confronting global climate change. The Energy Independence and Security Act of 2007 increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard that requires fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly fivefold increase over current levels, and it reduces US demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020—an increase in fuel economy standards of 40 percent.

By addressing renewable fuels and the CAFE standards, the Energy Independence and Security Act of 2007 builds on progress made by the Energy Policy Act of 2005 in setting out a comprehensive national energy strategy for the 21st century.

STATE

Warren-Alquist Act

The 1975 Warren-Alquist Act established the California Energy Resources Conservation and Development Commission, now known as the California Energy Commission (CEC). The act established state policy to reduce wasteful, uneconomical, and unnecessary uses of energy by employing a range of measures. The California Public Utilities Commission regulates privately owned utilities in the energy, rail, telecommunications, and water fields.

Energy Action Plan

CEC is responsible for preparing the state energy plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The current plan is the California Energy Action Plan (2008 update). The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assisting public agencies and fleet operators with implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, and encouraging urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to Assembly Bill (AB) 2076 (Chapter 936, Statutes of 2000), CEC and the California Air Resources Board (CARB) prepared and adopted a joint agency report in 2003, *Reducing California's Petroleum Dependence*. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and to 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and CARB 2003). Further, in response to CEC's 2003 and 2005 *Integrated Energy Policy Reports*, Governor Davis directed CEC to take the lead in developing a long-term plan to increase alternative fuel use.

A performance-based goal of AB 2076 was to reduce petroleum demand to 15 percent below 2003 demand by 2030.

Integrated Energy Policy Report

Senate Bill (SB) 1389 (Chapter 568, Statutes of 2002) required CEC to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The Energy Commission shall use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety" (PRC Section 25301[a]). This work culminated in preparation of the first Integrated Energy Policy Report (IEPR).

CEC adopts an IEPR every 2 years and an update every other year. The 2022 IEPR Update, which is the most recent IEPR, was adopted in February 2023. The 2022 IEPR Update provides a summary of priority energy issues currently facing the state, outlining strategies and recommendations to further the state's goal of ensuring reliable, affordable, and environmentally responsible energy sources. Energy topics covered in the report include progress toward

statewide renewable energy targets and issues facing future renewable development; efforts to increase energy efficiency in existing and new buildings; progress by utilities in achieving energy efficiency targets and potential; progress toward improving coordination among the state's energy agencies; efforts to streamline power plant licensing processes; results of preliminary forecasts of electricity, natural gas, and transportation fuel supply and demand; future energy infrastructure needs; the need for research and development efforts to statewide energy policies; and issues facing California's nuclear power plants (CEC 2023).

Legislation Associated with Electricity Generation

The state has passed multiple pieces of legislation requiring the increasing use of renewable energy to produce electricity for consumers. California's Renewable Portfolio Standard Program was established in 2002 (SB 1078) with the initial requirement that California utilities generate 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011), 52 percent by 2027 (SB 100 of 2018), 60 percent by 2030 (also SB 100 of 2018), and 100 percent by 2045 (also SB 100 of 2018). More detail about these regulations is provided in Section 4.6, "Greenhouse Gas Emissions and Climate Change."

Senate Bill 350: Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires a doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statutes of 2005) required CEC to prepare a state plan to increase the use of alternative fuels in California. CEC prepared the State Alternative Fuels Plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan presents strategies and actions that California must take to increase the use of nonpetroleum fuels in a manner that minimizes the costs to California and maximizes the economic benefits of in-state production. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuel use, reduce greenhouse gas (GHG) emissions, and increase in-state production of biofuels without causing a significant degradation to public health and environmental quality.

Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the California Energy Code. The code was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy-efficiency standards for residential and nonresidential buildings. CEC updates the California Energy Code every 3 years, typically including more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions.

The 2022 California Energy Code, which went into effect on January 1, 2023, advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, establishing electric-ready requirements when natural gas is installed, expanding solar photovoltaic system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers \$1.5 billion and reduce GHG emissions by 10 million metric tons of carbon dioxide equivalent over the next 30 years (CEC 2021).

California Green Building Standards Code (Title 24, Part 11)

The California Green Building Standards Code, also known as CALGreen, is a reach code (i.e., optional standards that exceed the requirements of mandatory codes) developed by CEC that provides green building standards for statewide residential and nonresidential construction. The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened sections pertaining to electric vehicle and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by state agencies for meeting the requirements of Executive Order B-18-12.

Legislation Associated with Greenhouse Gas Reduction

The state has passed legislation that aims to reduce GHG emissions. The legislation often has an added benefit of reducing energy consumption. SB 32 requires a statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. Executive Order S-3-05 sets a long-term target of reducing statewide GHG emissions by 80 percent below 1990 levels by 2050. CARB adopted the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) on December 16, 2022. The 2022 Scoping Plan traces the state's the pathway to achieve its carbon neutrality and an 85-percent reduction in 1990 emissions goal by 2045 using a combined top-down, bottom-up approach under various scenarios. It identifies the reductions needed by each GHG emission sector (e.g., transportation [including off-road mobile source emissions], industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste) to achieve these goals.

SB 375 aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. The Advanced Clean Cars program, approved by CARB, combines the control of GHG emissions and criteria air pollutants and the increase in the number of zero-emission vehicles into a single package of standards. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the Advanced Clean Cars II program, which sets sales requirements to help ensure that all new vehicles sold in the state by 2035 are zero-emission vehicles.

Implementation of the state's legislation associated with GHG reduction will have the co-benefit of reducing California's dependency on fossil fuel and making land use development and transportation systems more energy efficient.

More details about legislation associated with GHG reduction are provided in the "Regulatory Setting" section of Section 4.6, "Greenhouse Gas Emissions and Climate Change."

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan serves as a blueprint for future development and supportive infrastructure in the inland areas of the county. It presents goals and policies that guide the general distribution and intensity of land uses, including residential, agricultural, commercial and industrial, public facilities, and open space uses, in the County. The following goal and policies from the Conservation and Open Space Element (Monterey County 2020) are relevant to the project:

GOAL: OS-10-1: Provide for the protection and enhancement of Monterey County's air quality without constraining routine and ongoing agricultural activities.

- ▶ **Policy OS-10.1:** Land use policy and development decisions shall be consistent with the natural limitations of the County's air basins.
- ▶ **Policy OS-10.2:** Mass transit, bicycles, pedestrian modes of transportation, and other transportation alternatives to automobiles shall be encouraged.
- ▶ **Policy OS-10.3:** Monterey County shall promote conservation of naturally vegetated and forested areas for their air purifying functions.
- ▶ **Policy OS-10.4:** Monterey County shall encourage concentrating industrial and commercial development in areas that are more easily served by public transit.
- ▶ **Policy OS-10.5:** Mixed land uses that reduce the need for vehicular travel shall be encouraged.
- ▶ **Policy OS-10.6:** The Monterey Bay Unified Air Pollution Control District's air pollution control strategies, air quality monitoring, and enforcement activities shall be supported.
- ▶ **Policy OS-10.7:** Use of the best available technology for reducing air pollution emissions shall be encouraged.

- ▶ **Policy OS-10.10:** In the design of future development within Community Areas and Rural Centers, the following sustainable land use strategies shall be considered to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people:
 - Take an integrated approach to siting, design, and operation of buildings and infrastructure
 - Incorporate multiple-uses for infrastructure (e.g., recreational fields designed to capture stormwater and reduce urban runoff)
 - Design development to take advantage of solar orientation
 - Recycle brownfield sites
 - Employ individual and systematic water conservation measures (e.g., native vegetation, bioswales, graywater reuse, high efficiency appliances)
 - Promote Transit Oriented Development (TOD) to increase mobility and reduce auto dependency
 - Provide preferential carpool/vanpool parking spaces
 - Implement a parking surcharge for single occupant vehicles
 - Provide for shuttle/mini bus service
 - Provide bicycle storage/parking facilities and shower/locker facilities
 - Provide onsite child care centers
 - Provide transit design features within the development
 - Develop park-and-ride lots
 - Employ a transportation/rideshare coordinator
 - Implement a rideshare program
 - Provide incentives to employees to rideshare or take public transportation
 - Implement compressed work schedules
 - Implement telecommuting program
 - Provide bicycle paths within major subdivisions that link to an external network
 - Provide pedestrian facilities within major subdivisions
 - Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.

Future development shall be designed to maximize energy efficiency to the extent feasible and accommodate energy infrastructure (i.e., transmission lines, power plants and pipelines, and fueling stations), including the potential for distributed renewable generation.

- ▶ **Policy OS-10.11** (currently underway): The County of Monterey shall develop a community climate action plan and the Board of Supervisors shall target considering adoption of the plan. Staff shall diligently pursue completion of the plan and regularly update the Board on the progress of the plan preparation. This plan shall have a target to reduce emissions by 2030 to a level that is 40% less than 1990 emission levels. This plan should include environmental justice considerations including the impact of climate change and adaptation strategies on Disadvantaged Communities, as that term is defined in Government Code Section 65302(h)(4)(A), low-income and/or under-resourced communities, communities of color, and/or indigenous peoples as necessary.

At a minimum, the Plan shall:

- a. Establish a current inventory of GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial, and agricultural emissions;
- b. Review progress made between 2010 and 2020 to reduce GHG emissions;
- c. Forecast GHG emissions for 2030 for County operations;
- d. Forecast GHG emissions for areas within the jurisdictional control of the County for "business as usual" conditions;
- e. Identify strategies to reduce and sequester GHG emissions and set performance indicators for each strategy;
- f. Quantify the reductions in GHG emissions from the identified strategies and evaluate the social and health impacts that may result from their implementation;
- g. Quantify carbon sequestration in agricultural soils and crops;
- h. Establish requirements for monitoring and reporting of indicators;
- i. Establish a schedule of actions for implementation;
- j. Identify funding sources for implementation; and
- k. Identify a reduction goal for the 2045.

During preparation of the community climate action plan, the County shall also evaluate potential options for incorporating changes in County policies within the General Plan including, but not limited to, those regarding health and safety, land use, and circulation, as necessary, as well as the Hazard Mitigation Plan to further achieve the 2030 and 2045 reduction goals. The County shall also consider measures to promote public awareness of climate change and strategies to mitigate the effects of climate change. The County shall continue planning for adaptation due to climate change.

- ▶ **Policy OS-10.12:** Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following technologies, strategies, or their functional equivalent:
 - All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system.
 - All new commercial buildings shall meet requirements of the LEED rating system for commercial buildings or an equivalent rating system.
 - All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system.
 - The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more.
 - Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, bicycles, and alternative fuel vehicles shall be provided for new commercial and institutional developments.
 - New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means.
- ▶ **Policy OS-10.13:** The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance that will:

- identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas;
- consider the potential need for exemption from other General Plan policies concerning visual resources, ridgeline protection, or biological resources;
- evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and
- adopt measures to protect renewable energy resources, such as utility easement, right-of-way, and land set-asides, as well as visual and biological resources.

The County shall also complete the following:

- Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.
 - If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use.
 - The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use.
- **Policy OS-10.14:** The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM₁₀ emissions to less than 50% of the statewide PM₁₀ emissions average for comparable equipment.
- **Policy OS-10.15:** Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:
- an energy tracking and management system;
 - energy-efficient lighting;
 - lights-out-at-night policy;
 - occupancy sensors;
 - heating, cooling and ventilation system retrofits;
 - ENERGY STAR appliances
 - green or reflective roofing;
 - improved water pumping energy efficiency;
 - central irrigation control system;
 - energy-efficient vending machines;
 - preference for recycled materials in purchasing;
 - use of low or zero-emission vehicles and equipment
 - recycling of construction materials in new county construction;
 - solar roofs; and
 - conversion of fleets (as feasible) to;

- Electric vehicles,
- Ultra Low-Emission vehicles,
- Methanol fleet vehicles,
- Liquid propane gas fleet vehicles, or
- Compressed natural gas fleet vehicles

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address wildfire risk in the coastal areas of the County (Monterey County 1982). The following policies from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 13.2.1.** Intensive development shall be encouraged toward existing urban areas where energy expended for transportation and provision of services can be minimized.
- ▶ **Policy 13.3.2.** Cluster development, at the same density, shall be favored over more scattered development on a given parcel of land, if such development can be shown to conserve energy.

4.5.2 Environmental Setting

PHYSICAL SETTING

Electricity and Natural Gas Use

Electric services and natural gas are provided to the project area by Pacific Gas and Electric Company (PG&E). In 2021, PG&E provided its customers enrolled in PG&E's base plan with an energy portfolio composed of 47.7-percent eligible renewable energy, 4-percent large hydroelectric power, 8.9-percent natural gas, and 39.3-percent nuclear power (CEC 2022a). PG&E also offers its customers the option to enroll in a 50- or 100-percent renewable energy plan through its Solar Choice Program. Additionally, Central Coast Community Energy, which is a Community Choice Aggregation, supplies power from renewable sources and distributes the energy through PG&E transmission lines with a goal of reaching 100 percent renewable energy by 2030 (Central Coast Community Energy 2023).

Energy Use for Transportation

In 2020, the transportation sector made up the largest end-use sector of energy in the state, totaling 40.3 percent; followed by the industrial sector, totaling 23.1 percent; the commercial sector at 18.7 percent; and the residential sector at 18.0 percent (EIA 2022). On-road vehicles use about 90 percent of the petroleum consumed in California. CEC estimated retail sales of 189 million gallons of gasoline and diesel in Monterey County in 2021 (the most recent data available) (CEC 2022b). The California Department of Transportation projects that 232 and 63 million gallons of gasoline and diesel, respectively, will be consumed in Monterey County in 2025 (Caltrans 2008).

Energy Use and Climate Change

Scientists and climatologists have produced substantial evidence that the burning of fossil fuels by vehicles, power plants, industrial facilities, residences, and commercial facilities has led to an increase of the earth's temperature (IPCC 2014; OPR et al. 2018). For an analysis of GHG production and the project's contribution to climate change, see Section 4.6, "Greenhouse Gas Emissions and Climate Change."

4.5.3 Impacts and Mitigation Measures

METHODOLOGY

Energy impact analyses typically evaluate the potential fuel and utility consumption effects associated with construction and operation of a proposed project. Sources of energy consumption from the operation of residential uses typically include motor vehicle fuel consumption, as well as natural gas and electricity consumption.

In this case, the project consists of three draft ordinances that would amend the Monterey County Code for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. The regulations would limit establishment of vacation rentals to existing, legally established dwellings and allow up to 6 percent of dwelling units per land use planning area, with the exception of Big Sur Coast Land Use Plan Area and low density residential zoning districts within the Carmel Land Use Plan Area, to be used as commercial vacation rentals. No specific development or construction is proposed for any of the draft ordinances. The project would put a cap on the number of vacation rental properties permitted throughout the unincorporated areas of Monterey County.

As noted in other sections of this EIR (see Section 4.10, "Transportation"; Section 4.4, "Air Quality"; and Section 4.6, "Greenhouse Gas Emissions and Climate Change"), it is not feasible to quantify the potential fuel and energy consumption changes associated with implementation of the project relative to baseline conditions because activity data for vacation rentals, such as trip generation, trip lengths, and utility consumption, are unavailable. This is discussed in more detail in the analysis below. Therefore, consistent with State CEQA Guidelines Sections 15064.3(b)(3) and 15064.4(a), the analysis herein is qualitative in addressing the potential energy impacts associated with project implementation.

THRESHOLDS OF SIGNIFICANCE

The following significance criteria are based on State CEQA Guidelines Appendices F and G. An energy-related impact would be significant if implementation of the project would:

- ▶ Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation, or
- ▶ Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The County has decided to combine the two Appendix G checklist items for energy in a single threshold. Thus, an energy-related impact would be significant if implementation of the Project would:

- ▶ Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.5-1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy, or Wasteful Use of Energy Resources, during Project Construction or Operation, or Conflict with or Obstruct Implementation of a State or Local Plan for Renewable Energy or Energy Efficiency

Implementation of the proposed regulations would not result in an increase in energy consumption, nor would it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. It also would not result in the construction or operation of any new land use development or result in population growth or new sources of energy consumption. Therefore, this impact would be **less than significant**.

Implementing the proposed regulations would not result in any population growth or long-term sources of energy consumption. The proposed regulations would provide definitions for terms not already defined, state in which zoning districts vacation rentals would be authorized and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The proposed regulations would not authorize or facilitate any new development. As shown in Table 2-1 in Chapter 2, "Project Description," the number of currently reported vacation rental listings (825 units) is less than what the estimated allowable 6-percent cap would ultimately allow (2,018 units). An increase in the number of listings could ultimately increase the amount of activity and fuel consumption associated with vacation rental use, including fuel consumption from VMT associated with renters traveling to the project area from local and regional areas and traveling in the area during their stay, as well as increase energy use associated with the increase in rental unit occupancy. However, implementing the project would not increase population, nor would it result in sources that would consume energy that would exceed the energy use assumed in the General Plan or climate action plan.

Based on available data and information, it is not possible to accurately quantify changes to fuel and energy consumption related to the project. However, it is possible that vacation rental-related activity would increase as a result of implementing the project. It is assumed that most vacation rentals would function as temporary households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. It is noted that some of these homes are second (seasonal/vacation) homes that may not be otherwise occupied at the time they are rented, but also, because the owners currently seek an economic use of these units, it may also be true that if not used for commercial vacation rentals, they may be rented full time or sold to someone who would live in the home full time. There simply is no way of knowing.

Motor vehicle fuel consumption may increase as a result of the project; however, it is likely that trip generation and VMT under the project would be similar to that under existing conditions because VMT associated with guests would replace the VMT expected with permanent residential use of some of these households if the rentals were not allowed. As discussed above, the project would not involve development of any kind. Therefore, no construction activity and associated fuel consumption would occur. Operationally, it is assumed that most vacation rentals would function as households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. In addition, it is assumed that that permanent residential utility and energy consumption would be replaced by utility and energy consumption by guests staying at the properties. Thus, assuming that the activity of guests staying at rental properties would replace the activity of residential households, there would be no increase in overall fuel consumption in the project area.

The County's General Plan includes various goals and policies that promote energy conservation. The proposed regulations would not conflict with the goals and policies in the General Plan that promote resource conservation, such as policies under Goal OS-10 that promote the integration of land use and development policies; encourage the use of alternative forms of transportation; promote focusing land uses near transit; and promote the use of green technologies, such as clean equipment and energy-efficient buildings. Moreover, at the state level, the 2022 Scoping Plan, the most relevant statewide plan for renewable energy and energy efficiency, addresses every sector of the economy. The project does not propose nor would it result in new land use development. There would be no population growth and no growth in permanent sources that would increase fuel consumption. Thus, the project would not conflict with the renewable energy and energy efficiency goals in the 2022 Scoping Plan.

Implementing the project would not generate new energy consumption, nor would it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

4.6 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

This section presents a summary of regulations applicable to greenhouse gas (GHG) emissions, a summary of climate change science and GHG sources in California, and an analysis of GHG-related impacts that would potentially be caused by the project.

No comments related to GHG emissions were received in response to the notice of preparation for this project. However, several comments were received related to the air quality–related effects of increased vehicle miles traveled (VMT). This comment is addressed, as appropriate, in this section. See Appendix A of this EIR for all notice of preparation comments received.

4.6.1 Regulatory Setting

FEDERAL

In *Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. 497 (2007), the Supreme Court of the United States ruled that carbon dioxide (CO₂) is an air pollutant as defined under the federal Clean Air Act (CAA) and that the US Environmental Protection Agency (EPA) has the authority to regulate GHG emissions. In 2010, EPA started to address GHG emissions from stationary sources through its New Source Review permitting program, including operating permits for “major sources” issued under Title V of the CAA.

The National Highway Traffic Safety Administration (NHTSA) regulates vehicle emissions through the Corporate Average Fuel Economy (CAFE) Standards. On April 2, 2018, the EPA administrator announced a final determination that the current standards should be revised. On August 2, 2018, the US Department of Transportation and EPA proposed the Safer Affordable Fuel-Efficient Vehicles Rule (SAFE Rule), which would amend existing CAFE standards for passenger cars and light-duty trucks by increasing the stringency of the standards by 1.5 percent per year from models 2021–2026 (NHTSA 2020).

The CAA grants California the ability to enact and enforce fuel economy standards that are more strict than federal standards through the acquisition of an EPA-issued waiver. Each time California adopts a new vehicle emission standard, the state applies to EPA for a preemption waiver for those standards. However, Part One of the SAFE Rule, which became effective on November 26, 2019, revoked California’s existing waiver to implement its own vehicle emission standard. Part Two of the SAFE Rule established a standard to be adopted and enforced nationwide (84 *Federal Register* 51310). Pending several legal challenges to Part One of the SAFE Rule and administrative turnover, on December 21, 2021, the NHTSA published its CAFE Preemption Rule, which finalizes the repeal of the SAFE Rule Part 1, allowing California to continue procuring its waiver from EPA through the CAA to enforce more stringent emissions standards. Also, on April 1, 2022, the Secretary of Transportation unveiled new CAFE standards for 2024–2026 model year passenger cars and light-duty trucks. These new standards require new vehicles sold in the United States to average at least 40 miles per gallon and apply to all states except those that enforce stricter standards.

STATE

Statewide GHG Emission Targets and Climate Change Scoping Plan

Reducing GHG emissions in California has been the focus of the state government for approximately two decades. GHG emission targets established by the California Legislature include reducing statewide GHG emissions to 1990 levels by 2020 (Assembly Bill [AB] 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (Senate Bill [SB] 32 of 2016). Executive Order S-3-05 calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. This target was superseded by AB 1279, which codifies a goal for carbon neutrality and requires that emissions be reduced to 85 percent below 1990 levels by 2045. These targets are in line with the scientifically established levels needed in the United States to limit the rise in global temperature to no more than 2 degrees Celsius (°C), the warming

threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected to occur. These targets also pursue efforts to limit the temperature increase even further to 1.5°C (United Nations 2015).

The California Air Resources Board (CARB) adopted the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) on December 16, 2022. The 2022 Scoping Plan traces the state's pathway to achieve its carbon neutrality and an 85-percent reduction in 1990 emissions goal by 2045 using a combined top-down, bottom-up approach under various scenarios. It identifies the reductions needed by each GHG emission sector (e.g., transportation [including off-road mobile source emissions], industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste) to achieve these goals.

CARB and other state agencies also released the *January 2019 Draft California 2030 Natural and Working Lands Climate Change Implementation Plan*, which is consistent with the carbon neutrality goal of AB 1279 (California Environmental Protection Agency et al. 2019).

The state has also passed more detailed legislation addressing GHG emissions associated with transportation, electricity generation, and energy consumption, as summarized below.

Transportation-Related Standards and Regulations

As part of its Advanced Clean Cars program, CARB established GHG emission standards and fuel efficiency standards for fossil fuel-powered on-road vehicles that are more stringent than those of EPA. In addition, the program's zero-emission vehicle (ZEV) regulation requires battery, fuel cell, and plug-in hybrid electric vehicles (EVs) to account for up to 15 percent of California's new vehicle sales by 2025 (CARB 2018a). In August 2022, CARB adopted the Advanced Clean Cars II program, which sets sales requirements to help ensure that all new vehicles sold in the state by 2035 are ZEVs.

Executive Order B-48-18, signed into law in January 2018, requires all state entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as 200 hydrogen-fueling stations and 250,000 EV-charging stations installed by 2025. It specifies that 10,000 of these charging stations must be direct-current fast chargers.

CARB adopted the Low Carbon Fuel Standard (LCFS) in 2007 to reduce the carbon intensity (CI) of California's transportation fuels. Low-CI fuels emit less CO₂ than other fossil fuel-based fuels, such as gasoline and fossil diesel. The LCFS applies to fuels used by on-road motor vehicles and off-road vehicles, including construction equipment (Wade, pers. comm., 2017).

In addition to regulations that address tailpipe emissions and transportation fuels, the state legislature has passed regulations to address the amount of driving by on-road vehicles. Since passage of SB 375 in 2008, CARB requires metropolitan planning organizations to develop and adopt sustainable communities strategies (SCSs) as a component of the federally prepared regional transportation plans (RTPs) to show reductions in GHG emissions from passenger cars and light-duty trucks in their respective regions for 2020 and 2035 (CARB 2018b). These plans link land use and housing allocation to transportation planning and related mobile-source emissions.

The Association of Monterey Bay Area Governments (AMBAG) is the federally designated metropolitan planning organization for the tri-county Monterey Bay region. AMBAG is the lead agency responsible for developing and administering the transportation plans and programs that receive federal funds in Monterey, San Benito, and Santa Cruz Counties. It adopted its 2018 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) in 2018. CARB determined that the 2018 MTP/SCS would, if implemented, meet the SB 375 targets of a 0-percent reduction in 2020 and a 5-percent reduction in 2035, compared to 2005 levels (CARB 2018c). In March 2018, CARB adopted the target update for the SB 375 targets, tasking AMBAG to achieve a 3-percent and a 6-percent per capita reduction by 2020 and 2035, respectively, for plans developed and adopted after September 30, 2018 (CARB 2018d). AMBAG adopted its 2022 MTP/SCS, with a planning horizon year of 2045, in June 2022 (AMBAG 2022). As of March 2023, CARB has not determined whether the 2022 MTP/SCS would, if implemented, achieve the 2020 and 2035 GHG emissions reduction targets.

Legislation Associated with Electricity Generation

The state has passed legislation requiring the increasing use of renewables to produce electricity for consumers. California utilities are required to generate 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011), 52 percent by 2027 (SB 100 of 2018), 60 percent by 2030 (also SB 100 of 2018) and 100 percent by 2045 (also SB 100 of 2018).

Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the California Energy Code. The code was established by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy-efficiency standards for residential and nonresidential buildings. CEC updates the California Energy Code every 3 years, typically including more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions.

The 2022 California Energy Code, which went into effect on January 1, 2023, advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, establishing electric-ready requirements when natural gas is installed, expanding solar photovoltaic system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers \$1.5 billion and reduce GHG emissions by 10 million metric tons of carbon dioxide equivalent (MMTCO_{2e}) over the next 30 years (CEC 2021).

California Green Building Standards Code (Title 24, Part 11)

The California Green Building Standards Code, also known as CALGreen, is a reach code (i.e., optional standards that exceed the requirements of mandatory codes) developed by CEC that provides green building standards for statewide residential and nonresidential construction. The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened sections pertaining to EV and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by state agencies for meeting the requirements of Executive Order B-18-12.

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan serves as a blueprint for future development and supportive infrastructure in the inland areas of the County. It presents goals and policies that guide the general distribution and intensity of land uses, including residential, agricultural, commercial and industrial, public facilities, and open space uses, in the County. The following goal and policies from the Conservation and Open Space Element (Monterey County 2020) are relevant to the project:

GOAL OS-10-1: Provide for the protection and enhancement of Monterey County's air quality without constraining routine and ongoing agricultural activities.

- ▶ **Policy OS-10.1:** Land use policy and development decisions shall be consistent with the natural limitations of the County's air basins.
- ▶ **Policy OS-10.2:** Mass transit, bicycles, pedestrian modes of transportation, and other transportation alternatives to automobiles shall be encouraged.
- ▶ **Policy OS-10.3:** Monterey County shall promote conservation of naturally vegetated and forested areas for their air purifying functions.
- ▶ **Policy OS-10.4:** Monterey County shall encourage concentrating industrial and commercial development in areas that are more easily served by public transit.
- ▶ **Policy OS-10.5:** Mixed land uses that reduce the need for vehicular travel shall be encouraged.
- ▶ **Policy OS-10.6:** The Monterey Bay Unified Air Pollution Control District's air pollution control strategies, air quality monitoring, and enforcement activities shall be supported.

- ▶ **Policy OS-10.7:** Use of the best available technology for reducing air pollution emissions shall be encouraged.
- ▶ **Policy OS-10.10:** In the design of future development within Community Areas and Rural Centers, the following sustainable land use strategies shall be considered to reduce energy consumption, minimize greenhouse gas emissions, and foster healthier environments for people:
 - Take an integrated approach to siting, design, and operation of buildings and infrastructure
 - Incorporate multiple-uses for infrastructure (e.g., recreational fields designed to capture stormwater and reduce urban runoff)
 - Design development to take advantage of solar orientation
 - Recycle brownfield sites
 - Employ individual and systematic water conservation measures (e.g., native vegetation, bioswales, graywater reuse, high efficiency appliances)
 - Promote Transit Oriented Development (TOD) to increase mobility and reduce auto dependency
 - Provide preferential carpool/vanpool parking spaces
 - Implement a parking surcharge for single occupant vehicles
 - Provide for shuttle/mini bus service
 - Provide bicycle storage/parking facilities and shower/locker facilities
 - Provide onsite child care centers
 - Provide transit design features within the development
 - Develop park-and-ride lots
 - Employ a transportation/rideshare coordinator
 - Implement a rideshare program
 - Provide incentives to employees to rideshare or take public transportation
 - Implement compressed work schedules
 - Implement telecommuting program
 - Provide bicycle paths within major subdivisions that link to an external network
 - Provide pedestrian facilities within major subdivisions
 - Locate development of new sensitive land uses (schools, hospitals, facilities for the elderly) at least 500 feet from a freeway carrying more than 100,000 vehicles per day.

Future development shall be designed to maximize energy efficiency to the extent feasible and accommodate energy infrastructure (i.e., transmission lines, power plants and pipelines, and fueling stations), including the potential for distributed renewable generation.

- ▶ **Policy OS-10.11** (currently underway): The County of Monterey shall develop a community climate action plan and the Board of Supervisors shall target considering adoption of the plan. Staff shall diligently pursue completion of the plan and regularly update the Board on the progress of the plan preparation. This plan shall have a target to reduce emissions by 2030 to a level that is 40% less than 1990 emission levels. This plan should include environmental justice considerations including the impact of climate change and adaptation strategies on Disadvantaged Communities, as that term is defined in Government Code Section 65302(h)(4)(A), low-income and/or under-resourced communities, communities of color, and/or indigenous peoples as necessary.

At a minimum, the Plan shall:

- a. Establish a current inventory of GHG emissions in the County of Monterey including but not limited to residential, commercial, industrial, and agricultural emissions;
 - b. Review progress made between 2010 and 2020 to reduce GHG emissions;
 - c. Forecast GHG emissions for 2030 for County operations;
 - d. Forecast GHG emissions for areas within the jurisdictional control of the County for "business as usual" conditions;
 - e. Identify strategies to reduce and sequester GHG emissions and set performance indicators for each strategy;
 - f. Quantify the reductions in GHG emissions from the identified strategies and evaluate the social and health impacts that may result from their implementation;
 - g. Quantify carbon sequestration in agricultural soils and crops;
 - h. Establish requirements for monitoring and reporting of indicators;
 - i. Establish a schedule of actions for implementation;
 - j. Identify funding sources for implementation; and
 - k. Identify a reduction goal for the 2045.
- ▶ During preparation of the community climate action plan, the County shall also evaluate potential options for incorporating changes in County policies within the General Plan including, but not limited to, those regarding health and safety, land use, and circulation, as necessary, as well as the Hazard Mitigation Plan to further achieve the 2030 and 2045 reduction goals. The County shall also consider measures to promote public awareness of climate change and strategies to mitigate the effects of climate change. The County shall continue planning for adaptation due to climate change.
- ▶ **Policy OS-10.12:** Within 24 months of the adoption of the General Plan, the County shall adopt a Green Building Ordinance to require green building practices and materials for new civic buildings and new private residential, commercial, and industrial buildings that will include, but are not limited to, the following technologies, strategies, or their functional equivalent:
- All new County government projects and major renovations shall meet, at a minimum, LEED-Silver standards or an equivalent rating system.
 - All new commercial buildings shall meet requirements of the LEED rating system for commercial buildings or an equivalent rating system.
 - All new residential projects of 6 units or more shall meet the GreenPoint Rating System for residential buildings, or an equivalent alternate rating system.
 - The County shall require consideration of solar building orientation, solar roofs, cool pavements, and planting of shade trees in development review of new commercial and industrial projects and new residential projects of 6 units or more.
 - Prioritized parking within new commercial and retail areas for electric vehicles, hybrid vehicles, bicycles, and alternative fuel vehicles shall be provided for new commercial and institutional developments.
 - New commercial and industrial projects greater than 25,000 square feet shall be required to provide on-site renewable energy generation as part of their development proposal. This requirement can be met through a solar roof or other means.
- ▶ **Policy OS-10.13:** The County shall use Geographic Information Systems (GIS) to map and assess local renewable resources, the electric and gas transmission and distribution system, community growth areas anticipated to require new energy services, and other data useful to deployment of renewable technologies. The County shall adopt an Alternative Energy Promotion ordinance that will:

- identify possible sites for production of energy using local renewable resources such as solar, wind, small hydro, and, biogas;
- consider the potential need for exemption from other General Plan policies concerning visual resources, ridgeline protection, or biological resources;
- evaluate potential land use, environmental, economic, and other constraints affecting renewable energy development; and
- adopt measures to protect renewable energy resources, such as utility easement, right-of-way, and land set-asides, as well as visual and biological resources.

The County shall also complete the following:

- Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.
 - If CCA is ultimately not pursued, the County shall evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to GHG emissions related to County electricity use.
 - The County shall develop a ministerial permit process for approval of small-scale wind and solar energy systems for on-site home, small commercial, and farm use.
- **Policy OS-10.14:** The County of Monterey shall require that construction contracts be given to those contractors who show evidence of the use of soot traps, ultra-low sulfur fuels, and other diesel engine emissions upgrades that reduce PM₁₀ emissions to less than 50% of the statewide PM₁₀ emissions average for comparable equipment.
- **Policy OS-10.15:** Within 12 months of adoption of the General Plan, the County shall quantify the current and projected (2020) GHG emissions associated with County operations and adopt a GHG Reduction Plan for County Operations. The goal of the plan shall be to reduce GHG emissions associated with County Operations by at least 15% less than 2005 emission levels. Potential elements of the County Operations GHG Reduction Plan shall include, but are not limited to, the following measures:
- an energy tracking and management system;
 - energy-efficient lighting;
 - lights-out-at-night policy;
 - occupancy sensors;
 - heating, cooling and ventilation system retrofits;
 - ENERGY STAR appliances
 - green or reflective roofing;
 - improved water pumping energy efficiency;
 - central irrigation control system;
 - energy-efficient vending machines;
 - preference for recycled materials in purchasing;
 - use of low or zero-emission vehicles and equipment
 - recycling of construction materials in new county construction;
 - solar roofs; and
 - conversion of fleets (as feasible) to;

- Electric vehicles,
- Ultra Low-Emission vehicles,
- Methanol fleet vehicles,
- Liquid propane gas fleet vehicles, or
- Compressed natural gas fleet vehicles

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address wildfire risk in the coastal areas of the County (Monterey County 1982). The following policies from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 20.1.1.** The County's land use and development policies shall be integrated and consistent with the natural limitations of the County's air basins.
- ▶ **Policy 20.2.4.** The County should operate in accordance with current regional, state, and federal air quality standards.
- ▶ **Policy 20.2.5.** The County shall encourage the use of the best available control technology as defined in the most current Monterey Bay Unified Air Pollution Control District rules and regulations in reducing air pollution emissions.

Monterey County Climate Action Plan

The County of Monterey adopted the Municipal Climate Action Plan in 2013. The County is implementing a strategy to meet the 2030 goals to reduce emissions from County operations by an additional 40 percent by ensuring that buildings are net zero, increasing the percentage of employees who telecommute, and incentivizing electrification of the County's fleet. The County is also developing a community climate action and adaptation plan (CCAAP). The CCAAP will aim to reduce GHG emissions in line with the targets set by the State of California. The CCAAP is identified in the County's 2010 General Plan Final EIR as a mitigation measure and is intended to be an opportunity for robust stakeholder engagement among the various sectors of the County to select strategies that are the most cost-effective and beneficial for the County in meeting its emissions reduction targets.

Monterey Bay Air Resources District

The Monterey Bay Air Resources District (MBARD) is the primary agency responsible for addressing air quality concerns in Monterey, San Benito, and Santa Cruz Counties. Its role is discussed further in Section 4.4, "Air Quality." MBARD also recommends methods for analyzing project-related GHG emissions in CEQA analyses and recommends multiple GHG reduction measures for land use development projects. It has developed a GHG threshold for stationary sources. A proposed stationary source project would not have a significant GHG impact if operation of the project would emit less than the significance level of 10,000 metric tons per year of CO₂e, or, in accordance with State CEQA Guidelines Section 15064.4(b)(3), the project would comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. MBARD has not developed a threshold for land use development projects.

4.6.2 Environmental Setting

THE PHYSICAL SCIENTIFIC BASIS OF GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space. A portion of the radiation is absorbed by the earth's surface, and a smaller portion of this radiation is reflected toward space. The absorbed radiation is then emitted from the

earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. The earth has a much lower temperature than the sun; therefore, the earth emits lower frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead “trapped,” resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of these GHGs in excess of natural ambient concentrations are found to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth’s climate, known as global climate change or global warming. It is “extremely likely” that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in GHG concentrations and other anthropogenic forcing (IPCC 2014: 5).

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas most pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years). They persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any GHG molecule depends on multiple variables and cannot be determined with any certainty, it is understood that more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. Of the total annual human-caused CO₂ emissions, approximately 55 percent are estimated to be sequestered through ocean and land uptake every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO₂ emissions remain stored in the atmosphere (IPCC 2013: 467).

The quantity of GHGs in the atmosphere responsible for climate change is not precisely known, but it is enormous. No single project alone would measurably contribute to an incremental change in the global average temperature or to global or local climates or microclimates. From the standpoint of CEQA, GHG impacts relative to global climate change are inherently cumulative.

GREENHOUSE GAS EMISSION SOURCES

As discussed previously, GHG emissions are attributable in large part to human activities. The total GHG inventory for California in 2020 was 370 MMTCO₂e (CARB 2022). This is less than the 2020 target of 431 MMTCO₂e (CARB 2022).

Table 4.6-1 summarizes the statewide GHG inventory for California.

Table 4.6-1 Statewide GHG Emissions by Economic Sector (2020)

Sector	Emissions (MMTCO ₂ e)	Percent
Transportation	141	38
Industrial	85	23
Electricity generation (in state)	41	11
Agriculture and forestry	33	9
Residential	30	8
Commercial	22	6
Electricity generation (imports)	19	5
Total	370	100

Notes: Totals may not equal the sum of the numbers because of independent rounding.

MMTCO₂e = million metric tons of carbon dioxide equivalent.

Source: CARB 2022.

As shown in Table 4.6-1, transportation, industry, and electricity generation are the largest GHG emission sectors.

Emissions of CO₂ are byproducts of fossil fuel combustion. Methane, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Nitrous oxide emissions also are largely attributable to agricultural practices and soil management. CO₂ sinks, or reservoirs, include vegetation and the ocean, which absorb CO₂ through sequestration and dissolution (CO₂ dissolving into the water), respectively, two of the most common processes for removing CO₂ from the atmosphere.

A GHG inventory for Monterey County for 2019 is summarized in Table 4.6-2. Transportation, agriculture, and nonresidential building energy are the largest GHG emission sectors.

Table 4.6-2 Monterey County GHG Emissions by Economic Sector (2019)

Sector	Emissions (MTCO ₂ e)	Percent
On-road transportation	479,174	44
Agriculture	266,917	24
Nonresidential building energy	170,639	15
Residential building energy	81,750	7
Solid waste	69,724	6
Off-road vehicles and equipment	17,616	2
Wastewater treatment	15,586	1
Water supply	0	0
Total	1,101,405	100

Notes: Totals may not equal the sum of the numbers because of independent rounding.

MTCO₂e = metric tons of carbon dioxide equivalent.

Source: Monterey County 2022.

EFFECTS OF CLIMATE CHANGE ON THE ENVIRONMENT

According to the Intergovernmental Panel on Climate Change, which was established in 1988 by the World Meteorological Organization and the United Nations Environment Programme, global average temperature will increase by 3.7 to 4.8°C (6.7 to 8.6 degrees Fahrenheit [°F]) by the end of the century unless additional efforts to reduce GHG emissions are made (IPCC 2014: 10). According to *California's Fourth Climate Change Assessment*, with global GHG emissions reduced at a moderate rate California will experience average daily high temperatures that are warmer than the historic average by 2.5°F from 2006 to 2039, by 4.4°F from 2040 to 2069, and by 5.6°F from 2070 to 2100, and if GHG emissions continue at current rates, then California will experience average daily high temperatures that are warmer than the historic average by 2.7°F from 2006 to 2039, by 5.8°F from 2040 to 2069, and by 8.8°F from 2070 to 2100 (OPR et al. 2018).

Since its previous climate change assessment in 2012, California has experienced several of the most extreme natural events in its recorded history: a severe drought from 2012 through 2016, an almost nonexistent Sierra Nevada winter snowpack in 2014–2015, increasingly large and severe wildfires, and back-to-back years of the warmest average temperatures (OPR et al. 2018). According to the California Natural Resource Agency's *Safeguarding California Plan: 2018 Update*, California experienced the driest 4-year statewide precipitation on record from 2012 through 2015; the warmest years on average in 2014, 2015, and 2016; and the smallest and second smallest Sierra snowpack on record in 2015 and 2014 (CNRA 2018). According to the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, 2020, 2016, and 2021 ranks as the three warmest years on record for the Northern Hemisphere (NOAA 2022). In contrast, the northern Sierra Nevada experienced one of its wettest years on record during the 2016–2017 water year (CNRA 2018). The changes in precipitation exacerbate wildfires throughout California through a cycle of high vegetative growth coupled with dry, hot periods that lower the moisture content of fuel loads. As a result, the frequency, size, and devastation of forest fires have increased. In November 2018, the Camp Fire completely destroyed the town of Paradise in Butte County and caused 85 fatalities, becoming the state's deadliest fire in recorded history, and the largest fires in the state's history have occurred in the 2018–2020 period.

Moreover, changes in the intensity of precipitation events following wildfires can also result in devastating landslides. In January 2018, following the Thomas Fire, 0.5 inch of rain fell in 5 minutes in Santa Barbara, causing destructive mudslides formed from the debris and loose soil left behind by the fire. These mudslides resulted in 21 deaths.

As temperatures increase, the amount of precipitation falling as rain rather than snow also increases, which could lead to increased flooding because water that would normally be held in the snowpack of the Sierra Nevada and Cascade Range until spring would flow into the Central Valley during winter rainstorm events. This scenario would place more pressure on California's levee/flood control system (CNRA 2018). Furthermore, in the extreme scenario involving the rapid loss of the Antarctic ice sheet and the glaciers atop Greenland, the sea level along California's coastline is expected to rise 54 inches by 2100 if GHG emissions continue at current rates (OPR et al. 2018).

Temperature increases and changes to historical precipitation patterns will likely affect ecological productivity and stability. Existing habitats may migrate from climatic changes where possible, and those habitats and species that lack the ability to retreat will be severely threatened. Altered climate conditions will also facilitate the movement of invasive species to new habitats, where they can outcompete native species. Altered climatic conditions dramatically endanger the survival of arthropods (e.g., insects, spiders), which could have cascading effects throughout ecosystems (Lister and Garcia 2018). Conversely, a warming climate may support the populations of other insects, such as ticks and mosquitos, which transmit diseases harmful to human health, such as the Zika virus, West Nile virus, and Lyme disease (European Commission Joint Research Centre 2018).

Changes in temperature, precipitation patterns, extreme weather events, wildfires, and sea-level rise have the potential to threaten transportation and energy infrastructure, crop production, forests and rangelands, and public health (CNRA 2018; OPR et al. 2018). The effects of climate change will also have an indirect adverse impact on the economy as more severe natural disasters cause expensive, physical damage to communities and the state.

In addition, adjusting to the physical changes associated with climate change can produce mental health impacts, such as depression and anxiety.

4.6.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

GHG and climate change impact analyses typically evaluate the potential GHG emission and climate change effects associated with construction and operation of a proposed project.

In this case, the project consists of three draft ordinances that would amend the Monterey County Code for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. The regulations would limit establishment of vacation rentals to existing, legally established dwellings and allow up to 6 percent of single-family dwelling units per land use planning area, with the exception of Big Sur Coast Land Use Plan Area and low density residential zoning districts within the Carmel Land Use Plan Area, to be used as commercial vacation rentals. No specific development or construction is proposed for any of the draft ordinances. As noted in other sections of this EIR (see Section 4.10, "Transportation," and Section 4.4, "Air Quality"), it is not feasible to quantify the potential emission changes associated with implementation of the project relative to baseline conditions, because activity data for vacation rentals, such as trip lengths, and utility consumption, are unavailable. This is discussed in more detail in the analysis below. Therefore, consistent with State CEQA Guidelines Sections 15064.3(b)(3) and 15064.4(a), the analysis herein is qualitative in addressing the potential GHG-related impacts associated with project implementation.

THRESHOLDS OF SIGNIFICANCE

The issue of global climate change is inherently a cumulative issue because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Thus, the project's impact on climate change is addressed only as a cumulative impact.

State CEQA Guidelines Section 15064 and relevant portions of Appendix G recommend that a lead agency consider a project's consistency with relevant, adopted plans and discuss any inconsistencies with applicable regional plans, including plans to reduce GHG emissions. Under Appendix G of the State CEQA Guidelines, implementing a project would result in a cumulatively considerable contribution to climate change if it would:

- ▶ Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or
- ▶ Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

The State CEQA Guidelines do not indicate what level of GHG emissions would constitute a significant impact on the environment. Instead, they authorize the lead agency to consider thresholds of significance that were previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds was supported by substantial evidence (State CEQA Guidelines Sections 15064.4[a] and 15064.7[c]). The State CEQA Guidelines provide the lead agency discretion whether to quantify GHG emissions resulting from a project and/or rely on a qualitative analysis or performance-based standards, focusing specifically on the following factors (State CEQA Guidelines Sections 15064.4[b]):

- ▶ The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting;
- ▶ Whether the project GHG emissions exceed a threshold of significance that the lead agency determines applies to the project; the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions; the lead agency must include substantial evidence linking statewide goals, strategies, and plans to the project's findings.

This general direction from Section 15064.4 gives rise to three different approaches for assessing the significance of GHG-related impacts. The first two bulleted items could be addressed through reliance on a quantitative comparison of project emissions to numerical emissions-based thresholds. The third bulleted item could be addressed qualitatively by evaluating the project's consistency with statewide, regional, or local plans and reduction targets.

As noted above, it is not feasible to quantify the potential emission changes associated with implementation of the project relative to baseline conditions, because activity data for vacation rentals, such as trip lengths and utility consumption, are unavailable. Consistent with State CEQA Guidelines Section 15064.4(b), because GHG emissions resulting from the project cannot be quantified, this discussion relies on a qualitative analysis to determine the significance of the project's cumulative contribution of GHG emissions.

Appendix G of the State CEQA Guidelines is a sample initial study checklist that includes a number of inquiries related to the subject of climate change, as it does for all the environmental topics addressed in the checklist. However, lead agencies are under no obligation to use these inquiries when fashioning thresholds of significance on these subjects (*Save Cuyama Valley v. County of Santa Barbara* [2013] 213 Cal.App.4th 1059, 1068). Rather, with few exceptions, "CEQA grants agencies discretion to develop their own thresholds of significance" (*ibid*). Even so, it is a common practice for lead agencies to use the language from the inquiries in Appendix G to fashion thresholds. In this case, the County has decided to combine the two Appendix G checklist items for GHG emissions in a single threshold. Thus, the Project would result in a cumulatively considerable contribution to climate change if it would:

- ▶ Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.6-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment, or Conflict with Any Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of GHGs

Implementation of the proposed regulations would not result in a significant increase in emissions and would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. It also would not result in the construction or operation of any new land use development or result in population growth or new emission sources that would conflict with GHG reduction planning efforts at the County or state level. Therefore, this impact would be **less than significant**.

Implementing the proposed regulations would not result in any population growth or long-term emission sources. The proposed regulations would provide definitions for terms not already defined, state in which zoning districts vacation rentals would be authorized and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The proposed regulations would not authorize or facilitate any new development.

As shown in Table 2-1 in Chapter 2, "Project Description," the number of currently reported vacation rental listings (825 units) is less than what the estimated allowable 6-percent cap would ultimately allow (2,018 units). An increase in the number of listings could ultimately increase the amount of activity and emission sources associated with vacation rental use, including VMT associated with renters traveling to the project area from local and regional areas and traveling in the area during their stay, as well as increase energy use associated with the increase in rental unit occupancy. However, implementing the project would not increase population, nor would it result in new emission sources that would exceed the emission growth assumed in the General Plan or climate action plan.

Based on available data and information, it is not possible to accurately quantify changes to emissions related to the project. However, it is possible that vacation rental-related activity would increase as a result of implementing the project. It is assumed that most vacation rentals would function as temporary households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. VMT may increase as a result of the project; however, it is likely that trip generation and VMT under the project would be similar to that under existing conditions because VMT associated with guests would replace the VMT expected with permanent residential use of these households if the rentals were not allowed. As discussed above, the project would not involve development of any kind. Therefore, no construction activity and associated emissions would occur. Operationally, it is assumed that most vacation rentals would function as households and that permanent residential vehicular trips would be replaced by trips by guests staying at the properties. In addition, it is assumed that that permanent residential utility and energy consumption would be replaced by utility and energy consumption by guests staying at the properties. Thus, assuming that the activity of guests staying at rental properties would replace the activity of residential households, there would be no increase in overall emissions in the project area.

At the state level, the 2022 Scoping Plan includes various recommendations that local governments can implement to align their planning and development review processes with the state's climate goals. As noted, the project does not propose nor would it result in new land use development. There would be no population growth and no growth in permanent emission sources. Thus, the project would not conflict with the 2022 Scoping Plan.

Implementing the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

4.7 LAND USE AND PLANNING

This section evaluates whether implementation of the project would result in impacts on existing land use plans, policies, and regulations. As required by CEQA, this analysis focuses on consistency with policies adopted for the purpose of reducing environmental impacts. The analysis also evaluates whether implementation of the project would result in the physical division of an established community.

During the public scoping period for the notice of preparation, a comment expressed a desire for increased vacation rentals, higher than the proposed 6-percent cap in the Moss Landing community. This comment is addressed, as appropriate, in this section.

4.7.1 Regulatory Setting

FEDERAL

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA), passed by Congress in 1972, provides for management of coastal resources and aims to protect, restore, and enhance coastal resources through three programs administered by the National Oceanic and Atmospheric Administration in partnership with coastal states. In California, the California Coastal Commission, the Bay Conservation and Development Commission, and the California Coastal Conservancy administer the CZMA, depending on location. The National Coastal Zone Management Program, one of the programs under the CZMA, balances competing land and water issues. The other two programs under the CZMA are the National Estuarine Research Reserve System, which protects estuaries for use as field laboratories that improve understanding of estuaries, and the Coastal and Estuarine Land Conservation Program, which assists with acquisition of coastal property or easements for conservation purposes.

STATE

State Planning and Zoning Laws

California Government Code Section 65300 et seq. established the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a city or county and of any land outside its boundaries that, in the city's or county's judgment, bears relation to its planning. Cities typically identify a "sphere of influence" in their general plans—an area outside the city corporate boundaries that likely will be included in the future service area of the city. The general plan addresses a broad range of topics, including at a minimum land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's or county's vision for the area.

The State Zoning Law (California Government Code Section 65800 et seq.) establishes that zoning ordinances, which are laws that define allowable land uses in a specific zoning district, are required to be consistent with the general plan. Local general plan policies and zoning regulations, as they relate to the project, are summarized under "Local," below.

California Coastal Act

The California Coastal Commission is one of California's three designated coastal management agencies that administer the CZMA in California. In partnership with coastal cities and counties, the California Coastal Commission plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the CZMA to include (among other activities) construction of buildings, division of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the California Coastal Commission or the local government. The CZMA gives state coastal management agencies

regulatory control over all activities that may affect coastal resources, including any new developments, and highway improvement projects that use federal funds.

The mission of the California Coastal Commission, established by voter initiative in 1972 and later made permanent by the legislature through adoption of the California Coastal Act of 1976, is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. The California Coastal Act includes specific policies that address issues such as shoreline public access and recreation, lower-cost visitor accommodation, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works. The coastal zone varies in width from several hundred feet in highly urbanized areas to up to 5 miles in certain rural areas. Offshore, the coastal zone encompasses a 3-mile-wide band of ocean. California Public Resources Code (PRC) Section 302222 addresses private lands suitable for visitor-serving commercial recreational facilities, stating that “[t]he use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.”

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan Land Use Element provides policies to address land use and planning in the inland areas of the County and discusses the standards of residential density and nonresidential intensity for the various land use designations (Monterey County 2010). The following policies are relevant to the project.

General Land Use

Goal LU-1: Promote appropriate and orderly growth and development while protecting desirable existing land uses.

- ▶ **Policy LU-1.3:** Balanced development of the County shall be assured by designating adequate land for a range of future land uses.
- ▶ **Policy LU-1.5:** Land uses shall be designated to achieve compatibility with adjacent uses.

Residential

Policy LU-2.6: New land use activities or changes in land use designations that may potentially be nuisances and/or hazards shall be discouraged within and in close proximity to residential areas.

Policy LU-2.33: The County shall establish regulations for and designate three categories of Urban Residential Land:

- A. *Medium Density Residential (MDR):* Medium Density Residential areas are appropriate for a range of residential uses (1-5 units/acre) and housing types, recreational, public and quasi public, and other uses that are incidental and subordinate to the residential use and character of the area. The extent of use of land for this designation shall be limited to building coverage of 35% of the subject property.
- B. *High Density Residential (HDR):* High Density Residential areas are appropriate for a broad range of higher intensity (5-20 units/acre) residential uses and a blend of housing types, recreational, public and quasi public, and other uses that are incidental and subordinate to the residential use and character of the area. The extent of use of land for this designation shall be limited to building coverage of 60% of the subject property.
- C. *Mixed Use (MU):* Mixed Use development involves residential and non-residential (primarily commercial retail and office) to encourage activity centers and pedestrian orientation. Residential uses may be either separate development on the same site or encouraged to be at least two stories tall in order to allow residential uses above non-residential uses where appropriate, subject to a General Development Plan. Residential density up to 30 units per acre shall be appropriate for the mixed use designation. The mixed use designation shall allow homeless shelters, transitional, and supportive housing types of residential uses as permitted uses. The extent of use of land for this designation shall be limited to building coverage of 60% of the subject property.

Policy LU-2.34: The County shall establish regulations for and designate three categories of Rural Residential Land:

- A. *Low Density Residential (LDR):* Low Density Residential areas are appropriate for residential (1-5 acres/unit) recreational, public and quasi public and limited agricultural activities that are incidental and subordinate to the residential use. The extent of use of land for this designation shall be limited to building coverage of 35% of the subject property if said property is less than 20,000 square feet and 25% of the subject property if said property is 20,000 square feet or more.
- B. *Rural Density Residential (RDR):* Rural Density Residential areas are appropriate for residential (5-40 acres/unit), recreational, public and quasi public and a broad range of agricultural uses. The extent of use of land for this designation shall be limited to building coverage of 25% of the subject property.
- C. *Resource Conservation (RC):* The Resource Conservation designation is applied in primarily rural residential or agricultural areas with sensitive resources and areas planned for resource enhancement. Only very low intensity uses and supporting facilities may be permitted within this designation. Resource Conservation lands are envisioned to create important open space amenities for the entire community, and in some cases provide drainage and flood control facilities in conjunction with open space. A range of passive to active activities are allowed including park and recreation facilities that can be accomplished without significant structural development and also complement, protect and enhance the resources. Parcels of real property may be designated specifically for timberland production (TPZ) pursuant to the California Timberland Productivity Act, and subject to Policy OS-5.7 and Policy OS-5.10. The extent of use of land for this designation shall be limited to building coverage of 25% of the subject property.
- D. Monterey County Zoning Regulations

Monterey County zoning and associated land use/development standards are provided in Title 21 and Title 20 of the Monterey County Code. These code provisions set forth regulations related to site development standards, such as minimum lot size and maximum building height; specific uses allowed in zoning districts; uses that may require a permit; and special regulations. Noise-related regulations are mentioned under Title 10 of the Monterey County Code, which are discussed in Section 4.8, "Noise."

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address land use planning in the coastal areas of the County (Monterey County 1982). The following policies from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 27.1.1.** Sufficient areas for residential use shall be designated consistent with the County's growth policies and projections.
- ▶ **Policy 27.3.1.** The County shall discourage those new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas.

–In addition, the 1982 Monterey County General Plan indicated that the visitor sector has tremendous direct and indirect impacts on employment and income. Expenditures by all visitors in 1979 (when the General Plan was written) accounted for more than half of all sales in Monterey County restaurants and one-third of all sales in retail stores as a result of direct spending and the multiplier effect of that spending. It is estimated that about 15% of total employment in the County is supported by the visitor sector. As a reflection of the importance of visitors to the service and trade industries, about 44% of all service and trade employment is supported by visitor dollars.

Local Coastal Program

Four land use plans and the Coastal Implementation Plan were prepared and adopted as part of Monterey County's Local Coastal Program (LCP). The coastal zone of Monterey County was addressed in these separate land use plans: North County, Big Sur, Carmel, and Del Monte Forest. The Coastal Implementation Plan contains Title 20 of the Monterey County Code (Part 1) and implementation plans for each land use plan (Parts 2, 3, 4, and 5) and appendices (Part 6). The LCP meets the requirements of the California Coastal Act.

Each Land Use Plan (LUP) contains unique criteria for development in the area covered by the plan, but do not specifically address vacation rentals. When the LUPs are silent, policies of the 1982 General Plan apply, however, the 1982 General Plan also does not address vacation rentals. Below is a summary of the relevant land use plan policies and objectives from each Land Use Plan and the 1982 General Plan:

North County - The North County coastal zone is rural and contains extensive areas that are uncultivated or undeveloped. Recreation and visitor-serving facilities of North Monterey County are concentrated in the vicinity of Moss Landing and along the sandy coastline. Developed facilities consist of docks and piers used for fishing, numerous antique shops, shoreline restaurants, and Moss Landing Harbor. Natural recreation resources, some of which are devoid of any facilities or substantial access, include miles of beaches and dunes, an extensive estuary and tidal wetland system, the Pajaro and Salinas Rivers, and the wooded hills and ridges inland from the coast (Monterey County 1995). The prime objective of the North County Local Coastal Program is to plan for appropriate levels of land use and development in the coastal zone while protecting coastal resources and providing or maintaining coastal access and recreation opportunities. A second objective is to maintain the rural character of North County with its predominant agricultural, low density residential and open space uses while clustering medium and high density residential development in areas where water, sewer, and transportation services are available. No commercial centers are recommended for the coastal zone except for the coastal-dependent commercial development of Moss Landing. Commercial growth should be concentrated in existing population centers of Castroville, Prunedale, Watsonville, and Salinas. Small-scale commercial facilities such as grocery stores and laundromats are recommended in residential areas to reduce transportation distances for frequently needed goods and services that can be provided at a local level.

Big Sur - The Big Sur coast stretches approximately 70 miles and contains mountains, forests, creeks, rivers, and ocean shorelines. Approximately seventy percent of the Big Sur coastal zone is in public ownership by the U. S. Forest Service, the State Department of Parks and Recreation, the U. S. Navy, the U. S. Coast Guard, and the University of California, as of 2022. Single family residences comprise the major developed land use on private land. This occurs either in rural residential clusters in areas where development has historically been concentrated, or scattered along Highway 1. Many of the larger parcels are used for cattle grazing. Commercial uses, including restaurants, grocery stores, and service stations are generally concentrated in the Big Sur Valley. Small visitor-serving commercial areas include Lucia, Pacific Valley and Gorda, and a few isolated businesses along Highway 1. Recreational uses include public and private campgrounds, visitor accommodations, restaurants, State Park units, and the Los Padres National Forest.

The County's primary land use planning objective is to minimize development of the Big Sur coast in order to preserve the coast as a scenic rural area where residents' individual lifestyles can flourish, traditional ranching uses can continue, and the public can come to enjoy nature and find refuge from the pace of urban life. The significance of the residential areas for planning purposes is that they have the capacity, to some extent, to accommodate additional residential demand. 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.

Undesirable impacts of recreation have been in evidence for some years and must be corrected if Big Sur's long-term promise is to be fulfilled. Overuse of existing private and public campgrounds, loss of riparian vegetation through trampling, erosion of paths, compaction of soil in redwood forests, disruption of wildlife habitats, and increased fire hazards are a few of the problems associated with current levels of recreational use. Pfeiffer-Big Sur State Park is an example of a State facility whose popularity and use is at or beyond its environmental holding capacity. Some private campgrounds are similarly affected. To respond to the needs of the traveling public, recreational and visitor-serving facilities which may include restaurants, grocery or general stores, local arts and crafts galleries, inns, hostels, service stations, RV campgrounds, and moderate intensity recreation are the principal permitted uses. Secondary, conditional uses include administrative, management and maintenance facilities for public agencies, fire stations, clinic and ambulance services, community halls, churches, post office, library and schools.

Carmel - The Carmel Coastal Segment contains residential, commercial, recreational, resource conservation, and agricultural uses. The major portion of land within the Carmel area is presently open and undeveloped, either as privately owned land used for agriculture, grazing, and other low intensity uses or as publicly owned land used

primarily for passive to low-intensity recreation and for protection of rare and sensitive natural resources. Public uses in the Carmel area include a State reserve and State beaches, elementary schools, day-care school, church, and a sewage treatment plant (Monterey County 1999).

Several key land use issues directly affect planning for the Carmel area. Perhaps the first and foremost concern is the potential that future development within the planning area would create additional recreational demands on the already over-crowded and over-used State reserve and beaches. By significantly increasing the number of visitors to the reserve and beaches, new development would contribute to the degradation of sensitive resources, reduce the availability of these areas to others seeking coastal access, and accelerate the need for a reservation system to regulate the overall number of visitors to Point Lobos. The Carmel area is also affected to varying degrees by current levels of recreation activity. As recreational use of the shoreline increases and as public access is provided to the uplands area the need for increased management and supervision will become more critical. Not only must the privacy of residents of the area be protected, but the quality of local water supplies must be maintained for residents and visitors alike, and the fire hazard during the summer months must be minimized. Moderate to high-intensity uses providing basic support services and accommodations to meet visitor needs associated with coastal recreation and travel are appropriate.

Del Monte Forest - The Del Monte Forest Area is a large, almost exclusively privately held land area that extends inland three to four miles in places and is located along approximately 7 miles of central California shoreline. Much of the Del Monte Forest contains predominantly native Monterey pine forest, but also native Monterey cypress, Gowen cypress, and Bishop pine, in both distinct and mixed groves of these species. The Del Monte Forest shoreline includes the incredible white sand dunes and beaches at Spanish Bay, Fan Shell Beach, and Signal Hill, the craggy shoreline from Cypress Point to Pescadero Point, and the striking calm waters and sandy beaches of Stillwater Cove – part of the larger Carmel Bay State Marine Conservation Area and the Monterey Bay National Marine Sanctuary. This area contains the immediate shoreline, 17-Mile Drive, and an extensive collection of inland public trails throughout the Forest, which together with the shoreline trails are all components of the California Coastal Trail. A commercial core is established near The Lodge at Pebble Beach. In addition, the Forest is a visitor-serving destination, anchored by the Pebble Beach Company's major resort operations at Spanish Bay and The Lodge, and by the five golf courses available for public play (Monterey County 2012).

Four basic goals of the Coastal Act establish direction for land use planning and development proposals for the Del Monte Forest area. They are: 1. Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. 2. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state. 3. Maximize public access to and along the coast and maximize public recreation opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners. 4. Assure priority for coastal-dependent and coastal-related development over other development on the coast. New coastal-dependent land use, public and commercial recreation, and visitor-serving land uses shall have priority over other uses where public service capacities are limited.

California Coastal Commission Periodic Review

The California Coastal Commission, in cooperation with Monterey County, conducts periodic reviews of Monterey County's LCP to determine whether the LCP is effectively carrying out the goals and policies of the Coastal Act. The review is focusing on implementation of the LCP and resource changes occurring in Monterey County's coastal zone since certified the LCP. The most recent review was an informal periodic review completed in 2003.

Recommendations resulting from this informal Periodic Review were compiled into the *Preliminary Analysis of Some Periodic Review Issues and Recommendations*. Issue PA-1: Short-term Rental recommends to: Ensure that if the County wants to allow short-term rentals of residences, they are consistent with Coastal Act policies to provide additional visitor-serving uses and to protect special communities which are visitor destinations, as well as are consistent with other LCP provisions (e.g., with the definition of "dwelling.") (California Coastal Commission 2003a). In reference to this Issue, the *Draft Findings of the Monterey County LCP Periodic Review* notes that (California Coastal Commission 2003b):

The Coastal Act also serves to protect and enhance public access by giving priority to use of private lands for visitor-serving recreational facilities and protecting oceanfront land for recreational use. Hotels and other visitor-serving facilities that serve the County's coastal areas are concentrated in the incorporated Monterey Peninsula cities and many more are located outside of the coastal zone. The LCP provides for few new or expanded facilities. The potential for increasing the overnight rental stock through short-term rentals of residences is controversial in Monterey County. In case the County plans to follow-up on proposals for allowing short-term rentals, suggested recommendations can be found in Appendix A on pages 127-128 (see Issue PA-1: Short-Term Rentals) in order to further carry out Coastal Act priorities of Section 30222.

Appendix A of the *Draft Findings of the Monterey County LCP Periodic Review* notes that there is no ordinance covering transient rentals within the LCP (Title 20 of the Monterey County Code), and that while the County proposed an ordinance it was never acted on by the Coastal Commission due to internal inconsistencies that prevented it from being filed (i.e., the definitions of "dwellings" and "transient occupancy"). The recommendations further state that if the County would like to formally allow short-term rentals in the Coastal Zone, it may be accomplished by developing and implementing an administrative permit or business license procedure outside of the LCP because transient occupancy of an existing residence is not defined as "development" that is regulated by a coastal development permit and those produces would not have to be included in the LCP (California Coastal Commission 2003b).

In July 2022, the County received a comment letter from the Coastal Commission Central Coast District Office regarding vacation rentals in the coastal zone. In the letter, the Coastal Commission stated that the County's LCP does not currently include any provisions addressing vacation rentals. An enforcement program against vacation rentals for LCP/Coastal Development Permit (CDP) would likely lead to most existing vacation rentals being shut down, due to the following reasons:

- ▶ the difficulty in obtaining a CDP for a vacation rental, which, in the coastal zone, is exacerbated because there are no LCP provisions against which to evaluate any such CDP application.
- ▶ the starting fee for such an application is quite high.
- ▶ the uncertainty associated with a discretionary permit decision on what the County is considering a conditional use (with no LCP provisions to apply and against which to measure LCP consistency).
- ▶ both staff and decisionmaker opposition to vacation rentals.

The Coastal Commission believes that the County should finalize vacation rental provisions through the requisite LCP amendment. The Coastal Commission thinks it is important to have clear and accurate supporting data and facts that are not in debate, to consider all viewpoints equally, and to have vacation rentals provisions to strike a balance that can work for the community as well as visitors to it who are not fortunate enough to live in the Monterey County coastal zone (California Coastal Commission 2022).

4.7.2 Environmental Setting

Land use planning is used to direct the amount, type, and location of different land uses and to coordinate anticipated development efforts for long-term efficiency of land uses and developed systems (e.g., circulation, infrastructure, and building space) in a planning area. The following key sources of data and information were used to prepare this section:

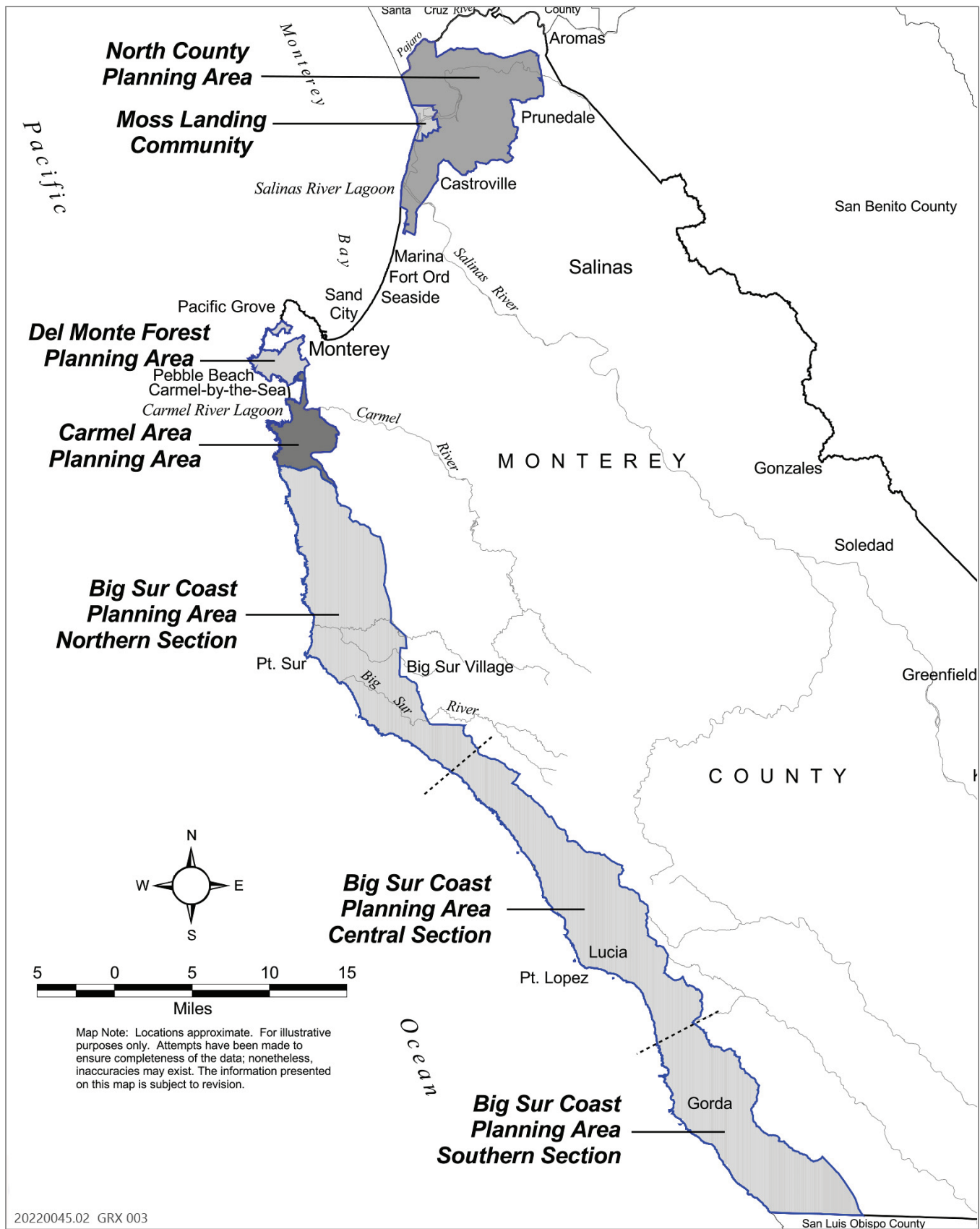
- A. Monterey County General Plan (2010, inland, and 1982, coastal),
- B. Monterey County Code and Coastal Implementation Plan,
- C. Monterey County's LCP, and
- D. US Census Bureau.

Monterey County covers more than 3,300 square miles, which include 12 incorporated cities that make up 75 percent of the County population and approximately 15 percent of the total land area. The remainder of the County includes unincorporated communities ranging from a small cluster of residential homes to small towns (Monterey County 2010). Approximately 1 percent of the unincorporated areas in Monterey County have been developed, primarily in the northern one-third of the County. Of the developed uses in the unincorporated areas, 0.7 percent of land is developed with residential uses, 0.3 percent with commercial, and 0.03 percent with industrial land uses. The largest land uses in Monterey County is agriculture, representing almost 60 percent of the total land use area, and public and quasi-public uses, such as education, transportation, military, religious, recreational/cultural, and community facilities, which represent almost 28 percent of the total land use. The remaining area is owned by the federal government (national forest, military bases, and US Bureau of Land Management property) (Monterey County 2010).

The proposed regulations would apply to the County's land use planning areas: Big Sur, Cachagua, Carmel, Carmel Valley, Central Salinas Valley, Del Monte Forest, Fort Ord, Greater Monterey Peninsula, Greater Salinas, Moss Landing, North County-Inland, North County-Coastal, South County, and Toro. The population of unincorporated Monterey County in these planning areas was estimated to be approximately 106,251 residents in 2022. As noted by the US Census Bureau, there were approximately 144,365 housing units in all of Monterey County, 11,141 of which were vacant housing units in 2021. An estimated 40,493 of the housing units were located in unincorporated areas of the County, with an estimated 5,137 of the housing units being vacant (US Census Bureau 2023).

Approximately 100 miles of scenic central California is covered by Monterey County. The coastal zone extends inland over much of the Elkhorn Slough watershed in the most northern portion of the County. The coastal zone then extends down the central peninsula along State Route 1 through the Del Monte Forest and northern Carmel area (Figure 4.7-1). Through the Big Sur Coast, the coastal zone extends up to 5 miles inland, continuing south past the County borders (California Coastal Commission 2003b).

Monterey County's LCP contains land use plans for North County, Big Sur, Carmel, and Del Monte Forest. These land use plans are summarized as above.



Source: California Coastal Commission 2003b: Map IN-1.

Figure 4.7-1 Monterey County Communities and Coastal Planning Areas

Environmental Impacts and Mitigation Measures

METHODOLOGY

Evaluation of potential land use impacts is based on a review of the planning documents pertaining to the project area, including the Monterey County General Plan. In determining the level of significance, this analysis assumes that implementation of the project would comply with relevant state and other County ordinances and regulations related to land use.

THRESHOLDS OF SIGNIFICANCE

An impact on land use would be significant if implementation of the project would:

- A. physically divide an established community or
- B. cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

ISSUES NOT DISCUSSED FURTHER

In the initial study prepared by the County to address the proposed regulations, some potential impacts were discussed and dismissed from further consideration because the County determined that the impacts would not occur with implementation of the proposed regulations. Impacts related to the following threshold is included among those that were dismissed:

- ▶ Physically divide an established community.

For a discussion of these impacts, see the initial study, which is included as Appendix A of this EIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.7-1: Cause a Significant Environmental Impact Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

As described above, Monterey County Land Use Plans and the Coastal Act encourage visitor serving uses, with some exception in the Big Sur area and Carmel area. Big Sur has unique housing, transportation, and environmental constraints. Carmel area has unique access and environmental constraints. Within the Inland areas, the transient use of residential property for remuneration is already a permitted use. The proposed regulations would place a cap on permitting of vacation rentals in designated zoning districts and prohibit commercial vacation rentals in Big Sur and in the Low Density Residential zones in the Carmel Area. The requirement of permits would reduce the potential for residential units to be used as vacation rentals. The project would not create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be **less than significant**.

As described in Chapter 2, "Project Description," the project consists of amendments to three ordinances—Title 20, Title 21, and Monterey County Code (MCC) Chapter 7—with the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed in unincorporated Monterey County. These ordinances would also limit the establishment of vacation rentals to existing, legally established dwellings and would allow up to 6 percent of the total single-family residential dwelling count, in each land use planning area of the County, to be used as a commercial vacation rental, with the exception of the Big Sur Coast Land Use Plan Area and low density residential zoning districts within the Carmel Land Use Plan Area, where commercial vacation rentals would not be permitted. It is reasonably foreseeable that implementing the proposed regulations would result in permitted

vacation rentals in existing residential development, and it would not incentivize or otherwise induce construction of new structures or demolition of existing structures.

The Title 20 amendment would clarify which zoning districts would be allowed to contain vacation rentals in the unincorporated coastal areas, as well as the types of permits and specific regulations required for vacation rentals in the pertinent zoning districts. In coastal areas, commercial vacation rental would be an allowed use subject to a Coastal Development Permit, with consideration by the Zoning Administrator, in the following zoning districts: High Density Residential (HDR[CZ]), Medium Density Residential (MDR[CZ]), Low Density Residential (LDR[CZ]), Rural Density Residential (RDR[CZ]), Watershed and Scenic Conservation (WSC[CZ]), Coastal General Commercial (CGC[CZ]), Moss Landing Commercial (MLC[CZ]), Visitor-Serving Commercial (VSC[CZ]), Coastal Agriculture Preserve (CAP[CZ]), and Agricultural Conservation (AC[CZ]). The Title 21 amendment consists of the same amendments as Title 20; however, amended Title 21 would focus on the unincorporated inland areas of the County. In inland areas, commercial vacation rental would be an allowed use subject to a Use Permit, with consideration by the Zoning Administrator, in the following zoning districts: High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Rural Density Residential (RDR), Light Commercial (LC), Heavy Commercial (HC), Visitor-Serving/Professional Office (VO), Resource Conservation (RC), Community Plan (CP), and Specific Plan (SP). The amendments to MCC Chapter 7 would require vacation rentals to obtain a business and operation permit in both coastal and inland areas of unincorporated Monterey County before commencement, operation, or maintenance of any vacation rental. Hotels also would be subject to the business license requirement.

Proposed Title 20 and Title 21 regulations would address limited vacation rentals and commercial vacation rentals. Limited vacation rentals would require a Vacation Rental Operation License and a Vacation Rental Business License, in accordance with the MCC Title 7 amendments, and require the owner, or authorized agent, to obtain all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the MCC before being issued a Vacation Rental Operation License. A limited vacation rental would be defined as a residential property rented as a vacation rental by the owner not more than three times in a 12-month period, with each such rental not to exceed 14 days. In contrast, a commercial vacation rental would be defined as a residential property rented as a vacation rental more than three times in a 12-month period or less than three times per year but for more than 14 consecutive days.

Vacation rentals would be limited to single-family residences in zoning districts where single-family dwellings and/or multiple-family dwellings are allowed uses. Limited vacation rentals are considered similar in character, density, and intensity to existing residential land uses because the limited frequency would not substantially alter the traditional residential nature of the use and would therefore not require a discretionary permit. However, commercial vacation rentals have the potential to be similar to recreational/visitor-serving uses, which could potentially result in a conflict with the residential land use. Limited vacation rentals and commercial vacation rentals would allow a maximum occupancy limit that could cause conflict with residential use regulations. Limited and commercial vacation rentals with an overnight occupancy would be limited to two persons per bedroom and could not exceed a total count of 10 persons per unit, regardless of the number of bedrooms in a unit. Daytime occupancy of limited and commercial vacation rentals would be limited to 1.5 times the maximum overnight occupancy and would not exceed 15 persons per unit, regardless of the number of bedrooms in a unit. Allowing three to four times the average number of people per household in Monterey County would likely create a sense of increased density and a commercial use of a residence in a neighborhood otherwise dedicated to typical long-term neighbors.

Consequently, commercial vacation rentals would be required to obtain a discretionary permit before commencement of use and would be subject to a Use Permit in inland areas and a Coastal Development Permit in coastal zone areas. The requirement and approval of a Use Permit or Coastal Development Permit would allow for commercial vacation rentals with characteristics similar to those of recreational/visitor-serving uses to be allowed in residential land use areas. The permits would require commercial vacation rentals to abide by current rules and regulations pertaining to residential zoning uses and would not adversely affect the health, safety, and welfare of the community. For example, all limited and commercial vacation rentals would be required to abide by all applicable state building and fire codes; MCC Chapter 10.41, "Solid Waste Collection and Disposal"; MCC Chapter 10.60, which addresses nighttime noise and quiet time; MCC Chapter 15.04, "Domestic Water Systems"; MCC Chapter 18.09, and "Fire Code"; and. Outside amplified sound associated with either limited or commercial vacation rentals would be

prohibited. Rules and regulations such as these are intended to minimize or avoid conflicts of commercial vacation rentals in residential areas.

A Vacation Rental Operation Permit and business license also would be required for commercial vacation rentals, and the owner, or authorized agent, would be required to obtain all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the MCC before being issued a Vacation Rental Operation Permit.

The proposed regulations require establishment of the vacation rental to be subject to CDP in the coastal zone. However, the County's LCP does not currently include any provisions addressing vacation rentals. Implementation of the proposed regulations in coastal zone would require amendment to LCP to include provision of vacation rentals. As discussed in Section 2.4.1, "Monterrey County Coastal Zoning – Title 20 Amendment," the project include amendment to the Monterey County Zoning Ordinance for coastal areas of unincorporated Monterey County (Title 20). The Title 20 Amendment provides definitions for terms not already defined, clarify in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The environmental analyses of the proposed regulations are based on data derived from the available subscription-based database as described in Section 4.0, "Environmental Impacts and Mitigation Measures." The environmental effects associated with the proposed regulations, including Title 20 Amendment, would be less than significant, with the exception of population and housing, are discussed in Section 4.1 through 4.11 of this Draft EIR. Limits on the number of permitted vacation rentals within the Coastal Zone may be inconsistent with the Coastal Act requirement to prioritize the use of private lands for visitor-serving commercial recreational facilities rather than private resident uses (PRC Section 302222). However, as mentioned above, permits would require vacation rentals to abide by current rules and regulations pertaining to residential zoning uses and would not adversely affect the health, safety, and welfare of the community. In addition, the proposed regulations would not impede or limit coastal access. The proposed regulations would allow for a change in the use of a private residence, either occupied by seasonal visitors or full-time residents. Regardless, the type of use would not be inconsistent with coastal access policies. Furthermore, while commercial vacation rentals would not be allowed within the Big Sur and LDR zones of the Carmel Area, the proposed ordinances will allow limited vacation rentals within these areas.

It is estimated that approximately half the homes that are currently used as vacation rentals are homes that are currently used seasonally by the owner. If this trend continues under the ordinance, it can be assumed that conversion of a home to a commercial vacation rental would result in the displacement of current occupants from the home. The proposed regulations would limit commercial vacation rentals through a 6 percent cap, which would restrict the level of displacement that would occur within the County as a result of vacation rentals. The proposed regulations would not limit the number of people that have access to the coastal zone but there could be a shift from long-term residents to short-term visitors in some instances.

Therefore, implementation of the proposed regulations would be consistent with coastal access policies related to the LCP, and would not create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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4.8 NOISE

This section presents a summary of applicable regulations related to noise, a description of ambient-noise conditions, and an analysis of potential long-term operation-related noise impacts associated with the project. Mitigation measures are recommended as necessary to reduce significant noise impacts.

Comments received regarding noise in response to the notice of preparation include concerns about disruptive elevated noise levels related to uses of vacation rentals. See Appendix A of this EIR for all notice of preparation comments received.

4.8.1 Regulatory Setting

FEDERAL

US Environmental Protection Agency Office of Noise Abatement and Control

The US Environmental Protection Agency (EPA) Office of Noise Abatement and Control was originally established to coordinate federal noise control activities. In 1981, EPA administrators determined that subjective issues, such as noise, would be better addressed at more local levels of government. Consequently, in 1982, responsibilities for regulating noise control policies were transferred to state and local governments. However, documents and research completed by the EPA Office of Noise Abatement and Control continue to provide value in the analysis of noise effects.

Federal Transit Administration

To address the human response to ground vibration, the Federal Transit Administration (FTA) has set forth guidelines for maximum-acceptable vibration criteria for different types of land uses. These guidelines are presented in Table 4.8-1.

Table 4.8-1 Ground-Borne Vibration Impact Criteria for General Assessment

Land Use Category	GBV Impact Levels (VdB re 1 microinch/second)		
	Frequent Events ¹	Occasional Events ²	Infrequent Events ³
<i>Category 1:</i> Buildings where vibration would interfere with interior operations.	65 ⁴	65 ⁴	65 ⁴
<i>Category 2:</i> Residences and buildings where people normally sleep.	72	75	80
<i>Category 3:</i> Institutional land uses with primarily daytime uses.	75	78	83

Notes: GBV = ground-borne vibration; VdB = vibration decibels referenced to 1 microinch per second and based on the root mean square velocity amplitude.

¹ "Frequent events" is defined as more than 70 vibration events of the same source per day.

² "Occasional events" is defined as between 30 and 70 vibration events of the same source per day.

³ "Infrequent events" is defined as fewer than 30 vibration events of the same source per day.

⁴ This criterion is based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define acceptable vibration levels.

Source: FTA 2018: 123–126.

STATE

California Building Code Sound Transmission Standards

The California Building Standards Code is a compilation of building standards. All occupancies in California are subject to national model codes adopted into Title 24, and occupancies are further subject to amendments adopted by state agencies and ordinances implemented by local jurisdictions' governing bodies. Noise in habitable units that

is attributable to external sources is regulated by the California Building Standards, codified in Section 1207 of CCR Title 24, Part 2 (California Building Code). These standards are enforceable at the time of construction or during occupancy and apply to habitable units with common interior walls, partitions, and ceilings and units adjacent to public areas, such as halls, corridors, stairways, and service areas. Under these standards, the interior noise levels attributable to exterior sources may not exceed 45 decibels (dB) in any habitable room. The noise metrics used to measure these levels can be day-night average sound level (L_{dn}) or Community Noise Equivalent Level (CNEL), consistent with the local general plan. An acoustical analysis documenting compliance with the interior sound level standards must be prepared for structures containing habitable rooms. Under PRC Section 25402.1(g), all cities and counties in the state are required to enforce the adopted California Building Code, including these standards for noise in interior environments.

California General Plan Guidelines

The State of California General Plan Guidelines 2017, published by the California Governor's Office of Planning and Research (2017), provides guidance regarding the compatibility of projects in areas of specific noise exposure. Acceptable and unacceptable community noise exposure limits for various land use categories have been determined to help guide new land use decisions in California communities. In many local jurisdictions, these guidelines are used to derive local noise standards and guidance. Citing EPA materials and the State Sound Transmissions Control Standards, the state's general plan guidelines recommend an interior CNEL and an exterior CNEL of 45 and 60 decibels (dB) for residential units, respectively (OPR 2017: 378).

California Department of Transportation

In 2020, the California Department of Transportation (Caltrans) published the updated Transportation and Construction Vibration Guidance Manual (Caltrans 2020). The manual provides general guidance on vibration issues associated with construction and operation of projects in relation to human perception and structural damage. Table 4.8-2 presents recommendations for levels of vibration that could result in damage to structures exposed to continuous vibration.

Table 4.8-2 Caltrans Recommendations Regarding Levels of Vibration Exposure

PPV (in/sec)	Effect on Buildings
0.4-0.6	Architectural damage and possible minor structural damage
0.2	Risk of architectural damage to normal dwelling houses
0.1	Virtually no risk of architectural damage to normal buildings
0.08	Recommended upper limit of vibration to which ruins and ancient monuments should be subjected
0.006-0.019	Vibration unlikely to cause damage of any type

Notes: PPV= peak particle velocity; in/sec = inches per second.

Source: Caltrans 2020: 38.

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan (County of Monterey 2010) addresses noise in the Safety Element. Goal S-7 is "Maintain a healthy and quiet environment free from annoying and harmful sounds." Policies S-7.1 through S-7.10 are the County's General Plan policies related to noise; however, none of these policies are applicable to the project, because they relate to development, and the project would not involve construction or new development of any kind.

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan (Monterey County, 1982) includes the following goal and policy related to noise:

Goal 22. To maintain an overall healthy and quiet environment by trying to achieve living and working conditions free from annoying and harmful sounds.

- ▶ **Policy 38.1.2.** The effects of road noise on County roads and highways shall be mitigated to comply with all noise control policies of this General Plan.

Monterey County Code

Chapter 10.60, "Noise Control," of the Monterey County Code contains the County's General Noise Regulations. The following regulations are applicable to the project:

10.60.010 - Findings.

This Board finds that noises generated so as to be in excess of the levels permitted in this Chapter impair hearing, impede convalescence, hinder concentrated mental effort, interfere with relaxation and sleep, depreciate property values, and cause stress and nervous tension and consequent irritability, insomnia, accident proneness, and increased risk for cardiovascular disease and hypertension.

10.60.030 - Operation of noise-producing devices restricted.

At any time of the day, it is prohibited within the unincorporated area of the County of Monterey to operate, assist in operating, allow, or cause to be operated any machine, mechanism, device, or contrivance which produces a noise level that exceeds eighty-five (85) dBA measured fifty (50) feet therefrom. The prohibition in this Section shall not apply to aircraft nor to any such machine, mechanism, device or contrivance that is operated in excess of two thousand five hundred (2,500) feet from any occupied dwelling unit.

10.60.040 - Regulation of nighttime noise.

The following regulations shall apply to nighttime noise:

- A. It is prohibited within the unincorporated area of the County of Monterey to make, assist in making, allow, continue, create, or cause to be made any loud and unreasonable sound any day of the week from 9:00 p.m. to 7:00 a.m. the following morning.
- B. Within the time period from 9:00 p.m. to 7:00 a.m. the following morning, and for the purposes of this Section, a loud and unreasonable sound shall include any sound that is plainly audible, including but not limited to Amplified noise, at a distance of fifty (50) feet in any direction from the source of the sound or any sound that exceeds the exterior noise level standards set forth in Table I below [presented as Table 4.8-3].

Table 4.8-3 Exterior Noise Level Standards (Nighttime Only)

	Standard
Nighttime hourly equivalent sound level (L_{eq} dBA)	45
Maximum level, dBA	65

Notes: dBA = decibels; L_{eq} = equivalent continuous sound level.

Source: County of Monterey Municipal Code.

- C. The provisions of this Section are not intended to affect and shall not apply to:
 1. Bells, chimes, carillons and similar devices while being used for religious purposes, or in conjunction with religious services, or for celebrations of public holidays; or
 2. Outdoor gatherings, public dances, shows and sporting and entertainment events, provided such gathering, dance or event is conducted on commercial or institutional premises, pursuant to applicable rules, regulations and zoning restrictions and in compliance with all permits or licenses issued by a public agency relative to the staging of the gathering, dance or event; or

3. Emergency vehicles being operated by authorized personnel or equipment used in an emergency, such as chain saws; or
4. Commercial agricultural operations, not including activities at farm-related housing.

10.60.050 - Enforcement.

- A. In the event of a violation of this Chapter or any requirement imposed pursuant to this Chapter, the County may, in its discretion take such enforcement action pursuant to Monterey County Code Chapter 1.22.
- B. The Enforcement Officer, as defined by Monterey County Code Chapter 1.22, is authorized and empowered to enforce the provisions of this Chapter. Upon first contact with a responsible person, the Enforcement Officer shall issue a verbal warning of violation. Within the proceeding twenty-four (24) hours after such verbal warning is given, the Enforcement Officer may issue an administrative citation.
- C. The Enforcement Officer may issue an administrative citation for the violation of this Chapter as a civil penalty as follows:
 1. The first violation of the provisions of this Chapter shall be punishable by a fine of not more than five hundred dollars (\$500).
 2. The second violation of the provisions of this Chapter during a twelve (12) month period shall be punishable by a fine of not more than one thousand dollars (\$1,000).
 3. The third, and any subsequent, violation of the provisions of this Chapter during a twelve (12) month period shall be punishable by a fine of not more than two thousand dollars (\$2,000).
- D. Each hour such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

4.8.2 Environmental Setting

ACOUSTIC FUNDAMENTALS

Before a discussion of the project's noise setting, background information about sound, noise, vibration, and common noise descriptors is needed to provide context and a better understanding of the technical terms referenced throughout this section.

Sound, Noise, and Acoustics

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a human ear. Noise is defined as loud, unexpected, annoying, or unwanted sound.

In the science of acoustics, the fundamental model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions or atmospheric factors affecting the propagation path to the receiver determine the sound level and characteristics of the noise perceived by the receiver. The field of acoustics deals primarily with the propagation and control of sound.

Frequency

Continuous sound can be described by frequency (pitch) and amplitude (loudness). A low-frequency sound is perceived as low in pitch. Frequency is expressed in terms of cycles per second, or hertz (Hz) (e.g., a frequency of 250 cycles per second is referred to as 250 Hz). High frequencies are sometimes more conveniently expressed in kilohertz, or thousands of hertz. The audible frequency range for humans is generally between 20 Hz and 20,000 Hz.

Sound Pressure Levels and Decibels

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.0000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 mPa. Because of this large range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of decibels.

Addition of Decibels

Because decibels are logarithmic units, SPLs cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3-dB increase. In other words, when two identical sources are each producing sound of the same loudness at the same time, the resulting sound level at a given distance would be 3 dB higher than if only one of the sound sources was producing sound under the same conditions. For example, if one idling truck generates an SPL of 70 dB, two trucks idling simultaneously would not produce 140 dB; rather, they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level approximately 5 dB louder than one source.

A-Weighted Decibels

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Although the intensity (energy per unit area) of the sound is a purely physical quantity, the loudness or human response is determined by the characteristics of the human ear.

Human hearing is limited in the range of audible frequencies, as well as in the way it perceives the SPL in that range. In general, people are most sensitive to the frequency range of 1,000–8,000 Hz and perceive sounds within this range better than sounds of the same amplitude with frequencies outside of this range. To approximate the response of the human ear, sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. Then an “A-weighted” sound level (expressed in units of A-weighted decibels) can be computed based on this information.

The A-weighting network approximates the frequency response of the average young ear when listening to most ordinary sounds. When people make judgments of the relative loudness or annoyance of a sound, their judgment correlates well with the A-scale sound levels of those sounds. Thus, noise levels are typically reported in terms of A-weighted decibels. All sound levels discussed in this section are expressed in A-weighted decibels. Table 4.8-4 describes typical A-weighted noise levels for various noise sources.

Table 4.8-4 Typical A-Weighted Noise Levels

Common Outdoor Activities	Noise Level (dB)	Common Indoor Activities
	— 110 —	Rock band
Jet fly-over at 1,000 feet	— 100 —	
Gas lawn mower at 3 feet	— 90 —	
Diesel truck at 50 feet at 50 miles per hour	— 80 —	Food blender at 3 feet, garbage disposal at 3 feet
Noisy urban area, daytime, gas lawn mower at 100 feet	— 70 —	Vacuum cleaner at 10 feet, normal speech at 3 feet
Commercial area, heavy traffic at 300 feet	— 60 —	
Quiet urban daytime	— 50 —	Large business office, dishwasher next room
Quiet urban nighttime	— 40 —	Theater, large conference room (background)
Quiet suburban nighttime	— 30 —	Library, bedroom at night
Quiet rural nighttime	— 20 —	
	— 10 —	Broadcast/recording studio
Lowest threshold of human hearing	— 0 —	Lowest threshold of human hearing

Source: Caltrans 2013: Table 2-5.

Human Response to Changes in Noise Levels

The doubling of sound energy results in a 3-dB increase in the sound level. However, given a sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different from what is measured.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-dB changes in sound levels when exposed to steady, single-frequency (“pure-tone”) signals in the midfrequency (1,000–8,000 Hz) range. In general, the healthy human ear is most sensitive to sounds between 1,000 and 5,000 Hz and perceives both higher and lower frequency sounds of the same magnitude with less intensity (Caltrans 2013: 2-18). In typical noisy environments, changes in noise of 1–2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness (Caltrans 2013: 2-10). Therefore, a doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3-dB increase in sound would generally be perceived as barely detectable.

Vibration

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Sources of vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) and those introduced by human activity (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous (e.g., operating factory machinery) or transient in nature (e.g., explosions). Vibration levels can be depicted in terms of amplitude and frequency, relative to displacement, velocity, or acceleration.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV and RMS vibration velocity are normally described in inches per second or in millimeters per second. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (FTA 2018: 110; Caltrans 2020: 6).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a 1-second period. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2018: 110, 199; Caltrans 2020: 7). This is based on a reference value of 1 microinch per second.

The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2018: 120; Caltrans 2020: 27).

Table 4.8-5 summarizes the general human response to different ground vibration-velocity levels.

Table 4.8-5 Human Response to Different Levels of Ground Noise and Vibration

Vibration-Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Note: VdB = vibration decibels referenced to 1 microinch per second and based on the root mean square velocity amplitude.

Source: FTA 2018: 120.

Typical outdoor sources of perceptible ground vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold at which minor damage can occur to fragile buildings. Construction activities can generate ground vibrations sufficient to pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA 2018: 113).

Vibrations generated by construction activity can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Continuous vibrations are generated by vibratory pile drivers, large pumps, and compressors. Random vibration can result from jackhammers, pavement breakers, and heavy construction equipment.

Common Noise Descriptors

Noise in our daily environment fluctuates over time. Various noise descriptors have been developed to describe time-varying noise levels. The following noise descriptors are used throughout this section.

Equivalent Continuous Sound Level (L_{eq}): L_{eq} represents an average of the sound energy occurring over a specified period. In effect, L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound level that occurs during the same period (Caltrans 2013: 2-48). For instance, the 1-hour equivalent sound level, also referred to as the hourly L_{eq} , is the energy average of sound levels occurring during a 1-hour period and is the basis for noise abatement criteria used by Caltrans and FTA (Caltrans 2013: 2-47; FTA 2018: 210).

Maximum Sound Level (L_{max}): L_{max} is the highest instantaneous sound level measured during a specified period (Caltrans 2013: 2-48; FTA 2018: 207–208).

Day-Night Level (L_{dn}): L_{dn} is the energy average of A-weighted sound levels occurring over a 24-hour period, with a 10-dB “penalty” applied to sound levels occurring during nighttime hours between 10 p.m. and 7 a.m. (Caltrans 2013: 2-48; FTA 2018: 214).

Community Noise Equivalent Level (CNEL): CNEL is the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10-dB penalty applied to sound levels occurring during the nighttime hours between 10 p.m. and 7 a.m. and a 5-dB penalty applied to the sound levels occurring during evening hours between 7 p.m. and 10 p.m. (Caltrans 2013: 2-48).

Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. The manner in which a noise level decreases with distance depends on the following factors.

Geometric Spreading

Sound from a localized source (i.e., a point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Roads and highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources, thus propagating at a slower rate in comparison to a point source. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

Ground Absorption

The propagation path of noise from a source to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective-wave canceling provides additional attenuation associated with geometric spreading. Traditionally, this additional attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 feet. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver, such as soft dirt, grass, or scattered bushes and trees), an

additional ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the attenuation rate associated with cylindrical spreading, the additional ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance. This would hold true for point sources, resulting in an overall drop-off rate of up to 7.5 dB per doubling of distance.

Atmospheric Effects

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels because wind can carry sound. Sound levels can be increased over large distances (e.g., more than 500 feet) from the source because of atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors, such as air temperature, humidity, and turbulence, can also affect sound attenuation.

Shielding by Natural or Human-Made Features

A large object or barrier in the path between a noise source and a receiver attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Natural terrain features (e.g., hills and dense woods) and human-made features (e.g., buildings and walls) can substantially reduce noise levels. A barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction (Caltrans 2013: 2-41; FTA 2018: 42). Barriers higher than the line of sight provide increased noise reduction (FTA 2018: 16). Vegetation between the source and receiver is rarely effective in reducing noise because it does not create a solid barrier unless there are multiple rows of vegetation (FTA 2018: 15, 104, 106).

EXISTING NOISE ENVIRONMENT

Existing Noise- and Vibration-Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels, and because of the potential for nighttime noise to result in sleep disruption. Additional land uses such as schools, transient lodging, historic sites, cemeteries, and places of worship are also generally considered sensitive to increases in noise levels. These land use types are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance.

Existing Noise Sources and Ambient Levels

Table 4.8-6 presents data obtained by the County of Monterey depicting noise complaints related to vacation rentals that County staff have received. Since 2013, there have been approximately 100 noise complaints associated with vacation rentals in the unincorporated County (County of Monterey 2023). Please note that the County of Monterey staff is aware that a number of additional complaints have been made to members of the Board of Supervisors but have not been recorded. In addition, the Sheriff's Department also receives noise complaints. However, these complaints are not documented in a method that can be reviewed to determine if the noise complaint was related to a vacation rental. Therefore, the exact number of noise complaints received related to a vacation rental cannot be quantified.

Table 4.8-6 County of Monterey Short-Term Rental Noise Complaints

Year	Planning Area	Complaint Description
Pre-2016	Greater Monterey Peninsula	Property is being rented as a short-term rental. Also renting out for parties and weddings.
2016	Unknown	Short-term rental. General noise issues – 7 complaints.
2017	Unknown	— Short-term rental. General noise issues – 6 complaints.
2018	Carmel Valley Master Plan	Short-term rental. General noise issues. – 7 complaints
	Central Salinas Valley	Short-term rental. Fireworks and a noise nuisance. - 12 complaints
2019	Unknown	Short-term rental. General noise issues. – 12 complaints
2020	Unknown	Short-term rental. General noise issues. – 17 complaints
2021	Unknown	Short-term rental. General noise issues. – 9 complaints
2022	Carmel Valley Master Plan	Short-term rental. Rents house out on weekends for parties with loud music. Past weekend was used for wedding. Additional complaint about short-term rental: weddings and large gatherings, traffic congestion.
	Carmel Valley Master Plan	Short-term rental. Nighttime noise and loud parties.
	North County Local Coastal Plan	Short-term rental. Running a day care center, on weekends rents out backyard for private parties, loud noise, sometimes places 50-foot x 20-foot tents.
	Unknown	Short-term rental. General noise issues. – 33 complaints
2023	Carmel Land Use Plan	Short-term rental. Loud music/parties. – 8 complaints

Source: Data provided by County of Monterey in 2023.

4.8.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

With respect to non-transportation noise sources associated with project implementation (e.g., amplified music, family gatherings), the assessment of long-term (operation-related) impacts was based on the County's noise complaint history related to vacation rentals and the County of Monterey's Noise Ordinance thresholds and enforcement policies.

The exact locations of individual future vacation rentals in the unincorporated County are not known at this time; thus, the roadways on which project-generated trips would travel cannot be known. Therefore, potential long-term (operation-related) noise impacts attributable to project-generated increases in traffic are assessed qualitatively.

THRESHOLDS OF SIGNIFICANCE

A noise impact would be significant if implementation of the project would:

- ▶ Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies:
 - Expose nearby sensitive receptors to operational non-transportation noise sources exceeding the County's noise standards of 85 dB at a distance of 50 feet at any time of day and 45 dB L_{eq} and 65 dB L_{max} between the hours of 9:00 p.m. and 7:00 a.m. (County of Monterey Municipal Code Sections 10.60.030 and 10.60.040, respectively); or
 - Result in substantial increases in traffic noise of at least 3 dB;

- ▶ Generate excessive groundborne vibration or groundborne noise levels; or
- ▶ For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

ISSUES NOT DISCUSSED FURTHER

In the initial study prepared by Monterey County to address the proposed regulations, some potential impacts were discussed and dismissed from further consideration because the County determined that the impacts would not occur with implementation of the proposed regulations. Impacts related to the following thresholds are included among those that were dismissed:

- ▶ Generate excessive groundborne vibration or groundborne noise levels; or
- ▶ For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

For a discussion of these impacts, see the initial study, which is included as Appendix A of this EIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.8-1: Generate a Substantial Increase in Non-transportation Operational Noise

The project would not involve development of any kind; therefore, the only increase in non-transportation operational noise possible from the project is expected to be associated with the raised voices and amplified music. Chapter 10.60 of the County Code identifies noise standards throughout the day, including more sensitive night hours when people typically sleep. Section 10.60.050 establishes a process of enforcement that County officials may take in case a noise violation occurs and persists. In addition, the County's noise complaint history related to vacation rentals shows that noise complaints attributed to vacation rentals have been reported. However, the proposed regulations state that vacation rental permittees are responsible for all nuisance violations that occur in the vacation rental and that the permittee is charged a minimum inspection fee whenever an inspection occurs at the unit (proposed County Code Section 7.120.060). Proposed Chapter 7.120 related to limited and/or commercial vacation rentals, states that no outdoor amplified sound is permitted at any time and provides enforcement actions that may be taken by the County if the permittee is not in compliance with any provisions in the Chapter. Also, proposed amendments to Titles 20 and 21 of the County Code include grounds for suspension or revocation if more than two substantiated violations of the terms and conditions of the Coastal Development Permit, Use Permit, and/or Vacation Rental Operation Permit occur within a 12-month period. These provisions are strong disincentives against vacation rental-generated noise in excess of standards. Because noise generated by vacation rentals is expected to be consistent with that of existing residential uses across the unincorporated County, and the County has policies and enforcement mechanisms in place to discourage and enforce individual noise violations, it is not anticipated that implementing the project would result in frequent noise in excess of the noise thresholds identified in Chapter 10.60 and proposed Chapter 7.120 of the County Code. Furthermore, it should be noted that the project would not allow for the use of single family dwellings for events that could be a significant source of noise. Therefore, the project is not expected to substantially increase non-transportation operational noise. This impact would be **less than significant**.

The project would not authorize or facilitate any new development. Therefore, implementing the project would not result in the introduction of any new stationary noise sources typically associated with new development (e.g., HVAC equipment) that could potentially generate a substantial increase in operational noise. On-site noise-generating activity associated with implementation of the project is expected to be associated with noise sources typical of family and friend gatherings, such as raised voices and amplified music. However, these types of noise (raised voices and amplified music) could also be generated by occupants of any residential unit. Pursuant to Section 21085 of CEQA (added in 2023) "the effects of noise generated by project occupants (of residential projects) and their guests on human beings is not a significant effect on the environment." Because the project involves commercial vacation rentals of residences and not the development of a residential project, it is unclear whether this statutory change to CEQA is applicable. Consequently, this analysis does not consider this statutory change applicable.

As presented in Table 4.8-6, above, the County has received approximately 100 noise complaints associated with vacation rentals since 2013. As previously stated, an unknown number of additional noise complaints have been lodged with individual members of the County Board of Supervisors and with the Sheriff's Department. Noise complaints associated with some vacation rentals are known to be a problem, even if not frequently recorded (Beretti, pers. comm., 2023). It is difficult to draw a definitive conclusion on the extent to which excessive noise from existing vacation rentals occurs, relative to their total use, and whether the noise exceeds noise ordinance standards. Given the information available, it is prudent to conclude that noise associated with existing vacation rentals is a substantial concern. Absent any regulations addressing this issue, an increase in vacation rentals would be expected to result in a proportionate increase in noise complaints and potential noise ordinance violations.

Much of the noise concerns are attributable to human behavior. From a regulatory perspective the County has attempted to minimize the occasions where human behavior creates excessive noise. As detailed above in the "Regulatory Setting" section, the County of Monterey's Noise Ordinance establishes enforceable standards related to noise, provided in Chapter 10.60 of the County's Code which all vacation rentals would be subject to. Section 10.60.030 states that it is prohibited to operate, assist in operating, allow operation of, or cause to be operated any machine, mechanism, device, or contrivance at a level that exceeds 85 dB at a distance of 50 feet at any time of day. In addition, nighttime noise is regulated in Section 10.60.040 of the Municipal Code, which identifies a threshold of 45 dB L_{eq} and 65 dB L_{max} between the hours of 9:00 p.m. and 7:00 a.m.

Furthermore, enforcement action may be taken if the County's Noise Ordinance is violated. As detailed in Section 10.60.050 of the County Code, a verbal warning may be followed by an administrative citation. Administrative citations in the form of monetary fines may increase if violations continue within a 12-month period, and each hour such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Additionally, the County of Monterey's Noise Ordinance as established in the proposed ordinance (Section 7.120.040, "Regulations for Vacation Rentals") would apply to all vacation rentals. As detailed in Chapter 2.4, "Project Background," the intent of the proposed regulations is, in part, to eliminate those vacation rentals that contribute to nuisances associated with this type of use, including noise issues. In addition to the project's compliance with the County Noise Ordinance, Section 7.120.040 of the proposed ordinance states that outside amplified sound associated with limited and/or commercial vacation rentals is prohibited at all times. The proposed regulations state that vacation rental permittees are responsible for all nuisance violations that occur in the vacation rental and that the permittee will be charged for inspections, investigations, and any other fee-associated activity (proposed ordinance Section 7.120.060 "Fees"). Section 7.120.080 of the proposed ordinance, "Enforcement," states that any person violating any of the provisions or failing to comply with any of the requirements of the chapter may be charged with a misdemeanor punishable by a fine or by imprisonment. See Section 7.120.080, "Enforcement," for details regarding violations and enforceable actions.

Furthermore, proposed Sections 20.64.290 and 21.64.290, both titled "Regulations for Vacation Rentals," provide grounds for suspension or revocation for vacation rentals in the coastal and noncoastal zones. Grounds for suspension or revocation may include, but would not be limited to, more than two substantiated violations of the terms and conditions of the Coastal Development Permit and/or Vacation Rental Operation Permit or Use Permit and/or Vacation Rental Operation Permit, issued pursuant to the MCC Chapter 7.120, in a 12-month period. A substantiated violation is a determination of a violation by a court, administrative hearing officer, or hearing body, or

by stipulated agreement. These code provisions provide strong economic and prosecutorial disincentives to allow vacation rentals to produce noise in excess of the noise ordinance. Given the potential penalties, it would be expected that noise warnings would be included in the rental agreements for the vacation rentals under the proposed ordinance.

With all this in mind, it is not anticipated that implementing the project would frequently result in noise in excess of the noise thresholds identified in Chapter 10.60 and proposed Chapter 7.120, Title 20, and Title 21 of the County's County Code. This is not to suggest that violations would never occur, but the disincentives to allow violations are strong and would be expected to eliminate most or all multiple violations. Under CEQA, a significant impact is defined as an "adverse and substantial effect." Occasional violations of a noise ordinance would be considered adverse but would not be expected to be substantial—in this case, frequent. Given the intent of the ordinance to strongly penalize noise violations and the relatively low occurrence of reported violations under current conditions, repeated offenses are not expected. For these reasons, the project would not be expected to generate a substantial increase in non-transportation operational noise, and the impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 4.8-2: Generate a Substantial Increase in Traffic Noise

The project involves amending the MCC to regulate vacation rentals in the unincorporated Monterey County and would not involve new development of any kind. As discussed in Section 4.10, "Transportation," average trip rates would likely decrease for residences that are converted from single-family residences to vacation rentals. In addition, even if implementation of the project did result in an increase in the number of vehicular trips in the County, the increase would be slight, and any new trips would be dispersed throughout the roadway network of the unincorporated Monterey County. Therefore, it is not anticipated that roadway noise would increase noticeably if it increases at all. Therefore, implementing the project would not generate a substantial increase in traffic noise. This impact would be **less than significant**.

The project consists of three draft ordinances that would amend the MCC for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. It would provide definitions for terms not already defined, state in which zoning districts vacation rentals would be authorized and what type of permit(s) would be required, and provide specific regulations for vacation rentals. Thus, the project would not authorize or facilitate any new development.

As detailed in the "Environmental Setting" section, above, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments, which corresponds to a doubling of sound energy and, in this instance, a doubling of traffic volume. However, as discussed in Section 4.10, "Transportation," average trip rates would likely decrease for residences that are converted from single-family residences to vacation rentals. As discussed above, the exact locations of individual future vacation rentals in the unincorporated Monterey County are not known at this time; thus, the roadways on which project-generated trips would travel cannot be known. However, the intent of the proposed regulations is to allow a maximum of 6 percent of vacation rentals in any planning area, which would ensure that vacation rentals are not concentrated in one area in the unincorporated Monterey County. Therefore, even if implementation of the project did result in an increase in the number of vehicular trips in the County, the increase would be slight, and any new trips would be dispersed throughout the roadway network of the unincorporated Monterey County. Because the doubling of a noise source is required to result in an increase of 3 dB, which is perceived as barely noticeable by humans (Egan 2007), any slight increase in vehicle trips would result in far less than a doubling of traffic volume on area roadways and thus would not result in a perceptible increase in noise. Therefore, implementation of the project would not generate a substantial increase in traffic noise. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

4.9 POPULATION AND HOUSING

This section provides an overview of the existing population and housing supply in Monterey County and evaluates the potential for population and housing to be affected as a result of project implementation. Potential growth-inducing impacts of the project are addressed in Chapter 7, "Other CEQA Sections." Additional discussion related to housing affordability is included in Section 3.4.4, "Housing Stock/Affordable Housing."

During the public scoping period for the notice of preparation, commenters expressed concern about the potential displacement of existing residents in the County. These comments are addressed, as appropriate, in this section.

4.9.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to population and housing are applicable to the project.

STATE

California Housing Element Law

California's Housing Element Law (California Government Code Sections 65580–65589.8) recognizes that early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, was a "priority of the highest order." The law was enacted to ensure that counties and cities recognize their proportionate responsibilities in contributing to the attainment of state housing goals, to establish the requirement that all counties and cities adopt housing elements to help meet state goals, to recognize that each locality is best capable of determining what efforts it is required to take to contribute to attainment of state housing needs, and to encourage and facilitate cooperation between local governments to address regional housing needs. Section 65583 states, "The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community."

Regional Housing Needs Plan

California general plan law requires each city and county to have land zoned to accommodate a fair share of the regional housing need. The share, known as the Regional Housing Needs Allocation (RHNA), is based on a Regional Housing Needs Plan developed by councils of government. The Association of Monterey Bay Area Government (AMBAG) is the lead agency for developing the Regional Housing Needs Plan for 18 cities in Monterey and Santa Cruz Counties.

LOCAL

Monterey County General Plan

The Monterey County General Plan 2015-2023 Housing Element addresses housing needs, evaluates the current housing market in the County, and identifies programs that will meet the housing needs (Monterey County 2016). The RHNA is addressed in the Housing Element, which provides an estimate of the number of housing units that should be provided in the community to meet its share of new households in the region.

The following goal and policy from the 2015-2023 Housing Element pertains to the project:

GOAL H-1. Assure the quality, safety, and habitability of existing housing, promote the continued high quality of residential neighborhoods, preserve all types of affordable housing developments, and conserve energy.

- ▶ **Policy H-1.2.** Encourage conservation of existing housing stock through rehabilitation, while also assuring that existing affordable housing stock and historic structures are not lost.
 - **Implementation H-1.a.** Preservation of Existing Rental Affordable Units.

GOAL H-4. Reduce or remove government constraints to housing production and opportunity when feasible and legally permissible.

- ▶ **Policy H-4.1.** Periodically review the County’s regulations, ordinances, and procedures to ensure they do not unduly constrain the production, maintenance, and improvement of housing; revise as appropriate.

Monterey County Code

To address concerns regarding the availability of affordable housing in the County, Chapter 18.40 (Inclusionary Housing Ordinance) requires that either at least 20 percent of the total number of units approved for the residential development affordable to very low, low and moderate incomes households or payment of an in-lieu fee.

4.9.2 Environmental Setting

The California Department of Finance’s (DOF’s) Demographic Research Unit prepares population projections for the state and each county and city in California. Information related to population trends in the unincorporated County is obtained from DOF. Information related to housing supply and vacancy rate is from the Socioeconomic Analysis (Appendix C of this EIR) prepared by Economic & Planning Systems, Inc. (EPS) for the project. Data included in the Socioeconomic Analysis are sourced from publicly available databases (e.g., 2010 and 2021 U.S. Census American Community Survey) and subscription-based database (e.g., AirDNA, a web-based platform that compiles information sources from Airbnb, VRBO, and HomeAway listings).

POPULATION AND POPULATION GROWTH

Monterey County Population

Geographically, Monterey County is one of California’s largest counties, covering more than 3,300 square miles of diverse natural habitats and residential communities (Monterey County 2010). The County’s population in 2022, including the population of incorporated cities, was 433,716, which represents a decrease of 2,005 residents, or 0.5 percent, compared to the County’s 2021 population (Table 4.9-1) (DOF 2022a). As of 2022, 413,361 residents resided in the 132,496 occupied housing units in Monterey County (in incorporated and unincorporated areas) with an average of 3.12 persons per household (DOF 2022b). In terms of population projections, the countywide population is anticipated to fluctuate somewhat over the next 20 years but ultimately is expected to grow to approximately 477,265 residents by 2040 (DOF 2023).

Table 4.9-1 Regional Population Characteristics

County	2020	2021	2022	Percent Change (2020–2022)
Monterey County	439,035	435,721	433,716	-1.21

Sources: DOF 2022a, 2022b.

Unincorporated County Population

Between 2021 and 2022, the population in the unincorporated portion of Monterey County decreased by 1,400, or 1.3 percent, from approximately 106,251 residents to approximately 104,851 residents (DOF 2022a).

HOUSING UNITS AND VACANCY

The housing vacancy rate is a measure of general housing availability and represents the percentage of all available housing units that are vacant or unoccupied at a particular time. Generally, a low vacancy rate, 5 percent or less, suggests that housing availability is low; conversely, a high vacancy rate (greater than 8 percent) may indicate that a high number of housing units are available for occupancy. However, a high vacancy rate could also indicate a high number of seasonal units (second homes) are vacant. When a region maintains a “healthy” vacancy rate of between 5 percent and 8 percent, housing consumers generally have a wide choice of housing types and prices to choose from. As vacancy rates drop, shortages generally result in higher housing costs and limited choices. The County’s housing vacancy rate usually exceeds the state’s vacancy rate. In 2021, the vacancy rate was 9.2 percent in Monterey County and 7.8 percent in California (Appendix C Table B-5 of this EIR). As described further below, it is likely that the relatively high vacancy rate is a result of second (vacation) home ownership with some homes only occasionally used, and not an indication of oversupply.

Between 2010 and 2021, a majority of population growth occurred in the incorporated cities in the County, while half of the new housing units occurred in the unincorporated areas of the County. Over the last decade, population increased in unincorporated areas by approximately 8 percent, while total housing units in the unincorporated areas accounted for about 50 percent of total net new housing inventory in the County as a whole (Appendix C Tables A-1 and B-1 of this EIR).

As of 2021, an estimated 46,830 of the County’s total of 143,094 housing units are located in the unincorporated County, an increase of 2,164 housing units since 2010. Note that the total of units reported here to be in the County is an overcount. Because census tract data does not necessarily align with the corporate boundaries of cities, the total units in the County are overreported by approximately 25 percent compared to assessor parcel data (see Section 2, project description, which reports a total of 34,626 units; this number is used to determine the available units for rent under the commercial vacation ordinance cap.)

The average household size in the unincorporated county is 3.1 persons. Based on census tract data, of the housing units located in the unincorporated County, 38,156 were single-family housing (attached and detached), 3,297 units were mobile homes, and 5,377 units were multifamily housing (Appendix C Table B-2 of this EIR). The vacancy rate in the unincorporated areas was a relatively high 12.8 percent in 2021 compared to 9.2 percent in the entire Monterey County and 7.8 percent in California (Appendix C Table B-5 of this EIR). In 2021, approximately half of the vacant units in the unincorporated County comprised seasonal, recreational, or occasional-use housing units¹, with the bulk located in the planning areas that are less affordable and more tourism-based including Big Sur, Carmel, Del Monte Forest, Carmel Valley, and the Greater Monterey Peninsula. Seasonal, recreational, or occasional use units as a percentage of total vacant units in the unincorporated County remained relatively steady at 54 percent from 2010, down slightly to 51 percent in 2021 (Appendix C Table B-6 of this EIR).

VACATION RENTALS

Between 2015 and 2021, approximately 1,577 housing units were added to the unincorporated Monterey County, while the active listings for vacation rentals increased by approximately 420 units during the same period (Appendix C: P18 of this EIR). As of June 2023, the active listings for vacation rentals in the unincorporated Monterey County is 831 units, representing 29 percent of the total vacation rentals in the County. Almost half of the listings in 2023 were located in the Carmel & Del Monte Forest Coastal planning area followed by the Carmel Valley Master planning area, yet both areas saw minimal housing supply growth (3 percent and less than 1 percent). Both areas saw large increases in active listings during the same period, followed by moderate increases in the North County Coastal and Toro planning areas (Appendix C Tables D-1 and B-1 of this EIR). This trend is not surprising; it would be expected that

¹ Seasonal, recreational, or occasional-use includes vacant units used or intended for use only in certain seasons or for weekends or other occasional use throughout the year. Seasonal units include those used for summer or winter sports or recreation, such as beach cottages and hunting cabins. Seasonal units also may include quarters for such workers as herders and loggers.

vacation rentals would be more sought after, and the market would accordingly respond, in areas with relatively higher amenities, like proximity to the ocean and other attractions, and this trend is observed in Monterey County.

The question, then, is whether vacation rentals remove affordable housing from the market. This question is addressed in Section 4.9.3, particularly in the discussion under Impact 4.9.2 (discussing displacement of people from housing).

4.9.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

To evaluate the potential impacts of the project on the population and housing, the existing population and housing availability in Monterey County was compared to the anticipated population and vacation rentals growth under implementation of the project. This examination of population and housing conditions is based on information obtained from review of available population and housing projections from the County, AMBAG, DOF, and the Socioeconomic Analysis prepared for the project. In determining the level of significance, the analysis assumes compliance with relevant federal and state laws, regulations, and ordinances.

THRESHOLDS OF SIGNIFICANCE

A population and housing impact would be significant if implementation of the project would:

- ▶ Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), or
- ▶ Displace substantial numbers of existing people or homes, necessitating the construction of replacement housing elsewhere.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.9-1: Induce Substantial Unplanned Population Growth, Either Directly or Indirectly

The proposed regulations would not result in the development or construction of new residences or demolition of existing residences. The inclusion of vacation rentals under the proposed regulations would result in modest employment opportunities but because the opportunities would be limited and would be expected to be modestly compensated relative to housing costs in the County, unplanned population growth is not expected. Therefore, this impact would be **less than significant**.

Monterey County had a total population of 433,716 residents in 2022, as reported by DOF. Of these residents, 104,851 were reported to live in unincorporated areas of Monterey County. As mentioned above, there has been a recent and modest decrease in the population throughout the County. (Other higher cost coastal areas of California similarly experienced recent modest population decreases.) Based on DOF projections from the past 3 years, it is assumed that in the near term, the population throughout the County would be steady or continue to decrease. Longer-term projections, however, indicate an increase in the County's population of more than 40,000 residents by 2040. The proposed regulations are for vacation rentals—specifically, limited vacation rentals and commercial vacation rentals—which are temporary lodging. Because the lodging affected by the proposed regulations would be temporary, the population using the rentals would not affect the overall population of the County.

Current (advertised) commercial vacation rentals number 825. Under the project, the total number of commercial vacation rentals could grow to as many as 2,018 (6 percent of the assessor's count of units, 34,626), an addition of up to 1,193 commercial vacation rental units. Employment opportunities are associated with maintenance and services

for vacation rentals, including property managers, house cleaners, gardeners and other tourist-oriented workers (employees at restaurants, local attractions, retail, etc.) Section 7.120.040 of the proposed amendment to Title 7 of the MCC states that property managers would be required for the vacation rentals. Property managers would not be required to reside on the property of the vacation rentals unless the limited or commercial vacation rentals are located in a Coastal Agricultural Preserve, Agricultural Conservation, Farmland, Rural Grazing, or Permanent Grazing zones. Pursuant to the ordinance, property managers of Monterey County vacation rentals would be required to arrive at the site within 30 minutes to respond to complaints. Typically, a property manager is responsible for several properties so the employment opportunities, relative to the County's population, would be limited. It is also difficult to predict the total employment demand from other service sectors; Monterey County employs over 40,000 people in the accommodations, retail, and arts and entertainment sectors, around 20 percent of total county employment (Monterey County Workforce Development Board 2023). While some employment growth could be associated with additional vacation rentals, given the relatively high cost of housing (rent currently averages \$1,900, 14 percent higher than the State median) and modest wages associated with this employment, and an already well-established tourist industry, it is not expected that additional employment associated with growth in vacation rentals would result in substantial unplanned population growth.

Based on the discussion above, implementing the proposed regulations would not induce a substantial population increase or housing demand. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 4.9-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere

The conversion of occupied housing to vacation rentals has been reported to displace some residents, but there is no available data to document the quantity. With the relatively limited additional growth in residential vacation rentals over time (estimated at around 76 additional rentals per year) compared to additional new development per year (higher than additional rentals, approximately 260 additional housing units per year), is not expected to displace a substantial number of current residents as a result of the proposed regulations. In addition, implementing the project would not result in any development, nor would it result in the removal or destruction of existing housing units. As such, as a result of the 6 percent cap, ongoing housing development within the County, and that the project would not result in any removal or destruction of housing units, implementing the project would not be expected to displace substantial numbers of residents or homes. Therefore, this impact would be **less than significant**.

The following information is summarized from the Socioeconomic Analysis prepared by EPS for the proposed regulations (Appendix C of this EIR). Between 2010 and 2021, the unincorporated county added approximately 9,540 residents and approximately 2,200 housing units for an annual average of approximately 870 residents and 200 housing units (Appendix C Tables A-1 and B-1 of this EIR). In 2021, there was approximately 46,830 housing units (see note above about overcount of housing units in the unincorporated county), with approximately 73 percent single-family detached and 20 percent multi-family units, the remainder comprising mobile homes and other types of homes. Of the 1,150 new households formed between 2010 and 2021 in the unincorporated county, a majority (approximately 61 percent) were renter-occupied households. In comparison, over 90 percent of new households formed between 2010 and 2021 in the county as a whole were renter-occupied. This long-standing housing affordability challenge in the county is driven by both supply and demand factors. The current vacancy rate is approximately 13 percent in the unincorporated county, which translates to 5,422 units vacant housing units (in 2021). Vacation rentals represent approximately 1.3 percent of the total housing units in the unincorporated County.

Housing demand in the unincorporated Monterey County also is not projected to be substantially affected by the proposed regulations, although this is a complex subject. Vacancy rates throughout Monterey County are reported to be slightly higher than in the state of California, but as discussed, these high vacancy rates are strongly influenced by second home ownership, with a high percentage of people living seasonally or only occasionally in the region. As

stated above, approximately half of the vacant units in the unincorporated County comprised seasonal, recreational, or occasional-use housing units, with the bulk located in the planning areas that are less affordable and more tourism-based including Big Sur, Carmel, Del Monte Forest, Carmel Valley, and the Greater Monterey Peninsula. Therefore, while vacancy rates may be relatively high statistically, the real vacancy rate—unoccupied homes that are typically available for rent or sale—is low. This is borne out by the high cost of housing in Monterey County, with a median sales price of \$828,000 in 2021 (see Appendix C of this EIR). This pricing suggests a relatively high demand for housing relative to supply. However, it does not necessarily follow that there is a strong correlation between homes used as vacation rentals and the overall cost of housing, given the reality that a large number of these homes are second homes. It is not known if second homes would be placed on the market if not used as vacation rentals (and instead used only occasionally) and, given the high amenities of the area, if placing them on the market would affect overall prices and affordability. The data suggests a weak correlation between vacation rentals and the cost of housing. Due to the caps on the number of vacation rentals that may operate, eligibility restrictions, and prohibitions on the types of buildings that may be used, the proposed regulations would not be expected to result in a substantial decrease the housing supply in the unincorporated County.

Conversion of existing housing stock to vacation rentals, as allowed under the existing County ordinance, could result in displacement of existing occupants of the housing units. The number of units that could be converted is currently unrestricted. Implementation of the County's proposed regulations could similarly result in existing occupied long-term rental units being converted to vacation rentals; however, the number of units that could be converted would be restricted to no more than six percent of the total single family residential dwelling units² in the County. As stated above and in Chapter 2, "Project Description," 2,018 units (6 percent of the assessor's count of units, 34,626), an addition of up to 1,193 units, could become commercial vacation rentals under the proposed ordinance if the 6-percent limitation per planning area was fully allocated in each planning area. Based on current commercial vacation rental data (see Section 2, Table 2-1) and as discussed above, the majority of current commercial vacation rentals are located in the higher amenity coastal area. It is unknown whether the 6 percent cap would be realized in all planning areas of the County.

The number of units that could become commercial vacation rentals is less than half of the total number of units reported as vacant (5,281 in unincorporated County, Appendix C Table B-6 of this EIR), although some of these "vacant" units may already be used as commercial vacation rentals. The number of people who could be displaced due to the project is difficult to quantify because it is uncertain how many existing occupied housing units would become vacation rentals. County staff is aware that some housing has, in the past, been converted to vacation rentals, and the people living in these homes have been displaced and had to seek other rental housing. This information is anecdotal; there is no published data that tracks this type of displacement. Nevertheless, with the high price of housing in the County, some displaced residents may have had to seek housing outside the County. Further, while there has been a modest population decline in the County, it is not known whether there is any correlation between vacation rental conversions and the loss of residents. Many areas of California, particularly coastal communities, have lost residents, largely due to the high cost and low availability of housing. However, at least some loss in population *could* be attributed to vacation rental conversions although such a correlation could not be clearly drawn based on a lack of additional data.

Under the ordinance, up to 1,193 additional units could be converted to commercial vacation rentals, although it is also likely that some of these homes are currently considered "vacant" (second homes that are occasionally used and are not currently rented). As reported above, active listings of commercial vacation rentals in Monterey County increased from 217 to 825 units, a total of 608 units, since 2015. This equates to 76 units per year. If the same rate of rental conversion were to occur into the future, the additional 1,193 units would be converted over a 15-year period. There is no way of knowing whether the past trend reflects future conversion rates, but it is a reasonable approach. At the same time, 1,577 housing units were added in unincorporated Monterey County, a rate of 260 additional housing units per year.

² The number would be calculated not more than 90 days prior to the Effective Date of this ordinance.

It is reasonable to assume that additional people could be displaced to the extent that the cap allows for additional vacation rental conversions in a given planning area. If it is assumed that, based on current trends, 50 percent of new possible commercial vacation rentals are currently used as long-term housing and the current occupancy rate of 3.1 people per household in the county, an estimated 1,849³ additional people could be displaced from rental housing if the full 6 percent of commercial vacation rentals are realized. Some of these people would relocate to other rental housing in the county, but it is likely that, due to high housing costs, some would relocate outside the county.

As discussed in Chapter 2, "Project Description," development or construction of new housing units is not enabled by the proposed regulations. The proposed regulations would allow for an optional and voluntary conversion of up to 6 percent of existing single-family residences per planning area, except in Big Sur and low-density residential zoning districts in Carmel area, into commercial vacation rentals. All vacation rentals created under the proposed regulations could be changed back into permanent residential housing. Further, the proposed regulations may help to address the concern of housing affordability in Monterey County by providing a source of income for existing residents who may otherwise have difficulty affording housing in the County. Implementing the regulations also would set a 6-percent limit where no limit currently exists, restricting an influx of vacation rental conversions in unincorporated Monterey County and leaving housing units available for existing residents into the future. Finally, new housing has been constructed in the County in recent years at a faster pace than commercial vacation rentals have occurred; with a concurrent drop in population, this suggests that housing may be available at a greater rate than commercial vacation rentals, and the overall trend in housing costs, plaguing most of California, is the primary cause of affordability and displacement in Monterey County.

Implementing the project would not result in any development, nor would it result in the removal or destruction of existing housing units. The County is currently and is expected to continue to approve new housing development. While the conversion of homes that are currently occupied could result in some displacement of people, who need to seek housing elsewhere, this displacement would occur over time. If recent trends are an indication, new housing development within the County might occur at a quicker rate than the loss of homes to vacation rentals. In addition, demand for vacation rentals are primarily in coastal areas, where housing is already expensive. In the areas where housing is more affordable there is less demand for vacation rentals.

As such, as a result of the 6 percent cap, ongoing housing development within the County, and that the project would not result in any removal or destruction of housing units, implementing the project would not be expected to displace substantial numbers of residents or homes. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

³ As identified in Chapter 2, "Project Description" there are 825 existing advertised vacation rentals and 6% of the available houses is 2,018. 2,018-825 (current advertised) = 1,193 homes that could be rented as a vacation rental. Then 50% of the homes are second homes and 50% are considered occupied. Therefore, 50% of 1,193 is 596.5. Current occupancy rate is 3.1, so 596.5x3.1=1,849 residents that could be displaced.

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4.10 TRANSPORTATION

This section describes the applicable federal, state, and local transportation regulations and policies; generally, discusses the existing roadway network and transportation facilities in the project area; and evaluates the potential transportation impacts resulting from implementation of the proposed regulations in the unincorporated areas of the County.

Pursuant to Senate Bill (SB) 743, PRC Section 21099, and CCR Section 15064.3(a), vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. A project's effect on automobile delay is no longer considered when identifying a significant impact under CEQA. Therefore, the transportation analysis evaluates impacts using VMT and does not include level of service (LOS) analysis.

Comments received regarding transportation in response to the notice of preparation include concerns about increased traffic congestion and parking demand. Because a project's effect on automobile delay is no longer considered when identifying a significant impact under CEQA, comments related to automobile delay (e.g., LOS, congestion) are not addressed in this discussion. See Appendix A of this EIR for all notice of preparation comments received.

4.10.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to transportation are applicable to the project.

STATE

California Department of Transportation

The California Department of Transportation (Caltrans) is the state agency responsible for the design, construction, maintenance, and operation of the California State Highway System, as well as the segments of the Interstate Highway System that lie within California. Caltrans District 5 serves Monterey County, as well as Santa Barbara, San Luis Obispo, San Benito, and Santa Cruz Counties.

Caltrans's Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG) was prepared to provide guidance to Caltrans districts, lead agencies, tribal governments, developers, and consultants regarding Caltrans's review of transportation analyses conducted for land use projects or plans using a VMT metric. This guidance is not binding on public agencies; it is intended to be a reference and informational document. The TISG replaces the Guide for the Preparation of Traffic Impact Studies and is intended for use with local land use projects, not transportation projects on the State Highway System (Caltrans 2020a).

Senate Bill 743

SB 743, passed in 2013, required the Governor's Office of Planning and Research (OPR) to develop new guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any."

In December 2018, OPR and the state Natural Resources Agency submitted the updated State CEQA Guidelines to the Office of Administrative Law for final approval to implement SB 743. The Office of Administrative Law subsequently approved the updated guidelines. As of July 1, 2020, implementation of Section 15064.3 of the updated State CEQA Guidelines applies statewide and establishes VMT as the primary metric to identify transportation

impacts. In December 2018, OPR published the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory) (OPR 2018), which provides guidance for VMT analysis.

REGIONAL

Association of Monterey Bay Area Governments

The Association of Monterey Bay Area Governments (AMBAG) is the metropolitan planning organization for the Monterey Bay area and performs metropolitan-level transportation planning on behalf of the region. AMBAG is responsible for preparing the Metropolitan Transportation Plan (MTP) and Sustainable Communities Strategy (SCS). It also coordinates the development of the MTP with regional transportation planning agencies, transit providers, and state and federal agencies. The SCS provides a plan for the region to help reduce greenhouse gas emissions to meet state goals and lessen the impacts of global climate change. AMBAG most recently updated the 2045 MTP/SCS, *Moving Forward Monterey Bay*, in 2022. The 2045 MTP/SCS sets policies, strategies, and investments designed to maintain and improve the transportation system and to meet the needs of the region through 2045. Strategies identified in the 2045 MTP/SCS include focusing growth in high-quality transit corridors, providing more travel choices, and maintaining a safe and efficient transportation network with improved access to jobs and education for residents (AMBAG 2022).

Monterey County Regional Transportation Plan

The Transportation Agency for Monterey County (TAMC) is designated by the state to serve as the regional transportation planning agency for Monterey County. TAMC plans for and funds transportation system improvements, including mobility, safety, access, environmental quality, and economic improvements. It recently adopted the 2022 Monterey County Regional Transportation Plan (RTP), which serves as a road map to meet regional transportation challenges over the following 20 years. The RTP is updated every 4 years and provides a basis for actions to allocate state and federal funding to transportation projects. This 20-year plan addresses all forms of transportation and identifies the priorities and actions embodied in the plans prepared by each of the County's 12 cities and the County of Monterey (TAMC 2022).

Active Transportation Plan for Monterey County

The Active Transportation Plan for Monterey County was adopted by the TAMC Board of Directors in June 2018. The plan identifies gaps in the bicycle and pedestrian network and opportunity areas for innovative bicycle facility design. In addition, it is used to pursue grant funding and effectively use Monterey County's Measure X investments to ensure that planned street improvements include bicycle and pedestrian improvements (TAMC 2018). The following goals support the Active Transportation Plan's vision to support bicycling and walking in Monterey County:

- ▶ Increase the proportion of trips accomplished by biking and walking throughout Monterey County.
- ▶ Improve bicycle and pedestrian safety.
- ▶ Remove gaps and enhance bicycle and pedestrian network connectivity.
- ▶ Provide improved bicycle and pedestrian access to diverse areas and populations in Monterey County via public engagement, program delivery and capital investment.
- ▶ Increase awareness of the environmental and public health benefits of bicycling and walking for transportation and recreation.
- ▶ Improve the quality of the bike and pedestrian network through innovative design and maintenance of existing facilities.

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan serves as a blueprint for future development and supportive infrastructure in the inland areas of the County. The Circulation Element provides policy direction for the transportation systems that serve the unincorporated lands of Monterey County and describes how the County intends to serve transportation needs for the next 20 years as the County's population growth (County of Monterey 2010). The Circulation Element identifies several policies to accomplish the County's transportation goals. No policies are applicable to the project, however, because it is not a development project and would not involve the construction or alteration of any development, roadways, or transportation facilities.

Additionally, within the coastal zone, each of the four Land Use Plans contain policies governing transportation and circulation within those areas. Policies of the Monterey County General Plan and the four Land Use Plans have been reviewed and are reflected in this analysis. Relevant policies are summarized below. As discussed further below, the impact analysis for CEQA is based on VMT instead of congestion (such as LOS).

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address transportation in the coastal areas of the County (Monterey County 1982). The following policy from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 37.4.1.** The County shall encourage overall land use patterns which reduce the need to travel.

Big Sur Coast Land Use Plan

The Big Sur Coast Land Use Plan includes policies related to roadway capacity that are applicable to the project (Monterey County 2016).

- ▶ **Policy 4.1.2.3.** Existing levels of service on Highway 1 during peak use periods are unacceptable, particularly from June to August between 10:00 a.m. and 7:00 p.m. Therefore, in order to restore reasonable traveling speeds for residents and visitors, to protect emergency use of the highway, and enhance the quality and enjoyment of the scenic driving experience, reductions in peak use period traffic should be sought. A combination of actions, including public education and regulation of Highway 1 use during peak periods, shall be undertaken to achieve an improved service level.
- ▶ **Policy 4.1.2.4.** To conform to the Coastal Act, most remaining capacity on Highway 1 shall be reserved for coastal priority uses: recreation and visitor-serving facilities, the military, agriculture and other coastal dependent uses.
- ▶ **Policy 4.1.3.C.1.** To comply to Coastal Act policies concerning the allocation of limited highway capacity to coastal priority uses, 85 percent of the capacity of Highway 1 under improved road conditions and managed traffic shall be reserved to serve recreational travel, service trips to public and private recreation and visitor-serving facilities, use by military vehicles, and coastal-dependent agriculture. To implement this policy, the land use regulations of this plan limit future residential development to a level that will utilize not more than 15 percent of highway capacity at buildout.

4.10.2 Environmental Setting

This section describes the existing environmental setting, which is the baseline against which project-specific impacts are evaluated. The environmental setting for transportation for the project includes general baseline descriptions for roadway, transit, bicycle, and pedestrian facilities in the unincorporated areas of the County where vacation rentals would be subject to the proposed regulations.

ROADWAY SYSTEM

Monterey County owns and maintains approximately 1,240 miles of roadways (County of Monterey 2010). In addition to the network of County roads in the unincorporated County, six major highways—State Routes 1, 68, 156, 183, and 218 and US Highway 101—provide regional connections and link the coastal and inland communities throughout the County.

The Federal Highway Administration (FHWA) classifies urban and rural roadways by road function. Each function class is based on the type of service the road provides to the motoring public, and the designation is used for data and planning purposes (FHWA 2000). FHWA defines each roadway classification as follows:

- ▶ **Interstates:** Interstates are the highest classification of arterials and were designed and constructed with mobility and long-distance travel in mind.
- ▶ **Other Freeways and Expressways:** Roadways in this functional classification category look very similar to Interstates. Although there can be regional differences in the use of the terms “freeway” and “expressway,” for the purpose of functional classification, the roads in this classification have directional travel lanes that are usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections.
- ▶ **Other Principal Arterials:** These roadways serve major centers of metropolitan areas, provide a high degree of mobility, and can also provide mobility through rural areas. Unlike their access-controlled counterparts, these roadways can serve abutting land uses directly.
- ▶ **Minor Arterials:** Minor arterials provide service for trips of moderate length, serve geographic areas that are smaller than those served by their higher arterial counterparts, and offer connectivity to the higher arterial system.
- ▶ **Major and Minor Collectors:** Collectors serve a critical role in the roadway network by gathering traffic from local roads and funneling it to the arterial network.
- ▶ **Local Roads:** Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long-distance travel, except at the origin or destination end of the trip, because they provide direct access to abutting land (FHWA 2013: 14–17).

TRANSIT SYSTEM

Greyhound operates inter-County service linking Monterey County with adjacent counties. It also provides limited service between Gilroy, Salinas, and King City via the US Highway 101 corridor.

Amtrak provides passenger rail service in the County with one stop in the city of Salinas. Amtrak’s Coast Starlight connects to Monterey County with a stop at the Salinas Intermodal Transportation Center (Salinas train station). Amtrak California operates daily intercity Thruway bus service between Santa Barbara and Oakland with scheduled stops in Salinas and King City. Amtrak also operates Thruway bus service between the Salinas Intermodal Transportation Center (Salinas train station) and the Monterey Peninsula, with service to Monterey and Carmel-by-the-Sea. This service operates as a bus bridge connecting the Pacific Surfliner service in southern California with Amtrak’s Capital Corridor, Coast Starlight, and Bay Area destinations (TAMC 2022).

Monterey-Salinas Transit (MST), the sole public transit service provider in Monterey County, operates fixed-route bus services across a 295-square-mile service area stretching between Paso Robles in San Luis Obispo County and Watsonville in Santa Cruz County (TAMC 2022). MST also operates paratransit service via a fleet of 39 vehicles, providing service to the population within three-quarters of a mile of MST scheduled routes in the unincorporated County, as well as special transit services and mobility management programs (TAMC 2022).

MST operates the following curb-to-curb dial-a-ride services:

- ▶ **RIDES American with Disabilities Act (ADA) Paratransit Service:** MST offers the RIDES ADA paratransit service to customers who have a disability that prevents them from using MST’s regular fixed-route bus service. The RIDES

ADA paratransit program offers transportation service to eligible passengers as a ride-share program in a service corridor that extends three-quarters of a mile from any of MST's regular bus routes.

- ▶ **Taxi Voucher Program:** MST offers a taxi voucher program to assist seniors, persons with disabilities, and veterans in accessing important locations in their community. The Taxi Voucher Program has three categories of taxi vouchers: senior, persons with disabilities, and veterans. Each has its own eligibility requirements.
- ▶ **Senior Shuttles:** MST Senior Shuttles are designed to go where surveyed seniors said they most want to go and without the need to transfer buses. MST operates Lines 91, 94, 95, and 96 as Senior Shuttle routes.
- ▶ **Special Medical Trips Service:** MST Special Medical Trips service provides medical transportation 4 days per month: 2 days to the San Jose area and 2 days to the San Francisco area. The program is open to all Monterey County residents. Reservations must be made in advance.

In addition, a regional vanpool program is administered in Monterey County through the California Vanpool Authority, which provides vans and organizes both traditional vanpools and vanpools serving agricultural workers in rural areas.

BICYCLE SYSTEM

Bicycle facilities in the County of Monterey are composed of bikeways and unpaved multiuse trails. The region's mild climate and relatively flat topography make biking and walking a viable mode of travel for County residents. Caltrans classifies bicycle facilities into the following four types:

- ▶ **Class I Bikeway (Bike Path):** Class I bikeways (bike paths) are facilities with exclusive right-of-way, with cross flows by vehicles minimized.
- ▶ **Class II Bikeway (Bike Lane):** Class II bikeways (bike lanes) are intended to delineate the right-of-way assigned to bicyclists and motorists and to provide for more predictable movements by each. But a more important reason for constructing bike lanes is to better accommodate bicyclists through corridors where insufficient room exists for side-by-side sharing of existing streets by motorists and bicyclists.
- ▶ **Class III Bikeway (Bike Route):** Class III facilities are facilities shared with motor vehicles on the street, which may be indicated by placing bike route signs along roadways. Additional enhancement of Class III facilities can be provided by adding shared roadway markings along the route (Caltrans 2020b).
- ▶ **Class IV Bikeway (Separated Bikeway):** A Class IV bikeway (separated bikeway) is a bikeway for the exclusive use of bicycles that requires a separation between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking (Caltrans 2018).

As of 2018, Monterey County's regional bicycle system was composed of 43.7 miles of Class I, 115.1 miles of Class II, and 54.5 miles of Class III bicycle facilities, and a limited number of Class IV protected bike lanes together totaling approximately 213 miles (TAMC 2018: 24). The unincorporated County had 10.09 miles of Class I, 19.9 miles of Class II, and 9.53 miles of Class III bicycle facilities totaling approximately 39.52 miles as of 2018 (TAMC 2018: 26). Regional bike routes are provided between Carmel-by-the-Sea and Salinas. In addition, more developed, urbanized areas of Monterey County provide concentrations of local bicycle facilities; however, they are connected only by cross-County bike routes, which are located on high-speed roadways such as highways.

PEDESTRIAN SYSTEM

Pedestrian facilities vary depending on location in the Monterey County region, ranging from sidewalks in the urbanized cities and communities, shared bike and pedestrian paths primarily on the Monterey Peninsula, and unpaved shoulders in the rural areas of Monterey County. Pedestrian countdown signals and leading pedestrian interval signal phases are used at signalized crossings to make pedestrians more visible to vehicles and improve safety at busy crossings (TAMC 2018: 37).

4.10.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

State CEQA Guidelines Section 15064.3 was added December 28, 2018, to address the new method of determining the significance of transportation impacts. The new method requires that the analysis be based on VMT instead of congestion (such as LOS). A "VMT" is one vehicle traveling on a roadway for 1 mile. Regardless of how many people are traveling in the vehicle, each vehicle traveling on a roadway generates one VMT for each mile it travels.

The change in the focus of transportation analysis is the result of legislation (SB 743) and is intended to change the focus from avoiding congestion to, among other things, promoting the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Implementing the project would not result in any new land use development or changes to the transportation network. Thus, the methodology discussed in this EIR primarily focuses on the potential effect of the project on greenhouse gas emissions of passenger vehicles.

The County of Monterey has not developed its own VMT guidelines and thresholds to meet the state requirements set by SB 743 and address State CEQA Guidelines Section 15064.3. Therefore, this VMT analysis relies on the guidance provided in Section 15064.3 and the OPR Technical Advisory.

State CEQA Guidelines Section 15064.3(b) identifies four criteria for analyzing the transportation impacts of a project. Each of these criteria is discussed below to determine which criteria should be considered in evaluation of the project's transportation impacts.

Section 15064.3(b)(1) addresses land use projects. The project involves amending the Monterey County Code (MCC) with regulations for vacation rentals. Because it would not result in any new development or changes to existing land use designations, the project would not be considered a new trip-generating land use project. Therefore, this section of the guidelines does not apply.

Section 15064.3(b)(2) addresses transportation projects. The project would not involve the construction or alteration of any roadways or transportation facilities. Therefore, this section does not apply.

Section 15064.3(b)(3) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively. This section applies.

Section 15064.3(b)(4) explains that the lead agency has discretion to choose the most appropriate methodology to evaluate VMT subject to other applicable standards, such as Section 15151 (standards of adequacy for EIR analyses). This section applies.

The OPR Technical Advisory was issued in support of State CEQA Guidelines Section 15064.3. It outlines recommended procedures and methods for evaluating transportation impacts for residential, office, and retail projects. However, it does not offer guidance for a project, such as the proposed regulations. Although implementing the project would not result in any new development or changes to existing land uses, the users of vacation rentals could have different VMT-generating characteristics than typical occupants of residences, including differences in number of daily trips and trip lengths. Therefore, implementation of the project could potentially result in changes to VMT.

The OPR Technical Advisory presents various metrics for analyzing VMT, including total VMT, VMT per capita, and VMT per employee. The VMT per capita and VMT per employee metrics are most applicable to projects that involve a single site and a single type of land use. However, the project assumes multiple sites over a large geographic area (i.e., unincorporated Monterey County). In addition, the OPR Technical Advisory notes that where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, implementing the project would lead to a less-than-significant transportation impact. Although implementing the project would not result in any new development, and therefore is not a redevelopment project, the change in occupant type for the residences in question would likely result in a change in travel patterns. Because total VMT more accurately captures the totality of the effect on VMT associated with the change in occupant type under the project, it is the metric used in this EIR.

Taking into consideration the four criteria detailed in Section 15064.3(b) for analyzing the transportation impacts and their applicability to the project, state policy, and the recommendations of the OPR Technical Advisory, the following threshold was determined as appropriate for the purpose of analyzing the combined change in VMT under the project:

- ▶ A substantial increase in VMT as compared to existing conditions shall be presumed to result in a significant effect.

THRESHOLDS OF SIGNIFICANCE

An impact to transportation would be significant if implementation of the project would:

- ▶ Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- ▶ Conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b);
- ▶ Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- ▶ Result in inadequate emergency access.

ISSUES NOT DISCUSSED FURTHER

In the initial study prepared by Monterey County to address the proposed regulations, some potential impacts were discussed and dismissed from further consideration because the County determined that the impacts would not occur with implementation of the proposed regulations. Impacts related to the following thresholds are included among those that were dismissed:

- ▶ Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); and
- ▶ Result in inadequate emergency access.

For a discussion of these impacts, see the initial study, which is included as Appendix A of this EIR.

Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System

The project consists of three draft ordinances that would amend the MCC for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. It would provide definitions for terms not already defined, state in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals. The two types of vacation rentals that would be affected by the proposed regulations would include limited vacation rentals and commercial vacation rentals. As detailed in Chapter 2, "Project Description," the Monterey County Zoning Ordinances for coastal and inland areas (Titles 20 and 21 of the MCC, respectively) would be amended to specify which types of vacation rentals are allowed and which type require a discretionary permit. Commercial vacation rentals would require discretionary review before establishment of the use allowing the County to exercise judgement on a case-by-case basis for each commercial vacation rental application. In addition, mechanisms are included for suspension or revocation of vacation rentals that are not in good standing. Therefore, no specific development or construction would occur under the project, and implementation of the project would not alter, damage, or conflict with any transit, roadway, bicycle, or pedestrian facilities. Therefore, the project would not adversely affect any existing or planned transit, roadway, bicycle, or pedestrian facilities or conflict with a program, plan, ordinance, or policy addressing the circulation system. This issue is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.10-1: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)

The project consists of three draft ordinances that would amend the MCC and would not result in development. The uncertainty related to estimating trip lengths associated with vacation rentals makes accurately quantifying the change in total VMT associated with implementation of the project difficult. For this reason, as allowed under State CEQA Guidelines Section 15145, this analysis concludes that it is too speculative to determine to what degree VMT would change as a result of implementation of the project. Therefore, no significance conclusion is provided.

The project would put a cap on the number of vacation rental properties permitted throughout the unincorporated County (i.e., up to 6 percent of dwelling units). Under existing conditions, there are no standards capping the number of vacation rentals in the County, and most communities in the County have fewer existing vacation rental units than what the allowable threshold would be with implementation of the project. See Table 2-1 in Chapter 2, "Project Description," for additional details. In addition, Monterey County monthly hotel occupancy data suggest that occupancy is generally not so high that demand is not being met by existing facilities. The average occupancy rate from January 2018 to January 2023 was 64.8 percent (County of Monterey 2023).

However, because users of vacation rentals could have VMT-generating characteristics different from those of the typical occupants of existing residential land uses that they would presumably replace (e.g., differences in the number of daily trips generated and trip lengths), implementing the project could result in changes to travel patterns and VMT as compared to existing conditions. Therefore, available methods to analyze the net effect of the project on total daily VMT by accounting for changes to travel patterns associated with vacation rental occupants was explored.

As detailed in the OPR Technical Advisory on VMT, travel demand models, sketch models, spreadsheet models, research, and data can all be used to calculate and estimate VMT. In addition, the OPR Technical Advisory notes that the typical calculation methodologies for VMT include trip-based assessment, tour-based assessment, and change in total VMT with and without the project. Based on the significance threshold detailed above (i.e., an increase in VMT as compared to existing conditions shall be presumed to result in a significant effect), the estimation of the change in total VMT with and without the project is the most appropriate general calculation methodology.

State CEQA Guidelines Section 15144, which addresses forecasting, states that although foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can. In the project area, the current version of the AMBAG Regional Travel Demand Model (RTDM) is recognized as the best available tool for accounting for all aspects of travel associated with various land uses. The location of a project, or in this case the location of vacation rentals throughout the unincorporated County, is an important determinant of vehicle travel patterns and a vital input for modeling purposes. Table 2-1 in Chapter 2, "Project Description," identifies the number of existing dwelling units, existing unpermitted rentals, and additional allowable commercial vacation rentals for each planning area. Currently, the North County – Inland Planning Area has the highest capacity for allowable residential units available for commercial vacation rentals as a result of the proposed regulations (i.e., 318 units). On other side of the ledger, the Carmel Planning Area would be above the allowable commercial vacation rental threshold of 6 percent of total dwelling units if the proposed regulations are approved (i.e., -42 units). Overall, throughout the unincorporated County, 825 dwelling units are currently advertised as vacation rentals. If the proposed regulations are approved, the maximum number of dwelling units allowed to function as vacation rental units would be 2,018. Because the exact locations of individual future vacation rentals in the unincorporated County are not known and would be dispersed under the ordinance, the AMBAG RTDM would not be able to accurately capture travel patterns associated with implementation of the project. In addition, the AMBAG RTDM does not contain any land use that would closely approximate the trip generation, trip length, or VMT of vacation rentals. Following coordination with AMBAG staff, it was determined that the AMBAG RTDM does not have the ability to estimate VMT or trip length for vacation rentals. The model was therefore dismissed as a tool that could be used to conduct a VMT assessment for the project.

As detailed in the OPR Technical Advisory, a trip-based assessment of a project's effect on travel behavior bases VMT on individual trips to and from the project site and is the most basic, and traditionally the most common, method of

counting VMT. At its most basic level, this VMT assessment methodology requires estimation of the number of individual vehicle trips and average trip lengths associated with the land use being analyzed.

The Institute of Transportation Engineers (ITE) Trip Generation Manual provides transportation agencies, practitioners, and professionals with collected data that provide the estimated number of trips generated by land uses based on their characteristics and setting. The ITE Trip Generation Manual, 11th edition, does not provide average trip rates specifically for vacation rentals. The land use category in the ITE Trip Generation Manual that most closely matches a vacation rental is Land Use 260: Recreational Home, which is defined as either (1) a second home used by its owner periodically for recreation or (2) a home rented on a seasonal basis. It should be noted that the data set from which the trip generation numbers for recreational homes were derived includes some sites located in resorts containing local services and complete recreational facilities. No additional trip generation data or studies were available from other sources that would be more applicable to the project. Thus, it was determined that the recreational home land use (Land Use 260) from the ITE Trip Generation Manual is the most appropriate representative land use for the purposes of analyzing trip generation for project-generated vacation rentals.

Table 4.10-1 compares the number of average daily trips generated by vacation rentals (using recreational homes as a representative land use) to that generated by the existing land uses that the vacation rentals would presumably replace. The proposed regulations limit vacation rentals to single-family detached homes. Therefore, the trip generation evaluation provided in Table 4.10-1 compares the number of average daily weekday and weekend trips by single-family homes to that of recreational homes. Please note that in addition to single-family detached and recreational homes, the trip generation rates for the following land uses were included in Table 4.10-1 for informational purposes: timeshare, hotel, motel, and all suites hotel. The number of assumptions that would need to be made for these additional land uses to be used as a proxy to compare trip rates with vacation rentals proved to be infeasible. Thus, they are not discussed further herein.

Table 4.10-1 Trip Generation Comparison with Vacation Rentals

Land Use	Unit	Average Weekday Trip Generation Rate	Average Saturday Trip Generation Rate	Average Sunday Trip Generation Rate
Single-Family Detached (ITE Land Use 210)	1 DU	9.43	9.48	8.48
Recreational Homes (ITE Land Use 260)	1 DU	3.55	3.34	2.96
Timeshare (ITE Land Use 265)	1 DU	8.63	7.34	6.01
Hotel (ITE Land Use 310)	1 room	7.99	8.07	5.94
Motel (ITE Land Use 320)	1 room	3.35	--	--
All Suites Hotel (ITE Land Use 311)	1 room	4.40	--	--

Notes: DU = dwelling unit; ITE = Institute of Transportation Engineers; -- = data not available.

Source: ITE 2021.

As detailed in Table 4.10-1, single-family homes generate close to three times the number of daily trips as compared to vacation rentals. In addition, the ITE Trip Generation Manual does not differentiate between a recreational home used as a second home by its owner and one rented on a seasonal basis. Thus, it is assumed that existing residential homes used primarily as a second home for owners would not generate a substantial increase in the average number of daily trips if they were converted to vacation rental properties.

However, vacation rental properties could be owner occupied, which assumes that owners would continue to live in the unit while renting out a portion of it to visitors. This scenario would have a trip generation pattern different from that of the dedicated vacation rental units analyzed above. Therefore, a trip generation analysis comparing the number of average daily trips generated by owner-occupied vacation rentals to that generated by the existing land uses that they would presumably replace (i.e., single-family detached homes) is provided below. Consistent with the preceding trip generation analysis, this scenario also uses the ITE trip generation rates for single-family detached housing units and recreational homes. The analysis assumes that owner-occupied vacation rentals would have an average of two residents living in each unit while portions of the units are rented out to vacation rental visitors. Table 4.10-2 provides a comparison of the trip rates for this scenario.

Table 4.10-2 Trip Generation Comparison with Owner-Occupied Vacation Rentals

Land Use	Unit	Average Weekday Trip Generation Rate	Average Saturday Trip Generation Rate	Average Sunday Trip Generation Rate
Single-Family Detached (ITE Land Use 210)	1 DU	9.43	9.48	8.48
Owner Occupied Short-Term Rental				
Single-Family Detached (ITE Land Use 210)	2 residents	5.30	4.96	4.84
Recreational Homes (ITE Land Use 260)	1 DU	3.55	3.34	2.96
TOTAL		8.85	8.30	7.80

Notes: DU = dwelling unit; ITE = Institute of Transportation Engineers.

Source: ITE 2021.

As shown in Table 4.10-2, owner-occupied vacation rentals would presumably generate fewer daily trips than a traditional single-family unit.

In addition to average daily trip generation, average trip length for vacation rentals is needed to estimate average daily VMT under the project. As detailed above, the AMBAG RTDM does not contain trip length data for the vacation rental land use, and none of the land uses included in the model would be a suitable proxy for vacation rentals. In addition, there are no available studies, surveys, or data that indicate an appropriate average trip length for vacation rentals. Thus, it cannot be known with any degree of reliability where vacation renters are traveling from. Also, as detailed above, the location of vacation rentals throughout the unincorporated County is an important determinant of vehicle travel patterns and trip lengths. Because the exact locations of individual future vacation rentals in the unincorporated County are not known, the travel patterns and trip lengths associated with implementation of the project cannot be known or forecasted at this time. Therefore, any estimate of average trip length for trips associated with vacation rentals in unincorporated Monterey County would be too speculative.

Thus, although daily trip generation associated with vacation rentals would likely be less intensive than that of the single-family detached housing it would replace, the uncertainty related to trip lengths associated with vacation rentals makes accurately quantifying the change in total VMT associated with implementation of the project too speculative.

According to State CEQA Guidelines Section 15144, “drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” In addition, State CEQA Guidelines Section 15145 states that “if, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” As detailed above, the lack of reliable data, variety of possible scenarios and circumstances, and number of assumptions that would need to be made make it too speculative to determine the VMT impact of the project. Therefore, no significance conclusion is provided.

Mitigation Measures

No mitigation is required for this impact.

4.11 TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown (undiscovered or unidentified) tribal cultural resources. Tribal cultural resources, as defined by Assembly Bill (AB) 52 (Statutes of 2014) in CEQA Section 21074, are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe. A tribal cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

One comment letter regarding tribal cultural resources was received in response to the notice of preparation (see Appendix A of this EIR). The Native American Heritage Commission (NAHC) requested AB 52 and Senate Bill (SB) 18 compliance information. SB 18 does not apply to the project because a general plan amendment (the trigger for SB 18 compliance) is not associated with the project, and compliance with SB 18 is not a CEQA requirement; therefore, it is not discussed in this section. AB 52 compliance is described below.

4.11.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to tribal cultural resources are applicable to the project.

STATE

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP) are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in CCR Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria listed below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the criteria listed above and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP: location, design, setting, materials, workmanship, feeling, and associations.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on tribal cultural resources. PRC Section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” PRC Section 21074 states:

- a) “Tribal cultural resources” are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

CEQA Section 21080.3

Pursuant to CEQA Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking preparation of an EIR, negative declaration, or mitigated negative declaration must notify geographically affiliated California Native American tribes and consult with any tribes that request consultation. CEQA Sections 21080.3.1 and 21080.3.2 state that within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency’s jurisdiction. If they wish to engage in consultation on the project, the tribes must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, provisions under CEQA Section 21084.3(b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.

- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Health and Safety Code Section 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both state and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the NAHC, which notifies (and has the authority to designate) the most likely descendants of the deceased. The act stipulates the procedures that the descendants must follow for treating or disposing of the remains and associated grave goods.

Public Resource Code Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

LOCAL

2010 Monterey County General Plan (Inland Areas)

The following policies from the 2010 Monterey County General Plan Open Space Element pertain to tribal cultural resources:

- ▶ **Policy OS-6.1.** Important representative and unique archaeological sites and features shall be identified and protected for all parcels with undisturbed natural conditions (i.e., ungraded properties), consistent with State Office of Historic Preservation guidelines and definitions employed on a statewide basis, including Phase I, II and III archaeological studies.
- ▶ **Policy OS-6.3.** New development proposed within moderate or high sensitivity zones, or within 150 feet of a known recorded archaeological and/or cultural site, shall complete a Phase I survey including use of the regional State Office of Historic Preservation or the California Native American Heritage Commission's list of sacred and traditional sites. Routine and Ongoing Agricultural Activities shall be exempted from this policy in so far as allowed by state or federal law.
- ▶ **Policy OS-6.6.** Efforts by historical, educational, or other organizations to improve the public's recognition of the County's cultural heritage and the citizen's responsibilities for archaeological or cultural resource preservation shall be encouraged. The County shall adopt a uniform set of guidelines to define Phase I, II and III significance assessment and data recovery programs. Similar guidelines shall be created to set standards for requirements for consultation with Native Californian descendants to establish procedures for determining the presence or absence of sacred or traditional sites. These guidelines shall address monitoring requirements and participation in cultural resource data recovery programs.

1982 Monterey County General Plan (Coastal Area)

The 1982 Monterey County General Plan presents policies that address wildfire risk in the coastal areas of the County (Monterey County 1982). The following policy from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 12.1.5.** Projects proposed for low sensitivity zones shall not be required to have an archaeological survey taken unless specific additional information has been obtained to suggest that archaeological resources are present.

Big Sur Coast Land Use Plan

The Big Sur Coast Land Use Plan (Monterey County, amended 1996) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the Big Sur Coast. The following policies from the plan are applicable to the project:

- ▶ **Archaeological Resources General Policy 3.** Because of the Coastal Zone's known abundance of paleontological resources and archaeological and other cultural sites, no sites or development shall be categorically exempt from environmental review in the Big Sur Local Coastal Plan.
- ▶ **Archaeological Resources General Policy 6.** Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage paleontological, archaeological or cultural sites shall be prohibited.

Carmel Area Land Use Plan

The Carmel Area Land Use Plan (Monterey County, updated 1999a) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the Carmel area. The following policy from the plan are applicable to the project:

- ▶ **Archaeological Resources Specific Policy 7.** Off-road vehicle use unauthorized collecting of artifacts, and other activities which could destroy or damage archaeological or cultural sites shall be prohibited.

Del Monte Forest Land Use Plan

The Del Monte Forest Land Use Plan (Monterey County, amended 2012) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the Del Monte Forest area. The following policies from the plan are applicable to the project:

- ▶ **Cultural Resources Policy 57.** The timely identification and evaluation of archaeological, historical, and paleontological resources, and coordination with applicable Native American representatives, is encouraged, so that these resources are given full consideration during the conceptual design phase of land use planning for project development.
- ▶ **Cultural Resources Policy 59.** Where significant archaeological resources are identified, all available measures including dedication of open space conservation or scenic easements and purchase of development rights shall be considered to avoid development on significant archaeological sites.
- ▶ **Cultural Resources Policy 62.** Unauthorized collecting of archaeological, historical, and paleontological artifacts shall be prohibited.
- ▶ **Cultural Resources Policy 63.** Public access to or over known archaeological or paleontological sites shall be limited as necessary to protect such resources.

North County Land Use Plan

The North County Land Use Plan (Monterey County, updated 1999b) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the North County area. The following policies from the plan are applicable to the project:

- ▶ **Archaeological Resources General Policy 1.** Monterey County shall encourage the timely identification and evaluation of archaeological, historical, and paleontological resources, in order that these resources be given consideration during the conceptual design phase of land use planning or project development.
- ▶ **Archaeological Resources Specific Policy 3.** Off-road vehicle use, unauthorized collecting of artifacts, and other activities which could destroy or damage archaeological or cultural sites shall be prohibited.
- ▶ **Archaeological Resources Specific Policy 4.** Public access to or over known archaeological or paleontological sites should be limited, and concentrated in areas where supervision and interpretive facilities are available.

Monterey County Code

Section 21.66.050 of the Monterey County Code establishes standards for archaeological and tribal cultural resource protection and requires formal written notification to California Native American tribe(s) that are traditionally and culturally affiliated with the project area if that tribe(s) has requested notification from the County.

4.11.2 Environmental Setting

ETHNOHISTORY

The earliest human presence in what is now Monterey County probably dates back as far as 10,000–12,000 years ago. The first inhabitants were nomadic hunters that banded together in small groups and followed game herds for their subsistence. Historically, Monterey County has been occupied by the Costanoan in the north, the Esselen in the west, and the Salinan in the south.

Costanonans/Ohlone

The Costanoan, now commonly referred to as the Ohlone, were speakers of languages in the Penutian language family. The Costanoan consisted of more than 50 tribal groups, speaking eight different but related languages: Karkin (northern and southern portions of the Carquinez Strait), Chochenyo (east shore of San Francisco between Richmond and Mission San Jose and probably Livermore Valley), Tamien (southern San Francisco Bay and lower Santa Clara Valley), Ramaytush (San Mateo and San Francisco Counties), Awaswas (Santa Cruz Costanoan between Davenport and Aptos), Mutsun (Pajaro River drainage), Achastan/Rumsen (lower Carmel, Sur, and lower Salinas Rivers), and Chalon (Salinas River). This territory encompasses a lengthy coastline, as well as several inland valleys (County of Monterey 2008: 4.10-5).

The Ohlone, like most native California groups, were organized according to politically independent land-holding groups. The basic Ohlone social unit was the family household of about 15 individuals, which was extended patrilineally. Households grouped together to form villages, and villages combined to form tribelets. The Ohlone occupied permanent village sites in the valleys and maintained numerous hunting camps in the mountain terrain that they occupied seasonally. The Ohlone were semisedentary with a settlement system characterized by base camps of tule reed houses and seasonal specialized camps. Subsistence was based on hunting, gathering, and fishing. Mussels and acorns were particularly important food resources (AMBAG 2021: 4.16-1).

The first Spanish encounters with the Ohlone occurred as early as 1602 with the Sebastian Vizcaino navigational expedition, followed by the inland exploratory expedition of Gaspar de Portola in 1769. Seven missions were established in Ohlone territory between 1770 and 1797. Ohlone were both forcibly and voluntarily brought to the missions, along with other tribes, including Yokuts, Miwoks, Esselen, and Patwin. After they became part of the mission system, the Ohlone were discouraged from or forced to stop practicing their traditional rituals and social activities. Contact with Euro-Americans resulted in a drastic reduction of population from disease, violence, and a declining birth rate. The Ohlone population fell from an estimated 10,000 in 1770 to fewer than 2,000 by 1832. Following secularization of the missions in 1834, most of the remaining Ohlone moved into growing towns and surrounding ranchos to work as laborers or domestic servants. By the mid-20th century, the Ohlone population was reduced to 130 in the San Francisco Bay Area, although some research suggests that in the early 1970s there may

have been approximately 200 surviving Ohlone. In 1971, descendants of the Costanoans united as a corporation, the Ohlone Indian tribe (County of Monterey 2008: 4.10-5; AMBAG 2021: 4.16-1).

Esselen

The Esselen inhabited the upper Carmel Valley in the Santa Lucia Mountains between Point Sur and Lopez Point, with the inland boundary just east of the Salinas River. Research in the early 1970s recognized six Esselen tribelets: Excelen (Carmel Valley), Echilatg (Santa Lucia Mountains), El Pino (lower Arroyo Seco), Cuchunu (Arroyo Seco), Eslenajan (near Soledad Mission), and Tucutnut (Carmel River). The Esselen occupied seasonal villages, depending on resource availability. Little is known about the lifeways of the Esselen before Euro-American contact. Documentation of Esselen lifeways has been minimal, and much of what is known about the group is gleaned from archaeological research and mission records. The population of the Esselen in the 18th century is estimated at 500–1,285 persons. With the founding of Mission San Carlos Borromeo de Monterey at Carmel in 1770, many Esselen were moved to the mission. It has been suggested that by the mid-1800s, they were totally absorbed into the mission population, where many also perished. Families have taken steps to preserve their history and identities as Esselen by founding the Ohlone Costanoan Esselen Nation, currently located in and around Carmel Valley. The Ohlone Costanoan Esselen Nation consists of 500 members and has been petitioning the federal government to regain recognition as a formal federally recognized tribe (AMBAG 2021: 4.16-1; County of Monterey 2008: 4.10-5).

Salinan

The southernmost group in Monterey County, Salinan language speakers, lived in an area extending from Carmel Valley south to Morro Bay. A hunting and gathering people, the Salinan were separated into northern and southern groups. Northern Salinan, or Antoniaños, were associated with the populations around Mission San Antonio de Padua. The southern group, or Migueleños, was associated with the populations around Mission San Miguel Archángel. The territories of both Salinan groups extended east into the interior of the Coast Ranges, where they met Chumash and Yokuts territory. The Salinan language is a classificatory isolate of the Hokan linguistic group.

The semisedentary Salinan occupied a rugged, mountainous area on the south-central California coast. Salinan villages were recorded near the missions and along internal drainages, with some habitation areas along the coast. No permanent sites were recorded in the Coast Ranges, although temporary camps were likely. Their subsistence economy was one of hunting and gathering. As with most native Californians, acorns were a staple food, supplemented by wild oats, sage seeds, berries, mescal, and wild fruits. Additional resources used by coastal and interior groups included large and small mammals, such as deer, bear, and rabbits, as well as fish (California Public Utilities Commission 2020: 4.5-3).

A variety of tools and implements were employed by Salinan groups. These included stone projectile points and scrapers, ground stone bowl and basket mortars, pestles, and net sinkers, as well as bone and shellfish hooks, awls, and wedges. Ornaments included items made of steatite, serpentine, and abalone shell. Clothing included basket hats, rabbit skin or otter skin cloaks, and tule aprons. The Salinan also used beads made from mussel and abalone shell for currency and had musical instruments, such as cocoon rattles, wooden flutes, and bone whistles (California Public Utilities Commission 2020: 4.5-3).

Like other indigenous Californians living near the coastal missions, the Salinan population decreased rapidly after the arrival of the Spanish. A relatively small population to begin with, the Salinan were decimated by diseases introduced by the missions and later settlers. The Salinan are believed to have numbered around 2,500–3,000 in the late 18th Century. By 1831, their number was fewer than 700, and their population continued to decrease even more rapidly after secularization of the missions. Beginning in the late 1980s, a cultural revitalization began, and Salinan descendants contacted the Mission San Antonio de Padua to learn about family records (California Public Utilities Commission 2020: 4.5-3).

CALIFORNIA NATIVE AMERICAN TRIBAL CONSULTATION

On January 27, 2023, in compliance with AB 52 requirements, the County sent notification letters to the following tribes:

- ▶ The Esselen Tribe of Monterey County, Tom “Little Bear” Nason, tribal chairman;
- ▶ Ohlone/Costanoan-Esselen Nation, Louise Miranda-Ramirez, tribal chairwoman;
- ▶ KaKoon Ta Ruk Band of Ohlone-Costanoan, Isaac Bojorquez, tribal chairman; and
- ▶ Salinan Tribe, Patti Dunton, tribal administrator.

No responses were received within the 30-day response window defined by CEQA Section 21080.3.1.

4.11.3 Impacts and Mitigation Measures

METHODOLOGY

Information related to tribal cultural resources is based on the results of Native American consultation under AB 52. The analysis is also informed by the provisions and requirements of state and local laws and regulations that apply to cultural resources. PRC Section 21074 defines “tribal cultural resources” as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are listed or determined eligible for listing in the CRHR, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

THRESHOLDS OF SIGNIFICANCE

An impact on tribal cultural resources would be potentially significant if implementation of the project would:

- ▶ Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

ISSUES NOT DISCUSSED FURTHER

All potential tribal cultural resources impacts are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.11-1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

The County of Monterey sent notification for consultation to four tribes, and no responses were received; therefore, no tribal cultural resources were identified. The project and reasonably expected responses to the ordinance do not include excavation or new development. Because there is no potential to disturb or destroy tribal cultural resources, there would be **no impact**.

Tribal cultural resources that could be present in Monterey County include Native American burial sites; village or occupation sites; traditional resource-gathering locations; and natural landforms, such as mountain peaks, ridgetops, and rivers. As detailed above in the “California Native American Tribal Consultation” section, the County sent letters to four California Native American tribes on January 27, 2023. No responses were received within the 30-day response window defined by CEQA Section 21080.3.1. As a result, no tribal cultural resources, as defined by PRC Section 21074, were identified.

The proposed regulations would not authorize or facilitate any new development. The ordinance applies only to existing dwelling units. Regulations for vacation rentals limit the use of these developed properties to legally established residences. Such use does not include the need to further disturb the land or affect resources. No grading or excavation would be proposed as part of the project, and no such activities would be reasonably foreseeable consequences of activities authorized by the project. Because the project would not include ground-disturbing activities, it could not disturb or destroy tribal cultural resources; therefore, there would be **no impact**.

Mitigation Measures

No mitigation is required for this impact.

4.12 UTILITIES AND SERVICE SYSTEMS (WATER SUPPLY)

This section identifies the regulatory context and environmental setting related to water supply and evaluates the impact of the proposed regulations on water supply, including groundwater supply.

Comments received regarding utilities and service systems in response to the notice of preparation include concerns about sufficient water supply and the need for expanded utilities, such as water and wastewater facilities. Based on the initial study prepared for the notice of preparation, the only concern discussed further in this section is water supply. All other issues were dismissed from further analysis. Although comments were received regarding wastewater, as discussed in the initial study, no impact was identified related to wastewater because the proposed regulations would not result in an increase in permanent residents and while there is a potential for vacation users to generate temporary increases in wastewater, the amount generated would not be beyond that of an existing permanent resident and would be sufficient to affect existing wastewater treatment provider capacities. The comments received on wastewater did not provide any new information that would change the conclusion of the analysis in the initial study. Therefore, wastewater is not further analyzed in this EIR. See Appendix A of this EIR for all notice of preparation comments received.

4.12.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to water supply are applicable to the project.

STATE

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SBMA) is a comprehensive three-bill package that Governor Jerry Brown signed into State law in September 2014. SGMA provides a framework for sustainable management of groundwater supplies by local authorities, with provisions for State intervention if necessary to protect the resource. SGMA is intended to ensure a reliable groundwater water supply for California for years to come. SGMA authorizes the formation of local Groundwater Sustainability Agencies (GSAs), which are required to adopt groundwater sustainability plans (GSPs) to manage the sustainability of groundwater basins. GSAs for all high- and medium-priority basins, as identified by the California Department of Water Resources (DWR), must adopt a GSP, or submit an alternative to a GSP. SGMA requires GSAs in high- and medium-priority basins to manage such basins in a manner that achieves the goal of sustainability within prescribed time limits. GSPs for critically overdrafted high- and medium-priority basins were due to DWR by January 31, 2020.¹ GSPs for other high- and medium-priority basins were due to DWR by January 31, 2022. Nacimiento and San Antonio Reservoirs release water to the Salinas River which flows through and recharges the Salinas Valley Groundwater Basin. DWR divides the Salinas Valley Groundwater Basin into eight sub-basins. Groundwater in the Salinas Valley Groundwater Basin within Monterey County is managed under the Salinas Valley Basin GSA, the Arroyo Seco GSA, Marina Coast GSA, Marina Coast Water District GSA, and County of Monterey GSA.

Urban Water Management Plan

In 1983, the California Legislature enacted the Urban Water Management Planning Act (UWMPA) (California Water Code Sections 10610–10656). The UWMPA states that every urban water supplier that provides water to 3,000 or more customers, or that provides more than 3,000 acre-feet of water annually, should make every effort to ensure that the level of reliability in its water service is sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry years. This effort includes the adoption of an urban water management plan (UWMP) by every urban water supplier and an update of the plan every 5 years on or before December 31, of every year

ending in a 5 or 0. The UWMPA has been amended several times since 1983 with the most recent amendment occurring with Senate Bill 318 in 2004.

The UWMPs that have been developed for Monterey County include the California American Water Central Division 2020 UWMP, the Marina Coast Water District 2020 UWMP, and California Water Service Salinas District 2020 UWMP.

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan, which guides land use in inland areas of the unincorporated Monterey County, contains goals and policies concerning land use development decisions. The goals and policies related to utilities and service systems ensure that adequate public facilities and services are available to support development, including the needed infrastructure for water, wastewater, recycling, solid waste, and public utilities in the county. The following General Plan policies related to water supply are applicable to the project:

- ▶ **Policy PS-2.1.** Coordination among, and consolidation with, those public water service providers drawing from a common water table to prevent overdrawing the water table is encouraged.
- ▶ **Policy PS-3.6.** The County shall coordinate and collaborate with all agencies responsible for the management of existing and new water resources.

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address wildfire risk in the coastal areas of the County (Monterey County 1982). The following policies from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 53.1.1.** The County shall encourage coordination between those public water service providers drawing from a common water table to assure that the water table is not overdrawn.
- ▶ **Policy 53.1.3.** The County shall not allow water consuming development in areas which do not have proven adequate water supplies.
- ▶ **Policy 53.1.5.** Proliferation of wells, serving residential, commercial, and industrial uses, into common water tables shall be discouraged.
- ▶ **Policy 54.1.1.** The County shall require provision of sewage treatment plant facilities for residential development within areas of development concentration.
- ▶ **Policy 55.1.1.** The County shall support the adopted Solid Waste Management Plan to achieve solid waste management objectives.

Big Sur Coast Land Use Plan

The Big Sur Coast Land Use Plan (Monterey County, amended 1996) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and local agencies in the Big Sur Coast. The following policies from the plan are applicable to the project:

- ▶ **Water Resources General Policy 1.** The county will take an active role in the conservation of Big Sur's water resources and will support and encourage the wise use and management of water resources by residents and public agencies.
- ▶ **Water Resources General Policy 4.** The County will request technical assistance from appropriate public agencies as often as may be required in order to make sound decisions concerning management and protection of Big Sur's water resources.
- ▶ **Water Resources General Policy 5.** The County shall in concert with the State Department of Water Resources and the Division of Water Rights, and the Department of Fish and Game, be responsible for cooperating with residents to manage surface and groundwater supplies, and to implement the goals and policies of this section.

In approving new development, the County will require the monitoring of water use and observance of water conservation measures.

Carmel Area Land Use Plan

The Carmel Area Land Use Plan (Monterey County, updated 1999) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and local agencies in the Carmel area. The following policy from the plan are applicable to the project:

- ▶ **Wastewater Treatment Policy 4.** The County shall cease issuing coastal development permits for developments which would generate wastewater within sewer service area, when the treatment plant reaches its capacity threshold.

Del Monte Forest Area Land Use Plan

The Del Monte Forest Land Use Plan (Monterey County, amended 2012) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and local agencies in the Del Monte Forest area. The following policy from the plan are applicable to the project:

- ▶ **Water and Wastewater Policy 114.** The County shall reserve water from MPWMD and/or Cal-Am allocation for coastal priority uses.

North County Area Land Use Plan

The North County Land Use Plan (Monterey County, updated 1999) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and local agencies in the North County area. The following policy from the plan are applicable to the project:

- ▶ **Wastewater Management Facilities General Policy 5.** No wastewater collection and treatment assessment of properties outside a designated wastewater district service area should be levied. In addition, parcels within a service area that cannot support development due to site constraints should not be assessed beyond its current use.

Groundwater Management Agencies

Thirteen California groundwater management agencies have been directly authorized by special state legislation. These entities vary significantly as far as why they were created, how they are managed, and what authorities are granted in each case. The three major water resources agencies have overlapping daily responsibilities in overseeing and managing surface- and groundwater within Monterey County.

- ▶ The Monterey County Water Resources Agency (MCWRA) has countywide jurisdiction over flood control and water resources management.
- ▶ The Monterey Peninsula Water Management District (MPWMD) manages water resources on the Monterey Peninsula, primarily Carmel River, its tributaries, and impoundments, as well as the groundwater beneath its management area.
- ▶ The Pajaro Valley Water Management Agency (PVWMA) manages surface- and groundwater along the Pajaro River, both in the North County area of Monterey County and in Santa Cruz County. is the groundwater management agency on the Peninsula, authorized by the state to augment the water supply through integrated legislative authority to manage groundwater actively

4.12.2 Environmental Setting

The discussion of water supply in Monterey County is relatively brief. While the County faces a number of complex and important water supply issues, including supply constraints and poor water quality, these are baseline issues. As is explained in Section 4.12.3, the proposed changes to the ordinances would not be expected to have any effect on

the quantity or quality of water supply. CEQA requires that an EIR shall focus on the significant effects of a project, and should normally limit its examination to changes in the existing physical conditions in the affected area (CEQA Guidelines Section 15126.2(a)).

Water supply in the region is managed by several agencies, both public and private. The Monterey County Water Resources Agency is the primary water management agency for Monterey County and is responsible for managing, protecting, and enhancing water supply and water quality in the County (Regional Water Management Group 2018). All of the water supply in Monterey County is derived from groundwater, surface water, or recycled water within the County (Monterey County 2010). Reservoirs in the county, including Nacimiento Reservoir and San Antonio Reservoir, store water and release it to the Salinas River where it ultimately helps provide a more reliable supply as well as groundwater recharge. These reservoirs also serve as flood management facilities.

Major water suppliers in Monterey County include California Water Service Company; California American Water Company; Alco Water Service Company; Marina Coast Water District; Castroville Community Services District; and the municipalities of Gonzales, Greenfield, Soledad, and King City. The following local agencies in Monterey County have regulatory authority over water resources:

- ▶ Water management agencies:
 - Monterey County Water Resources Agency
 - Monterey Peninsula Water Management District
 - Pajaro Valley Water Management Agency
- ▶ Water purveyors:
 - California American Water Company, Monterey District
 - Aromas Water District
 - Pajaro-Sunny Mesa Community Services District
 - California Water Service Company, Salinas District
 - Alco Water Service
 - Castroville Community Services District
 - Seaside Municipal Water System
 - Marina Coast Water District
 - San Ardo Water District
 - Pebble Beach Community Services District
 - Carmel Area Water District
 - San Lucas County Water District

The Monterey County General Plan EIR (Monterey County 2010) addresses water supply in the County in connect with development enabled by the General Plan. As stated in the Abstract in Section 4.3.1 (Water Resources):

Monterey County depends on supplies from its own watersheds and does not receive imported water from other regions of California. The three major watersheds in Monterey County—the Salinas, Carmel, and Pajaro Rivers—all have significant constraints. Erosion associated with agriculture has deteriorated surface water quality in the Salinas and Pajaro Valleys. High nitrate levels have been recorded in the Salinas Valley and in the area known as “North County,” which lies between the Salinas and Pajaro Valleys. Groundwater overdraft is a significant problem in North County. Seawater intrusion into groundwater sources is a substantial issue near Pajaro and Castroville. Flood hazards are present along the major drainages in the county. Tsunami inundation areas are located in the coastal portions of the county. Development and land use activities

contemplated in the 2010 Monterey County General Plan (2010 General Plan) would result in the following significant impacts on water resources.

- ▶ **Water Supply**—Implementation of the 2010 General Plan would increase demand for water up to the 2030 planning horizon. Supply in the Salinas Valley provided by the Salinas Valley Water Projects is adequate to provide new water for new development up to 2030. Increased demand on the Monterey Peninsula and in the Pajaro Valley would require new or expanded water facilities and new or expanded water entitlements. Supply on the Monterey Peninsula will be adequate to meet current demand, assuming that the CalAm seawater desalination plant is built, but will not be sufficient to meet additional demand up to the 2030 planning horizon without adversely affecting groundwater; thus additional water supply infrastructure will be needed. The Pure Water Monterey Project is an advanced water recycling project that was jointly developed by MPWMD and Monterey One Water (M1W). M1W will collect, treat, and purify the wastewater before conveying and injecting the water into the Seaside Groundwater Basin. M1W will then sell its purified water to the MPWMD who has jurisdiction over the Seaside Groundwater Basin. The MPWMD will sell the purified water to California American Water who extracts the water from the basin and delivers it to its customers in Monterey Peninsula (M1W 2023). The project will produce up to 10,350 acre-feet per year of new water by recycling wastewater and serve approximately 104,000 people (EPA 2023). Supply in the Pajaro Valley would not meet demand up to the 2030 planning horizon without overdraft of the aquifer even with implementation of local recycled water projects, diversions, and conservation due to the difficulties with importation of water. Current water supply planning does not anticipate meeting demands to the 2092 planning horizon; while water resources are available from county rivers and in some groundwater basins, these resources have not yet been fully proven and thus are uncertain at this time. Mitigation measures are proposed to provide additional water supply, but uncertainty over their success leaves this a significant, unavoidable impact in all basins for buildout.
- ▶ **Water Supply Infrastructure** – Implementation of the 2010 General Plan would result in demand for new water infrastructure including: the then under construction Salinas Valley Water Project (SVWP) and new distribution facilities in the Salinas Valley for 2030 and new diversions, reservoir expansion, and distribution facilities for buildout; desalination, aquifer storage, recycled water, and distribution facilities for 2030 and further desalination, recycling, aquifer storage, diversions, and distribution facilities for buildout related to the Monterey Peninsula; and recycled water, desalination, distribution facilities and possible future import pipeline facilities for the Pajaro Valley. This new infrastructure would have construction and/or operational impacts on biological resources, hydrology and water quality, farmland, recreation, geology and soils, cultural resources, traffic, noise, air quality, utility disruption, and growth inducement. While many of these impacts can be mitigated to a less-than-significant level (as shown in completed CEQA evaluations of the MCWRA SVWP, the MPWMD aquifer storage and recovery project, and the PVWMA's Basin Management Plan), it is not considered feasible that all significant impacts will be mitigated to a less than significant level and thus this is identified as a significant and unavoidable impact.
- ▶ **Groundwater level decline and overdraft and saltwater intrusion:** Current water supply planning, with mitigation, make an effort address overdraft and saltwater intrusion in the Salinas Valley up to the 2030 planning horizon. Development and land use activities anticipated in the 2010 General Plan would exacerbate existing groundwater overdraft conditions and saltwater intrusion within the Seaside Basin and the Pajaro Valley. Mitigation is proposed, but this would be a significant and unavoidable impact under the 2030 planning horizon for the Pajaro Valley due to the uncertainty regarding the feasibility and timing of new supplies. The Seaside Basin was adjudicated after annual pumping was in excess of safe yield and posed a risk of seawater intrusion. The Seaside Basin Monitoring and Management Program (SBMMP) was approved by the Seaside Groundwater Basin Watermaster Board on May 17, 2006. The SBMMP sets forth actions that will be taken to monitor current overdraft conditions and the present threat of potential seawater intrusion, development and import supplemental water supplies for the purpose of eliminating basin overdraft, and establish procedures that will be implemented to address seawater intrusion should seawater intrude into the onshore portions of the basin (Seaside Groundwater Basin Watermaster Board 2006). Current water supply planning does not anticipate meeting demands to

the 2092 planning horizon; while water resources are available, they have not yet been fully proven and thus their feasibility for, and timing to, avoid further groundwater overdraft and saltwater intrusion is uncertain. Mitigation is proposed but this would be a significant and unavoidable impact for buildout for all areas in 2092 due to the uncertainty.

A number of projects have been implemented to address water supply and quality. Water quality in the Salinas Basin, which is subject to seawater intrusion is being addressed by water recycling, re-operation of the Nacimiento and San Antonio reservoirs and increasing diversion to the Salinas River to enhance groundwater supplies. (Monterey County Water Resources Agency 2023) A desalination plant is proposed by California American Water in the Marina area to supply water to the Monterey Peninsula, and it has received most of its permit approvals (CalMatters 2022). Additionally, the Pure Water Monterey Project will provide approximately 10,350 acre-feet per year of new water to the Monterey Peninsula, as discussed above. Even with these projects, the General Plan EIR concludes that long term water supply and quality will continue to be a challenge (see discussion above).

4.12.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The evaluation of potential water supply impacts in this EIR is based on a review of studies that address water supply in Monterey County and correspondence with local vacation rental operations. Information obtained from these sources was reviewed and summarized to identify potential environmental effects, based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, state, and local laws, ordinances, and regulations related to water supply.

THRESHOLDS OF SIGNIFICANCE

A utilities and service systems impact would be significant if implementation of the project would:

- ▶ Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- ▶ Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
- ▶ Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments;
- ▶ Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals;
- ▶ Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste; or
- ▶ Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

ISSUES NOT DISCUSSED FURTHER

In the initial study prepared by Monterey County to address the proposed regulations, some potential impacts were discussed and dismissed from further consideration because the County determined that the impacts would not occur with implementation of the proposed regulations. Impacts related to the following thresholds are included among those that were dismissed:

- ▶ Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- ▶ Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments;
- ▶ Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or;
- ▶ Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

As discussed in the initial study, the proposed regulations would not authorize or facilitate any new development. Therefore, the project would not interfere with groundwater recharge and is not further discussed in this section. For a discussion of these impacts, see the initial study, which is included as Appendix A of this EIR. The analysis below is focused on impacts to water supply, including groundwater.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.12-1: Have Insufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development

The project would consist of three ordinances amending the Monterey County Code. There is no evidence to suggest that existing residential units permitted as vacation rentals would demand more water than if these units were not rented for this purpose. Therefore, this impact would be **less than significant**.

Water use by people occupying a residence as a vacation rental would be expected to follow typical residential water use and would be related primarily to use of showers and toilets, cooking and cleaning, as well as water used to maintain landscaping. Because the ordinance applies to vacation rentals, it is highly likely that all landscaping—which can have great variance in water consumption—would be irrigated automatically; maintenance by the renters would be impractical.

Water used in homes can vary. The Monterey County General Plan EIR used a 181 gallon per day per capita rate (Monterey County 2010). This may be a high estimate; other sources show much lower rates in the County. For instance, the Pacific Institute, using data from the California State Water Resources Control Board (2105 to 2022) shows per capita water use rates in the roughly 60 to 110 gallons per day range, using the month of August (generally the highest use month) as an example and sampling the Monterey Peninsula, and cities of Salinas, Soledad, and King as examples (Pacific Institute 2023). Use fluctuates by community and local conditions, including drought conditions when strong conservation incentives may be in place. More important to this analysis than the historic per capita use are the expectations of the proposed regulations. There is no reason to believe that water use under the proposed regulations would be greater for vacation rentals than if the proposed regulations were not adopted.

Vacation rentals would not be used full time. There is no basis by which an accurate occupancy rate for vacation rentals can be determined. However, data is available on hotel occupancy rates in the County. From 2016 to 2019, prior to Covid's influence on travel, hotel occupancy averaged around 70 percent on an annualized basis (Monterey County Tourism Improvement District 2022). Absent any other data, this is a reasonable proxy for commercial vacation rental occupancy. Actual occupancy is likely less because vacation rentals do not have the same marketing resources as traditional hotels. If these homes were not rented for vacation use, it is reasonable they would be rented out, sold, or used by the owners in some other way, but it is reasonable to assume a similar or higher use than if kept as a vacation rental. Some reports suggest that vacation rentals can be utilized by large groups, much larger than a residence. While this may be true on occasion, or with a few rentals more than on occasion, there is no data suggesting that, in the aggregate, the rentals are used by more people per unit than if used by a typical family. There is no data on this issue to suggest otherwise, so only a reasonable assumption can be made.

Based on the lack of available data, it is reasonable to conclude that water use under the vacation rental ordinances would likely be similar if the proposed regulations were not in place, and less than if the residence was occupied full time, that is, occupancy by an owner or full-time renter. There is no evidence to suggest that, on an annualized basis, water use under the ordinances would be greater than existing conditions. Therefore, even though water resources in the County continue to face a variety of challenges, the project would not be expected to have any effect on these resources compared to current conditions. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

4.13 WILDFIRE

This section presents an analysis of the potential wildfire impacts associated with the project. It presents the regulatory setting, describes the environmental setting, and evaluates the potential impacts of the project related to wildfire.

Some comments expressed concern about a possible increase in wildfire risk and exacerbated evacuation conditions and the need for fire inspections in response to the notice of preparation for this project. See Appendix A of this EIR for all notice of preparation comments received. The initial study/notice of preparation identified less-than-significant wildfire impacts; however, because comments on wildfire were received, the County decided address this in the EIR.

4.13.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to wildfire are applicable to the project.

STATE

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CAL FIRE) is dedicated to the fire protection and stewardship of more than 31 million acres of the state's privately owned wildlands. In addition, CAL FIRE provides emergency services in 36 of the state's 58 counties through contracts with local governments. PRC Sections 4125–4137 establish that CAL FIRE has the primary financial responsibility of preventing and suppressing fires in the State Responsibility Area (SRA). PRC Section 4290 states that CAL FIRE also has responsibility for enforcing Fire Safe Standards, including road standards for fire equipment access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fuel breaks and greenbelts. PRC Section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on nonfederal SRA lands, or nonfederal forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material. The PRC, beginning with Section 4427, includes fire safety statutes that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment with internal combustion engines; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

In addition, CAL FIRE is responsible for a broad range of programs that guide forest policy and planning in California, such as the *2018 Strategic Fire Plan for California*, discussed below, and for implementing the Fire and Resource Assessment Program (FRAP). FRAP assesses the amount and extent of California's forests and rangelands, analyzes their conditions, and identifies alternative management and policy guidelines. Fire Hazard Severity Zones (FHSZs) for community planning are developed under FRAP and identify areas with very high fire hazards in both the SRA and Local Responsibility Area (LRA).

Board of Forestry and Fire Protection

The California Board of Forestry and Fire Protection is a governor-appointed body in CAL FIRE responsible for developing the general forest policy of the state, determining the guidance policies of CAL FIRE, and representing the state's interest in federal forestland in California. Together, the Board of Forestry and Fire Protection and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources.

The Board of Forestry and Fire Protection is charged with developing policies to protect all wildland forest resources in California that are not under federal jurisdiction. These resources include major commercial and noncommercial stands of timber, areas reserved for parks and recreation, woodlands, brush-range watersheds, and all private and state lands that contribute to California's forest resource wealth. In addition, the Board of Forestry and Fire Protection

is responsible for identifying Very High FHSZs in the SRA and LRA. Local agencies are required to designate, by ordinance, Very High FHSZs and to require landowners to reduce fire hazards adjacent to occupied buildings in these zones (Government Code Sections 51179 and 51182). The intent of identifying areas with very high fire hazards is to allow CAL FIRE and local agencies to develop and implement measures that would reduce the loss of life and property from uncontrolled wildfires (Government Code Section 51176).

PRC Sections 4114 and 4130 authorize the Board of Forestry and Fire Protection to establish a fire plan that, among other things, determines the levels of statewide fire protection services for SRA lands. Government Code Section 65302.5 gives the board the regulatory authority to evaluate general plan safety elements for their land use policies in the SRA and Very High FHSZs, as well as methods and strategies for wildland fire risk reduction and prevention in those areas.

2018 Strategic Fire Plan for California

The *2018 Strategic Fire Plan for California* lays out central goals for reducing and preventing the impacts of fire in the state (California Board of Forestry and Fire Protection and CAL FIRE 2018). The goals are meant to establish, through local, state, federal, and private partnerships, a natural environment that is more resilient and human-made assets that are more resistant to the occurrence and effects of wildland fire.

California Code of Regulations Titles 14 and 24

CCR Title 14 establishes the State Minimum Fire Safe Regulations, which constitute the minimum wildfire protection standards of the California Board of Forestry and Fire Protection. The California Fire Code (CFC) (CCR Title 24, Part 9) establishes the minimum requirements consistent with nationally recognized good practices for providing life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises and for providing safety and assistance to firefighters and emergency responders during emergency situations. The CFC specifies fire resistance ratings for building materials and finishes and identifies requirements for the installation of sprinklers, use and storage of hazardous or flammable materials, and means of egress. Many local jurisdictions have adopted the CFC as part of their local codes.

Emergency Response and Evacuation Plans

The State of California Emergency Plan, adopted on October 1, 2017, describes how state government mobilizes and responds to emergencies and disasters in coordination with partners in all levels of government, the private sector, nonprofits, and community-based organizations. The plan is implemented in conjunction with the California Emergency Services Act and outlines a robust program of emergency preparedness, response, recovery, and mitigation for all hazards, both natural and human caused. All local governments with a certified disaster council are required to develop their own emergency operations plan (EOP) for their jurisdiction that meet state and federal requirements. Local EOPs contain specific emergency planning considerations related to such topics as evacuation and transportation, sheltering, hazard specific planning, regional planning, public-private partnerships, and recovery planning (Cal OES 2017).

LOCAL

2010 Monterey County General Plan (Inland Areas)

The 2010 Monterey County General Plan Safety Element presents policies that address wildfire risk in the inland areas of the County (Monterey County 2010). The following policies are applicable to the project:

- ▶ **Policy S-4.1:** Risks and losses from fire hazards shall be reduced by encouraging public education programs on fire hazards and citizen awareness and responsibility in preventing fires.
- ▶ **Policy S-4.2:** The County shall encourage and support fire protection agencies to provide communities they serve with educational materials on local fire hazards and how each community can be protected. This information should be continually available at the local fire station, local library, other convenient locations, and through the media.
- ▶ **Policy S-4.4:** Detailed scientific analysis of fire hazards in the County shall be provided periodically.

- ▶ **Policy S-4.5:** The wildland fire hazard severity map should be updated periodically as more precise information becomes available.
- ▶ **Policy S-4.6:** Structural and other non-wildland fire risks within wildland urban interface areas should be identified and maintained as a layer in the County’s GIS in cooperation with fire officials and updated periodically.
- ▶ **Policy S-5.1:** The County shall participate in developing emergency plans that provide preparation for, as well as a coordinated and effective response to, emergency and disaster events. Plans include, but are not limited to, a multi-jurisdictional Local Hazard Mitigation Plan (LHMP) and Community Wildfire Protection Plans (CWPPs).
- ▶ **Policy S-5.14:** All public thoroughfares, private roads, and deeded emergency accesses shall be considered potential evacuation routes. The Monterey County Coordinated Emergency Response Plans shall provide basic information on the evacuation routes for specific areas. The routes listed in *Table S-1 (next page)* [presented as Table 4.13-1 in this EIR], as well as any other route deemed appropriate to the situation, shall be considered “Predesignated Emergency Evacuation Routes” and may be employed during tactical situations at the discretion of the Monterey County Sheriff and/or the Incident Commander.

Table 4.13-1 Evacuation Routes

U.S. Highways	U.S. Highway 101	
State Highways:	Highway 1 Highway 25 Highway 68 Highway 129 Highway 146	Highway 156 Highway 183 Highway 198 Highway 218
Numbered County Roads:	Arroyo Seco Road (G17) Bitterwater Road (G13) Carmel Valley Road (G16) Fort Romie Road (G17) Hall Road (G12) Interlake Road (G14) Jolon Road (G14) Jolon Road (G18)	Nacimiento Lake Drive (G19) Laureles Grade (G20) Metz Road (G15) Reservation Road (G17) River Road (G17) San Juan Road (G11) San Miguel Canyon Road (G12)
Other County Roads:	Alisal Rad Aromas Rad Blackie Rad Blanc Rad Bradley Rad Bryson-Hesperia Rad Cachagua Rad Calera Canyon Rad Camphora Gloria Rad Carpenteria Rad Castroville Boulevard Cattlemen Rad Cholame Rad Chualar Canyon Rad Cooper Rad Corral de Tierra Rad Crazy Horse Canyon Rad Davis Rad Dolan Rad Echo Valley Rad Elkhorn Rad Elm Avenue Espinosa Rad (Salinas)	Johnson Canyon Road Lockwood-San Lucas Road Lone Oak Road Milpitas Road Mission Road Molera Road Nacimiento-Fergusson Road Nashua Road Oasis Road Old Stage Road Palo Colorado Canyon Road Paris Valley Road Parkfield-Coalinga Road Peach Tree Road Pesante Road Pine Canyon Road Priest Valley Road Reliz Canyon Road Robinson Canyon Road Salinas Road San Benancio Road San Juan Grade Road San Lucas Road

U.S. Highways	U.S. Highway 101	
	Gloria Rad Gonzales River Rad Harkins Rad Indian Canyon Rad Indians Rad	17 Mile Drive Spreckels Road Strawberry Road Tassajara Road Vineyard Canyon Road

1982 Monterey County General Plan (Coastal Areas)

The 1982 Monterey County General Plan presents policies that address wildfire risk in the coastal areas of the County (Monterey County 1982). The following policies from the 1982 Monterey County General Plan are applicable to the project:

- ▶ **Policy 17.1.1.** The County should encourage fire protection agencies to provide communities they serve with printed material on local fire hazards and how each community can be protected. This information should be continually available at the local fire station, local library, and other convenient locations.
- ▶ **Policy 17.1.3.** The County shall encourage the inclusion of all fire protection agencies in the 911 countywide telephone emergency system.
- ▶ **Policy 17.2.1.** The wildland fire hazard map should be updated periodically as more precise information becomes available.
- ▶ **Policy 17.2.2.** Structural fire risks within urban service areas shall be generally identified on a map in cooperation with fire officials; this map shall be updated periodically.
- ▶ **Policy 17.3.10.** A road or driveway serving as access to any habitable structure shall not end farther than 150 feet from said structure. A turning area which meets the requirements of the fire department shall be provided at the end of the road.
- ▶ **Policy 17.3.11.** Obstruction of the road width (Policy 17.3.1), including the parking of vehicles, shall be prohibited.
- ▶ **Policy 17.3.14.** All access roads and driveways shall be maintained by the responsible parties to ensure the fire department safe and expedient passage at all times.
- ▶ **Policy 17.4.3.** The County shall adopt the Uniform Fire Code and appropriate amendments.
- ▶ **Policy 17.4.4.** House numbers shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the house numbers shall be set adjacent to the driveway or access road to the property. House numbers shall be posted when construction begins.
- ▶ **Policy 17.4.10.** The County shall assure that successive uses of individual buildings comply with appropriate building standards.
- ▶ **Policy 17.6.1.** The County should encourage fire protection agencies to enter into mutual and/or automatic aid agreements to assure the most efficient response.
- ▶ **Policy 17.6.4.** The County should encourage the California Department of Forestry to provide land and air fire-fighting and equipment to meet estimated peak fire demands.

Big Sur Coast Land Use Plan

The Big Sur Coast Land Use Plan (Monterey County, amended 1996) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and local agencies in the Big Sur Coast. The following policies from the plan are applicable to the project:

- ▶ **Fire Hazard Specific Policy 1.** The fire hazard policies contained in the Safety Element of the Monterey County General Plan shall be regularly reviewed and consistently applied. The critical fire hazard map should be updated continually as new and more specific information becomes available from the required written assessments.

- ▶ **Fire Hazard Specific Policy 5.** Monterey County should support and assist the effort of the various fire protection agencies and districts to identify and minimize fire safety hazards to the public.

Carmel Area Land Use Plan

The Carmel Area Land Use Plan (Monterey County, updated 1999a) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the Carmel area. The following policies from the plan are applicable to the project:

- ▶ **Fire Hazards Specific Policy 1.** The fire hazard policies contained in the Safety Element of the Monterey County General Plan shall be regularly and consistently applied. The critical fire hazard map should be updated continually by the State Department of Forestry as new and more specific information becomes available from the required written assessments.
- ▶ **Fire Hazards Specific Policy 5.** Monterey County should support and assist the effort of the various fire protection agencies and districts to identify and minimize fire safety hazards to the public.
- ▶ **Fire Hazards Specific Policy 7.** House numbers or residents' names shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the house numbers shall be set adjacent to the driveway or access road to the property. House numbers shall be posted when construction begins.

Del Monte Forest Land Use Plan

The Del Monte Forest Land Use Plan (Monterey County, amended 2012) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the Del Monte Forest area. The following policy from the plan are applicable to the project:

- ▶ **Hazards Policy 45.** The fire hazard policies contained in the Safety Element of the Monterey County General Plan and the clearance requirements of the State Forest and Fire Law (Section 4291 of the Public Resources Code) shall be regularly and consistently applied provided they are consistent with all other policies of this LUP. For example, exceptions to the State Forest and Fire Law may be necessary where ESHA is present and/or where prior restrictions (including in Forest Management Plans) dictate otherwise. The County's fire hazard map should be updated regularly, including in accordance with the most current California Department of Forestry and Fire Protection hazard rating criteria, as new and more specific information becomes available.

North County Land Use Plan

The North County Land Use Plan (Monterey County, updated 1999b) has been prepared to carry out the requirements of the California Coastal Act of 1976. The plan provides development standards to guide the actions of state and location agencies in the North County area. The following policies from the plan are applicable to the project:

- ▶ **Fire Hazard Specific Policy 1.** The hazard policies contained in the Safety Element of the Monterey County General Plan shall be regularly reviewed and consistently applied. The critical fire hazard map should be updated continually by the State Department of Forestry as new and more specific information becomes available from the required written assessments.
- ▶ **Fire Hazard Specific Policy 5.** Roads serving residential development in high fire hazard areas shall be adequate to serve emergency equipment.
- ▶ **Fire Hazard Specific Policy 7.** Monterey County should support the efforts of the various fire protection agencies and districts to identify and minimize fire safety hazards to the public.

Monterey County Code, Title 18

Title 18 of the Monterey County Code establishes the County's building and construction regulations, including regulations related to fire. Relevant chapters of Title 18 include Chapter 18.09, which adopts the 2013 CFC, CCR Title

24, Part 9, and the 2012 International Fire Code with applicable amendments from the State of California, and the local amendments of this chapter, as the County's Fire Code. In addition, Chapter 18.56 prescribes wildfire protection standards in SRAs. Specifically, Chapter 18.56 implements PRC Section 4290, which requires the establishment of wildfire protection standards in conjunction with building, construction, and development in SRAs within the boundaries of Monterey County and under the direct fire protection authority of CAL FIRE. Lastly, Chapter 18.56 prescribes standards for emergency access on public and private roads.

Monterey County Department of Emergency Management

The Monterey County Department of Emergency Management (DEM) coordinates all emergency preparedness, response, and recovery functions and responsibilities as necessary to carry out the direction of the County Board of Supervisors and the provisions of Chapter 2.68 of the County Code. The DEM has established an Emergency Operations Center that serves as a physical or virtual location designed to support emergency response, business continuity, and crisis communications activities. Staff meet at the Emergency Operations Center to manage preparations for an impending event or manage the response to an ongoing incident. To respond effectively to all types of emergencies, DEM maintains the County EOP (discussed further below) on behalf of the Operational Area. In accordance with the California Emergency Services Act, the Monterey County Operational Area is an intermediate level of the State's emergency management organization and encompasses the County's boundaries and all its political subdivisions, including special districts. The lead agency of the Operational Area facilitates and/or coordinate information, resources, and decisions regarding priorities among local governments in the Operational Area.

Monterey County Emergency Operations Plan

The Monterey County EOP describes the Operational Area's emergency organization; the roles, responsibilities, and authorities within its boundaries; and the actions that should be taken during an emergency. The EOP is the overarching emergency planning document, with additional specific annexes that describe response activities and coordination during a particular hazard, threat, or incident-specific emergency. Although the annexes are considered part of the EOP, they represent stand-alone plans and are not included in the EOP itself (County of Monterey 2020).

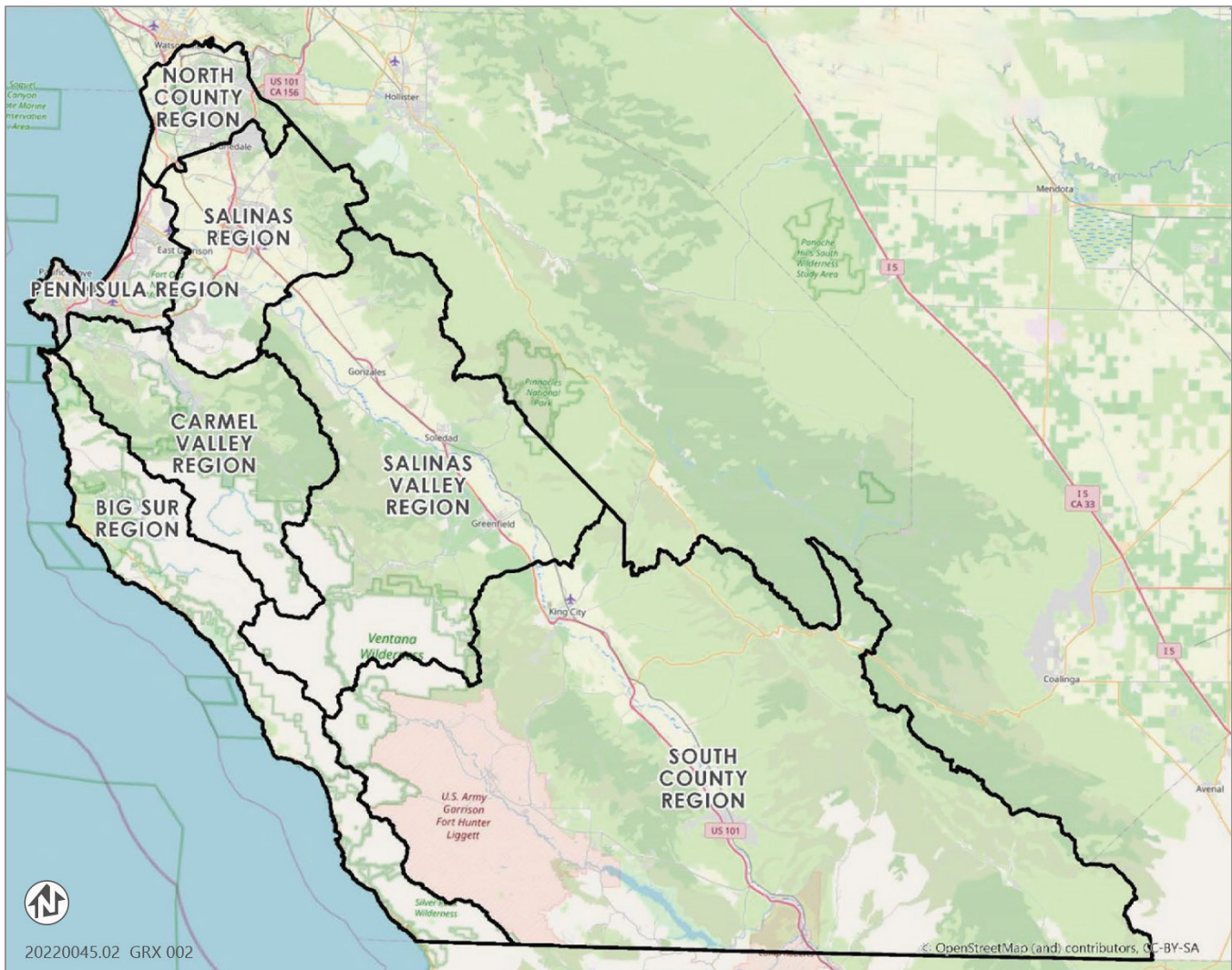
The EOP provides strategies for managing evacuations that exceed the day-to-day capabilities of the various public safety agencies in Monterey County. As dictated by the County's EOP, the local law enforcement agency is charged with the responsibility of evacuation in response to a major event threatening the life safety of residents of and visitors to the Monterey County Operational Area. With a special emphasis placed on wildfire threat, the strategies outlined in the plan are designed using an all-hazards approach to preparing for and managing evacuations. "Life safety" is the highest priority in the incident management. The EOP is designed to be applied during any emergency event that precipitates the need to evacuate an area, regardless of the threat or hazard. The purpose of the plan is to provide a guide for using mass transportation resources in the Operational Area to: (1) support the evacuation of populations affected by an incident; and (2) support the inbound movement of emergency service workers.

The Monterey County Sheriff's Office is the lead agency regarding evacuation events in unincorporated areas in the County. As the lead agency, the Sheriff's Office is responsible for issuing evacuation orders in coordination with County staff; providing situational information from patrol beats, as well as from the public through the emergency dispatch center; providing contractual security to County Parks and Monterey-Salinas Transit; and providing security to the populations under its jurisdiction.

Other agencies playing a primary role in the EOP are the County DEM, County Public Works, Facilities, and Parks Department, Monterey-Salinas Transit, and American Medical Response. The OES is responsible for coordinating organized planning efforts with County departments, local cities, and special districts before and during disasters, as well as maintaining the Operational Area Emergency Operations Center (EOC). Monterey County Public Works is responsible for the operations of the County's non-State roads and bridges and unincorporated County roads and bridges. Public Works provides resources for road maintenance, surveying, and construction operations. During large-scale events, field-level command and control of transportation resources is conducted by Monterey-Salinas Transit. American Medical Response is the largest Advanced Life Support ground transportation provider for Monterey County. When not transporting patients in life-threatening emergencies, its special transportation capabilities are used for paratransit to, from, and between shelters.

State agencies that play a role in emergency response operations include, but are not limited to, the California Highway Patrol, Cal OES, and the California Department of Transportation. Under a state of emergency, these agencies operate under the power of the state governor and are coordinated between state and local operation centers. Other federal and state agencies are also engaged depending on the type of emergency.

The County EOP Evacuation and Transportation Annex contains guidelines for evacuation phases. These phases consist of eight generally accepted evacuation phases: (1) initial incident and on-scene response, (2) situation analysis and evaluation, (3) decision to evacuate, (4) mobilization, (5) notification, (6) evacuation, (7) care and shelter, and (8) return and recovery. The County EOP Evacuation and Transportation Annex divides the County into the following evacuation regions: Big Sur, Carmel Valley, North County, Peninsula, Salinas, Salinas Valley, and South County (Figure 4.13-1). The annex further subdivides the evacuation regions into evacuation zones to allow jurisdictions to prioritize evacuation orders for the most vulnerable zones first and limit the need to evacuate large areas not under the threat. Evacuation regions and zones were collaboratively developed by Monterey County OES, fire protection districts, and law enforcement agencies representing their respective areas of responsibility and spheres of influence.



Source: Monterey County Office of Emergency Services, 2021

Figure 4.13-1 Monterey County Operational Area Evacuation Zones

The EOP Evacuation and Transportation Annex divides evacuation routes in each evacuation zone into primary and secondary routes. Maps of primary and secondary routes, including specific roadways, are found in each individual zone section (Monterey County OES 2021). Zone-specific evacuation routes included in the emergency plan provide a

more specific and detailed description of evacuation routes than the general plan. The individual plans do not contradict the general plan guidelines or policies for emergency evacuation routes.

Monterey County Community Wildfire Protection Plan

On December 13, 2010, the Monterey County Board of Supervisors adopted the Monterey County Community Wildfire Protection Plan (MCCWPP), which was last updated on March 1, 2016. The MCCWPP was prepared by the Monterey Fire Safe Council in collaboration with various public agencies, including CAL FIRE, the US Forest Service, and the US Bureau of Land Management, along with other stakeholders, in accordance with the Healthy Forests Restoration Act. The MCCWPP is an advisory document that guides wildfire prevention and preparation activities throughout the County. The purposes of the plan include providing wildfire planning recommendations; providing recommendations for hazardous fuel assessment and reduction, particularly in wildland-urban interface (WUI) zones; reducing the potential for ignitability of structures and address human activities that may cause wildfires; and reducing the spread of wildfires within WUI zones (Monterey Fire Safe Council 2016).

4.13.2 Environmental Setting

This section describes the existing conditions related to wildfire.

WILDFIRE BEHAVIOR AND CONTROLLING FACTORS

Wildfires are a significant threat in California, particularly in recent years as the landscape responds to climate change and decades of fire suppression. As climate change persists, it is anticipated to produce increasing temperatures and drier conditions that would generate abundant dry fuels. All wildfires (those initiated by both natural and human-made sources) tend to be larger under drier atmospheric conditions and when fed by drier fuel sources (Balch et al. 2017).

In addition, climate change has led to exacerbation of wildfire conditions during a longer period of the year as the spring season has warmed—driving an earlier spring snowmelt and as winter precipitation has decreased overall (Westerling et al. 2006). Further, wildfire activity is closely related to temperature and drought conditions, and in recent decades, increasing drought frequency and warming temperatures have led to an increase in wildfire activity (Westerling et al. 2006; Schoennagel et al. 2017). In particular, the western United States, including California, has seen increases in wildfire activity in terms of area burned, the number of large fires, and fire season length (Westerling et al. 2006; Abatzoglou and Williams 2016).

Wildfire behavior is a product of several variables—primarily climate, vegetation, topography, and human influences—that intermix to produce local and regional fire regimes that affect how, when, and where fires burn. The fire regime in any area is defined by several factors: fire frequency, intensity, and severity and area burned. An understanding of each of these factors is important for determining how the variables that affect fire behavior produce fire risk. “Fire frequency” refers to the number of fires that occur in a given area over a given period, “fire intensity” refers to the speed at which fire travels and the heat that it produces, “fire severity” refers to the extent to which ecosystems and existing conditions are affected or changed by a fire, and “area burned” refers to the size of the area burned by wildfire.

Human influence on wildfire is broad and can be substantial. It includes direct influences, such as the ignition and suppression of fires, and indirect influences, such as alterations in land use patterns that support modified vegetative regimes and increased development in the WUI.

LOCAL WILDFIRE CONDITIONS

Monterey County contains federal, state, and local wildfire protection responsibility areas. Local, state, tribal, and federal organizations all have legal and financial responsibility for wildfire protection. Classifications in Monterey County are Federal Responsibility Area (FRA), SRA, and Local Responsibility Area (LRA).

FRAs are wildfire-prone areas owned or managed by a federal agency. Primary financial and rule-making jurisdictional authority rests with the relevant federal land agency. The agencies that control federal lands in Monterey County include:

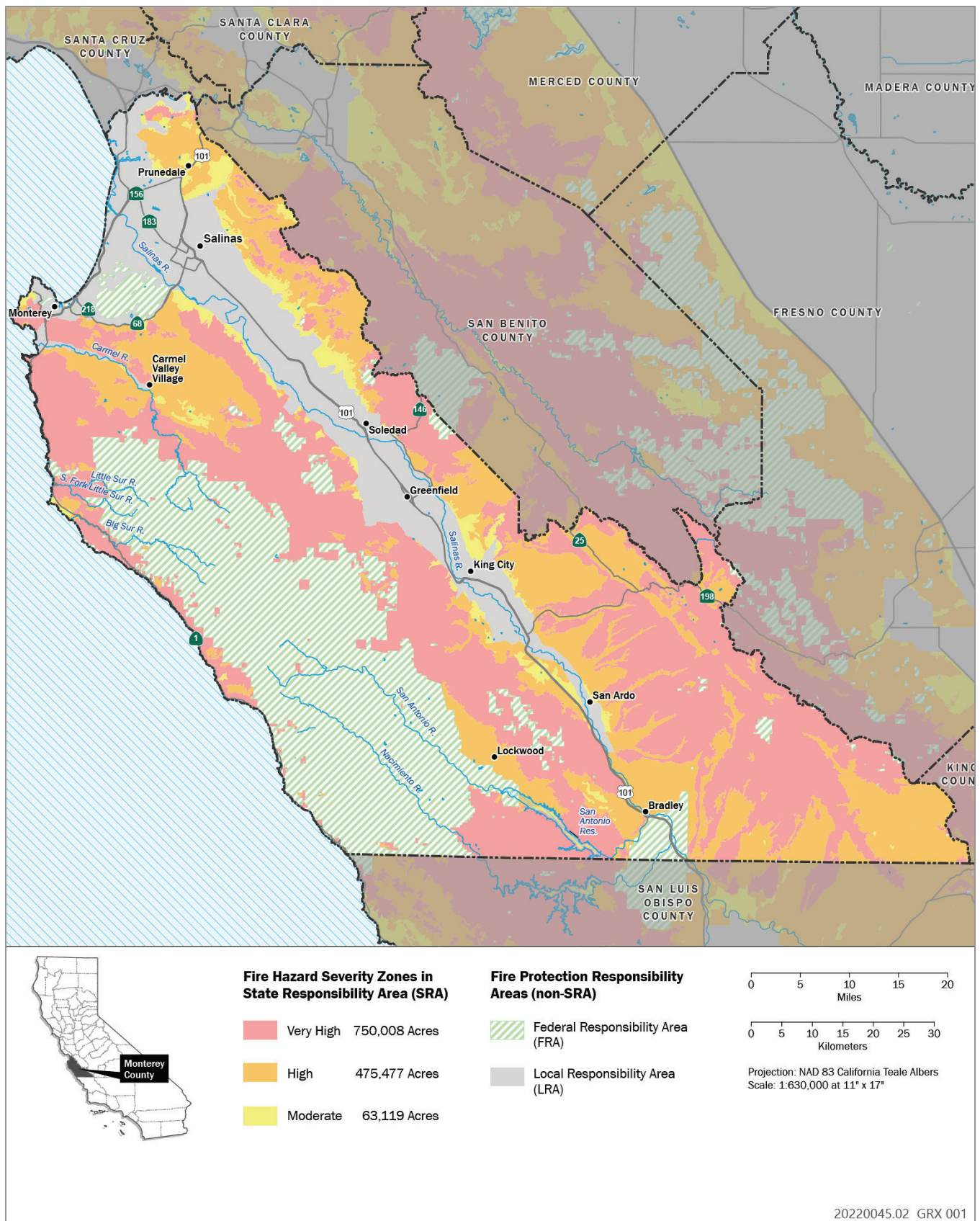
- ▶ US Forest Service - Los Padres National Forest
- ▶ National Park Service - Pinnacles National Park
- ▶ US Department of Defense - Fort Hunter Liggett, Defense Language Institute, and Presidio of Monterey
- ▶ US Bureau of Land Management - various lands
- ▶ California National Guard - Camp Roberts

SRAs are lands in California where CAL FIRE has legal and financial responsibility for wildfire protection and administers fire hazard classifications and building standard regulations. They include forested land and land that is generally considered wildland. SRAs do not include incorporated cities or federal lands (i.e., FRAs). The CAL FIRE San Benito-Monterey Unit (BEU) provides wildland fire protection to the 2.1 million acres of SRA land in the County (Monterey County OES 2023). CAL FIRE has mapped out FHSZs at the federal, state, and local level throughout the state, which are mapped as part of its FRAP. These areas are mapped based on fuels, terrain, weather, and other relevant factors and are classified using the following classifications: Moderate, High, and Very High. Although FHSZ classifications do not predict when or where a wildfire will occur, they do identify areas where wildfire hazards could be more severe and therefore are of greater concern. The FHSZ model inputs frequency of fire weather, ignition patterns, expected rate of spread, and past fire history. It also accounts for flying ember production based on the area of influence where embers are likely to land and cause ignitions. CAL FIRE also maps fire threat, which combines expected fire frequency with potential fire behavior. About 80 percent of land in Monterey County is categorized as having a high, very high, or extreme fire threat. Monterey County contains the following amount of SRA land in Very High, High, and Moderate designations according to the FHSZ maps for the County: 750,008 acres in the Very High FHSZ, 475,477 acres in the High FHSZ, and 63,119 acres in the Moderate FHSZ (Figure 4.13-2) (CAL FIRE 2022). These areas are located primarily in rural areas, Big Sur and coastal mountains, and the mountains and hills on the eastern border of the Salinas River. Although sharing a border and similar characteristics with the FRAs of Big Sur and the LRAs, the FRAs are not included in the CAL FIRE FHSZ mapping. The CAL FIRE BEU Unit, located along the central coast between San Luis Obispo County on the south and Santa Cruz and Santa Clara Counties on the north, has identified several areas in Monterey County as high fire risk areas: the State Route 68 corridor between Salinas and Monterey Peninsula/Laureles Grade; Carmel Valley, Carmel Valley Village, and Cachagua; Carmel Highlands/Palo Colorado Canyon; Pine Canyon (King City); North Monterey County/Aromas; and Jacks Peak/Pebble Beach.

LRAs include land in cities, cultivated agriculture lands, nonflammable areas in unincorporated areas, and lands that do not meet the criteria for SRA or FRA. LRAs may include flammable vegetation and WUI areas where the financial and jurisdictional responsibility for improvement and wildfire protection is held by a local government agency. The MCCWPP outlines the various aspects that affect fire behavior in the County, including topography, vegetation and fuels, and climate and weather conditions. The plan also incorporates the various factors in wildland fire severity factors, in addition to homes and property in the WUI. Both wildland and WUI areas account for a substantial amount of land in Monterey County.

Fire history is an important component in understanding fire frequency, fire type, significant ignition sources, and vulnerable areas/communities. The topography, vegetation, and climatic condition associated with Monterey County combine to create a unique situation capable of supporting large-scale, often damaging wildfires.

Several notable fires have occurred in WUI zones in Monterey County. Fires that occurred under extreme fire weather or red flag conditions are the Los Laureles Fire (1970), Molera Fire (1972) and Cherry Canyon Fire (1985). The Morse [Pebble Beach] Fire (1987), Fort Ord Escape (2003), and Eucalyptus Fire (2005) occurred under normal Monterey County weather conditions. The Morse Fire burned approximately 160 acres, destroying 31 homes in a short period (Monterey Fire Safe Council 2016).



Source: California Department of Forestry and Fire Protection, 2022.

Figure 4.13-2 State Responsibility Area Fire Hazard Severity Zones

The frequency, intensity, and impact of large wildland fires in Monterey County have increased in recent years, specifically in the Los Padres National Forest. The Basin Complex Fire, a large wildfire near Big Sur in 2008, burned more than 162,000 acres, destroyed 58 structures, and damaged an additional nine structures. The fire burned most of the Ventana Wilderness. The Indians Fire, which occurred during this same period, burned an additional 81,000 acres, leaving 15 structures destroyed and one damaged.

These combined events made 2008 the most destructive year in recorded history for fires in Monterey County. In 2013, the Pfeiffer Fire burned 917 acres near Big Sur and damaged or destroyed 38 structures, including 34 residential structures and four outbuildings. In July 2016, the Soberanes Fire began as an illegal campfire in Garrapata State Park in Monterey County. Fueled by winds and dry, unmanaged vegetation resulting from several years of extreme drought, the fire quickly spread beyond the park to threaten lives, homes, property, and the environment. 2020 was another record year for fires in Monterey County, with the River, Carmel, and Dolan Fires burning 48,000 acres, 6,905 acres, and 124,924 acres, respectively (Monterey County OES 2023). Most recently, in 2021, the Willow Fire burned 2,877 acres in the Ventana Wilderness (Monterey County OES 2022).

WILDFIRE AND EMERGENCY RESPONSE AND EVACUATION

Wildfire protection and response in California are the responsibility of the federal, state, or local government. On federally owned land, or FRAs, fire protection is provided by the federal government, often in partnership with local grants and contracts. In SRAs, CAL FIRE has a legal responsibility to provide fire protection. CAL FIRE is not responsible for providing fire protection in densely populated areas, in incorporated cities, on agricultural lands, or on federal lands. In LRAs, which include incorporated cities and cultivated agriculture lands, wildfire protection and response are the responsibility of city fire departments, fire protection districts, counties, or, in some cases, CAL FIRE under contract to local government.

The fire protection districts and agencies in Monterey County are Aromas Tri-County Fire Protection District, Big Sur Volunteer Fire Brigade, Cachagua Fire Protection District, Cypress Fire Protection District, Gonzales Rural Fire Protection District, Gonzales Fire Department, Greenfield Fire Protection District, King City Fire Department, Marina Fire Department, Mid-Coast Volunteer Fire Brigade, Mission Soledad Rural Fire Protection District, Monterey County Regional Fire District, Monterey Fire Department, North County Fire Protection District, Pebble Beach Community Services District, Salinas Fire Department, Seaside Fire Department, Soledad Fire Department, and, South Monterey County Fire Protection District (Monterey County OES 2023).

The County of Monterey OES maintains the EOP for the Operational Area, which encompasses the County and all its political subdivisions, including special districts. In the EOP, additional specific annexes describe response activities and coordination during a particular hazard, threat, or incident-specific emergency. The EOP Transportation and Evacuation Annex is the adopted emergency evacuation plan for Monterey County and outlines the evacuation procedures in Chapter 5 of the plan.

4.13.3 Impact Analysis and Mitigation Measures

ANALYSIS METHODOLOGY

The analysis of environmental impacts related to wildfire considers the potential for new or increased wildfire risk from implementation of the proposed regulations, including exposing people or structures to wildfire related pollutant concentrations or the uncontrolled spread of wildfire, and postfire risks, such as slope instability or landslides. The analysis also evaluates the effects of the proposed project on emergency planning and evacuation in the event of a wildfire or other natural hazard, as well as any conflicts with existing emergency plans and policies.

THRESHOLDS OF SIGNIFICANCE

An impact related to wildfire would be significant if implementation of the project would:

- ▶ substantially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
- ▶ due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- ▶ require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- ▶ expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

ISSUES NOT EVALUATED FURTHER

Installation or Maintenance of Associated Infrastructure That May Exacerbate Fire Risk

The proposed regulations would affect only the use of existing dwelling units. No new infrastructure, including roads, fuel breaks, emergency water sources, power lines, or other utilities, would be authorized or be reasonably foreseeable. For these reasons, there would be no foreseeable increased wildfire risk associated with the installation or maintenance of infrastructure. Consistent with existing conditions, the maintenance of defensible spaces around existing dwelling units would continue to be required by applicable regulations, including PRC Section 4291 for dwelling units in an SRA and applicable sections of Chapter 18 of the Monterey County Code for dwelling units in an LRA. There would be no change in these requirements as a result of the proposed regulations. Therefore, implementing the proposed regulations would not exacerbate fire risk or result in temporary or ongoing impacts on the environment from the installation or maintenance of associated infrastructure. This issue is not evaluated further in this EIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.13-1: Substantially Impair an Adopted Emergency Response Plan or Evacuation Plan

The proposed regulations would affect only the use of existing dwelling units in established neighborhoods. No new development would be authorized or be reasonably foreseeable. The use of an existing residential dwelling unit as a vacation rental would not interfere with the County's existing adopted emergency response and evacuation plans, including the Monterey County EOP and the EOP Evacuation and Transportation Annex. Therefore, implementation of the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact would be **less than significant**.

The County of Monterey DEM maintains the EOP for the Operational Area, which encompasses the County and all its political subdivisions, including special districts. In the EOP, additional specific annexes describe response activities and coordination during a particular hazard, threat, or incident-specific emergency. Chapter 5 of the EOP Transportation and Evacuation Annex, the adopted emergency evacuation plan for Monterey County, outlines evacuation procedures. The Monterey County EOP facilitates cooperation and communication between jurisdictions and agencies throughout the County. As noted in the County EOP, the local law enforcement agency is charged with the responsibility of evacuation in response to a major event threatening the life safety of residents and visitors of the Monterey County Operational Area. Because of its large local tourism industry, Monterey County could have large numbers of visitors and tourists present during an emergency.

Types of projects that could impair implementation of, or physically interfere with an adopted emergency response or evacuation plan include new residential development that adds significant congestion to roads and construction or

alteration of roadways or transportation facilities. The proposed regulations do not include any elements that would inhibit access to hospitals, emergency response centers, school locations, communication facilities, highways and bridges, or airports. In addition, the project would not involve the construction or alteration of any roadways or transportation facilities and therefore could not affect emergency evacuation and response. The proposed regulations would affect only the use of existing dwelling units in established neighborhoods. No new development would be authorized.

The use of an existing residential dwelling unit as a vacation rental would not interfere with the County's existing adopted emergency response and evacuation plans, including the Monterey County EOP and the EOP Evacuation and Transportation Annex. The use of these units as temporary vacation rentals would not introduce a substantial number of new residents or result in a permanent increase in population in the County; therefore, it would not introduce a population that could impede emergency response or evacuation during a wildfire. While some may argue that people using vacation rentals may not be familiar with designated evacuation routes, this fact holds true for the vast number of people visiting Monterey County, a large tourist destination. It can also be reasonably argued that existing residents are not familiar with which routes are designated evacuation routes; this simply is not common knowledge even if written in planning documents. It is more reasonable to suggest that the large majority of residents do not read governmental planning documents. In addition, the proposed regulations would limit the number of vacation rentals in areas of the County that have limited emergency access, which would reduce the number of evacuees associated with vacation rentals in areas that may be more susceptible to wildfire or other natural hazards. The proposed regulations also require vacation rentals to comply with the State Minimum Fire Safe Regulations from CCR Title 14 and with local emergency safety regulations, which were established to protect public safety.

Furthermore, the County's EOP accounts for the presence of visitors to the County who may be unfamiliar with the evacuation procedures and routes of local jurisdictions and unincorporated areas of the County. In the event of a wildfire or other emergency, visitors associated with vacation rentals, like permanent residents, would be required to comply with the evacuation orders of local law enforcement and consistent with existing evacuation procedures outlined in the County's EOP. It should be noted that forcible evacuations are not allowed under California law (Penal Code Section 409.5) but access to an affected area can be denied, which would not allow people within the area. Those failing to comply with a mandatory evacuation order may be rescued or provided with other lifesaving assistance (County of Monterey 2020). For these reasons, implementation of the proposed regulations would not represent a change in existing conditions as they relate to emergency response and evacuation, and it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 4.13-2: Exacerbate Wildfire Risks and Expose Project Occupants to Pollutant Concentrations from Wildfire or Expose People or Structures to Significant Post-wildfire Risks

Implementation of the project would not exacerbate wildfire risk or expose people or structures to environmental effects of a wildfire. No new development or construction would be induced by implementing the project; therefore, this impact would be **less than significant**.

Appendix G of the State CEQA Guidelines identifies two initial criteria for considering a project's potential impacts related to wildfire: (1) is the project located in or near an SRA, or (2) is the project in or near lands classified as a Very High FHSZ. As discussed in Section 4.13.2, "Environmental Setting," CAL FIRE has mapped out FHSZs at the federal, state, and local level throughout the state, which are mapped as part of its FRAP. These areas are mapped based on fuels, terrain, weather, and other relevant factors and are classified as Moderate, High, or Very High. Although FHSZ classifications do not predict when or where a wildfire will occur, they do identify areas where wildfire hazards could be more severe and therefore are of greater concern. Based on the FHSZ maps prepared by CAL FIRE, Monterey County contains 750,008 acres of SRA land designated as a Very High FHSZ and 475,477 acres of SRA land designated as a High FHSZ. In addition, wildland and WUI areas account for a substantial amount of land in Monterey County.

The proposed regulations would affect only the use of existing dwelling units. No new development would be authorized or be reasonably foreseeable. Because existing dwelling units would likely otherwise be used in a similar fashion (by people residing in them), the use of these units as temporary vacation rentals would not introduce new residents or a new use that could reasonably be foreseen to increase fire risk in the County. There is no evidence to show that people who rent a residence have different behaviors from other residents that would result in increased wildfire risk. Also, the proposed regulations would not incentivize or increase the use of vacation rental properties; but they would place a cap and other restrictions on their use. The proposed regulations would also prohibit commercial rentals in Big Sur, which is one of the areas of the County with increased fire risk; therefore, it would reduce (from existing conditions) the number of properties available for rent in this area. In addition, the project would not involve the construction of new roadways or transportation facilities that could introduce people or vehicles to previously undeveloped and potentially fire-prone areas.

In addition, the proposed regulations would limit the number of vacation rentals in areas of the County that have limited emergency access. They also would require vacation rentals to comply with the State Minimum Fire Safe Regulations from CCR Title 14 and with local emergency safety regulations, which were established to protect public safety. Consistent with existing state and local requirements, including PRC Section 4291 for dwelling units in an SRA and applicable sections of Chapter 18 of the Monterey County Code for dwelling units in an LRA, the property owners of vacation rentals would be required to maintain defensible spaces around their homes to reduce the amount of flammable vegetation and fuel for wildfires. Therefore, although wildfire risk poses a hazard to Monterey County, which has experienced several large wildfires in recent years, implementation of the proposed regulations would not exacerbate the risk of wildfire, nor would it expose people or structures to significant post-wildfire hazards. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

5 CUMULATIVE IMPACTS

5.1 CUMULATIVE ANALYSIS

This Draft EIR provides an analysis of cumulative impacts of the proposed regulations taken together with other past, present, and probable future projects producing related impacts, as required by Section 15130 of the State CEQA Guidelines. Cumulative impacts are defined in State CEQA Guidelines Section 15355 as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” A cumulative impact occurs from “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (Section 15355[b]). CEQA Guidelines Section 15130(a)(2) states that “[w]hen the combined cumulative impact associated with the project’s incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR.”

The project consists of a permitting process that would place a cap on the number of commercial vacation rentals that could be permitted in the County. Although no development is associated with the project, it would restrict where commercial vacation rentals would be located, place a cap on the total number of units available for rent, and implement operational requirements. As described in Chapter 4 of this EIR, implementing the proposed regulations would not result in physical changes to the environment. There is also a lack of data by which to draw conclusions on several issues. As described in the introduction to Chapter 4, the restrictions and a cap on the number of vacation rentals do not currently exist. Without them, vacation rental uses could grow beyond the 6-percent cap in the ordinances for commercial vacation rentals. If vacation rental uses were not allowed, there is a likelihood that some of the owners would seek an alternative economic use (long-term rental or sale).

The analysis in Chapter 4 concludes that an evaluation of traffic and vehicle miles traveled would be speculative, but the evidence suggests that, on balance, less trip generation is associated with a unit used as a vacation rental than one occupied for full-time residential use because the vacation rental would be used sporadically. Impacts associated with air quality, energy use, and greenhouse gas emissions would be similar to or less than those that would occur if the same unit were occupied for residential use. The ordinances addresses noise issues by imposing strict and costly penalties if noise standards are violated. Other potential issues, such as wildfire and water use, are addressed by information requirements in the ordinances. In short, there is no evidence suggesting that implementing the project would result in significant environmental impacts.

As discussed in Section 4.9 “Population and Housing,” the proposed 6 percent cap would limit the number of rentals within the County and new housing development within the County is anticipated to occur at a higher rate than existing units are converted to vacation rentals. (Between 2015 and 2021, 260 units per year were added to the unincorporated County housing stock and 76 units per year were converted to vacation rentals.) As such, the project is not anticipated to result in a substantial amount of displacement. In addition, there are no known other projects in the county that would combine with the project to generate additional displacement impacts.

In addition, no projects have been constructed or approved or are under review in the County that have some relation to any of the other environmental impacts of implementing the project. Therefore, in accordance with State CEQA Guidelines Section 15355, cumulative impacts would not be expected from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Therefore, no significant cumulative impacts related to the proposed regulations are expected.

In addition, although not CEQA impacts, Chapter 3 of this EIR, addresses social, human behavior, and socioeconomic concerns related to the implementation of the ordinance and explains how the 6 percent cap and proposed regulations address these concerns.

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6 ALTERNATIVES

6.1 INTRODUCTION

The California Code of Regulations (CCR) Section 15126.6(a) (State CEQA Guidelines) requires EIRs to describe "... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." This section of the State CEQA Guidelines also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states the purpose of the alternatives analysis is as follows:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code [PRC] Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (CCR Section 15126.6[d]).

The State CEQA Guidelines further require that the "no project" alternative be considered (CCR Section 15126.6[e]). The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. If the no project alternative is the environmentally superior alternative, CEQA requires that the EIR "...shall also identify an environmentally superior alternative among the other alternatives." (CCR Section 15126[e][2]).

In defining "feasibility" (e.g., "... feasibly attain most of the basic objectives of the project ..."), CCR Section 15126.6(f) (1) states, in part:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In determining what alternatives should be considered in the EIR, it is important to consider the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency's decision-making body, here the Monterey County Board of Supervisors. (See PRC Sections 21081.5, 21081[a] [3].)

6.2 CONSIDERATIONS FOR SELECTION OF ALTERNATIVES

6.2.1 Attainment of Project Objectives

As described above, one factor that must be considered in selection of alternatives is the ability of a specific alternative to attain most of the basic objectives of the project (CCR Section 15126.6[a]). Chapter 2, "Project Description," identifies the project objectives for the County of Monterey Vacation Rental Ordinances, which are also described below.

- ▶ Preserve the residential character of zoning districts established in Titles 20 and 21;
- ▶ Preserve the sense of security and safety in neighborhoods;
- ▶ Balance economic opportunity with the preservation of housing supply and quality of life;
- ▶ Ensure that vacation rentals are operated in a manner that complies with all rules and regulations to protect the health, safety, and welfare of residents of the County of Monterey;
- ▶ Establish regulations that provide opportunities for homeowners and residents to offer vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County;
- ▶ Establish that limited rental users are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and are an allowed use with a vacation rental operation license and a business license; and,
- ▶ Establish regulations to address commercial vacation rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare.

6.2.2 Summary of Environmental Impacts of the Project

The environmental impacts of the project are considered in light of the uses the project would permit and expectations of use. In summary, the project permits vacation rentals of existing residences but does not permit construction or any other development. It places a cap on the number of units that can be permitted as commercial vacation rentals, whereas no cap currently exists, so the total number of units that would be permitted would be restricted compared to current conditions. The project also includes provisions limiting the number of rental days, numbers of people allowed in rentals, and other various provisions aimed at addressing nuisances associated with vacation rentals that have been experienced by county residents. Finally, the EIR assumes use of vacation rentals at a rate similar to hotels in the region, which operate around 70 percent capacity, although data suggests that use of vacation rentals is far less.

Sections 4.1 through 4.11 of this Draft EIR address the environmental impacts of implementation of the proposed regulations. Consistent with State CEQA Guidelines Section 15126.6, potentially feasible alternatives were developed with consideration of avoiding or lessening the significant, and potentially significant, adverse impacts of the plan, as identified in Chapter 4 of this Draft EIR and summarized below. If an environmental issue area analyzed in this Draft EIR is not addressed below, it is because no significant impacts were identified for that issue area. The Draft EIR has identified one significant impact: potential dislocation of people from existing residences (population and housing), as summarized below.

- ▶ **Agriculture Resources:** Implementation of the proposed regulations would result in permitted vacation rentals in existing residential development but would not incentivize or otherwise induce construction of new structures or demolition of existing structures. Although a vacation rental is not currently a listed allowable use for lands under the Williamson Act, implementing the proposed regulations would not hinder the functionality of the land and would not conflict with a Williamson Act contract. This impact would be **less than significant**.

- ▶ **Air Quality:** Implementation of the proposed regulations would not involve new development. Therefore, no construction activities and associated emissions would occur. During operation, it is assumed that most vacation rentals would function as households and that residential vehicular trips from units that would otherwise be occupied full time would be replaced by trips by guests staying at the properties and that permanent residential utility and energy consumption would be replaced by utility and energy consumption by guests staying at the properties. Some new trips would occur from second homes currently only occasionally occupied. Vacation rentals would occur a fraction of the time, assumed at 70 percent based on hotel occupancy in the region (versus “100 percent occupancy” by full time residents). Trip generation from vacation rentals is typically much lower than permanently occupied single family homes. It would be speculative to determine what, if any, change in overall emissions would be in the project area but it is likely to be minimal. Implementation of the proposed regulations would not directly conflict with any control measures identified in the Air Quality Management Plan and would not conflict with or otherwise obstruct implementation of the Air Quality Management Plan. Operational uses of vacation rentals would be similar to typical residential uses. Therefore, implementation of the proposed regulations would not produce objectionable odors. Impacts related to conflict with applicable air quality plans and expose sensitive receptors to pollutant concentrations or other emissions (including odors) would be **less than significant**.
- ▶ **Energy:** Implementing the proposed regulations would not result in any population growth or long-term sources of energy consumption. For the same reasons described under air quality, above, it would be speculative to determine if there would be any change in energy consumption, but if so, it would likely be minimal. The impact would be **less than significant**.
- ▶ **Greenhouse Gas Emissions and Climate Change:** Implementation of the proposed regulations would not result in any population growth or long-term emission sources. Therefore, implementation of the proposed regulations would not result in a significant increase in emissions and would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions. It also would not result in the construction or operation of any new land use development or result in population growth or new emission sources that would conflict with greenhouse gas emissions reduction planning efforts at the County or state level. For the same reasons described under air quality, above, it would be speculative to determine if there would be any change in GHG emissions, but if so, it would likely be minimal. Therefore, this impact would be **less than significant**.
- ▶ **Land Use and Planning:** The proposed regulations would place a cap on permitting of commercial vacation rentals in designated zoning districts and preclude commercial vacation rentals in Big Sur and in the Low Density Residential zone in the Carmel Area. The requirement of permits would reduce the potential for residential units to be used as vacation rentals. Implementation of the proposed regulations would not create a conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The impact would be **less than significant**.
- ▶ **Noise:** Noise generated by vacation rentals is generally expected to be consistent with that of existing residential uses across the unincorporated County. It is known that noise nuisances have been a concern with some vacation rentals, and the ordinance includes policies and enforcement mechanisms to discourage and enforce individual noise violations. Therefore, it is not anticipated that implementing the proposed regulations would result in frequent noise in excess of the noise thresholds identified in Chapter 10.60 and proposed Chapter 7.120 of the County Code. Furthermore, it should be noted that the project would not allow for the use of single-family dwellings for events that could be a significant source of noise. Implementation of the proposed regulations is not expected to substantially increase non-transportation operational noise. Implementation of the project would have the potential to result in an increase in the number of vehicular trips in the County, the increase would be slight, and any new trips would be dispersed throughout the roadway network of the unincorporated County. Implementation of the proposed regulations would not generate a substantial increase in traffic noise. Therefore, these impacts would be **less than significant**.
- ▶ **Population and Housing:** Implementation of the proposed regulations would not result in the development of new residences or demolition of existing residences. The proposed regulations would not induce substantial

unplanned population growth or housing demand. Operation of vacation rentals would have the potential to result in new employment opportunities for property managers, house cleaners, and gardeners as well as others in the tourism service industry, but these employment opportunities mostly are lower wage and would not be expected to generate unplanned growth in the region. Implementing the project would not result in any development, nor would it result in the removal or destruction of existing housing units. The conversion of homes that are currently occupied could result in some displacement of people. However, as a result of the 6 percent cap, ongoing housing development within the County, and that the project would not result in any removal or destruction of housing units, implementing the project would not be expected to displace substantial numbers of residents or homes. Therefore, this impact would be **less than significant**.

- ▶ **Transportation:** Due to the lack of reliable data, variety of possible scenarios and circumstances, and number of unsupported assumptions that would need to be made to a lack of substantial evidence, it is too speculative to determine the vehicle miles traveled impact of the project. It is recognized that some commercial vacation rentals would displace full time residents whereas others are second homes, only occasionally used. Based on published traffic generation rates, vacation rentals typically generate far fewer trips per day than full time occupied residential units. Given the variety of factors and the speculative nature of the analysis, no significance conclusion can be made.
- ▶ **Tribal Cultural Resources:** The proposed regulations would not authorize or facilitate any new development. The ordinance applies only to existing dwelling units. Implementation of the proposed regulations would not include ground-disturbing activities, it could not disturb or destroy tribal cultural resources; therefore, there would be **no impact**.
- ▶ **Utilities and Service Systems:** Water use by people occupying a residence as a vacation rental would be expected to follow typical residential water use and would be related primarily to use of showers and toilets, cooking and cleaning, as well as water used to maintain landscaping. There is no evidence to suggest that existing residential units permitted as vacation rentals would demand more water than if these units were not rented for this purpose. Therefore, this impact would be **less than significant**.
- ▶ **Wildfire:** The proposed regulations would affect only the use of existing dwelling units in established neighborhoods. No new development or construction would be induced by the implementation of the proposed regulations. Existing dwelling units would likely be used in a similar fashion (by people residing in them), the use of these units as temporary vacation rentals would not introduce new residents or a new use that could reasonably be foreseen to increase fire risk in the County. Impacts related to wildfire would be **less than significant**.

6.3 ALTERNATIVES CONSIDERED BUT NOT EVALUATED FURTHER

As described above, State CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1167.)

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by lead agency decision-maker(s). (See Pub. Resources Code, § 21081(a)(3).) At the time of action on the project, the decision-maker(s) may consider evidence beyond that found in this EIR in addressing such determinations. The decision-maker(s), for example, may conclude that a particular alternative is infeasible (i.e., undesirable) from a policy standpoint, and may reject an alternative on that basis provided that the decision-maker(s) adopts a finding, supported by substantial evidence, to that effect, and provided that such a finding reflects a

reasonable balancing of the relevant economic, environmental, social, and other considerations supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998.)

The EIR should also identify any alternatives that were considered by the lead agency but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination.

The following alternatives were considered by the County but are not evaluated further in this Draft EIR.

6.3.1 Increase Use of Hotels

Under this alternative, the County would allow an increase in the development of hotels within the county instead of allowing any growth of vacation rentals. Existing permitted vacation rentals would be allowed to continue to operate, but no new rentals would be allowed, and existing unpermitted vacation rentals would be required to cease operation. Tourism within the county would primarily use hotels.

This alternative would be infeasible. This alternative would not meet several of the basic objectives of the project as shown in **bold**. In addition, this alternative would allow for new development of hotels within the County, which would have the potential to result in environmental impacts and would be greater than the proposed project.

- ▶ Preserve the residential character of zoning districts established in Titles 20 and 21;
- ▶ Preserve the sense of security and safety in neighborhoods;
- ▶ Balance economic opportunity with the preservation of housing supply and quality of life;
- ▶ Ensure that vacation rentals are operated in a manner that complies with all rules and regulations to protect the health, safety, and welfare of residents of the County of Monterey;
- ▶ **Establish regulations that provide opportunities for homeowners and residents to offer vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County;**
- ▶ **Establish that limited rental users are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and are an allowed use with a vacation rental operation license and a business license; and,**
- ▶ Establish regulations to address commercial vacation rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare.

6.3.2 Prohibition of Vacation Rentals within the County

Under this alternative, the County would implement a prohibition on all limited and commercial vacation rentals within the unincorporated areas of the County. No new vacation rentals would be allowed. This alternative would also result in the cessation of existing permitted and unpermitted vacation rental operations currently allowed within the County following an appropriate amortization period. As discussed in the introduction of Chapter 4, if the owner of a home does not rent it for vacation purposes, there is a likelihood the owner would be seeking an alternative economic use; otherwise, they would have been unlikely to have made the unit available for rent. It is assumed that under this alternative some owners would either a long-term renter or sell the unit. Enforcement activities would be undertaken by the County and other agencies, if necessary, to ensure cessation of all existing vacation rental operations.

This alternative would not meet most of the basic objectives of the project. Project objectives are listed below, with the objectives that clearly would not be met shown in **bold**. A prohibition on vacation rentals within Coastal Zone may be inconsistent with the Coastal Act requirement to prioritize the use of private lands for commercial vacation recreational facilities rather than private resident uses (PRC Section 302222) and would likely not be allowed by the Coastal Commission.

- ▶ Preserve the residential character of zoning districts established in Titles 20 and 21;
- ▶ Preserve the sense of security and safety in neighborhoods;
- ▶ **Balance economic opportunity with the preservation of housing supply and quality of life;**
- ▶ **Ensure that vacation rentals are operated in a manner that complies with all rules and regulations to protect the health, safety, and welfare of residents of the County of Monterey;**
- ▶ **Establish regulations that provide opportunities for homeowners and residents to offer vacation rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County;**
- ▶ **Establish that limited rental users are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and are an allowed use with a vacation rental operation license and a business license; and,**
- ▶ **Establish regulations to address commercial vacation rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare.**

In addition, by not allowing vacation rentals to occur within the County, several owners and operators would lose a source of income that could currently be used to pay for their mortgage or other expenses to operate the home. As discussed in the introduction of Chapter 3, if the owner of a home does not rent it for vacation purposes, there is a likelihood the owner would be seeking an alternative economic use; otherwise, they would not have been likely to have made the unit available for rent. It is assumed that under this alternative some owners would either have to seek a renter or sell the unit. Therefore, this alternative is not further evaluated in this EIR.

6.4 ALTERNATIVES SELECTED FOR DETAILED ANALYSIS

The following discussion summarizes the alternatives evaluated and then includes a detailed description of each alternative followed by a discussion that compares each of the proposed plan's significant impacts to the relative impact that would likely result from the alternative. The focus is only on those impact categories under which substantive changes may occur regarding environmental impacts. Because these alternative discussions are comparative, they do not necessarily identify significance conclusions (such as "significant" or "less than significant"); rather, they identify the level of impact relative to the proposed plan's significant impact. These comparisons use the following conclusions:

- ▶ **Less** is used when an alternative reduces the proposed plan's significant impact, but not below the threshold of significance.
- ▶ **Similar** is used when the alternative's impact is approximately the same as the proposed plan's impact.
- ▶ **Greater** is used when the alternative increases the severity of the proposed plan's significant impact, or results in a new significant impact that would not occur as a result of proposed plan implementation.

The following alternatives evaluated in this Draft EIR.

- ▶ **Alternative 1: No Project Alternative.** This alternative would consist of continued implementation of existing regulations for vacation rentals within the unincorporated areas of the County, without the proposed amendments to Title 20, Title 21, and Title 7 of the Monterey County Code.
- ▶ **Alternative 2: Homestays Alternative.** The alternative would amend the proposed regulations to allow homestays as another vacation rental option within the County.
- ▶ **Alternative 3: Reduce Growth Alternative.** This alternative will reduce the proposed cap of 6 percent under the proposed regulations to 3 percent.
- ▶ **Alternative 4: No Additional Growth.** This alternative would include the proposed regulations but would not allow any additional growth. Existing vacation rentals would be required to comply with the proposed regulations.

- ▶ **Alternative 5: Permitting and Policy Options.** This alternative includes a variety of permitting and policy modification options for the proposed regulations.
- ▶ **Alternative 6: Prohibition of Commercial Vacation Rentals in Residential Zones within the Carmel Valley Master Plan Area.** This alternative would prohibit any vacation rentals within residential zones of the Carmel Valley Master Plan Area.

Further details on these alternatives, and an evaluation of environmental effects relative to the project, are provided below.

6.4.1 Alternative 1: No Project Alternative

This alternative would consist of continued use of the existing ordinances that regulate vacation rentals within the unincorporated areas of the County:

- ▶ Title 21 – Inland Areas: Sections 21.64.280 (Administrative Permits for Transient Use of Residential Property for Remuneration); 21.64.100 (Regulations for Bed and Breakfast Facilities)
- ▶ Title 20 – Coastal Zone: Sections 20.10.050W, 20.12.050U, 20.14.050Z. and 20.16.050NN (similar use as determined by the Planning Commission); 20.64.100 (Regulations for Bed and Breakfast Facilities)
- ▶ Chapter 5.40 (Uniform Transient Occupancy Tax Ordinance)

Under the existing regulations, transient use of residential properties (also known as vacation rental) (30 days or less and not fewer than 7 days) may be permitted within an approved discretionary permit, in certain designated zoning districts in the County. Rentals within the Coastal Zone require the approval of a Coastal Development Permit. Each rental is subject to Transient Occupancy Tax, which is part of the County Code and is enforced through the County Tax Collector's office, separate from land use regulations.

This alternative would not include any revisions to the County Code, including the proposed regulation changes to Title 20, Title 21, and Title 7 of the Code as compared to the project. In addition, this alternative would not include any limitations, such as the six percent cap on the number of vacation rentals within the County. An unlimited number of vacation rentals would be allowed within the unincorporated areas of the County under this alternative.

The following discussion focuses on the potential for this alternative to reduce or increase impacts as compared to the proposed regulations. Resources not discussed below would have similar impacts to the proposed regulations.

Implementing the No Project Alternative would not include a cap on the number of vacation rentals that would be allowed within Monterey County. Similar to the proposed regulations, vacation rentals for this alternative would generate similar air quality emissions, energy demand, greenhouse gas emissions, traffic, and utilities as a permanent resident. Therefore, impacts would be similar to the proposed regulations for air quality, energy, greenhouse gas emissions and climate change, transportation, and utilities and service systems.

NOISE

Implementing the No Project Alternative would not include a cap on the number of vacation rentals that would be allowed within Monterey County. Therefore, this alternative has the potential to result in a greater number of vacation rentals as compared to proposed regulations. In addition, this alternative would not include the vacation rental associated noise violation penalties that are included in the proposed ordinances and would not limit the number of people using vacation rentals. No significant impacts related to noise were identified for the proposed regulations; therefore, this alternative would not reduce or avoid any significant impacts related to noise associated with the proposed regulations. Overall, impacts would be **greater** than the proposed regulations.

POPULATION AND HOUSING

Implementing the No Project Alternative would not include a cap on the number of vacation rentals that would be allowed within Monterey County. Therefore, this alternative has the potential to result in a greater number of vacation rentals as compared to proposed regulations. As such, the number of units that could be converted from occupied housing to vacation rentals would result in an increased number of displaced residents compared to the proposed regulations which limits the number of units that may be used for commercial vacation rentals. The impact would be **greater** than the proposed regulations.

6.4.2 Alternative 2: Homestays Alternative

This alternative would include all of the proposed regulations as proposed with the project but would add policies related to homestays. A homestay is a vacation rental of a residential dwelling unit that is concurrently occupied by the dwelling's principal resident while the dwelling is being rented as a vacation rental. The reason this alternative is being considered is to allow home owners/principal residents the opportunity to participate in the vacation rental economy and allow for income generating opportunities to help maintain or keep a residence. This option would help benefit retirees, young couples, etc. trying to purchase a home in the current housing market. Under this alternative the following policy changes would occur in order to allow homestays within the unincorporated areas of the County.

- ▶ MCC Title 20 and 21: Revised to include homestays as an allowed use.
- ▶ Title 7 of the MCC: revised to require a Title 7 Vacation Rental Operators License for homestays.
- ▶ Operators license would be required for a homestay.
- ▶ Homestays will only allow one rental contract at a time per dwelling unit.
- ▶ Homestays are only allowed in single-family dwellings that are the owner/operator's principal residence.
- ▶ Homestays will not count toward the six percent commercial vacation rentals cap.

The following frequency and limitations would be included in the proposed regulations:

- ▶ Frequency: homestays can be occupied an unlimited number of days per year.
- ▶ Maximum duration: each individual rental shall not exceed 30 days.
- ▶ Rooms/occupancy limitations: the maximum overnight occupancy of vacation renters while being treated as a homestay shall be calculated and limit to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms, minus one bedroom that must be occupied by the owner/operator during the duration of the rental.

This alternative is expected to increase the number of vacation rentals in the County as compared to the proposed ordinance because it will add a new type of vacation rental option. In addition, because existing residents are required to live within the homestays, this alternative is not anticipated to displace any additional existing residents.

The following discussion focuses on the potential for this alternative to reduce or increase impacts as compared to the proposed regulations. Resources not discussed below would have similar impacts to the proposed regulations.

AIR QUALITY

Implementing the Homestay Alternative would increase the number of vacation rentals within the County because it will add a new type of rental and would add additional people to a resident. Therefore, this alternative would increase the number of trips and energy and utility use as compared to proposed regulations as compared to the operation of an existing resident that would be converted to a homestay. Therefore, this alternative will increase in overall emissions in the project area. No significant impacts related to air quality were identified for the proposed regulations;

therefore, this alternative would not reduce or avoid any significant impacts related to air quality associated with the proposed regulations. Overall, impacts would be **greater** than the proposed regulations.

ENERGY

Because of the increased type of vacation rentals, implementation of the Homestay Alternative would result in greater demands for energy as compared to the operation of an existing resident that would be converted to a homestay. No significant impacts related to energy were identified for the proposed regulations; therefore, this alternative would not reduce or avoid any significant impacts related to energy associated with the proposed regulations. Overall, impacts would be **greater** than the proposed regulations.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Implementing the Homestay Alternative would increase the number of vacation rentals within the County because it will add a new type of rental and would add additional people to a resident. Therefore, this alternative would increase the number of trips and energy and utility use as compared to the operation of an existing resident that would be converted to a homestay. No significant impacts related to greenhouse gas emissions and climate change were identified for the proposed regulations; therefore, this alternative would not reduce or avoid any significant impacts related to greenhouse gas emissions and climate change associated with the proposed regulations. Overall, impacts would be **greater** than the proposed regulations.

POPULATION AND HOUSING

Implementing the Homestay Alternative would create more housing rental opportunities as compared to the proposed regulations. Homestay vacation rentals are required to have the home owner live within the unit. No additional displacement is expected to occur under this alternative. Therefore, by creating more rental opportunities, this alternative would reduce the effects of displacement. Overall, impacts would be **less** and would remain less than significant similar to the proposed regulations.

TRANSPORTATION

Implementing the Homestay Alternative would increase the number of vacation rentals within the County because it will add a new type of rental and would add additional people to a resident. Therefore, this alternative would increase the number of trips as compared to the operation of the existing resident. No significant impacts related to transportation were identified for the proposed regulations; therefore, this alternative would not reduce or avoid any significant impacts related to transportation associated with the proposed regulations. Overall, impacts would be **greater** than the proposed regulations.

UTILITIES AND SERVICE SYSTEMS

Because of the increased type of vacation rentals and addition of people to a resident, implementation of the Homestay Alternative would result in greater demands for water, wastewater treatment, and solid waste disposal compared to the operation of the existing resident. No significant impacts related to utilities and service systems were identified for the proposed regulations; therefore, this alternative would not reduce or avoid any significant impacts related to utilities and service systems associated with the proposed regulations. Overall, impacts would be **greater** than the proposed regulations.

6.4.3 Alternative 3: Reduced Growth Alternative

The Reduced Growth Alternative would be similar to the proposed regulations, the only difference is that this alternative would reduce the cap to 3 percent. Based on the existing housing of 34,626, the number of dwelling units allowed for commercial vacation rentals under a 3 percent cap is 1,309 homes. Based on the existing baseline of 825 vacation rentals, the allowable growth of vacation rentals within the County would be 186¹, which is 1,007 fewer residential units as compared to the proposed regulations' 6 percent cap.

The following discussion focuses on the potential for this alternative to reduce or increase impacts as compared to the proposed regulations. Resources not discussed below would have similar impacts to the proposed regulations. In this case, the focus is population and housing effects.

While not a CEQA impact, a reduced number of vacation rentals would result in less socioeconomic impacts as compared to those discussed in Section 3.0, "Issues Associated with Current Ordinances," for the proposed regulations.

POPULATION AND HOUSING

Under the Reduced Growth Alternative, up to 186 additional units (above the current baseline) could be converted to commercial vacation rentals, although it is also likely that some of these homes are currently considered "vacant" (second homes that are occasionally used); that is, they are not used by long-term renters. It is reasonable to assume that additional people could be displaced to the extent that the cap allows for additional vacation rental conversions in a given planning area. If it is assumed that, based on current trends, 50 percent of new possible commercial vacation rentals are currently used as long-term housing and the current occupancy rate of 3.1 people per household in the county, an estimated 288¹ additional people could be displaced from rental housing if the full 3 percent of commercial vacation rentals are realized, which is 1,561 less people potentially displaced as compared to the proposed regulations. Similar to the proposed regulations, while the conversion of homes that are currently occupied could result in some displacement of people, who need to seek housing elsewhere, this displacement would occur over time. If recent trends are an indication, new housing development within the County might occur at a quicker rate than the loss of homes to vacation rentals. As a result of the 3 percent cap, ongoing housing development within the County, and that this alternative would not result in any removal or destruction of housing units, implementing this alternative would not be expected to displace substantial numbers of residents or homes. Therefore, because this alternative would displace less people as compared to the proposed regulation, impacts would be **less** and would remain less than significant similar to the proposed regulations.

6.4.4 Alternative 4: No Additional Growth Alternative

The No Additional Growth Alternative would involve the proposed regulations, but would not allow any additional growth beyond the existing 825 vacation rentals. The existing vacation rentals would be required to obtain a permit and compliance with the proposed regulations. The cap for this alternative would be zero and no additional residents would be displaced. Compliance with proposed regulations would improve overall public, health, and safety concerns with vacation rentals as compared to the existing conditions.

Since no additional vacation rentals will be allowed beyond the existing baseline, no impacts would occur with this alternative compared to the proposed regulations, and some issues, such as noise, would be improved over current conditions due to the restrictions included in the proposed ordinance. Therefore, impacts for this alternative would be **less** than the proposed regulations.

In addition, while not a CEQA impact, a reduced number of vacation rentals would result in less socioeconomic impacts as compared to those discussed in Section 3.0, "Issues Associated with Current Ordinances," for the

¹ As identified in Chapter 2, "Project Description" there are 825 existing advertised vacation rentals and 3% of the available houses is 1,011. $1,011 - 825$ (current advertised) = 186 homes that could be rented as a vacation rental. Then 50% of the homes are second homes and 50% are considered occupied. Therefore, 50% of 186 is 93. Current occupancy rate is 3.1, so $93 \times 3.1 = 288$ residents that could be displaced.

proposed regulations. Furthermore, this alternative would not meet some of the project objectives including balancing economic opportunity and providing financial benefits to offset the high cost of living in Monterey County.

6.4.5 Alternative 5: Permitting and Policy Options

This alternative includes a variety of permitting and policy modification options for the proposed regulations. The following table describes the proposed permitting and policy options and a comparison of impacts to the proposed regulations. All of the options include the various restrictions and penalties included in the ordinances unless stated otherwise in the description below. The proposed regulations would need to be amended to include any of the selected options.

Permitting/Policy Option	Description	Analysis of impacts compared to the proposed regulations
Limited Vacation Rentals	Limited vacation rentals are an allowed use and not required to obtain a vacation rental operation license.	Impacts would be similar to the proposed regulations, because limited vacation rentals are a ministerial action.
Vacation Rental Operation License	Eliminate vacation rental operation license (annual) and include requirements as part of land use permits.	A change in the license would not result in a physical change to the environment. Therefore, impacts would be similar to the proposed regulations.
Vacation Rental User Package	All vacation rentals shall include a clearly marked information package that includes: <ul style="list-style-type: none"> ▶ Wildfire and flood evacuation routes. ▶ A request to use water wisely because that area experiences water shortages. ▶ A warning that disruptive noise is subject to a financial fine including loss of security deposits. ▶ Information on avoiding wildfire hazards. 	The implementation of vacation rental user package would provide valuable information to vacation users. This option would not change the number of allowable vacation rentals. However, this policy would result in better compliance with requirements of the regulations and therefore, impacts would be marginally less than the proposed regulations.
Title 21.64.280	Repeal title 21.64.280 and establish an amortization period for currently permitted operations to cease operations or apply to operate under new regulations.	This option applies to existing vacation rentals and would not change the number of allowed rentals within the County. Therefore, the impacts are similar as compared to the proposed regulations.
Annual Health and Safety Inspection	All vacation rentals are required to be inspected annually by the fire department to ensure that the structure meets all code requirements.	This option would ensure fire safety code compliance for vacation rentals. Impacts would be similar to the proposed regulations.

6.4.6 Alternative 6: Prohibition of Commercial Vacation Rentals in Residential Zones in the Carmel Valley Master Plan Area

The Prohibition of Commercial Vacation Rentals in the Carmel Valley Plan Area Alternative would prohibit commercial vacation rentals within residential zones within the Carmel Valley Master Plan area. Commercial vacation rentals would be allowed within other zones such as commercial and agriculture zones. No other changes to the proposed ordinance and regulations would change as a result of this alternative. As compared to the proposed regulations, this alternative would result in similar impacts to all resource areas. Therefore, no further discussion is provided.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As illustrated in Table 6-1, below, the No Additional Growth Alternative would be the environmentally superior alternative because it would not displace any residents and would have a reduced less than significant impact for all resource areas as compared to the proposed regulations.

Table 6-1 Summary of Environmental Effects of the Alternatives Relative to the Project

Environmental Topic	Proposed Project	Alternative 1: No Project Alternative	Alternative 2: Homestays Alternative	Alternative 3: Reduced Growth Alternative	Alternative 4: No Additional Growth Alternative	Alternative 5: Permitting and Policy Options	Alternative 6: Prohibition of Commercial Vacation Rentals in the Carmel Valley Master Plan Area
Agriculture Resources	LTS	Similar	Similar	Similar	Less	Similar	Similar
Air Quality	LTS	Similar	Greater	Similar	Less	Similar	Similar
Energy	LTS	Similar	Greater	Similar	Less	Similar	Similar
Greenhouse Gas Emissions and Climate Change	LTS	Similar	Greater	Similar	Less	Similar	Similar
Land Use and Planning	LTS	Similar	Similar	Similar	Less	Similar	Similar
Noise	LTS	Greater	Similar	Similar	Less	Similar	Similar
Population and Housing	LTS	Greater,	Less	Less	Less	Similar	Similar
Transportation	LTS	Similar	Greater	Similar	Less	Similar	Similar
Tribal Cultural Resources	LTS	Similar	Similar	Similar	Less	Similar	Similar
Utilities and Service Systems	LTS	Similar	Greater	Similar	Less	Similar	Similar
Wildfire	LTS	Similar	Similar	Similar	Less	Similar	Similar

Notes: LTS = less than significant

Source: Data compiled by Ascent Environmental in 2023.

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7 OTHER CEQA SECTIONS

7.1 GROWTH INDUCEMENT

CEQA Section 21100(b)(5) specifies that the growth-inducing impacts of a project must be addressed in an EIR. Section 15126.2(e) of the State CEQA Guidelines provides the following guidance for assessing growth-inducing impacts of a project:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also, discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can induce growth directly, indirectly, or both. Direct growth inducement would result if a project involved construction of new housing. Indirect growth inducement would result, for instance, if implementing a project resulted in:

- ▶ substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises);
- ▶ substantial short-term employment opportunities (e.g., construction employment) that indirectly stimulates the need for additional housing and services to support the new temporary employment demand; or
- ▶ removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

Growth inducement itself is not an environmental effect but may foreseeably lead to environmental effects. If substantial growth inducement occurs, it can result in secondary environmental effects, such as increased demand for housing, demand for other community and public services and infrastructure capacity, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, conversion of agricultural and open space land to urban uses, and other effects.

7.1.1 Growth-Inducing Impacts of the Project

DIRECT GROWTH-INDUCING IMPACTS OF THE PROJECT

As noted above, growth-inducing impacts may be direct or indirect. The proposed regulations do not include any provisions for new development and do not entitle any. Although limited new employment opportunities may be established through the requirement of property managers for the commercial vacation rentals, the potential need to manage approximately 2,000 vacation rental units could be met by the property owners and established property management firms within and outside of Monterey County. Property managers of Monterey County vacation rentals would be required to arrive at the site within 30 minutes to respond to complaints. Given the short period of time that the property managers need to arrive on-site, it is likely that they would live in the vacation rentals or in close proximity to the vacation rentals. Given the nature of vacation rentals (e.g., short-term and seasonal), it is likely that property managers, house cleaners, and gardeners would not be from outside of the region for a seasonal job. Even if property managers were located in the County, this is likely no more than 200 jobs given a typical property manager manages between 10 and 20 properties. This amounts to less than 0.05 percent of the County's existing population of 433,716 (see Section 4.7). Therefore, the proposed regulations would not result in direct growth inducement.

INDIRECT GROWTH-INDUCING IMPACTS OF THE PROJECT

The project involves a permitting process for commercial vacation rentals and does not involve any type of new construction or development; therefore, it would not remove an obstacle to growth.

The proposed regulations would allow up to 6 percent of the total number of single-family residential units in each of the County's land use planning areas, with the exception of the Big Sur Coast and Low Density Residential zoning districts in the Carmel Area, to be used as a commercial vacation rental. As shown in Table 2-1 of this Draft EIR, proposed permit limits in each planning area would require a reduction in the number of operating units in some planning areas and allowance for additional commercial vacation rentals in other planning areas. Overall, a total of 825 new commercial vacation rentals could be permitted in the County. As discussed in Section 4.9, "Population and Housing," the current vacancy rate is approximately 13 percent in the unincorporated county, which translates to 5,422 units vacant housing units (in 2021). Vacation rentals represent approximately 1.3 percent of the total housing units in the unincorporated County. Vacancy rates throughout Monterey County are reported to be slightly higher than in the state of California, but these high vacancy rates are strongly influenced by second home ownership, with a high percentage of people living seasonally or only occasionally in the region. Due to the caps on the number of vacation rentals that may operate, eligibility restrictions, and prohibitions on the types of buildings that may be used, the proposed regulations would not be expected to result in a substantial decrease the housing supply in the unincorporated County.

Because commercial vacation rentals are visitor-serving businesses, they are related to the tourist economy. Monterey County is a visitor destination that provides a variety of experiences for tourists. The region includes an ecologically diverse native landscape, including beaches, undeveloped coastal dunes, wetlands, a dramatic rocky shoreline, redwood canyons, and coastal peaks. Multiple federal, state, and county governments and local districts own and operate parks, recreational facilities, and open space in Monterey County. Notable public lands and open space include Los Padres National Forest, the Big Sur Coast state parks, as well as Lake Nacimiento, Lake San Antonio, and Laguna Seca Regional Parks. Trails in the County include the Monterey Bay Coastal Trail, which spans 29 miles of the coast between the city of Marina and the community of Pebble Beach (Monterey County 2010). Visitors also stay in the County because of its proximity to the Monterey Bay Aquarium, Cannery Row, and other destinations located in incorporated cities.

As noted above, the proposed regulations would allow for permitting of up to 1,193 new (above the existing baseline total) commercial vacation rentals in the County. Assuming that all allowable commercial vacation rental permits are issued and that rentals are available 365 days per year, up to 435,445 new overnight accommodation days would be allowed in addition to the current level of 301,125 overnight accommodation days. It is more likely that occupancy rates for vacation rentals would be similar to hotel occupancy, at around 65 percent (see Section 4.10), so this total is an overstatement. Visitors also have the option to stay in the approximately 3,125,000 hotel and motel room nights available throughout the County as of 2016. Other overnight options include camping and staying in other nearby counties (e.g., Santa Cruz County) that present reasonable driving time to reach tourist attractions (Monterey County Tourism Improvement District 2018). Because there is ample opportunity to stay in existing commercial vacation rentals, hotels, campgrounds, and accommodations inside and outside of the County, it is reasonable to assume that an increase in the number of permitted commercial vacation rentals would not drive increased tourism to Monterey County and consequently result in new permanent employment associated with the tourist economy. Therefore, the potential for economic growth inducement would be less than significant.

7.2 SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

State CEQA Guidelines Section 15126.2(c) requires EIRs to include a discussion of the significant environmental effects that cannot be avoided if the proposed project is implemented. As documented throughout Chapter 4 (project-level impacts) and Chapter 5, "Cumulative Impacts," of this Draft EIR, no significant and unavoidable impacts would occur under the proposed regulations.

7.3 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by the project. Specifically, State CEQA Guidelines Section 15126.2(d) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generation to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Implementing the project would not result in construction of new development. Rather, existing residential units would be permitted for use as vacation rentals. Use of a residential unit as a vacation rental would be substantially similar to its use as a primary residence in terms of demand for water, energy, and other resources, as discussed in Section 4.5, "Energy," and Section 4.12, "Utilities and Service Systems." Although travel patterns associated with visitors may be different from those associated with local residents, visitor interest is related to the tourist attractions in and near Monterey County, not to the availability of commercial vacation rentals. Thus, implementation of the proposed regulations and the potential permitting of 1,193 new commercial vacation rental permits would not substantially increase travel to Monterey County. Although travel patterns in Monterey County may change based on where visitors stay, the demand on visitor-related nonrenewable resources would be substantially similar to the existing demand, which in turn is related to visitor interest in Monterey County and the surrounding region. Therefore, no substantial irreversible and irretrievable environmental changes were identified.

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Chapter 5 Cumulative Impacts

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Chapter 6 Alternatives

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Appendix A

Notice of Preparation and Comments

MONTEREY COUNTY

HOUSING AND COMMUNITY DEVELOPMENT

Erik V. Lundquist, AICP, Director



HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

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STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

Reissued Notice of Preparation to correct for errors in the “Allowable Vacation Rentals” section of the initial study to clarify that the section applies to commercial vacation rentals. Corrections also clarify that the draft ordinances prohibit commercial vacation rentals in the Big Sur Coast land use planning area and in the low-density residential zoning districts within the Carmel land use planning area. Corrections to the Notice of Preparation clarify requirements for submitting comments via email or facsimile and extend the review period for public comments on the Revised Notice of Preparation of an Environmental Impact Report and Revised Initial Study.

REVISED NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT TITLE: VACATION RENTAL ORDINANCES PROJECT

PROJECT LOCATION: MONTEREY COUNTY

Notice is hereby given that Monterey County is seeking written comment on the Notice of Preparation of an Environmental Impact Report (EIR) for the Vacation Rental Ordinance Project in accordance with the California Environmental Quality Act. The 30-day public review period will begin on August 29, 2022, and end on ~~September 28~~ October 6, 2022. The Notice of Preparation (NOP) has been re-released and extended the review period in order to correct for errors in the “Allowable Vacation Rentals” section and the table on pages 1-2 and 1-3 of the initial study. Text has been revised and shown in tracked changes to correct the section name to be “Allowable Commercial Vacation Rentals” and clarify that the 6 percent cap for planning areas only applies to commercial vacation rentals. Text has also been revised to clarify that the draft ordinances prohibit commercial vacation rentals within the Big Sur Coast land use planning area and in the low-density residential zoning districts within the Carmel land use planning area. Some minor typos were corrected in the section. These clarifications do not change the analysis in the initial study and no further revisions were made. All comments must be received no later than ~~September 28~~ October 6, 2022. The County is soliciting public and agency input on the scope and content of the environmental information to be contained in the EIR. The project description, location, and possible environmental effects of the proposed project are described in the attached Initial Study and summarized below.

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PROJECT LOCATION: MONTEREY COUNTY

Notice is hereby given that Monterey County is seeking written comment on the Notice of Preparation of an Environmental Impact Report (EIR) for the Vacation Rental Ordinance Project in accordance with the California Environmental Quality Act. The 30-day public review period will begin on August 29, 2022, and end on ~~September 28~~ October 6, 2022. The Notice of Preparation (NOP) has been re-released and extended the review period in order to correct for errors in the “Allowable Vacation Rentals” section and the table on pages 1-2 and 1-3 of the initial study. Text has been revised and shown in tracked changes to correct the section name to be “Allowable Commercial Vacation Rentals” and clarify that the 6 percent cap for planning areas only applies to commercial vacation rentals. Text has also been revised to clarify that the draft ordinances prohibit commercial vacation rentals within the Big Sur Coast land use planning area and in the low-density residential zoning districts within the Carmel land use planning area. Some minor typos were corrected in the section. These clarifications do not change the analysis in the initial study and no further revisions were made. All comments must be received no later than ~~September 28~~ October 6, 2022. The County is soliciting public and agency input on the scope and content of the environmental information to be contained in the EIR. The project description, location, and possible environmental effects of the proposed project are described in the attached Initial Study and summarized below.

PROJECT DESCRIPTION: Ordinances establishing regulations for vacation rental uses in the unincorporated areas of Monterey County.

Monterey County, as Lead Agency under the California Environmental Quality Act (CEQA), will prepare an EIR for the proposed ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations for vacation rentals. In accordance with Section 15082 of the CEQA Guidelines, the County has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed project and its potential environmental effects.

The project consists of three draft ordinances amending the MCC and possible amendments to the associated General Plan, Land Use Plans, and Areas Plans for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. Vacation rentals are defined as *“The use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals.”* Vacation rentals do not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding. The purpose of these ordinances is to: 1) preserve and enhance the residential character and sense of security and safety in stable neighborhoods of residential properties; 2) provide opportunity for visitors to access public areas of the County through Vacation Rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare; 3) establish regulations that provide opportunity for homeowners and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County; 4) establish that Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable, with a Vacation Rental Operation Permit and a business license; and 5) establish regulations to address the potential Commercial Vacation Rental uses that have the potential impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare in areas known to have infrastructure limitations.

These regulations also provide an amortization of investment for existing vacation rental operations in an effort to grant opportunities for those operations to continue, provided that the vacation rental activity was established prior to the effective date of the respective ordinances and that the operator is pursuing all necessary County permits, licenses, and entitlements. This process is especially important for commercial vacation rental operations located in areas that are subject to visitor serving unit caps because approval of a permit application will be subject to a first come, first serve basis. The regulations limit vacation rentals to only residential and commercial zoning districts in the unincorporated areas of Monterey County. The regulations limit establishment of vacation rentals to existing, legally established dwellings. Therefore, no specific development or construction is proposed for or would be entitled by any of the draft ordinances.

The project consists of the three draft ordinances listed below and possible amendments to the General Plan and associated Land Use Plans and Areas Plans, and they would establish regulations, standards, and circumstances under which vacation rentals may be allowed. The draft ordinances of the Monterey County, State of California, are as follows:

1. Amending Section 7.02.060 of the Monterey County Code Relating to Business Licensing for Hotels and Vacation Rentals and Adding Chapter 7.110 Relating to Vacation Rental Activities;
2. Amending Title 20 (Coastal Zoning) of the Monterey County Code Relating to Vacation Rentals; and
3. Amending Title 21 (Non-Coastal Zoning) of the Monterey County Code Related to Vacation Rentals.

LEAD AGENCY: MONTEREY COUNTY HOUSING & COMMUNITY DEVELOPMENT

ADDRESSES WHERE A COPY OF THE NOP AND INITIAL STUDY ARE AVAILABLE FOR REVIEW:

Monterey County

**Housing & Community Development
1441 Schilling Place South, 2nd Floor
Salinas, CA 93901
(831) 755-5025**

**Castroville Branch - Andy Ausonio Library - Monterey County Free Libraries
11160 Speegle St.
Castroville, CA 95012**

**Greenfield Branch - Monterey County Free Libraries
315 El Camino Real
Greenfield, CA 93927**

**Harrison Memorial Library
Corner of Ocean Avenue and Lincoln Street
Carmel-By-The-Sea, CA 93923**

Or

<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/vacation-rental-aka-short-term-rental-ordinances-coastal-inland>

PUBLIC REVIEW PERIOD: AUGUST 29, 2022, THROUGH ~~SEPTEMBER 28, 2022~~ OCTOBER 6, 2022

POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECTS:

The County has determined that an EIR will be prepared for the proposed project; an Initial Study (IS) has been prepared for the project that identifies the following potential environmental impacts that should be studied in the EIR, including but not limited to: agricultural resources, air quality, energy, greenhouse gas emissions, hydrology and water quality (groundwater use), land use/planning, noise, population and housing, transportation, tribal cultural resources, and utilities/service systems (water use).

Two public scoping meetings will be held on September 6, 2022, at 5:00 PM and September 19, 2022, at 1:00 PM. The scoping meeting will provide an opportunity to disseminate information, identify environmental issues, and discuss the scope of review to be included in the EIR.

FIRST PUBLIC SCOPING MEETING SEPTEMBER 6, 2022, AT 5:00 PM.

The first public scoping meeting will be on **September 6, 2022**, at 5:00 PM. The meeting will be in person and virtual.

To Attend in Person

Monterey County Government Center Administration Building
168 West Alisal Street, 2nd Floor (Monterey Room), Salinas, CA 93901

To Attend Virtually

<https://montereycty.zoom.us/j/92186550538?pwd=VDBEcFIySWtsZUMzcHV4eE9zTEk4Zz09>

Webinar ID: 921 8655 0538 Passcode: 298335 Or Join by Phone at +1 213 338 8477

SECOND SCOPING MEETING SEPTEMBER 19, 2022, AT 1:00 PM.

The second public scoping meeting will be held on **September 19, 2022**, at 1:00 PM. The meeting will be virtual.

To Attend Virtually

<https://montereycty.zoom.us/j/99160568854?pwd=WEo1VEMvNWdQL1NRSFVZTStSWnpSZz09>

Webinar ID: 991 6056 8854 Passcode: 610181 Or Join by Phone at +1 669 900 6833

TO SUBMIT COMMENTS

We welcome your comments during the public review period. All comments must be received by ~~September 28~~ October 6, 2022. You may submit your comments in hard copy to:

Monterey County Housing and Community Development Department
Attn: Melanie Beretti, AICP, Principal Planner
1441 Schilling Place, 2nd Floor South
Salinas, CA 93901

The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. Comments provided by email or facsimile should include "Vacation Rental Ordinances Draft EIR NOP Scoping Comments" in the subject line, and the name and physical address of the commenter should be contained in the body of the email or facsimile. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

Any e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed documents should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

The NOP and Initial Study is available in a CD for purchase from Monterey County Housing & Community Development at the above address. The documents are also available on the County website at: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/vacation-rental-aka-short-term-rental-ordinances-coastal-inland>.

TO RECEIVE PUBLIC NOTICES OR ADDITIONAL INFORMATION

In addition to a scoping meeting, public hearings will be held during the public review period for the Draft EIR being prepared for this project. The hearings will be held at a time and place to be specified by legal advertisement in a local newspaper of general circulation. If you would like to be notified of the hearings or would like additional information please send an email to hcdcomments@co.monterey.ca.us or call Melanie Beretti at 831-755-5285 or send your request by mail to the name and address above. Please note that if you are already on the public email distribution list to receive notices regarding vacation (aka short-term) rental ordinance development, you will automatically be included in public notices for the Draft EIR.

Revised Initial Study

for the

Monterey County Vacation Rental Ordinances Project

Prepared for:



County of Monterey Housing and Community Development Department
1441 Schilling Place, 2nd Floor South
Salinas, CA 93901
831-755-5285

Contact: Melanie Beretti, AICP

Prepared By:



Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, California 95814
619-717-8655

Contact: Kathie Washington

August 2022

Revised September 6, 2022

1 ENVIRONMENTAL CHECKLIST

PROJECT INFORMATION

- | | |
|--|--|
| 1. Project Title: | Monterey County Vacation Rental Ordinances |
| 2. Lead Agency Name and Address: | County of Monterey Housing and Community Development Department |
| 3. Contact Person and Phone Number: | Melanie Beretti, AICP, Principal Planner
831-755-5285
BerettiM@co.monterey.ca.us |
| 4. Project Location: | County of Monterey |
| 5. Project Sponsor's Name and Address: | County of Monterey
1441 Schilling Place, 2 nd Floor South
Salinas, CA 93901 |
| 6. General Plan Designation: | Various Designations based on Current General Plan Designations |
| 7. Zoning: | Various Zoning based on Current Zoning Ordinance |

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The County of Monterey Housing and Community Development Department has prepared draft regulations for vacation rentals within the unincorporated areas of the County. The proposed regulations would be applicable to coastal and non-coastal areas of the unincorporated areas of the County. A vacation rental, which can also be known as "short-term" or "transient", means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. Vacation Rental does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

The project consists of three draft ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed. These regulations also provide an amortization of investment for existing vacation rental operations to enable those operations to continue for a limited time, provided that the vacation rental activity was established prior to the effective date of the respective ordinances and that the operator is pursuing all necessary County permits, licenses, and entitlements. This process is especially important for commercial vacation rental operations located in areas that are subject to visitor serving unit caps because approval of a permit application will be subject to a first come, first serve basis. A commercial vacation rental is defined as a residential property rented as a vacation rental by the owner or operator for more than three times per 12-month period, which also includes a residential property rented as a vacation rental three or fewer times per 12-month period, if any of the three vacation rentals exceed a duration of 14 consecutive calendar days. The regulations limit establishment of vacation rentals to existing, legally established dwellings. Therefore, no specific development or construction is proposed by any of the draft ordinances.

Additional amendments to land use plans may be required as a result of the ordinances. However, these amendments are not known at this time and any amendments identified will be disclosed and addressed in the EIR.

The following summarizes the proposed ordinances:

Monterey County Coastal Zoning – Title 20 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for coastal areas of unincorporated Monterey County (Title 20 of the Monterey County Code) provides definitions for terms not already defined, clarifies in which zoning districts vacations would be allowed and what type of permit(s) would be required, and provides specific regulations for vacation rentals. Title 20 is part of the County's Coastal Implementation Plan and will require certification by the California Coastal Commission.

Monterey County Inland Zoning – Title 21 Amendment

The proposed amendment to the Monterey County Zoning Ordinance for inland areas of unincorporated Monterey County (Title 21 of the Monterey County Code) provide definitions for terms not already defined, clarify in which zoning districts vacation rentals would be allowed and what type of permit(s) would be required, and provide specific regulations for vacation rentals.

Title 7 – Business Taxes, Licenses and Regulations

There are two proposed amendments to MCC Title 7.

The first is a proposed amendment to MCC Chapter 7.02, which would require an annual business license for vacation rentals in the coastal and inland areas of unincorporated Monterey County.

The second is to add a new chapter to set requirements for annual operation permits for hotels and vacation rentals and is applicable in the coastal and inland areas of unincorporated Monterey County.

The proposed draft ordinances are included as Attachment A to this Checklist and also available at this website: <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/ordinances-plans-under-development/short-term-rental-ordinances-coastal-ref130043-inland-ref100042>.

Allowable **Commercial** Vacation Rentals

The proposed regulations would allow up to six (6) percent of the total single family residential dwelling count in each of the County's land use planning areas to be used as a commercial vacation rental, with the exception of the Big Sur Coast area. The following table identifies the existing dwelling units, existing unpermitted rentals, and allowable commercial vacation rentals for each planning area.

Planning Area	Residential Dwelling Units Identified by Assessor's Office	Number of Residential Dwelling Units Allowed for Commercial Vacation Rentals (6% per Planning Area)	Number of Current Advertised Vacation Rental Dwelling Units ¹	Available Allowable Residential Units for Commercial Vacation Rentals as a Result of the Proposed Ordinances
Cachagua	512	30	24	6
Carmel ⁴	2,948	176	162	14
Carmel Valley	5,033	302	129	173
Central Salinas Valley	1,642	98	10	88

Big Sur Coast ³	925	56-0 ³	22	34-22 ³
Del Monte Forest	1,432	86	48	38
Fort Ord	1,007	60	1	59
Greater Monterey Peninsula	3,879	232	87	145
Greater Salinas	2,001	120	8	112
Moss Landing	61	3	8	-5 ²
North County = Inland	5,653	339	19	320
North County = Coastal	3,916	235	48	187
South County	1,296	78	10	68
Toro	4,321	259	33	226

Source: Data Provided by County of Monterey, 2022

Notes:

- 1: The existing vacation rentals count is based on advertised data. Several Most vacation rentals are currently not permitted and would be required to obtain a permit upon adoption of the ordinances. In addition, this data does not distinguish if the operation qualifies as a commercial or limited vacation rental. However, it is assumed that the majority are rented more than three times per year, which would qualify them as commercial vacation rentals.
- 2: All existing unpermitted vacation rentals would be required to obtain a permit from the County and permits would be issued on a first come first served basis. In order to stay within the allowable number of units for vacation rentals within each planning area, the County would only approved up 6 percent of the total units at the time of adoption of the applicable ordinance. Therefore, the existing rentals would not be allowed and the number of vacation rentals within the Moss Landing area would decrease by five percent units.
- 3: For purposes of this analysis, the Big Sur Coast includes two privately owned residential units located within the Coast Non-Coastal area, which are right on the border between Coast-Big Sur Coast and the Coastal Non-Coastal Planner-areas. However, per the draft ordinances, commercial vacation rentals are prohibited in the Big Sure Coast area. Therefore, the existing rentals would not be allowed and the number of vacation rentals within the Big Sur Coast area would decrease by twenty-two units.
- 4: Per the draft ordinances, commercial vacation rentals are prohibited in the low-density residential zoning districts within the Carmel area.

- 9. Surrounding Land Uses and Setting: *Various – ordinance is for the entire County and not location specific.*
(Briefly describe the project’s surroundings)
- 10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement) *California Coastal Commission certification of Title 20 amendments for areas with rentals located within the Coastal Zone*
- 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

AB 52 consultation has not yet been completed; it will be conducted as part of the EIR. The result of the AB 52 consultation will be discussed in the EIR.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. Where checked below, the topic with a potentially significant impact will be addressed in an environmental impact report.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards / Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| | <input type="checkbox"/> None | <input type="checkbox"/> None with Mitigation Incorporated |

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



~~August 29, 2022~~ September 6, 2022

Signature

Date

Erik V. Lundquist, AICP

Director of Housing & Community
Development

Printed Name

Title

County of Monterey

Agency

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.1.1 Discussion

a) Have a substantial adverse effect on a scenic vista?

No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. The ordinance would not affect how residences are used in relation to scenic resources; from a scenic vista standpoint, visitors to a residence are not distinguishable from permanent residents. Therefore, the proposed regulations would have a *no impact* on scenic vistas, and this issue will not be analyzed further in the EIR.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. The ordinance would not affect how residences are used in relation to scenic resources; from a scenic resources standpoint, visitors to a residence are not distinguishable from permanent residents. Therefore, the proposed regulations would have *no impact* on scenic resources and this issue will not be analyzed further in the EIR.

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. The existing visual character or quality of public views of the site and its surroundings would not be impacted and would not conflict with any zoning or other regulations governing scenic quality. Therefore, the proposed regulations would have *no impact* on existing visual character and this issue will not be analyzed further in the EIR.

- d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. There would be *no impact* associated with a new source of substantial light or glare and this issue will not be analyzed further in the EIR.

1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture and Forest Resources.				
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.2.1 Discussion

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. While there are parts of Monterey County designated as Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), the proposed regulations would not result in a change to land use designations or zoning, nor would it result in any new development. Therefore, it would not convert any farmland areas to non-agricultural uses and the proposed regulations would have *no impact* on agriculture uses. This issue will not be analyzed further in the EIR.

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

Potentially Significant Impact. The proposed regulations would not rezone any parcels to a new class of use (i.e., Agriculture to Residential). The ordinance would not result in a change to land use designations or zoning, nor would it result in any new development. The proposed vacation rental regulations would not result in any changes to parcels under Williamson Act Contract. The intent of the proposed regulations is for vacation rentals to be compatible with the Williamson Act properties. Approval of vacation rentals within the County on Williamson Act properties would be required to be consistent with the Williamson Act program. However, the County is currently in the process of updating the compatibility list to include vacation rentals in the Williamson Act program within the County. Since this update is not yet completed, this issue will be further discussed within the EIR. Therefore, for purposes of this initial study the proposed regulations would have a *potentially significant impact* on agricultural zoning of Williamson Act contracts and this issue will be analyzed further in the EIR.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. It would not change any land zoned as forest land or timberland. Thus, the proposed regulations would have *no impact* on forest land and this issue will not be analyzed further in the EIR.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. As stated above, the proposed regulations would not authorize new development and would not result in any changes to any forest land; therefore, the proposed regulations would have *no impact* on forest land and this issue will not be analyzed further in the EIR.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The proposed regulations would not authorize or facilitate any new development. Therefore, the ordinance would not convert any farmland areas to non-agricultural uses or forest land to non-forest uses. Thus, the proposed regulations would have *no impact* on agriculture or forest land and this issue will not be analyzed further in the EIR.

1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality.				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.				
Are significance criteria established by the applicable air district available to rely on for significance determinations?				
	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.3.1 Discussion

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would not result in any construction activities. However, the operation of vacation rentals could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase in air emissions. It is not anticipated that the implementation of the ordinance would exceed any significant criteria or growth assumed by the Monterey Bay Air Resources District in its air quality attainment plans. However, this would need to be further evaluated.

Therefore, as it relates to air quality, there is it *potentially significant impact* to air quality that will be analyzed further in the EIR.

1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.4.1 Discussion

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

No Impact. The proposed regulations would not authorize or facilitate any new development. As such, activities permitted by the proposed regulations would not result in foreseeable impacts to habitats and the species that use them. Therefore, the proposed regulations would have *no impact* on any sensitive or special-status species and this issue will not be analyzed further in the EIR.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

No Impact. The proposed regulations would not authorize or facilitate any new development. Therefore, activities permitted by the project would not result in reasonably foreseeable impacts to habitats or natural communities referenced in the above question. Thus, the proposed regulations would result in *no impact* on listed sensitive natural communities and this issue will not be analyzed further in the EIR.

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No Impact. Wetlands or "other waters" include lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds are under the jurisdiction of the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would have *no impact* on wetlands and other waters of the United States and this issue will not be analyzed further in the EIR.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

No Impact. The proposed regulations would not authorize or facilitate any new development. As such, activities permitted by the proposed regulations would result in *no impact* or modification to any wildlife corridors or native wildlife nursery sites.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

No Impact. The proposed regulations would not authorize or facilitate any new development. Such activities permitted by the proposed regulations would not result in a reasonably foreseeable conflict with existing policies protecting biological resources. Therefore, *no impact* would occur with respect to the proposed regulations' consistency with local policies and ordinances, and this issue will not be analyzed further in the EIR.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No Impact. The proposed regulations would not authorize or facilitate any new development. Regulations for vacation rentals limit these uses to existing legally established residences. This allows the use of developed properties without the need to further disturb the land or impact resources. Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, and *no impact* related to this issue would occur. This issue will not be analyzed further in the EIR.

1.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially disturb human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.5.1 Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No Impact. State CEQA Guidelines Section 15064.5 defines an historical resource as: 1) a resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; 2) a resource listed in a local register of historical resources or identified as significant in a historical resource survey meeting certain state guidelines; or 3) an object, building, structure, site, area, place, record or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency’s determination is supported by substantial evidence in light of the whole record. A project-related significant adverse effect would occur if a project would adversely affect a historical resource meeting one of the above definitions. The proposed regulations would not authorize or facilitate any new development, or modifications to existing buildings. As such, activities permitted by the proposed regulations would not result in reasonably foreseeable impacts to historic structures. Thus, the project would not cause a substantial adverse change in the significance of a historical resource defined in §15064.5. Therefore, *no impact* related to historical resources would occur as a result of the ordinance.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

No Impact. The proposed regulations would not authorize new development. No grading or excavation would be proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, *no impact* related to this issue would occur, and will not be analyzed further in the EIR.

c) Substantially disturb human remains, including those interred outside of formal cemeteries?

No Impact. The proposed regulations do not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, *no impact* related to this issue would occur and will not be analyzed further in the EIR.

1.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.6.1 Discussion

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would not result in any construction activities. However, the operation of a vacation rental could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase energy consumption and could potentially conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and this would need to be further evaluated. Therefore, there is a *potentially significant impact* to energy that will be analyzed further in the EIR.

1.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.7.1 Discussion

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?

No Impact. Surface ground rupture along faults is generally limited to a linear zone a few yards wide. There are three Alquist-Priolo Earthquake Fault Zones within Monterey County. The San Andreas Fault runs through the southeastern portion of the County for approximately 30 miles and poses the greatest seismic hazard to the County. The two other active faults affecting Monterey County include the Palo Colorado-San Gregorio fault zone and the Monterey Bay fault zone. In Monterey County, all onshore active fault traces lie along the main San Andreas Fault (County of Monterey 2022). The southeast County is an active earthquake area with a regular cycle of moderately large earthquakes. Only the small town of Parkfield contains land within the Earthquake Fault Zone (EFZ) (County of Monterey 2007).

The proposed regulations would not authorize or facilitate any new development. Consequently, the proposed regulations would not cause a substantial increase exposure of people or structures to adverse effects caused by the rupture of a known fault.

Depending on the strength of the seismic ground shaking, it is possible that structures in the area could be damaged during such an event. However, any building modifications would conform to the seismic standards contained within California Building Code (CBC) Title 24, which identifies specific design requirements to reduce damage from strong seismic ground shaking, ground failure, liquefaction, landslides, soil erosion, and expansive soils. There would be *no impact* and will not be analyzed further in the EIR.

- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. In addition, any modifications to any existing buildings within the County would be required to comply with existing building codes and regulations. Therefore, there would be a *no impact* associated with soil erosion or unstable soil and this issue will not be analyzed further in the EIR.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

Less than Significant Impact. The proposed regulations do not authorize or facilitate any new development. However, many units that could be used as vacation rentals are served by septic tanks. The ordinances have been prepared to have provisions consistent with the County's existing onsite wastewater treatment system (OWTS) requirements, including the requirement that vacation rentals permittees would be required to provide evidence that an existing septic tank meets the County's performance standards and requirements. These standards have been established to ensure that the OWTS function properly. Therefore, compliance with existing standards and regulatory requirements would ensure that impacts related to the use of septic tanks is *less than significant impact* and this issue will not be analyzed further in the EIR.

- f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

No Impact. The proposed regulations do not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, there would be *no impact* associated with paleontological resources and this issue will not be analyzed further in the EIR.

1.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. Greenhouse Gas Emissions.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.8.1 Discussion

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. Therefore, the proposed regulations would not result in any construction activities. However, the operation of vacation rentals could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase in greenhouse gas (GHG) emissions. It is not anticipated that the implementation of the ordinance would exceed any thresholds or conflict with any applicable plans or policies for the purpose of reducing GHG emissions, including the County’s in-progress Community Climate Action and Adaptation Plan. However, this would need to be further evaluated. This is a *potentially significant impact* and will be analyzed further in the EIR.

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1.9.1 Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The proposed regulations would not authorize or facilitate any new development. Users of vacation rentals are not expected to use hazardous materials other than typical small quantities of household hazardous materials, such as cleaning agents, and these would not be expected to result in impacts over any existing from current uses and baseline conditions. As such, it is not reasonably foreseeable that the activities permitted by the project would involve routine transport, use, or disposal of hazardous materials beyond the normal use of products for a residential use. Therefore, *no impact* related to this issue would occur and will not be further discussed in the EIR.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?**
- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project which could result in the release of hazardous materials into the environment. Users of vacation rentals are not expected to use hazardous materials other than typical small quantities of household hazardous materials, such as cleaning agents, and these would not be expected to result in impacts over any existing from current uses and baseline conditions. Therefore, *no impact* related to this issue would occur and will not be further discussed in the EIR.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The activities permitted by the proposed regulations would not result in vacation rental uses occurring on sites other than existing residential dwellings. As such, the project would not increase the number of residences located on the above-described lists from current conditions. As such, *no impact* related to this issue would occur and will not be discussed further in the EIR.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The activities permitted by the project would not result in vacation rental uses occurring on sites other than existing residential dwellings. The County has a total of four airports the Airport Land Use Commission has adopted updated Airport Land Use Compatibility Plans for two of the airports (Monterey Regional Airport and Marina Airport). New vacation rentals may be located within two miles of an airport or located within an Airport Influence Area as defined by the Airport Land Use Compatibility Plans, but people residing in the area would not be exposed to a safety hazard or excessive noise that is not currently allowed for the existing residential use. Therefore, the proposed regulations would have *no impact* on public airports or private airstrips and this issue will not be analyzed further in the EIR.

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less than Significant Impact. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. No aspects of this project would inhibit access to hospitals, emergency response centers, school locations, communication facilities, highways and bridges, or airports. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Therefore, the use of a residential use as a vacation rental would not interfere with the County's existing emergency response and evacuation plans. Thus, there would be

a *less than significant impact* related to emergency response plans or emergency evacuation plans, and this issue will not be analyzed further in the EIR.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Less than Significant Impact. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. As such, there would be no reasonably foreseeable increased risks involving wildland fires. Therefore, there would be a *less than significant impact* related to wildland fires and this issue will not be analyzed further in the EIR.

1.10 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Hydrology and Water Quality.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial on- or offsite erosion or siltation;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.10.1 Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

No Impact. The proposed regulations would not authorize new development and is not expected to induce growth or development because, due to caps on the number that may operate, eligibility restrictions, and prohibitions on the types of buildings that may be used. Vacation rentals would occur within existing dwelling units and would not result in new impervious surfaces or interfere with any groundwater recharge. Any future development modifications to existing dwelling units for vacation rentals would be required to comply with all existing water quality regulations and County design standards. Furthermore, the operation of the vacation rentals would be similar to the existing residential uses and would not violate any water quality standards. Therefore, the proposed regulations would have

no impact on water quality standards or waste discharge, groundwater supplies, would not violate any water quality standards or waste discharge requirements, and will not be analyzed further in the EIR.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County. However, the County is dependent on groundwater; various basins in the County are subject to overdraft, resulting in seawater intrusion and other effects. The question of whether there is a potential for vacation users to utilize more groundwater on a per-night basis than typical residences who are subject to restrictions, higher water bills, etc., requires further analysis. Therefore, this is a *potentially significant impact* and would be analyzed further in the EIR.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial on- or offsite erosion or siltation;

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) Impede or redirect flood flows?

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, it would have no impact on existing drainage patterns or result in an increase or change in runoff. Any future development modifications to existing dwelling units for vacation rentals would be required to comply with all existing drainage regulations and County design standards. Furthermore, the operation of the vacation rentals would be similar to the existing residential uses and would not violate any drainage standards. As a result, there would be *no impact* resulting in the substantial alteration of an existing drainage pattern as a result of erosion, surface runoff, or flood flow and this issue will not be analyzed further in the EIR.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Therefore, the proposed regulations would have *no impact* related to inundation by seiche, tsunami, or mudflow and this issue will not be analyzed further in the EIR.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Furthermore, the proposed ordinances require vacation rental to comply with the County's adopted Local Area Management Plan, which implements state wastewater regulations. Therefore, there would be *no impact* related to the implementation of a water quality control plan.

1.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. Land Use and Planning.				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.11.1 Discussion

a) Physically divide an established community?

No Impact. The proposed regulations would not authorize or facilitate any new development. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods. There will be no physical division of an established community, and therefore, there would be *no impact*, and this issue will not be analyzed further in the EIR.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods. The EIR will provide an analysis of the any potential environmental impacts that would result due to a conflict of the proposed regulations with any existing land use plan, policy, or regulations. Until this analysis is completed, an impact determination cannot be made. Therefore, This is a *potentially significant impact* and will be analyzed further in the EIR.

1.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Mineral Resources.				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.12.1 Discussion

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

No Impact. The proposed regulations would not authorize or facilitate any new development. The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State, therefore, no impacts related to this issue would occur. Therefore, the proposed regulations would have a *no impact* on regionally valuable mineral resources, and this issue will not be analyzed further in the EIR.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

No Impact. The proposed regulations would not authorize or facilitate any new development. The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Thus, the proposed regulations would have *no impact* related to the loss of availability of a locally important mineral resource discovery site, and this issue will not be analyzed further in the EIR.

1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII.Noise.				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1.13.1 Discussion

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?**

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. As such, there would not be any noise generated from construction-related activities. While occupancy levels of vacation rentals are presumed to be similar to existing residential uses, there is the possibility of instances of increases in operational noise levels in homes that are rented as vacation rentals simply due to the transient nature of rental guests. However, the proposed regulations shall comply with Monterey County Code Chapters 10.60 (Noise Control) and 8.36 (Nuisance and Nuisance Animals), which prohibits the use of sound amplifying equipment within the time period from 9:00 p.m. to 7:00 a.m. the following morning. This includes loud and unreasonable sounds, such as any sound that is plainly audible at a distance of fifty (50) feet in any direction from the source of the sound or any sound that exceeds the exterior noise level standards set forth in the County Code. Additionally, the project states that vacation rental permittees are responsible for all nuisance violations that occur in the vacation rental, and the permittee is charged a minimum inspection fee for anytime an inspection needs to occur at the unit. While provisions are included to penalize permittees when excess noise occurs, such penalties would only be issued if there is a violation. Because there is an elevated chance that nuisance noise will be created in neighborhoods with vacation rentals this is a *potentially significant impact* and will be analyzed further in the EIR.

b) Generation of excessive groundborne vibration or groundborne noise levels?

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. As such, there would not be any groundborne vibration or groundborne noise generated from construction-related activities. Therefore, the proposed regulations would have *no impact* related to the generation of excessive groundborne vibration or groundborne noise levels, and this issue will not be analyzed further in the EIR.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed regulations would not authorize or facilitate any new development. The activities permitted by the project would not result in vacation rental uses occurring on sites other than existing dwelling units. The County has a total of four airports the Airport Land Use Commission has adopted updated Airport Land Use Compatibility Plans for two of the airports (Monterey Regional Airport and Marina Airport). New vacation rentals may be located within two miles of an airport or located within an Airport Influence Area as defined by the Airport Land Use Compatibility Plans, but people residing in the area would not be exposed to excessive noise that is not currently allowed for the existing residential use. Therefore, the proposed regulations would have *no impact* related to exposure of residents or workers to excessive noise levels, and this issue will not be analyzed further in the EIR.

1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

1.14.1 Discussion

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The proposed regulations would not authorize or facilitate any new development, nor would it allow new residential development on parcels that are not already zoned for such use. There is no potential for inducing population growth, and therefore, the proposed regulations would have a *no impact* on population growth, and this issue will not be analyzed further in the EIR.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The intent of the proposed regulations amendment is to establish regulations, standards, and circumstances under which vacation rentals may be allowed. Allowing some vacation rentals to operate in the County could deplete the housing supply for long term residents or could displace residents, necessitating replacement housing elsewhere. This issue requires further analysis. Therefore, this is a *potentially significant impact* and will be analyzed further in the EIR.

1.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Public Services.				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.15.1 Discussion

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

Fire protection?

No Impact. The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not increase demands on fire protection so as to require the construction of new or expanded fire protection facilities. Therefore, the proposed regulations would have *no impact* on fire protection services, and this issue will not be analyzed further in the EIR.

Police protection?

Less than Significant Impact. The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not substantially increase demands on the County Sheriff’s department so as to require the construction of new or expanded law enforcement facilities. Therefore, the proposed regulations would have a *less than significant impact* on police protection services, and this issue will not be analyzed further in the EIR.

Schools?

No Impact. The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County would not increase demand on schools so as to require the construction of new or expanded school facilities. Therefore, the proposed regulations would have *no impact* on school services and facilities and this issue will not be analyzed further in the EIR.

Parks?

Less than Significant Impact. The proposed regulations would not authorize or facilitate any new development. Furthermore, although users of vacation rentals are more likely to visit beaches, parks, etc., the proposed regulations would not result in an increase in permanent residents in the County and would not substantially increase demands on parks so as to require the construction of new or expanded park facilities. Therefore, the proposed regulations would have a *less than significant impact* on parks, and this issue will not be analyzed further in the EIR.

Other public facilities?

No Impact. The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not increase demands on other public facilities so as to require the construction of new or expanded public facilities. Therefore, the proposed regulations would have *no impact* on other public facilities, and this issue will not be analyzed further in the EIR.

1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.16.1 Discussion

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Less than Significant Impact. The proposed regulations would not authorize or facilitate any new development. Furthermore, although users of vacation rentals are more likely to visit beaches, parks, etc., the proposed regulations would not result in an increase in permanent residents in the County and would not increase the use of neighborhood and regional parks or other recreational facilities so as to cause the substantial physical deterioration of such facilities. Therefore, the proposed regulations would have a *less than significant impact* related to increased use that would substantially deteriorate existing facilities, and this issue will not be analyzed further in the EIR.

- b) **Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

No Impact. The proposed regulations would not authorize or facilitate any new development. Furthermore, the proposed regulations would not result in an increase in permanent residents in the County and would not increase the use of neighborhood and regional parks or other recreational facilities so as to require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities would not be required. The proposed regulations would have *no impact* related to adverse physical effects caused by construction or expansion of recreational facilities, and this issue will not be analyzed further in the EIR.

1.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. Transportation.				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1.17.1 Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development; and thus, would not result in any new construction activities. Therefore, the proposed regulations amendment would not alter any roadway, transit, bicycle, or pedestrian facilities; and would not result in changes to transit service and operations. However, the operations of a vacation rental could result in an increase in vehicle trips that would be in conflict with general plan policies encouraging the reduction in vehicular trips and the use of alternative modes of transportation such as transit, bicycle, and pedestrian. Therefore, the operation of vacation rentals could result in a conflict with a potential program, plan, ordinance, or policy addressing the circulation system, which could contribute considerably to cumulative transportation impacts. This is a *potentially significant impact* and will be analyzed further in the EIR.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development; and thus, would not result in any new construction activities. Therefore, the proposed regulations are not expected to increase construction-generated vehicle miles traveled (VMT) and the temporary generation of VMT from construction traffic is not expected to substantially increase VMT in the region such that it could contribute to long-term adverse environmental effects. However, the operations of a vacation rental could result in fundamental changes to travel patterns as compared to those of existing land uses, including increases in the number of vehicular trips and/or trip lengths. For example, the availability of new vacation rentals could result in newly generated trips from locations outside of the region. Additionally, during their stay, guests could be generating longer lengths by virtue of traveling to regional attractions more distant from the residence than what the existing inhabitant would make. Therefore, the VMT associated with the proposed ordinance’s operation could result in an increase in VMT such that a conflict or inconsistency with CEQA Guidelines could occur. This is a *potentially significant impact* and will be analyzed further in the EIR.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The proposed regulations would not authorize or facilitate any new development; and thus, would not result in any construction activities. Therefore, there would be no increase in hazards associated with construction activities. Additionally, because the proposed regulations would not result in any development or construction activities, no roadways would be altered and similar automobile types (i.e., passenger vehicles) would continue to be the dominant type of vehicle trips generated. Thus, the proposed regulations amendment would not result in a substantial increase in hazards to due design features or incompatible uses. Therefore, *no impact* related to this issue would occur and this issue will not be analyzed further in the EIR.

d) Result in inadequate emergency access?

Less than Significant Impact. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. No aspects of this project would inhibit or change existing emergency access within the County. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Thus, there would be a *less than significant impact* related to inadequate emergency access and this issue will not be analyzed further in the EIR.

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.18.1 Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. Most tribal cultural resources are anticipated with buried resources and land valued for association with tribal practices.

Assembly Bill 52 (AB 52) established a formal consultation process for California Native American Tribes to identify potential significant impacts to Tribal Cultural Resources, as defined in Public Resources Code 21074, as part of CEQA. As specified in AB 52, lead agencies must provide notice inviting consultation to California Native American tribes that are traditionally and culturally affiliated with the geographic area of a proposed regulations if the Tribe has submitted a request in writing to be notified of Proposed Ordinances. The Tribe must respond in writing within 30 days of the County's AB52 notice. The AB 52 consultation will occur as part of the EIR, and the consultation process will be documented in the EIR. Since the Notice of Preparation has not yet been issued, which will start the AB 52 process, a determination of the potential impacts to tribal cultural resources cannot be made at this time. Therefore, this is a *potentially significant impact* and this issue will be analyzed further in the EIR.

1.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. Utilities and Service Systems.				
Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.19.1 Discussion

- a) **Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?**

No Impact. The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project. The proposed regulations would not result in an increase of permanent residents within the County and would not increase the demand of water, wastewater treatment, electrical power, natural gas, or telecommunication facilities so as to result in the need for the construction of new or expanded facilities. With regards to OWTS's, the ordinances have been prepared to have provisions consistent with the County's existing OWTS requirements, including the requirement that vacation rentals permittees would be required to provide evidence that an existing septic tank meets the County's performance standards and requirements. These standards have been established to ensure that the OWTS function properly. Therefore, there would be *no impact* related to this issue and will not be analyzed further in the EIR.

b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Potentially Significant Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County is not anticipated to intensify the use of water beyond the use on an existing permanent residential use. However, there is a potential for vacation users to utilize more water on a per-night basis than typical residences who are subject to restrictions, higher water bills, etc., and this issue requires further analysis. Therefore, this is a *potentially significant impact* and would be analyzed further in the EIR.

c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County is not anticipated to intensify the use of water beyond the use on an existing permanent residential use. However, there is a potential for vacation users to generate temporary increases in wastewater, but not beyond the amount of existing permanent residents and would not be sufficient to affect existing wastewater treatment provider capacities. With regards to OWTS's, the ordinances have been prepared to have provisions consistent with the County's existing OWTS requirements, including the requirement that vacation rentals permittees would be required to provide evidence that an existing septic tank meets the County's performance standards and requirements. These standards have been established to ensure that the OWTS function properly. Therefore, there would be *no impact* related to this issue and will not be analyzed further in the EIR.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance would not result in an increase in permanent residents of the County is not anticipated to generate solid waste beyond the use on an existing permanent residential use and would not impact any solid waste reduction goals or regulations. Therefore, there would be *no impact* related to this issue and will not be analyzed further in the EIR.

1.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1.20.1 Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The proposed regulations would only affect the use of existing dwelling units in established neighborhoods, and no new development is authorized or reasonably foreseeable. No aspects of this project would inhibit access to hospitals, emergency response centers, school locations, communication facilities, highways and bridges, or airports. The use of a residential use as a vacation rental would not interfere with the County’s existing emergency response and evacuation plans. In addition, the ordinances limit the number of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Thus, there would be a *less than significant impact* related to emergency response plans or emergency evacuation plans, and this issue will not be analyzed further in the EIR.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. The proposed regulations would only affect the use of existing dwelling units, and no new development is authorized or reasonably foreseeable. There would be no foreseeable increased risks involving wildland fires. In addition, the ordinances limit the amount of vacation rentals within areas of the County that have limited emergency access. Furthermore, the ordinances require vacation rentals to comply with Title 14 of the California Code of Regulations – State Minimum Fire Safe Regulations and local emergency safety regulations, which were established to protect public safety. Therefore, there would be a *less than significant impact* related to wildland fires and this issue will not be analyzed further in the EIR.

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.21.1 Discussion

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

No Impact. As discussed in Section 3.4 (Biological Resources) and Section 3.5 (Cultural Resources), the proposed regulations would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. No new development is expected to occur with the implementation of the proposed ordinance.

As discussed in Section 3.4 (Biological Resources) and Section 3.5 (Cultural Resources) the proposed regulations would have no impacts to biological resources or cultural resources. Therefore, *no impact* is identified for this issue, and this will not be analyzed further in the EIR.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

Potentially Significant Impact. State CEQA Guidelines Section 15130 requires a discussion of the cumulative impacts of a project when the project’s incremental effect is “cumulatively considerable,” meaning that the project’s incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. The cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of project-specific impacts and should be guided by the standards of practicality and reasonableness.

Because the proposed regulations would have no impact on aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality (except groundwater use), mineral resources, public services, recreation, utilities and service systems (except water use) or wildfire it was determined that the proposed regulations would have no potential to result in cumulative impacts related to these resource areas..

As determined by this Initial Study, there may be potentially significant effects related to air quality, energy, GHG emissions, hydrology and water quality (groundwater use), land use, noise, population and housing (displacement), transportation, tribal cultural resources, and utilities and service systems (water use). Therefore, this would be a *potentially significant impact* and further analysis of the proposed ordinance’s potential contribution to cumulative impacts related to these resources is warranted in the EIR.

- c) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Potentially Significant Impact. A discussion of direct and indirect effects on human beings will be provided in the forthcoming EIR. As demonstrated in the analysis in this Initial Study, operational activities that would be reasonably foreseeable with implementation of the proposed regulations would potentially result in substantial adverse effects on the environment, including human beings, either directly or indirectly. Specific environmental impacts that could have a substantial adverse effect on human beings include potential impacts associated with increase air emissions, transportation, and noise levels. Furthermore, cumulative impacts associated with the proposed regulations would be potentially significant. Therefore, the effects on human beings as a result of the proposed regulations would be a *potentially significant impact*, and this issue will be analyzed further in the EIR.

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2 REFERENCES

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**Draft 01.06.2022
ORDINANCE NO. ____**

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 7.02.060 OF THE MONTEREY COUNTY CODE AND ADDING
CHAPTER 7.110 RELATING TO VACATION RENTAL ACTIVITIES**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. If not properly regulated, Vacation Rental operations have the potential to be a nuisance and disrupt the sense of safety, security, and peaceful enjoyment of residences in residential neighborhoods.

C. Tourism is a top economic driver of the regional economy, and Monterey County is recognized globally as a premier tourist destination. To help safeguard the reputation of Monterey County and the economic benefits tourism provides the region, regulations and standards for the operation of Vacation Rentals are necessary to protect the health, safety, and welfare of visitors staying in Vacation Rental accommodations and residents of Monterey County.

D. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial time period during which an unpermitted Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the effective date of the Ordinance and the Owner, their designee, and/or Vacation Rental Operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Chapter 7.110 of Monterey County Code.

E. [Reserve for CEQA finding]

SECTION 2. Section 7.02.060.B is added to the Monterey County Code to read as follows:

B. All Hotels, as defined by Section 5.40.020.A of the Monterey County Code, as may be amended from time to time;

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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SECTION 3. Section 7.02.060.C is added to the Monterey County Code to read as follows:

C. All Commercial Vacation Rentals and Limited Vacation Rentals as defined respectively by Section 7.110.010.D and F of the Monterey County Code, as may be amended from time to time.

SECTION 4. Chapter 7.110 is added to the Monterey County Code to read as follows:

Chapter 7.110
VACATION RENTAL OPERATION PERMITS

Sections:

- 7.110.010. Definitions**
- 7.110.020. Purpose**
- 7.110.030. Applicability**
- 7.110.040. Regulations for Vacation Rentals**
- 7.110.050. Application and Renewal Process**
- 7.110.060. Fees**
- 7.110.070. Grounds for Suspension or Revocation**
- 7.110.080. Enforcement**
- 7.110.090. Process for Hearing by a Hearing Officer**
- 7.110.100. Service Requirements**

7.110.010. Definitions

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Chapter:

A. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

B. “Appropriate Authority” means the Monterey County Housing and Community Development Director or his or her designee.

C. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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D. “Commercial Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

E. “Effective Date” means the date on which Ordinance No. __ adding this Chapter 7.110 to the Monterey County Code took effect.

F. “Limited Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

G. “Occupant” means a person who is entitled to occupy a residential property by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

H. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

I. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

J. “Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

K. “Vacation Rental” means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals. “Vacation Rental” does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

L. “Visitor” means an invitee of a Vacation Rental Occupant, who is not an Occupant and not staying overnight at the Vacation Rental.

7.110.020. Purpose

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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- B. It is the purpose of this Chapter to:
1. Preserve and enhance the residential character of the zoning districts established in Titles 20 and 21.
 2. Preserve the sense of security and safety in stable neighborhoods of owner-occupied residences.
 3. Integrate economic opportunity with the preservation of quality of life.
 4. Ensure that Vacation Rentals are operated in a manner that complies with all rules and regulations and is not detrimental to the health, safety, and welfare of residential neighborhoods in which Vacation Rentals are operating. Specifically, this Chapter seeks to restrict the following inharmonious and injurious outcomes associated with unregulated and uncontrolled Vacation Rentals of residential property:
 - a. Public nuisances such as litter, parking congestion, and noise.
 - b. Risk to economic well-being associated with the reputation of Monterey County as a premier tourism destination.

C. To allow for a reasonable amortization of investment and honoring of reservation commitments as may have been made prior to enactment of this Chapter for existing Vacation Rental operations, this Chapter provides an initial limited time period during which an unpermitted Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the Effective Date and the Owner, their designee, and/or Vacation Rental Operator is pursuing all necessary County permits, licenses, and entitlements.

7.110.030. Applicability

A. This Chapter applies to Vacation Rentals including Commercial Vacation Rentals and Limited Vacation Rentals.

B. This Chapter applies in the unincorporated areas of the County of Monterey, including the inland area and coastal zone of the County.

7.110.040. Regulations for Vacation Rentals

A. All Operators who intend to operate a Vacation Rental, including a Limited Vacation Rental and Commercial Vacation Rental, shall obtain a Vacation Rental Operation Permit for the fixed location and dwelling in which the Vacation Rental is to occur.

B. The Owner, or their authorized agent, of the subject property must obtain all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code before the County will issue a Vacation Rental Operation Permit under

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

this Chapter. The Operator applying for a Vacation Rental Operation Permit shall provide written proof to the Monterey County Housing and Community Development Director or his or her designee of all applicable land use entitlements. Limited Vacation Rentals are exempt from this requirement, as such Limited Vacation Rentals do not require a land use entitlement.

C. The use of a Residential Property for a Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Vacation Rental Operator shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Vacation Rental is not in violation of those conditions, covenants, or other restrictions. The Vacation Rental Operator shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement is applicable as part of the application for a Vacation Rental Operations Permit, and annually if renewed.

D. As a requirement of the Vacation Rental Operations Permit, upon receipt of an approved Permit, the Operation shall mail an informational letter to: a) neighboring properties within a 300-foot radius of the Vacation Rental Operation; and b) if applicable, to a homeowner's association and any other entity with authority to enforce conditions, covenants, or other restrictions; and c) if applicable, to all properties with ownership or access rights to any shared private road utilized to access the Vacation Rental Operation. At a minimum, the informational letter shall include: Vacation Rental Operation Permit Number; location of the Vacation Rental; identification if the Vacation Rental is Limited of Commercial; name and contact information for the 24/7 Property Manager; and procedures and contact information for the County.

D. Limited Vacation Rental

1. Limited Vacation Rentals are an allowable use in designated zoning districts, pursuant to Title 20 and Title 21 of the Monterey County Code.

2. Limited Vacation Rentals shall meet all the requirements for Limited Vacation Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Limited Vacation Rentals shall comply with Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended, of the Monterey County Code. Outside amplified sound associated with the Limited Vacation Rental is prohibited at all times. Limited Vacation Rental operation shall adhere to nighttime noise and quiet time requirements set forth in Monterey County Code Section 10.60.040, as periodically amended.

4. Signage or advertisement of the Limited Vacation Rental on the exterior of the unit or property is prohibited.

5. All Limited Vacation Rentals must have a property manager who is available twenty-four (24) hours per day, during all times that the property is rented as a Limited Vacation Rental. A property manager may be the Owner or Operator, professional property manager, realtor, other resident, or nonresident owner of the subject property, or another person designated by the Operator. The property manager must be able to respond to complaints and arrive at the site within thirty (30) minutes. The Operator shall provide the name of the property manager and their contact information to the County prior to County issuance of the Vacation Rental Operation Permit and shall notify the County, in writing, of any change of property manager.

6. Only one (1) rental contract is allowed per Limited Vacation Rental at any given time, and not more than one (1) rental contract is allowed per Limited Vacation Rental per 14-day period.

7. An Operator may provide a Limited Vacation Rental for short term rental not more than three (3) times per year, with each such rental not to exceed fourteen (14) consecutive calendar days in duration. Should the duration exceed the 14 consecutive calendar days, the Vacation Rental shall then be considered a Commercial Vacation Rental subject to the requirements and entitlements for such use.

8. In Coastal Agriculture Preserve (CAP(CZ)), Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

9. Each Limited Vacation Rental shall require a rental contract signed by the Operator and the Limited Vacation Rental Occupant who is responsible for compliance with the contract. The rental contract shall be in writing and identify thereon the name, address, telephone number and e-mail contact information of the Owner or Operator, the property manager and at least one responsible Limited Vacation Rental Occupant eighteen (18) years or older who shall be responsible for compliance with all the regulations in this Chapter.

10. A copy of the Vacation Rental Operation Permit, business license, the name of the property manager and their contact information, and all applicable rules and regulations contained in this Chapter and Monterey County Code Sections 20.64.290 or 21.64.290 shall be included with the rental contract and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

11. All rental contracts, advertisements, and listings for the Limited Vacation Rentals shall include the following:

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- a. Vacation Rental Operation Permit Number for that particular Vacation Rental.
- b. Maximum occupancy – overnight and daytime occupancy limits.
- c. Notification of quiet hours.
- d. Advertised Rental Rate.

12. The Operator shall maintain precise records and documentation of the Limited Vacation Rental operation, that shall, at a minimum, make record of the following information for each Limited Vacation Rental occupancy: name, address, telephone and e-mail contact of at least one responsible Occupant; number of Occupants; motor vehicle license number of each motor vehicle used by the Occupants of the site; and dates of the Limited Vacation Rental. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request. The Operator shall retain the written rental contracts and other records of all of the Limited Vacation Rentals during the term of the Vacation Rental Operation Permit plus two years.

13. No person or entity, including but not limited to, the Owner or Operator shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.

14. The maximum occupancy limits for Limited Vacation Rentals are as follows:

- a. The maximum overnight occupancy of vacation renters while being rented as a Limited Vacation Rental shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms.

- b. The maximum daytime occupancy of vacation renters and visitors while being rented as a Limited Vacation Rental shall be calculated and limited to a not-to-exceed count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of fifteen (15) persons per unit, no matter how many bedrooms.

- c. Limited Vacation Rentals with occupancies that exceed the maximum limitation shall require a Use Permit pursuant to Title 21 or a Coastal Development Permit pursuant to Title 20 of the Monterey County Code for assemblages of people.

15. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

16. All Limited Vacation Rentals shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

17. All Limited Vacation Rentals shall comply with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Water Standards to demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, at the time of permit issuance and prior to each annual renewal. Initial water quality testing and annual testing for renewals may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Limited Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. The Operator must demonstrate that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit pursuant to Monterey County Code Chapter 15.04, as applicable, before obtaining a Vacation Rental Operation Permit.

18. If the Limited Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system Occupants and Visitors of the Limited Vacation Rental unit shall be advised that excessive water use and/or disposal of unsuitable materials through a sink or toilet may negatively impact the OWTS. The rental contract shall include an OWTS disclosure notice and appropriate advisory signs shall be posted at the kitchen sink(s) and at each toilet in the unit.

19. Outdoor fire areas, when not prohibited by state or local fire bans or regulations, may be allowed in approved recreational fire container or portable fireplace containers, shall be located not less than 15 feet from a structure provided appropriate provisions have been made to prevent the spread of fire to nearby fuel. Such provisions include, but are not limited to, locating the fire container on a noncombustible surface, covering the fire with a fire screen, and extinguishing the fire as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. The Limited Vacation Rental operation shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

E. Commercial Vacation Rental

1. Commercial Vacation Rentals are allowable in designated zoning districts subject to a Use Permit, pursuant to Section 21.64.290 of the Monterey County Code or subject to a Coastal Development Permit, pursuant to Section 20.64.290 of the Monterey County Code.

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2. Commercial Vacation Rentals shall meet all the requirements for Commercial Vacation Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended. Outside amplified sound associated with the Commercial Vacation Rental is prohibited at all times. The Commercial Vacation Rental operation shall adhere to nighttime noise and quiet time requirements set forth in Monterey County Code Section 10.60.040, as periodically amended.

4. Signage or advertisement of the Commercial Vacation Rental on the exterior of the unit or property, is prohibited.

5. All Commercial Vacation Rentals must have a property manager who is available twenty-four (24) hours per day, during all times that the property is rented as a Commercial Vacation Rental. Property manager may be the Operator, professional property managers, realtors, resident or nonresident owners of the subject property, or other designated persons. The property manager must be able to respond to complaints and arrive at the site within thirty (30) minutes. The Operator shall provide the name of the property manager and their contact information to the County prior to County issuance of the Vacation Rental Operation Permit and shall notify the County, in writing, of any change of property manager.

6. Only one (1) rental contract is allowed per Commercial Vacation Rental at any given time.

7. In Coastal Agriculture Preserve (CAP(CZ)), Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) Zones, a Property Manager or Operator shall concurrently reside on the property while the Commercial Vacation Rental is rented if an agricultural operation is active on the property.

8. Each Commercial Vacation Rental shall require a rental contract signed by the Operator and the Commercial Vacation Rental Occupant who is responsible for compliance with the contract. The rental contract shall be in writing and identify thereon the name, address, telephone number and e-mail contact information of the Operator, the property manager and at least one responsible Commercial Vacation Rental Occupant eighteen (18) years or older who shall be responsible for compliance with all the regulations in this Chapter.

9. A copy of the Vacation Rental Operation Permit, business license, the name of the property manager and their contact information, and all applicable rules and

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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regulations contained in this Chapter and Monterey County Code Sections 20.64.290 or 21.64.290 shall be included with the rental contract and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

10. All rental contracts, advertisements, and listings for the Commercial Vacation Rental shall include the following:

- a. Vacation Rental Operation Permit Number for that particular Vacation Rental.
- b. Maximum occupancy – overnight and daytime occupancy limits.
- c. Notification of quiet hours.
- d. Advertised Rental Rate.

11. The Operator shall maintain precise records and documentation of the Commercial Vacation Rental operation, that shall, at a minimum, make a record of the following for each Commercial Vacation Rental occupancy: name, address, telephone and e-mail contact of at least one responsible Occupant; number of occupants; motor vehicle license number of each motor vehicle used by the occupants of the site; and dates of the Commercial Vacation Rental. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request. The Operator shall retain the written rental contracts and other records of all of the Commercial Vacation Rentals during the term of the Vacation Rental Operation Permit plus two years.

12. No person or entity, including but not limited to the Operator, shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.

13. The maximum occupancy limits for Commercial Vacation Rentals are as follows:

- a. The maximum overnight occupancy of vacation renters while being rented as a Commercial Vacation Rental shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms.
- b. The maximum daytime occupancy of vacation renters and visitors while being rented as a Commercial Vacation Rental shall be calculated and limited to a not-to-exceed count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of fifteen (15) persons per unit, no matter how many bedrooms.

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

c. Commercial Vacation Rentals with occupancies that exceed the maximum limitation shall require a Use Permit pursuant to Title 21 or a Coastal Development Permit pursuant to Title 20 of the Monterey County Code for assemblages of people.

14. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

15. All Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

16. All Commercial Vacation Rentals shall comply with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Standards and demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, at the time of permit issuance and prior to each annual renewal. Initial water quality testing and annual testing for renewals may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Commercial Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. The Operator must demonstrate that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit pursuant to Monterey County Code Chapter 15.04, as applicable, before obtaining the Vacation Rental Operation Permit.

17. If the Commercial Vacation Rental is served by an on-site wastewater treatment system or septic system (“OWTS”), Occupants and Visitors of the Commercial Vacation Rental unit shall be advised that excessive water use and/or disposal of unsuitable materials through a sink or toilet may negatively impact the OWTS. The rental contract shall include an OWTS disclosure notice and appropriate advisory signs shall be posted at the kitchen sink(s) and at each toilet in the unit.

18. Outdoor fire areas, when not prohibited by state or local fire bans or regulations, may be allowed in approved recreational fire container or portable fireplace containers, shall be located not less than 15 feet from a structure provided appropriate provisions have been made to prevent the spread of fire to nearby fuel. Such provisions include, but are not limited to, locating the fire container on a noncombustible surface, covering the fire with a fire screen, and extinguishing the fire as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. The Commercial Vacation Rental operation

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shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

7.110.050. Application and Renewal Process

A. Application Requirements. Each application for a Vacation Rental Operation Permit shall be filed with the Monterey County Housing and Community Development Department on the form and in the manner prescribed by Monterey County Housing and Community Development Director or his or her designee.

B. Limited Vacation Rental. In all cases, the application for a Vacation Rental Operation Permit for a Limited Vacation Rental shall contain, without limitation, the following:

1. All information on the application form.

2. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The Applicant/Owner shall provide proof of approval from any applicable Homeowner’s Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

3. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to utilize the property for the proposed Limited Vacation Rental activity. Evidence, in the form of a lease agreement or other agreement between the applicant and the Owner of the real property which is the subject of the application, that the applicant has control of the property for the proposed permit period.

4. Property Manager contact information including name, address, telephone number and e-mail address.

5. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, including but not limited to: site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways, on-site parking areas and all structures; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental..

6. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Department Director or his or her designee, to ensure the property is safe and habitable for its intended use, including but not limited to: verification of adequate egress from

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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sleeping quarters and common areas; installation of accessible fire extinguishers; fire alarms; and a carbon monoxide alarm on each level.

7. Evidence that the property receives solid waste service for garbage and recyclables collection.

8. Evidence that the source of water that serves the proposed Limited Vacation Rental meets bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Limited Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. The Operator must provide evidence that the Owner is served by a water system that has 200 or more service connections or has a Water System Permit in good standing pursuant to Monterey County Code Chapter 15.04, as applicable.

9. If the Limited Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system), the applicant must provide a copy of the OWTS informational signs.

10. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

11. Such other information as the Monterey County Housing and Community Development Director or his or her designee deems necessary to process the application.

C. Commercial Vacation Rental. In all cases, the application for a Vacation Rental Operation Permit for a Commercial Vacation Rental shall contain, without limitation, the following:

1. All information on the application form.

2. Evidence that the Owner has obtained a Use Permit pursuant to Section 21.64.290 or a Coastal Development Permit pursuant to Section 20.64.290 of the Monterey County Code for the Commercial Vacation Rental use, and that the permit is in good standing.

3. Certification, under penalty of perjury, that all the information contained in the Vacation Rental Operation Permit application is true and correct.

4. Such other information as the Monterey County Housing and Community Development Director or his or her designee deems necessary to process the application.

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

This document is a draft and subject to change.

D. Review of Application and Criteria for Grant of Vacation Rental Operation Permit.

1. The Appropriate Authority to review and render a decision on the application is the Monterey County Housing and Community Development Department Director or his or her designee.

2. The Appropriate Authority shall deem the application complete if it contains all required information and documents and all required application fees have been paid.

3. Upon review of a complete application, the Appropriate Authority shall grant the Vacation Rental Operation Permit ministerially to the Operator if all of the following requirements are met:

a. The proposed Vacation Rental complies with a checklist, in the form prescribed by the Monterey County Housing and Community Development Director or his or her designee, enumerating the requirements for a Vacation Rental Operations Permit as set forth in this Chapter and County Code.

b. The applicant has received all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

E. Vacation Rental Operation Permit Nontransferable. A Vacation Rental Operation Permit is issued to the Operator and covers only the Operator identified on the permit solely with respect to the premises identified on the permit. The Vacation Rental Operation Permit does not run with the land and is not transferable.

F. Each permit issued pursuant to this Chapter shall require that the Operator indemnify, defend, and hold harmless the County and its officers, agents, and employees from actions or claims of approval of the permit and from actions or claims from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

G. Time Limits. Each Vacation Rental Operation Permit shall be subject to the following time limits:

1. The initial Vacation Rental Operation Permit shall be issued for a one (1) year term and shall be renewed annually.

2. An automatic renewal shall be granted for Vacation Rental Operation Permits that have not had any substantial changes within the year the permit has been

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

granted and provided the Operator is in good standing according to their permit. Associated application fees are still applicable for such renewals in accordance with the fee schedule in effect at the time of the renewal. The Operator shall notify the Monterey County Housing and Community Development Department at least thirty (30) calendar days before expiration of the permit that the Operator wishes to renew their permit together with any update of information required for the initial application. If the County does not receive the notice of renewal and, as applicable, updated information at least thirty days prior to the expiration date, the permit shall expire, and the Operator must apply for a new Vacation Rental Operation Permit. The Operator shall not be in good standing if any of the following apply:

- a. Vacation Rentals with more than two substantiated violations of this Chapter or Section 20.64.290 or Section 21.64.290, as applicable, shall be considered not in good standing.
- b. Vacation Rentals that do not have a valid business license from the County pursuant to Chapter 7.02 or have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of Monterey County Code, shall be considered not in good standing.
- c. A Vacation Rental is not in good standing if it does not meet the requirements of Section 20.64.290 or Section 21.64.290 of the Monterey County Code:
 - i. Limited Vacation Rentals that no longer comply with the regulations for Limited Vacation Rentals in Section 20.64.290 or Section 21.64.290, shall be considered not in good standing.
 - ii. Commercial Vacation Rentals that do not have a Use Permit pursuant to Title 21 or Coastal Development Permit pursuant to Title 20, or whose Use Permit or Coastal Development Permit for a Commercial Vacation Rental has been suspended or revoked, shall be considered not in good standing.
- d. A Vacation Rental is not in good standing if the Vacation Rental Operation Permit is suspended or revoked at the time of the application for renewal.
- e. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

3. If a renewal application is denied, an applicant may file a new application pursuant to this Chapter provided the reasons for denial have been addressed.

H. The Appropriate Authority shall deny an application for a Vacation Rental Operation Permit upon any of the following grounds:

1. The applicant knowingly made a false statement of material fact or has knowingly or negligently omitted a material fact from the application;
2. The proposed Vacation Rental does not comply with the provisions of this Chapter;
3. The applicant has not obtained all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code; or
4. In the case of Commercial Vacation Rentals, the applicant is in violation of the Use Permit or Coastal Development Permit for the Commercial Vacation Rental on the property.

I. Notice of Denial. If the Appropriate Authority intends to deny the application, the Appropriate Authority shall issue a written Notice of Denial and shall serve Notice of Denial in accordance with the requirements set forth in Section 7.110.110 of this Chapter. The Notice of Denial shall specify, in writing, the reasons for the denial of the application, and notify the applicant that the decision shall become final unless the applicant seeks an appeal within ten (10) calendar days of the date of service of the Appropriate Authority's decision. The Notice of Denial shall notify the applicant of the opportunity to request a hearing before a Hearing Officer in accordance with Section 7.110.100 of this Chapter.

7.110.060. Fees

The filing of an application for a Vacation Rental Operation Permit, renewal of a Vacation Rental Operation Permit, and appeals shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this Chapter. Permit applicants and permittees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter. Fees, fines, and costs specified by this Chapter shall be established by the Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as periodically amended.

7.110.070. Grounds for Suspension or Revocation

A. Where one or more of the requirements(s) of a Vacation Rental Operation Permit has not been, or is not being complied with, or when a Vacation Rental Operation Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Vacation Rental Operation Permit following public hearing pursuant to Section 7.110.100 of this Chapter.

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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B. Grounds for suspension or revocation may include, but are not limited to: failure to pay applicable State or County taxes on Vacation Rental activity; or more than two substantiated violations of the terms and conditions of the Vacation Rental Operation Permit or Use Permit issued pursuant to Section 21.64.290 or Coastal Development Permit Issued pursuant to Section 20.64.290 in a twelve (12)-month period. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

C. Notice of Revocation or Suspension. If the Appropriate Authority has reasonable grounds to revoke or suspend the Vacation Rental Operation Permit, the Appropriate Authority shall issue a written Notice of Intention to revoke or suspend the permit. The Notice of Intention shall be served on the permittee in accordance with the requirements set forth in Section 7.110.110 of this Chapter. The Notice of Intention shall describe the reason(s) for revocation or suspension and notify the applicant that the decision shall become final unless the applicant seeks an appeal within ten (10) calendar days of the date of service of the Appropriate Authority's decision. The Notice of Intention shall notify the permittee of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the permit should not be revoked or suspended and shall notify the permittee of the ten- (10-) day deadline to submit a written request for a hearing. Permittees wishing to request a hearing shall submit such request in accordance with Section 7.110.100 of this Chapter.

7.110.080. Enforcement

A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available in law or in equity.

B. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

C. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of this Code, and any other action authorized by law.

D. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter may be subject to injunctive relief, disgorgement, and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation,

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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attorneys fees, and any other relief or remedy available in law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the Vacation Rental activity or persons related thereto, or associated with, the violation of this Chapter.

E. For violations of this Chapter, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

1. A civil penalty not exceeding one-hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

2. A civil penalty not exceeding two-hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand, five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

3. A civil penalty not exceeding three-hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of the same ordinance within one year.

F. Each day during any portion of which any violation of this Chapter is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Chapter.

G. Notice of Intention. If the Appropriate Authority has reasonable grounds to determine that a permittee has violated this Chapter, the Appropriate Authority shall issue a written Notice of Intention to issue and record a Notice of Violation. The Notice of Intention shall be served on the permittee. Service of the Notice of Intention shall be provided in accordance with the requirements set forth in Section 7.110.110 of this Chapter. The Notice of Intention shall describe the property, the violation, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The Notice of Intention shall notify the permittee of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the Notice of Violation should not be issued and shall notify them of the ten- (10-) day deadline to submit a written request for a hearing pursuant to Section 7.110.100.

7.110.090. Process for Hearing by a Hearing Officer

A. A person shall have ten (10) calendar days from the service of a Notice of Denial, Notice of Revocation or Suspension, or a Notice of Intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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deemed a waiver of the right to challenge the denial, revocation, suspension, or violation and a failure to exhaust administrative remedies. If the hearing is not timely requested:

1. The Appropriate Authority may issue the Notice of Violation in accordance with the Notice of Intention;
2. The denial of a permit application shall become final; or
3. The revocation or suspension of a permit shall become final.

B. Upon receipt of a timely written request for a hearing, the Hearing Officer shall set a date for a hearing to be held within sixty (60) days of receipt of the request, unless an immediate threat to the public health, safety, and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be provided in accordance with the requirements set forth in Section 7.110.110 of this Chapter.

C. Hearing by the Hearing Officer:

1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the permit.

2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.

2. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross-examine opposing witnesses on any matter relevant to the issues.

3. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.

4. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.

D. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorneys' fees.

E. If neither the applicant, permittee, or their authorized representative(s) appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

7.110.100. Service Requirements

Wherever this Chapter requires the County to serve notice to an applicant, permittee, Owner, or Operator, such notice shall be given by the Appropriate Authority, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice may be posted at the physical address of the premises on the date of the mailing of notice.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

Ordinance amending Section 7.02.060 and adding Chapter 7.110 re Vacation Rentals

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By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Assistant County Counsel

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DRAFT 01.06.2022
ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 20 (COASTAL ZONING) OF THE MONTEREY COUNTY
CODE RELATING TO VACATION RENTALS.**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. This ordinance is intended to provide regulations, standards, and circumstances under which Vacation Rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. The intent of this ordinance is to distinguish between Commercial Vacation Rentals and Limited Vacation Rentals, such that Commercial Vacation Rentals require a discretionary land use entitlement while Limited Vacation Rental are defined in a manner to be similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and, therefore, are allowed uses, where applicable, with a Vacation Rental Operation Permit and business license.

D. Regulation of Vacation Rentals is necessary because Commercial Vacation Rental uses, which by definition may be rented at a greater frequency and duration than Limited Vacation Rentals and have the potential to have impacts different in character, density, and intensity than residential uses, remove long-term housing from the market, or pose hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses, therefore, may be allowed, where applicable, only with a discretionary use permit, Vacation Rental Operation Permit and business license. The ordinance recognizes that unique neighborhoods with existing developments were established with the intent of managed short-term rentals, such as Monterey Dunes Colony; such developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a Vacation Rental Operation Permit and Business License. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

Ordinance amending Title 20 re: Vacation Rentals

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E. This Ordinance establishes the requirement for a Coastal Development Permit for Commercial Vacation Rental activities to provide for business fairness and to enable evaluation of the impacts of such activities, in recognition that Commercial Vacation Rentals may have similar land use impacts as other recreational/visitor-serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor-serving uses.

F. Because the nature and extent of short term rentals have been transformed in the last several years due, this Ordinance intends to establish short term rental regulations for Limited Vacation Rentals and Commercial Vacation Rentals. Accordingly, this ordinance intends to add Section 20.64.290 to the Monterey County Code to establish regulations for Vacation Rentals.

G. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial defined time period during which an unpermitted Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the Effective Date of the Ordinance and the Owner is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 20.64.290 of Monterey County Code.

H. [Reserve for CEQA finding]

SECTION 2. Section 20.06.196 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Commercial Vacation Rental means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

SECTION 3. Section 20.06.738 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Limited Vacation Rental means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

SECTION 4. Section 20.06.935 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Residential Property means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

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SECTION 5. Section 20.06.985 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Rooming or boarding means shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for not more than two (2) persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non recreational activity. Rooming or boarding does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single occupancy housing.

SECTION 6. Section 20.06.990 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

~~Roominghouse or boardinghouse means a facility other than a hotel where lodging with or without meals for three or more persons is provided for compensation~~ shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for three (3) or more persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non recreational activity. Roominghouse and boardinghouse does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single occupancy housing.

SECTION 7. Section 20.06.1305 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

Transient means temporary limited duration for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days.

SECTION 8. Section 20.06.1345 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Vacation Rental means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. Vacation Rental includes Commercial Vacation Rentals and Limited Vacation Rentals. Vacation Rental does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

SECTION 9. Subdivision S is added to Section 20.70.120 of the Monterey County Code [COASTAL DEVELOPMENT PERMITS – EXEMPTIONS FROM COASTAL DEVELOPMENT PERMITS] to read as follows:

Ordinance amending Title 20 re: Vacation Rentals

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S. Limited Vacation Rentals, pursuant to Section 20.64.290, are exempt in the following zoning districts: High Density Residential (HDR(CZ)); Medium Density Residential (MDR(CZ)); Low Density Residential (LDR(CZ)); Rural Density Residential (RDR(CZ)); Watershed and Scenic Conservation (WSC(CZ)); Coastal General Commercial (CGC(CZ)); Moss Landing Commercial (MLC(CZ)); Visitor-Serving Commercial (VSC(CZ)); Coastal Agriculture Preserve (CAP(CZ)); and Agricultural Conservation (AG (CZ)).

SECTION 10. Section 20.10.050(DD) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

DD. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 11. Section 20.12.050(DD) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

DD. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 12. Section 20.14.050(FF) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

FF. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 13. Section 20.16.050(VV) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

VV. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 14. Section 20.17.050(PP) is added to the Monterey County Code [WATERSHED AND SCENIC CONSERVATION DISTRICT] to read as follows:

PP. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 15. Section 20.18.060(QQ) is added to the Monterey County Code [COASTAL GENERAL COMMERCIAL] to read as follows:

QQ. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 16. Section 20.20.060(W) is added to the Monterey County Code [MOSS LANDING COMMERCIAL DISTRICT] to read as follows:

W. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

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SECTION 17. Section 20.22.060(BB) is added to the Monterey County Code [VISITOR-SERVING COMMERCIAL DISTRICT] to read as follows:

BB. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 18. Section 20.30.050(EE) is added to the Monterey County Code [COASTAL AGRICULTURE PRESERVE] to read as follows:

EE. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 19. Section 20.32.050(II) is added to the Monterey County Code [AGRICULTURAL CONSERVATION] to read as follows:

II. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 20. Section 20.64.290 is added to the Monterey County Code [REGULATIONS FOR VACATION RENTALS] to read as follows:

Section 20.64.290 – Regulations for Vacation Rentals

Sub-sections:

- A. Definitions**
- B. Purpose**
- C. Applicability**
- D. Regulations for Limited Vacation Rentals**
- E. Regulations for Commercial Vacation Rentals**
- F. Phasing Out Unpermitted Operations**
- G. Exemptions**
- H. Application Process for Commercial Vacation Regulations**
- I. Grounds for Suspension or Revocation**
- J. Enforcement**

A. Definitions.

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Section:

1. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

2. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; 2) has an exterior door or

Ordinance amending Title 20 re: Vacation Rentals

window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

3. “Effective Date” means the date on which Ordinance No. _____ adding this Section 20.64.290 to the Monterey County Code took effect.

4. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

5. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

B. Purpose

It is the purpose of this Section to:

1. Preserve and enhance the residential character of the zoning districts established in Title 20 and the sense of security and safety in stable neighborhoods of residential properties.

2. Provide opportunity for visitors to access public areas of the County through Vacation Rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare.

3. Establish regulations that provide opportunity for homeowners and residents to participate in the sharing economy by offering Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable, with a Vacation Rental Operation Permit and a business license. Limited Vacation Rental uses would be established in existing Residential Properties by an Owner or Operator for the duration and frequency of the transient use controlled by this Ordinance. As such, Limited Vacation Rentals would not involve a risk of environmental impacts and are exempt from the requirement for a Coastal Development Permit pursuant to Section 20.70.120.S of the Monterey County Code.

5. Establish regulations to address Commercial Vacation Rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazard to public health, safety, and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with a Coastal Development Permit granted pursuant to this Section, a Vacation Rental Operation Permit, and a business license.

C. Applicability

This Section applies in the unincorporated coastal zone of the County of Monterey.

D. Regulations for Limited Vacation Rentals

1. Limited Vacation Rentals are allowed and exempt from a Coastal Development Permit pursuant to 20.70.120(S), in the following zoning districts, subject to the requirements of this Section 20.64.290:

- a. High Density Residential (HDR(CZ));
- b. Medium Density Residential (MDR(CZ));
- c. Low Density Residential (LDR(CZ));
- d. Rural Density Residential (RDR(CZ));
- e. Watershed and Scenic Conservation (WSC(CZ));
- f. Coastal General Commercial (CGC(CZ));
- g. Moss Landing Commercial (MLC(CZ));
- h. Visitor-Serving Commercial (VSC(CZ));
- i. Coastal Agriculture Preserve (CAP(CZ)); and
- j. Agricultural Conservation (AC(CZ)).

Limited Vacation Rentals are prohibited in any other zoning district.

2. Limited Vacation Rentals shall be considered a residential use, similar in character, density, and intensity to residential use.

3. Limited Vacation Rentals shall be allowed only in a single-family dwelling.

4. Limited Vacation Rentals are prohibited in all of the following: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; and in dwellings which are subject to a recorded covenant, agreement, deed restriction or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.

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5. Limited Vacation Rentals shall be allowed only in legally permitted residential structures. Limited Vacation Rentals are prohibited in structures intended for temporary occupancy.

6. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

7. The Owner or Operator shall obtain a Vacation Rental Operation Permit for all Limited Vacation Rental activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Limited Vacation Rental use and must keep the Vacation Rental Operation Permit in good standing throughout the Limited Vacation Rental use.

8. The Owner or Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Limited Vacation Rental use and must keep a valid business license throughout the Limited Vacation Rental use.

9. The Owner or Operator shall register the Limited Vacation Rental with the Monterey County Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

9. To qualify as a Limited Vacation Rental:

a. Only one (1) Limited Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record, except in the development types and zoning districts specified below. This limit shall apply to single family dwellings, and only one (1) Limited Vacation Rental shall be allowed per dwelling.

i. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. In these types of developments, one (1) Limited Vacation Rental shall be allowed per individually owned residential unit.

ii. This provision does not apply to Coastal General Commercial (CGC(CZ)); Moss Landing Commercial (MLC(CZ)); Visitor-Serving Commercial (VSC(CZ)) zoning districts. These districts shall be allowed more than one (1) Limited Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

This document is a draft and subject to change.

b. The dwelling shall not be rented as a Limited Vacation Rental more than three (3) times per 12-month period, with each such rental not to exceed 14 consecutive calendar days.

10. In Coastal Agriculture Preserve (CAP(CZ)) and Agriculture Conservation (AC(CZ)) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

11. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

12. The Limited Vacation Rental shall meet the water quality requirements for Limited Vacation Rentals set forth in Chapter 7.110 of the Monterey County Code. The drinking water is presumed to meet water quality standards if the Owner or Operator provides evidence that the Limited Vacation Rental is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. If the Limited Vacation Rental is found to be part of an unpermitted water system or if the Limited Vacation Rental results in the need for a permit for a water system, the Owner shall obtain the required coastal development permit(s) as required by the applicable zoning district and a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited Vacation Rental use and must keep the Water System Permit in good standing throughout the Limited Vacation Rental use.

14. Except as provided in this Section, Limited Vacation Rentals are prohibited in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates, or other entitlements required by County regulation.

15. The use of a Residential Property for a Limited Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Limited Vacation Rental Operator must meet the requirements related to conditions, covenants, or other restrictions on real property set forth in Chapter 7.110 of the Monterey County Code..

E. Regulations for Commercial Vacation Rentals

1. Commercial Vacation Rentals are allowed with a Coastal Development Permit in the following zoning districts, subject to the requirements of this Section 20.64.290:

- a. High Density Residential (HDR(CZ));
- b. Medium Density Residential (MDR(CZ));
- c. Low Density Residential (LDR(CZ));

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

This document is a draft and subject to change.

- d. Rural Density Residential (RDR(CZ));
- e. Watershed and Scenic Conservation (WSC(CZ));
- f. Coastal General Commercial (CGC(CZ));
- g. Moss Landing Commercial (MLC(CZ));
- h. Visitor-serving Commercial (VSC(CZ));
- i. Coastal Agriculture Preserve (CAP(CZ)); and
- j. Agricultural Conservation (AC(CZ)).

Commercial Vacation Rentals are prohibited in any other zoning district.

2. Commercial Vacation Rentals Prohibited or Limited in Certain Areas.

Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed six (6) percent of the total single family residential dwelling unit count, calculated not more than ninety (90) days prior to the Effective Date of this ordinance, and/or the policies of their respective Land Use Plan:

a. Big Sur Coast Land Use Plan Area as follows:

i. Commercial Vacation Rentals are prohibited within the Big Sur Coast Land Use Plan area.

b. Carmel Area Land Use Plan Area as follows:

i. Commercial Vacation Rentals are prohibited in LDR(CZ) zoning districts within the Carmel Areal Land Use Plan area. Commercial Vacation Rentals within the allowable zoning districts in the plan area shall be subject to the specific visitor-serving facilities policies in section 4.4.3.D of the Land Use Plan.

ii. A total of 176 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the Carmel Area Land Use Plan area, excluding LDR(CZ) zoning districts.

c. North County Coastal Land Use Plan Area as follows:

i. A total of 235 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the North County Coastal Land Use Plan area.

d. Del Monte Forest Land Use Plan Area as follows:

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

This document is a draft and subject to change.

i. A total of 86 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the Del Monte Forest Land Use Plan area.

3. Commercial Vacation Rentals shall be allowed, with a Coastal Development Permit, only in legally permitted residential structures and only in single-family dwellings.

4. Commercial Vacation Rentals are prohibited in all of the following structures: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; structures intended for temporary occupancy; and in dwellings subject to a recorded covenant, agreement, deed restriction, or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.

4. Commercial Vacation Rentals shall be allowed only in legally permitted residential structures. Commercial Vacation Rentals are prohibited in structures intended for temporary occupancy.

5. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

6. Commercial Vacation Rentals in Coastal Agriculture Preserve (CAP(CZ)) and Agricultural Conservation (AG (CZ)) zoning districts shall have a Property Manager or Owner or Operator concurrently reside on the property while the Commercial Vacation Rental is rented if an agricultural operation is active on the property.

6. Commercial Vacation Rentals require a Coastal Development Permit. The application for a Coastal Development Permit, and for amendments and extensions thereof, shall be processed in accordance with Chapter 20.70 of the Monterey County Code. In addition to the notice requirements for a Coastal Development Permit pursuant to Chapter 20.84, notice shall be provided to any applicable homeowners' association. A Commercial Vacation Rental that is not accessible directly from a public road, shall be provide notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental use and shall include the application reference number, location of the Vacation Rental, name and contract information for the owner/applicant, and procedures and contact information for the County. Notwithstanding the foregoing, the grounds and procedures for suspension and revocation of a Coastal Development Permit granted under this Section shall be as set forth in this Section.

7. The Operator shall obtain a Vacation Rental Operation Permit for all Commercial Vacation Rental activities pursuant to Chapter 7.110 of the Monterey

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

This document is a draft and subject to change.

County Code before commencing the Commercial Vacation Rental use and must keep the Vacation Rental Operation Permit in good standing throughout the Commercial Vacation Rental use.

8. The Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep a valid business license throughout the Commercial Vacation Rental use.

9. The Operator shall register the Commercial Vacation Rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Commercial Vacation Rental:

a. Only one (1) Commercial Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record. This limit shall apply to single family dwellings, and only one (1) Commercial Vacation Rental shall be allowed per dwelling.

b. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. These developments shall be allowed more than one (1) Commercial Vacation Rental.

c. This provision does not apply to zoning districts such as Light Commercial (LC), Heavy Commercial (HC), and Visitor-serving/Professional Office (VO) zoning districts. These districts shall be allowed more than one (1) Commercial Vacation Rental.

b. A Commercial Vacation Rental that is not accessible directly from a public road is subject to Monterey County Code Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads. Upon making an application with the County for Vacation Rental use, the owner/applicant shall be required to mail notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental Use and shall include the application reference number, location of the vacation rental, name and contact information for the owner/applicant; and procedures and contact information for the County.

c. If the Commercial Vacation Rental is found to be part of an unpermitted water system or if the Commercial Vacation Rental results in the need for a permit for a water system, the Owner shall obtain the required coastal development permit(s) as required by the applicable zoning district and a Water

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Commercial Vacation Rental use and must keep the Water System Permit in good standing throughout the Commercial Vacation Rental use.

d. The source of water that serves a Commercial Vacation Rental shall in accordance with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Water Standards meet bacteriological and acute primary drinking water standards. The Owner shall demonstrate that the source of water meets bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, before the permit application is deemed complete. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet these standards if the Commercial Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections.

e. A Commercial Vacation Rental that is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval of the Coastal Development Permit for a Commercial Vacation Rental.

f. If the Commercial Vacation Rental is served by an OWTS, the Commercial Vacation Rental must meet the on-site wastewater requirements set forth in Chapter 7.110 of the Monterey County Code.

h. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. Notice of emergency service limitations shall be included in rental contracts and posted within the unit in a prominent place within six (6) feet of the front door of the unit. The notice shall identify the average response time for emergency services to reach the subject property and describe onsite fire protection systems (such as fire breaks, alarms and/or water storage tanks) available.

i. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Monterey County Code Section 20.58.040, Regulations for Parking, or the applicable parking regulations at the time the dwelling was built.

j. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.4, Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

k. Each Coastal Development Permit issued pursuant to this Section shall have, as a condition of the permit, a requirement that the Owner indemnify, defend, and hold harmless the County of Monterey and its officers, agents, and employees from actions or claims of any description brought on account of approval of the permit and from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

11. Required Findings. To grant a Coastal Development Permit for a Commercial Vacation Rental, the Appropriate Authority must find, based on substantial evidence, that the Commercial Vacation Rental complies with all findings required for a Coastal Development Permit pursuant to Section 20.70.050.B and complies with all requirements of this Section 20.64.290 of the Monterey County Code.

12. Except as provided in this Section, Commercial Vacation Rentals shall be prohibited in the unincorporated areas of Monterey County unless all permits, licenses, certificates, and any other entitlement required by County regulation are secured and maintained in good standing.

13. The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Applicant/Owner for the Coastal Development Permit for the Commercial Vacation Rental shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Commercial Vacation Rental is not in violation of those conditions, covenants, or other restrictions. The Applicant/Owner shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement would be applicable at the initial submittal of a Vacation Rental Operations Permit, and every seven years if renewed.

F. Phasing Out Unpermitted Operations

1. To provide time for Owners and Operators of Vacation Rentals that were unpermitted prior to the Effective Date to bring the Vacation Rental into compliance with this Section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this Section, an Owner and/or Operator who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date of these regulations – [Phasing Out Unpermitted Operations] of the Monterey County Code.

a. For Vacation Rental uses, the Owner or Operator:

i. Has thirty (30) days from the Effective Date to register with the Monterey County Housing and Community Development Department and file an Intent to Apply form.

ii. Has three (3) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates, or other entitlements required by County regulation.

iii. May establish a Vacation Rental as “prior operating” by providing evidence to the satisfaction of the Monterey County Housing and Community Development Department Planning Services that documents that it was operating as a Vacation Rental and completed at least one (1) contract in each of three (3) of the five (5) years preceding April 1, 2019, and can provide evidence of a reservation for a Vacation Rental entered into prior to April 1, 2019 for the unit on or after April 1, 2019.

iv. Must provide a copy of a Transient Occupancy Registration Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner or Operator will be allowed to continue to operate as a Vacation Rental for up to six (6) months from the Effective Date, or until County takes action on the Owner’s or Operator’s application for all required permits, licenses, and entitlements made pursuant to this Section and Section 7.02.060 and Chapter 7.110 of the Monterey County Code, whichever is later, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare.

vi. If after 180 days from the Effective Date of this Ordinance the County denies any of the required permits, licenses, and entitlements, the Vacation Rental must cease within 30 days of receiving written notice from the County of such denial, unless County requires earlier termination of the Vacation Rental use due to a risk to the public health, safety and welfare.

2. Unpermitted vacation rental operations that are not allowed pursuant to this Title 20.64.290 are not eligible to the phase out terms outlined in this Section and must cease operations within 30 days of the Effective Date of this Ordinance.

3. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation during the Phasing Out period if the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

G. Exemption

The regulations set forth in this Chapter, including the need to apply for a Vacation Rental Operation Permit and Business License, do not apply to unique neighborhoods with existing developments that were established with the intent of managed short-term rentals; such developments are exempt from Chapter 7.110 and Sections 20.64.290. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

H. Application Process for Commercial Vacation Rentals

1. All applications for a Coastal Development Permit for a Commercial Vacation Rental shall be filed with the Housing and Community Development Department on the form and in the manner prescribed by the Housing and Community Development Director or his or her designee. In all cases, the application shall contain, without limitation, the following documentation:

a. All information required on the application form, including, but not limited to, the name and signed consent of the Owner of the real property which is the subject of the application and, if an agent represents the Owner, an authorization of the agent signed by the Owner.

b. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The

Applicant/Owner shall provide proof of approval from any applicable Homeowner's Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

c. If the applicant is not the Owner, applicant shall provide evidence, in the form of a lease agreement or other agreement between the applicant and the Owner of the real property which is the subject of the application, that the applicant has control of the property for the proposed permit period. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to apply for the Coastal Development Permit and utilize the property for the proposed Commercial Vacation Rental activity.

d. Property Manager contact information, including name, address, telephone number and e-mail address.

e. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Chief of Planning Director or his or her designee, including, but not limited to; site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways and on-site parking areas; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental.

f. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, to ensure the property is safe and habitable for its intended use, including, but not limited to, verification of adequate egress from sleeping quarters and common areas; and installation of accessible fire extinguishers, fire alarms, and a carbon monoxide alarm on each level.

g. Evidence that the property receives solid waste service for garbage and recyclables collection.

h. Evidence that the source of water that serves the proposed Commercial Vacation Rental in accordance with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Standards that meets bacteriological and acute primary drinking water standards. Evidence may include proof, such as a water bill, that the property receives potable water service from a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections, or a water quality analysis in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

i. If the Commercial Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP, the applicant must provide evidence that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

j. Copy of OWTS informational signs pursuant to Chapter 7.110 of the Monterey County Code, if applicable.

k. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

l. Such other information as the Monterey County Housing and Community Development Director or his or her designee shall require to evaluate the application.

2. Time Limits. All Coastal Development Permits issued for Commercial Vacation Rentals shall be subject to the following time limits on the use authorized by the Coastal Development Permit:

a. The initial Coastal Development Permit shall be issued for a term of no more than seven (7) years.

b. The Owner may apply to extend the Coastal Development Permit prior to the expiration date of the Coastal Development Permit pursuant to Section 20.74.110. The extension application shall be made at least thirty (30) days prior to the expiration of the Coastal Development Permit at the end of each such seven-year term. The Coastal Development Permit shall be extended by the Appropriate Authority by seven years upon each renewal, if the Appropriate Authority finds that the operation is in good standing, accordingly to the criteria set forth in Section I.3.

d. The Owner shall maintain a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code and a valid business license pursuant to Section 7.02.060(C) of the Monterey County Code throughout the permitted term of the Commercial Vacation Rental use.

e. The purpose of the seven (7) year term limit is to provide adequate ongoing review of the Commercial Vacation Rental to ensure that the use continues to meet the standards of this section.

I. Grounds for Suspension or Revocation

1. Where one or more of the conditions of a Coastal Development Permit have not been, or are not being complied with, or when a Coastal Development Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the Applicant, the Appropriate Authority may revoke or modify the Coastal Development Permit following public hearing pursuant to Chapter 20.84 of this Title.

2. Grounds for suspension or revocation may include, but are not limited to, more than (2) two substantiated violations of the terms and conditions of the Coastal Development Permit and/or Vacation Rental Operation Permit issued pursuant to Monterey County Code Chapter 7.110 in a twelve- (12-) month period. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

3. The Vacation Rental operation shall be considered not in good standing, according to the criteria set forth below.

- a. Commercial Vacation Rentals with more than two (2) substantiated violations of this Section or Chapter 7.110 of the Monterey County Code shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, administrative hearing officer, or hearing body, or by stipulated agreement.
- b. Commercial Vacation Rentals that do not have a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code shall be considered not in good standing.
- c. Commercial Vacation Rentals that do not have a valid business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code throughout the Commercial Vacation Rental use, shall be considered not in good standing.
- d. Commercial Vacation Rentals that have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of the Monterey County Code, shall be considered not in good standing.
- e. Commercial Vacation Rentals that violate with the regulations set forth in Chapters 18.14 and 18.15 of the Monterey County Code shall be considered not in good standing.

- f. Commercial Vacation Rentals that do not meet bacteriological and acute primary drinking water standards, as demonstrated by a comprehensive water quality analysis, pursuant to Monterey County Code Chapters 15.04 and 15.08 and California Code of Regulations Titles 17 and 22 shall be considered not in good standing.
- g. Commercial Vacation Rentals that have an on-site wastewater treatment system ("OWTS," also referred to as a septic system) that is not in good working order and functioning properly, as demonstrated by a performance evaluation of the OWTS completed by a qualified professional, pursuant to Monterey County Code Chapter 15.20 and County LAMP, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department shall be considered not in good standing.
- h. If a water system permit is required, Commercial Vacation Rentals that do not have a coastal development permit and water system permit that is in good standing shall be considered not in good standing.
- i. Commercial Vacation Rentals that have not completed at least one (1) contract in each of four (4) of the preceding seven (7) years will be considered inactive and not in good standing.
- j. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

4. If a Coastal Development Permit has revoked because the Commercial Vacation Rental is found not to be in good standing, an Owner desiring a Commercial Vacation Rental must apply for a new Coastal Development Permit for the Commercial Vacation Rental use, and will be required to demonstrate, in addition to any other applicable requirements, that the reasons for revoking the Use Permit have been addressed.

J. Enforcement

The remedies provided by this Section are cumulative and in addition to any other remedies available in law or in equity.

- 1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Section. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Section

Ordinance amending Title 20 re: Vacation Rentals

may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six (6) months or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

2. Any condition caused or allowed to exist in violation of any of the provisions of this Section shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of the Monterey County Code, and any other action authorized by law.

3. Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Section may be subject to injunctive relief, disgorgement and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorneys fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the Vacation Rental activity or persons related thereto, or associated with, the violation of this Section.

4. For violations of this Section, a Building and/or Health Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A civil penalty not exceeding one-hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

b. A civil penalty not exceeding two-hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one (1) year; and

c. A civil penalty not exceeding three-hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of the same ordinance within one (1) year.

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5. Each and every day during any portion of which any violation of this Section is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Section.

SECTION 21. SEVERABILITY. If any Section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each Section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more Sections, subsections sentences, clauses, or phrases are declared invalid.

SECTION 22. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption by the County if certified by the California Coastal Commission or thereafter upon certification by the California Coastal Commission.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

A T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

This document is a draft and subject to change.

APPROVED AS TO FORM:

WENDY S. STRIMLING
Assistant County Counsel

Ordinance amending Title 20 re: Vacation Rentals

Draft 01.06.2022

This document is a draft and subject to change.

DRAFT 01.06.2022
ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY
CODE RELATING TO VACATION RENTALS.**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. This ordinance is intended to provide regulations, standards, and circumstances under which Vacation Rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. The intent of this ordinance is to distinguish between Commercial Vacation Rentals and Limited Vacation Rentals, such that Commercial Vacation Rentals require a discretionary land use entitlement while Limited Vacation Rentals are defined in a manner to be similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and therefore are allowed uses, where applicable, with a Vacation Rental Operation Permit and business license.

D. Regulation of Vacation Rentals is necessary because Commercial Vacation Rental uses, which by definition may be rented at a greater frequency and duration than Limited Vacation Rentals, have the potential to have impacts different in character, density, and intensity than residential uses, could remove long-term housing from the market, or pose hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with an approved Use Permit, Vacation Rental Operation Permit and business license. This ordinance recognizes that some unique neighborhoods with existing developments were established with the intent of managed short-term rentals, such as Monterey Dunes Colony; such developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a Vacation Rental Operation Permit and Business License. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

This document is a draft and subject to change.

E. This Ordinance establishes the requirement for a Use Permit for Commercial Vacation Rental activities to provide for business fairness and to enable evaluation of the impacts of such activities, in recognition that Commercial Vacation Rentals may have similar land use impacts as other recreational/visitor-serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor-serving uses.

F. Because the nature and extent of short term rentals have been transformed in the last several years due to the advent of on-line platforms for short term rentals, it is necessary to update the County's short term rental regulations which were last adopted in 1997. Accordingly, this Ordinance intends to replace Section 21.64.280, regulations for transient use of residential property for remuneration, with Section 21.64.290 for applications for Vacation Rentals after the effective date of this ordinance.

G. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial defined time period during which an unpermitted Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the Effective Date of the Ordinance and the Owner is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 21.64.290 of Monterey County Code. This Ordinance also provides that a use for which an Administrative Permit was previously granted under Section 21.64.280 shall become a legal nonconforming use.

H. [Reserve for CEQA finding]

SECTION 2. Section 21.06.193 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Commercial Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

SECTION 3. Section 21.06.735 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Limited Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

SECTION 4. Section 21.06.986 is added to the Monterey County Code [DEFINITIONS] to read as follows:

*Ordinance amending Title 21 re: Vacation Rentals
Draft 01.06.2022*

This document is a draft and subject to change.

“Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

SECTION 5. Section 21.06.987 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Rooming or boarding” means shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for not more than two (2) persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non recreational activity. Rooming or boarding does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single-occupancy housing.

SECTION 6. Section 21.06.990 is amended in the Monterey County Code to read as follows:

~~“Roominghouse or boardinghouse” means a facility other than a hotel where lodging with or without meals for three or more persons is provided for compensation~~ shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for three (3) or more persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non recreational activity. Roominghouse or boardinghouse does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single-occupancy housing.

SECTION 7. Section 21.06.1307 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

“Transient” means temporary limited duration for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days.

SECTION 8. Section 21.06.1345 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Vacation Rental” means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals. “Vacation Rental” does not include a bed & breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

This document is a draft and subject to change.

SECTION 9. Section 21.10.030(S) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

S. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 10. Section 21.10.050(AA) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

AA. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 11. Section 21.12.030(R) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 12. Section 21.12.050(Y) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

Y. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 13. Section 21.14.030(U) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

U. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 14. Section 21.14.050(E) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

EE. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 15. Section 21.16.030(W) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

W. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 16. Section 21.16.050(RR) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

RR. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 17. Section 21.18.040(E) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

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SECTION 18. Section 21.18.060(HH) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

HH. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 19. Section 21.20.040(E) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 20. Section 21.20.060(OO) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

OO. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 21. Section 21.22.040(D) is added to the Monterey County Code [VISITOR-SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

D. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 22. Section 21.22.060(X) is added to the Monterey County Code [VISITOR-SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

X. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 23. Section 21.30.030(R) is added to the Monterey County Code [FARMLAND] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 24. Section 21.30.050(JJ) is added to the Monterey County Code [FARMLAND] to read as follows:

JJ. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 25. Section 21.32.030(R) is added to the Monterey County Code [RURAL GRAZING] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 26. Section 21.32.050(KK) is added to the Monterey County Code [RURAL GRAZING] to read as follows:

KK. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

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SECTION 27. Section 21.34.030(Q) is added to the Monterey County Code [PERMANENT GRAZING] to read as follows:

Q. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 28. Section 21.34.050(II) is added to the Monterey County Code [PERMANENT GRAZING] to read as follows:

II. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 29. Section 21.36.030(V) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

V. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 30. Section 21.36.050(JJ) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

JJ. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 31. Section 21.48.030(6) is added to the Monterey County Code [LIMITED AGRICULTURAL DISTRICT] to read as follows:

6. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 32. Section 21.48.040(5) is added to the Monterey County Code [LIMITED AGRICULTURAL DISTRICT] to read as follows:

5. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 33. Subdivision H is added to Section 21.64.280 of the Monterey County Code [SPECIAL REGULATIONS – Administrative permits for transient use of residential property for remuneration] to read as follows:

H. Inoperative Date of Section: This Section 21.64.280 shall become inoperative as of the date the ordinance adding Section 21.64.290 to the Monterey County Code takes effect. Thereafter, all applications for transient use of residential property for remuneration shall be governed by Section 21.64.290. All administrative permits issued under Section 21.64.280 prior to the effective date of Section 21.64.290 shall be considered legal nonconforming.

SECTION 34. Section 21.64.290 is added to the Monterey County Code [REGULATIONS FOR VACATION RENTALS] to read as follows:

Section 21.64.290 – Regulations for Vacation Rentals

This document is a draft and subject to change.

Sub-sections:

- A. Definitions**
- B. Purpose**
- C. Applicability**
- D. Regulations for Limited Vacation Rentals**
- E. Regulations for Commercial Vacation Rentals**
- F. Phasing Out Unpermitted Operations**
- G. Exemptions**
- H. Application Process for Commercial Vacation Rentals**
- I. Grounds for Suspension or Revocation**
- J. Enforcement**

A. Definitions.

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Section:

1. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

2. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

3. “Effective Date” means the date on which Ordinance No. _____ adding this Section 21.64.290 to the Monterey County Code took effect.

4. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

5. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

B. Purpose

It is the purpose of this Section to:

This document is a draft and subject to change.

1. Preserve and enhance the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of residential properties.

2. Provide opportunity for visitors to access public areas of the County through Vacation Rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare.

3. Establish regulations that provide opportunity for homeowners and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable, with a Vacation Rental Operation Permit and a business license. Limited Vacation Rental uses would be established in existing Residential Properties by an Owner or Operator for the duration and frequency of the transient use controlled by this Ordinance. As such, Limited Vacation Rentals would not involve a risk of environmental impacts and are exempt from the requirement for a Use Permit.

5. Establish regulations to address the potential Commercial Vacation Rental uses that have the potential impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with a Use Permit granted pursuant to this Section, a Vacation Rental Operation Permit, and a business license.

C. Applicability

1. This Section applies in the unincorporated inland areas of the County of Monterey.

2. This Section does not apply to transient use of residential property for remuneration which was authorized under Section 21.64.280 prior to the Effective Date. Any applications for “transient use of residential property for remuneration” or Vacation Rentals on which County renders a decision after the Effective Date shall be subject to this Section governing Vacation Rentals and not governed by Section 21.64.280. Amendments to administrative permits granted under Section 21.64.280 shall be subject to this Section.

D. Regulations for Limited Vacation Rentals

This document is a draft and subject to change.

1. Limited Vacation Rentals are allowed in in the following zoning districts, subject to the requirements of this Section 21.64.290:
 - a. High Density Residential (HDR);
 - b. Medium Density Residential (MDR);
 - c. Low Density Residential (LDR);
 - d. Rural Density Residential (RDR);
 - e. Light Commercial (LC);
 - f. Heavy Commercial (HC);
 - g. Visitor-serving/Professional Office (VO);
 - h. Farmland (F);
 - i. Rural Grazing (RG);
 - j. Permanent Grazing (PG);
 - k. Resource Conservation (RC);
 - l. Limited Agricultural District (“A” District);
 - m. Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except industrial and public/quasi-public land use designations within the CP districts; and
 - n. Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except industrial and public/quasi-public land use designations within the SP district.

Limited Vacation Rentals are prohibited in any other zoning district.

2. Limited Vacation Rentals shall be considered a residential use, similar in character, density, and intensity to residential use.
3. Limited Vacation Rentals shall be allowed only in a single-family dwelling.
4. Limited Vacation Rentals are prohibited in all of the following: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; and in dwellings which are subject to a recorded covenant, agreement, deed restriction or other recorded document limiting the use of the dwelling, including but not limited to affordable housing units that are subject to affordability restrictions.
5. Limited Vacation Rentals shall be allowed only in legally permitted residential structures. Limited Vacation Rentals are prohibited in structures intended for temporary occupancy.
6. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

7. The Owner or Operator shall obtain a Vacation Rental Operation Permit for all Limited Vacation Rental activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Limited Vacation Rental use and must keep the Vacation Rental Operation Permit in good standing throughout the Limited Vacation Rental use.

8. The Owner or Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Limited Vacation Rental use and must keep a valid business license throughout the Limited Vacation Rental use.

9. The Owner or Operator shall register the Limited Vacation Rental with the Monterey County Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Limited Vacation Rental:

a. Only one (1) Limited Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record, except in the development types and zoning districts specific below. This limit shall apply to single family dwellings and only one (1) Limited Vacation Rental shall be allowed per dwelling.

i. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. In these types of developments, one (1) Limited Vacation Rental shall be allowed per individually owned residential unit.

ii. This provision does not apply to Light Commercial (LC), Heavy Commercial (HC), and Visitor-Serving/Professional Office (VO) zoning districts. These districts shall be allowed more than one (1) Limited Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

b. The dwelling shall be not rented as a Limited Vacation Rental more than three (3) times per 12-month period, with each such rental not to exceed 14 consecutive calendar days.

11. In Farmland (F), Rural Grazing (RG), Permanent Grazing (PG) and Limited Agricultural District ("A" District) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

12. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

13. The Limited Vacation Rental must meet the water quality requirements for Limited Vacation Rentals set forth in Chapter 7.110 of the Monterey County Code. The drinking water is presumed to meet water quality standards if the Owner or Operator provides evidence that the Limited Vacation Rental is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. If the Limited Vacation Rental is found to be part of an unpermitted water system or if the Limited Vacation Rental results in the need for a permit for a water system, the Owner shall obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited Vacation Rental use and must keep the Water System Permit in good standing throughout the Limited Vacation Rental use.

12. Except as provided in this Section, Limited Vacation Rentals shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

13. The use of a Residential Property for a Limited Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Limited Vacation Rental Operator must meet the requirements related to conditions, covenants, or other restrictions on real property set forth in Chapter 7.110 of the Monterey County Code.

E. Regulations for Commercial Vacation Rentals

1. Commercial Vacation Rentals are allowed with a Use Permit in the following zoning districts, subject to the requirements of this Section 21.64.290:

- a. High Density Residential (HDR);
- b. Medium Density Residential (MDR);
- c. Low Density Residential (LDR);
- d. Rural Density Residential (RDR);
- e. Light Commercial (LC);
- f. Heavy Commercial (HC);
- g. Visitor-serving/Professional Office (VO);
- h. Farmland (F);
- i. Rural Grazing (RG);
- j. Permanent Grazing (PG);
- k. Resource Conservation (RC);
- l. Limited Agricultural District (“A” District);
- m. Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed)

- n. except industrial and public/quasi-public land use designations within the CP districts; and Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except industrial and public/quasi-public land use designations within the SP district.

Commercial Vacation Rentals shall be prohibited in any other zoning district.

2. Commercial Vacation Rentals Prohibited or Limited in Certain Areas.

Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed six (6) percent of the total single family residential dwelling unit count, calculated not more than ninety (90) days prior to the Effective Date of this ordinance, and/or the policies of their respective Area or Master Plan:

- a. Central Salinas Valley Area Plan as follows:

A total of 98 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Central Salinas Valley Area Plan area.

- b. Agricultural and Winery Corridor Plan as follows: TBD.

- c. Cachagua Area Plan as follows:

A total of 30 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Cachagua Area Plan area.

- d. Carmel Valley Master Plan as follows:

A total of 302 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Carmel Valley Master Plan area.

- e. Toro Area Plan as follows:

A total of 259 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Toro Area Plan area.

- f. Fort Ord Master Plan as follows:

A total of 60 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Fort Ord Master Plan area.

g. Greater Monterey Peninsula Area Plan as follows:

A total of 232 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Monterey Peninsula Area Plan area.

h. North County Inland Area Plan as follows:

A total of 339 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within North County Inland Area Plan area.

i. South County Area Plan as follows:

A total of 78 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the South County Area Plan area.

j. Greater Salinas Area Plan as follows:

A total of 120 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Salinas Area Plan area.

3. Commercial Vacation Rentals shall be allowed, with a Use Permit, only legally permitted residential structures and only in single-family dwellings.

3. Commercial Vacation Rentals shall be prohibited in all of the following structures: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; structures intended for temporary occupancy; and in dwellings subject to a recorded covenant, agreement, deed restriction, or other recorded document limiting the use of the dwelling, including but not limited to, affordable housing units that are subject to affordability restrictions.

4. Commercial Vacation Rentals shall be allowed only in legally permitted residential structures. Commercial Vacation Rentals are prohibited in structures intended for temporary occupancy.

5. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.

6. Commercial Vacation Rentals in Farmland (F), Rural Grazing (RG), Permanent Grazing (PG), and Limited Agricultural (A) zoning districts shall have a Property Manager or Owner or Operator concurrently reside on the property while the

Commercial Vacation Rental is rented if an agricultural operation is active on the property.

7. A Commercial Vacation Rental requires a Use Permit. The application for a Use Permit, and for amendments and extensions thereof, shall be processed in accordance with Chapter 21.74 of the Monterey County Code. In addition to the notice requirements for a Coastal Development Permit pursuant to Chapter 21.78, notice shall be provided to any applicable homeowners' association. . A Commercial Vacation Rental that is not accessible directly from a public road, shall be provide notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental use and shall include the application reference number, location of the Vacation Rental, name and contract information for the owner/applicant, and procedures and contact information for the County. Notwithstanding the foregoing, the grounds and procedures for suspension and revocation of a Use Permit granted under this Section shall be as set forth in this Section.

8. The Operator shall obtain a Vacation Rental Operation Permit for all Commercial Vacation Rental activities pursuant to Chapter 7.110 of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep the Vacation Rental Operation Permit in good standing throughout the Commercial Vacation Rental use.

9. The Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep a valid business license throughout the Commercial Vacation Rental use.

9. The Operator shall register the Commercial Vacation Rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Commercial Vacation Rental:

a. Only one (1) Commercial Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record. This limit shall apply to single family dwellings and only one (1) Commercial Vacation Rental shall be allowed per dwelling.

b. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. These developments shall be allowed more than one (1) Commercial Vacation Rental.

c. This provision does not apply to zoning districts such as Light Commercial (LC), Heavy Commercial (HC), and Visitor-Serving/Professional

Office (VO) zoning districts. These districts shall be allowed more than one (1) Commercial Vacation Rental and shall not exceed the number of residential units per legal lot of record.

11. A Commercial Vacation Rental that is not accessible directly from a public road is subject to Monterey County Code Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads. Upon making an application with the County for Vacation Rental use, the owner/applicant shall be required to mail notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental Use and shall include the application reference number, location of the vacation rental, name and contact information for the owner/applicant; and procedures and contact information for the County.

12. If the Commercial Vacation Rental is found to be part of an unpermitted water system or if the Commercial Vacation Rental results in the need for a permit for a water system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Commercial Vacation Rental use and must keep the Water System Permit in good standing throughout the Commercial Vacation Rental use.

13. The source of water that serves a Commercial Vacation Rental in accordance with Monterey County Code Chapter 15.04 California Plumbing Code and Federal Safe Drinking Water Standards shall meet bacteriological and acute primary drinking water standards. The Owner shall demonstrate that the source of water meets bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, before the permit application is deemed complete. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet these standards if the Owner provides evidence that the Commercial Vacation Rental is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections.

14. A Commercial Vacation Rental that is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP, shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval of the Use Permit for a Commercial Vacation Rental.

15. If the Commercial Vacation Rental is served by an on-site wastewater treatment system ("OWTS", also referred to as a septic system), the Commercial

Vacation Rental must meet the on-site wastewater requirements set forth in Chapter 7.110 of the Monterey County Code.

16. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. Notice of emergency service limitations shall be included in rental contracts and posted within the unit in a prominent place within six (6) feet of the front door. The notice shall identify the average response time for emergency services to reach the subject property and describe the onsite fire protection systems (such as fire breaks, alarms and/or water storage tanks) available.

17. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Monterey County Code Section 21.58.040, Regulations for Parking, or the applicable parking regulations at the time the dwelling was built.

18. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.41, Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

19. Each Use Permit issued pursuant to this Section shall have, as a condition of the permit, a requirement that the Owner indemnify, defend, and hold harmless the County of Monterey and its officers, agents, and employees from actions or claims of any description brought on account of approval of the permit and from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

20. Required Findings. To grant a Use Permit for a Commercial Vacation Rental, the Appropriate Authority must find, based on substantial evidence, that the Commercial Vacation Rental complies with all findings required for a Use Permit pursuant to Chapter 21.74 and complies with all requirements of this Section 21.64.290.

21. Except as provided in this Section, Commercial Vacation Rentals shall be prohibited in the unincorporated areas of Monterey County unless all permits, licenses, certificates, and any other entitlement required by County regulation are secured and maintained in good standing.

22. The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Applicant/Owner for the Use Permit for the Commercial Vacation Rental Operator shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Commercial Vacation

Rental is not in violation of those conditions, covenants, or other restrictions. The Applicant/Owner shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement would be applicable at the initial submittal of a Vacation Rental Operations Permit , and every seven years if renewed.

F. Phasing Out Unpermitted Operations

1. To provide time for the Owner or Operator of a Vacation Rental that was unpermitted prior to the Effective Date to bring the Vacation Rental into compliance with this Section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this Section, an Owner and/or Operator who can demonstrate that Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date of these regulations. [Phasing Out Unpermitted Operations] of the Monterey County Code.

a. For Vacation Rental uses, the Owner or Operator:

i. Has thirty (30) days from the Effective Date to register with the Monterey County Housing and Community Development Department and file an Intent to Apply form.

ii. Has three (3) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates, or other entitlements required by County regulation.

iii. May establish a Vacation Rental as “prior operating” by providing evidence to the satisfaction of the Monterey County Housing and Community Development Department Planning Services that documents that it was operating as a Vacation Rental and completed at least one (1) contract in each of three (3) of the five (5) years preceding **April 1, 2019**, and can provide evidence of a reservation for a Vacation Rental entered into prior to **April 1, 2019** for the unit on or after **April 1, 2019**.

iv. Must provide a current copy of Transient Occupancy Registration Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner or Operator will be allowed to continue to operate as a Vacation Rental for up to six (6) months from the Effective Date, or until County takes action on the Owner's or Operator's application for all required permits, licenses, and entitlements made

pursuant to this Section and Section 7.02.060 and Chapter 7.110 of the Monterey County Code, whichever is later, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare.

vi. If after 180 days from the Effective Date of this Ordinance the County denies any of the required permits, licenses, and entitlements, the Vacation Rental must cease within 30 days of receiving written notice from the County of such denial, unless County requires earlier termination of the Vacation Rental use due to a risk to the public health, safety and welfare

2. Unpermitted vacation rental operations that are not allowed pursuant to this Title 21.64.290 are not eligible to the phase out terms outlined in this Section and must cease operations within 30 days of the Effective Date of this Ordinance.

3. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation, during the Phasing Out period if the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

G. Exemptions

The regulations set forth in this Chapter, including the need to apply for a Vacation Rental Operation Permit and Business License, do not apply to unique neighborhoods with existing developments that were established with the intent of managed short-term rentals; such developments are exempt from Chapter 7.110 and Sections 21.64.290. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

H. Application Process for Commercial Vacation Rentals

1. All applications for a Use Permit for a Commercial Vacation Rental shall be filed with the Monterey County Housing and Community Development Department on the form and in the manner prescribed by the Housing and Community Development Director or his or her designee. In all cases, the application shall contain, without limitation, the following documentation:

a. All information required on the application form, including but not limited to, the name and signed consent of the Owner of the real property, which is the subject of the application and, if an agent represents the Owner, an authorization of the agent signed by the Owner.

b. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The

Applicant/Owner shall provide proof of approval from any applicable Homeowner's Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

c. If the applicant is not the Owner, the applicant shall provide evidence, in the form of a lease agreement or other agreement between the applicant and the Owner of the real property which is the subject of the application, that the applicant has control of the property for the proposed permit period. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to apply for the Use Permit and utilize the property for the proposed Commercial Vacation Rental activity.

d. Property Manager contact information including name, address, telephone number and e-mail address.

e. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, including but not limited to: site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways, on-site parking areas and all structures; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental.

f. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, to ensure the property is safe and habitable for its intended use, including but not limited to: verification of adequate egress from sleeping quarters and common areas; and installation of accessible fire extinguishers, fire alarms, and a carbon monoxide alarm on each level.

g. Evidence that the property receives solid waste service for garbage and recyclables collection.

h. Evidence that the source of water that serves the proposed Commercial Vacation Rental meets bacteriological and acute primary drinking water standards. Evidence may include proof, such as a water bill, that the property receives potable water service from a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections, or a water quality analysis in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

i. If the Commercial Vacation Rental is served by an on-site wastewater treatment system (“OWTS,” also referred to as a septic system), the applicant must provide evidence that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

j. Copy of OWTS informational signs pursuant to Chapter 7.110 of the Monterey County Code, if applicable.

k. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

l. Such other information as the Monterey County Housing and Community Development Director or his or her designee shall require to evaluate the application.

2. Time Limits. All Use Permits issued for Commercial Vacation Rentals shall be subject to the following time limits on the use authorized by the Use Permit:

a. The initial Use Permit shall be issued for a term of no more than seven (7) years.

b. The Owner may apply to extend the Use Permit prior to the expiration date of the Use Permit pursuant to Section 21.74.110. The extension application shall be made at least thirty (30) days prior to the expiration of the Use Permit at the end of each such seven-year term. The Use Permit shall be extended by the Appropriate Authority by seven years upon each renewal, if the Appropriate Authority finds that the operation is in good standing, according to the criteria set forth in Section I.3.

c. The Owner shall maintain a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code and a valid business license pursuant to Section 7.02.060(C) of the Monterey County Code throughout the permitted term of the Commercial Vacation Rental use.

c. The purpose of the seven (7) year term limit is to provide adequate ongoing review of the Commercial Vacation Rental to ensure that the use continues to meet the standards of this section.

I. Grounds for Suspension or Revocation

1. Where one or more of the conditions of a Use Permit have not been, or are not being, complied with, or when a Use Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the

Appropriate Authority may revoke or modify the Use Permit following public hearing pursuant to Chapter 21.78 of this Title.

2. Grounds for suspension or revocation may include, but are not limited to, more than two (2) substantiated violations of the terms and conditions of the Use Permit and/or Vacation Rental Operation Permit issued pursuant to Monterey County Code Chapter 7.110 in a twelve- (12-) month period. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

3. The Vacation Rental operation shall be considered not in good standing, according to the criteria set forth below.

- a. Commercial Vacation Rentals with more than two (2) substantiated violations of this Section or Chapter 7.110 of the Monterey County Code shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.
- b. Commercial Vacation Rentals that do not have a valid Vacation Rental Operation Permit pursuant to Chapter 7.110 of the Monterey County Code shall be considered not in good standing.
- c. Commercial Vacation Rentals that do not have a valid business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code throughout the Commercial Vacation Rental use shall be considered not in good standing.
- d. Commercial Vacation Rentals that have not paid their Transient Occupancy Tax pursuant to Chapter 5.04 of the Monterey County Code shall be considered not in good standing.
- e. Commercial Vacation Rentals that violate with the regulations set forth in Chapters 18.14 and 18.15 of the Monterey County Code shall be considered not in good standing.
- f. Commercial Vacation Rentals that do not meet bacteriological and acute primary drinking water standards, as demonstrated by a comprehensive water quality analysis pursuant to Monterey County Code Chapters 15.04 and 15.08 and California Code of Regulations Titles 17 and 22 shall be considered not in good standing.
- g. Commercial Vacation Rentals that have an on-site wastewater treatment system (“OWTS,” also referred to as a septic system) that is not in good working order and functioning properly, as demonstrated by a performance

evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department, shall be considered not in good standing.

- h. If a water system permit is required, Commercial Vacation Rentals that do not have a water system permit that is in good standing shall be considered not in good standing.
- i. Commercial Vacation Rentals that have not completed at least one (1) contract in each of four (4) of the preceding seven (7) years will be considered inactive and not in good standing.
- j. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

4. If a Use Permit has been revoked because the Commercial Vacation Rental is found not to be in good standing, an Owner desiring a Commercial Vacation Rental must apply for a new Use Permit for the Commercial Vacation Rental use and will be required to demonstrate, in addition to any other applicable requirements, that the reasons for revoking the Use Permit have been addressed.

J. Enforcement

The remedies provided by this Section are cumulative and in addition to any other remedies available in law or in equity.

1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Section. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Section may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six (6) months, or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

2. Any condition caused or allowed to exist in violation of any of the provisions of this Section shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of the Monterey County Code, and any other action authorized by law.

3. Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Section may be subject to injunctive relief, disgorgement, and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorneys fees, and any other relief or remedy available in law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the Vacation Rental activity or persons related thereto, or associated with, the violation of this Section.

4. For violations of this Section, a Building and/or Health Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A civil penalty not exceeding one hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

b. A civil penalty not exceeding two hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand, five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one (1) year; and

c. A civil penalty not exceeding three hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of the same ordinance within one (1) year.

5. Each and every day during any portion of which any violation of this Section is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Section.

SECTION 35. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, or phrases are declared invalid.

This document is a draft and subject to change.

SECTION 36. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Assistant County Counsel

TO: Monterey County HCD Staff and Board of Supervisors

FROM: Jeffrey B. Wood, Resident of Carmel Valley

RE: Comments on New Vacation Rental Ordinance Draft

DATE: September 6, 2022



MY CONCERNS

My major concern is what a major expansion of commercial vacation rentals will do to the neighborhoods of Carmel Valley not to mention elsewhere in Monterey County.

THE CURRENT SCENE IN CARMEL VALLEY

Most if not all of Carmel Valley neighborhoods are currently zoned for residential use. That means there is no major business activity in the neighborhoods except for the few neighbors who work out of their homes and have few if any visitors save for the occasional delivery truck. These “work-at-home” folks are not seeking directions, looking for parking, creating extra noise late at night, throwing large parties and the like.

CARMEL VALLEY ASSOCIATION RESEARCH REPORTS

According to current reports to CVA from Granicus vacation rental monitoring software, 85% of vacation rentals are for whole houses or commercial vacation rentals. Let’s recognize that some full house rentals are on properties with multiple houses and owners on site. Even if we allocated another 10% to “Homestays,” that still leaves 75% or 3 out of 4 as commercial VRs in Carmel Valley. The vast majority of VRs in

CV will be commercial rentals which are the more disruptive rentals. People who are on vacation, are in party mode and want to have fun with little concern for their new neighbors' privacy.

REZONING

By plunking down commercial rentals in CV neighborhoods, the County is effectively rezoning these neighborhoods for the commercial use of short-term rentals. This is wrong and will change the nature of neighborhoods to the detriment of the current residents.

IN CONCLUSION

I am not against homeowners offering "HOMESTAYS" to vacationers. I am against putting commercial rental businesses into quiet residential neighborhoods and permanently changing the character of these neighborhoods. Commercial vacation rentals must be limited to nonresidential areas just like a small lodge, B&B or small inn.



EIR Scoping Comments for Sept 6, 2022

John Heyl



My name is John Heyl. I live near Carmel Valley Village. I co-chair the Carmel Valley Association Board's Vacation Rental Task Force.

Last spring CVA Board established its own Host Compliance account to monitor vacation rental listings using publicly available county data. We assist valley residents in vetting and referring their complaints for code compliance enforcement. These complaints often address noise, lighting, traffic, parking, and other issues that contribute to the destabilizing of neighborhoods due to vacation rentals.

This project fails to either preserve or enhance the residential character of our valley and negatively impacts residents' sense of security and safety. The affordable housing supply is decreased.

I draw your attention to the chart provided by HCD Staff on pages 10 and 11 of the Notice of Preparation. The text labels conflate properties advertised for vacation rentals with those that are not yet permitted.

More importantly, our numbers differ from those provided. We currently show 163 advertised short term or vacation rentals, not the chart's 129. *8 new ones in last 30 days.*

The Allowed rentals, based on the 6% cap, fundamentally conflict with the Carmel Valley Master Plan (CV1.15), where only an additional 110 Visitor Serving Units are allowable east of Majorca. There are more vacation rentals currently advertised than there are Visitor Serving Units to accommodate them. *8 new*



~~units have been advertised in the last 30 days. This project will be obsolete before it gets approved.~~

My street currently has 5 vacation rentals out of 75 homes. The proposed cap of 6% has been reached; the proposed ordinance would allow permitted Limited and Commercial rentals to increase on my street, as the cap is based on the entire Land Use Area, not just discreet residential streets and neighborhoods. This impact needs attention.

CVA members will propose several Alternatives for this project both verbally and in writing. We'll provide factual evidence to debate some of the No Impact decisions in the NOP—like impacts on lighting & glare, and the assumption that no renovation or new construction will result from the proposed ordinance. We will suggest mitigations for potential impacts, particularly where the new ordinance conflicts with existing plans, policy, or regulations

should the EIR lead to

that

In the end, though, a No Project determination ~~for this project~~ would not leave vacation rentals unregulated. It would return us to the more stringent set of existing regulations in Title 21. That code, enforced with full staffing and full vigor funded through TOT taxes generated, and adjusted to ease permitting for homeowner-occupied vacation rentals, while further regulating the whole-house commercial rentals, can go a long way to preserving the rural nature of our Carmel Valley communities while providing accommodations serving our visitors.



WORD COUNT = 386
TIME = 2mins / 28 secs

Good Afternoon, my name is C.S. Noel and I'm the President of Carmel Valley Association. Thank you for the opportunity to comment today.

CVA has been tracking the impacts from the rapidly increasing number of Vacation Rentals in our area. CVA encourages the Board to carefully consider a Vacation Rental Ordinance that protects the character of this beautiful and diverse place in the best interests of all who live, do business, and visit here.

CVA has several key concerns with the draft ordinance. First, it is inconsistent with the Carmel Valley Master Plan as follows: Referring to the Project Description on Page 4 of the Notice of Preparation it states, "This process is especially important for commercial vacation rental operations located in areas that are subject to visitor serving unit caps because approval of a permit application will be subject to a first come, first serve basis."

Pertinent to these caps, Visitor Serving Units have been set in the Carmel Valley Master Plan CV1.15 and they are still in force. However, the proposed Ordinance does not use them. This creates, from an EIR perspective, an inconsistency between the Carmel Valley Master plan and the draft ordinance. It is imperative to establish an accurate baseline of VSU's that aligns with the Carmel Valley Master Plan.

There is further inconsistency in the currently proposed ordinance, which relaxes or does not meet restrictions as stated in Monterey County's existing Zoning Ordinance Title 21.64.28 regarding limited and commercial vacation rentals, resulting in an ordinance "inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in Title 21." and instead creates dis-equity, where smaller neighborhoods are more heavily impacted by the ordinance.

Finally, by proposing an inequitable cap ratio and essentially establishing commercial operations in residentially zoned neighborhoods, the ordinance does not meet its own stated purpose on page 3 of the NOP, where it reads it will, "preserve and enhance the residential character and sense of security and safety in stable neighborhoods of residential properties".

Ironically, instead of improving matters, the draft ordinance will have the undesirable effect of reducing quality of life in our area, which is exactly what attracts new residents, visitors and businesses to our community, and in the long term will be very much to the detriment of all.

Friedrich, Michele

From: David Fockler <dave@fockler.com>
Sent: Saturday, September 3, 2022 11:14 AM
To: ceqacomment
Subject: Fwd: ATTN CEQA

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Living the American dream!

David B. Fockler
25944 Paseo Estribo
Monterey, CA 93940
dave@fockler.com
831-649-6666



“Government is not a solution to our problems, government is the problem.” Ronald Reagan

----- Forwarded message -----

From: David Fockler <dave@fockler.com>
Date: Sat, Sep 3, 2022 at 10:17 AM
Subject: ATTN CEQA
To: <comments@co.monterey.ca.us>

Reference the proposed STR ordinance for unincorporated Monterey County;

The reasoning for allowing Big Sur and Carmel Highlands to ban STR vacation rentals, (per the Carmel Pine Cone 9.2-9.8), should be available to HomeOwners Associations, through their CC&R's.

The CC&R's for my community, Bay Ridge, already bans short term rentals.

The majority of our residents support this ban.

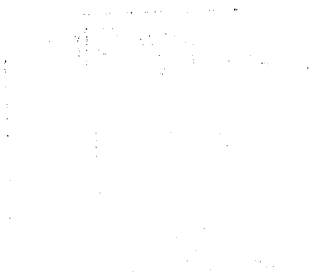
It would be easy to add to the proposed ordinance to allow HOA the discretion of banning STR.

It's a beautiful day in the neighborhood! 😊

David B. Fockler
Past President
BAY RIDGE HOA
Monterey, CA 93940

831-649-6666
dave@fockler.com

"Who has it better than us?"



Friedrich, Michele

From: MICHAEL QUIRIT <m_quirit@comcast.net>
Sent: Sunday, September 4, 2022 11:04 AM
To: ceqacomments
Subject: Shot term rentals

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Thank you for asking for our input on Short term Rentals in the unincorporated areas of Monterey County. This is a very big deal for those of us who live here on the peninsula. We have slowly watched our quality of life and sense of safety deteriorate significantly from the proliferation of short term rentals.

We bought our home in 1997, and our street is a perfect example of STR's and also Long term rentals. In 1997 every house was owner-occupied with local working families and retired locals. There was a sense of true community and friendliness and people looking out for each other. Twenty-five years later, HALF (5 out of 10) are now owned by out-of-town speculators who simply want to monetize our natural beauty and lovely region. We have experienced loud, profane parties complete with gun shots. Garbage cans are left out for weeks at a time. Eight to ten cars monopolize all parking spots on the street, leaving no space for locals and home owners. Mail in our mailbox has mysteriously disappeared. Even in the cities that have banned STR's, owners try to sneak them in. Catch them if you can.

The misconception is that it is LOCAL people who want extra income on income rental properties. NOT SO. Every one of the five on our street is owned by San Francisco, Silicon Valley, Los Angeles, and Nevada speculators with zero interest in our community values. If we must have STR's then reduce the 6% to 2% of the residences you are considering. Also, put a time limit of 3 to 5 years on permits. That gives others-hopefully locals-a chance. As residents, our quality of life and sense of safety have been severely impacted. But business has also been affected with hotel rooms sitting empty. Schools with declining enrollment will buzz with the laughter and learning of children again when their parents can make a commitment to the community by renting or buying here.

Mary Quirit



Friedrich, Michele

From: Price, Taylor
Sent: Friday, September 23, 2022 9:55 AM
To: ceqacomment
Subject: FW: Short Term Rentals

From: 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>
Sent: Tuesday, September 6, 2022 11:33 AM
To: 299-HCDcomments <HCDcomments@co.monterey.ca.us>
Subject: FW: Short Term Rentals

From: Greta Nisson <beeinggreta@gmail.com>
Sent: Sunday, September 4, 2022 12:00 PM
To: 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>
Subject: Short Term Rentals



[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Supervisor Mary Adams,

I am in favor of decreasing, not increasing, the number of short term rentals. We have a housing crisis in the county and every house used as a short term rental is not available to be rented by locals. We are playing a game of musical chairs with rental housing. With fewer houses available as long term rentals, the higher the price of long term renting becomes. The rising price effects everyone, even people who could never rent these homes by themselves. Workers making less money often rent rooms in houses. Short term rentals make that impossible.

There are other ways short term rentals are less likely to benefit the hospitality industry than stays in motels and hotels. People who stay in short term rentals are less likely to eat as often in local restaurants.

Long term renters often volunteer and contribute to local charities. They are more likely to know when something is going wrong in a neighborhood.

I repeat. We have a housing crisis and short term rentals make it worse. Decrease the number of short term rentals. Do not increase them.

Sincerely,

Greta Nisson
666 Casanova Avenue, Apt. 17
Monterey, CA 93940

Friedrich, Michele

From: Cheryl Merritt <cheryl@michaelmerritt.com>
Sent: Monday, September 5, 2022 10:37 AM
To: ceqacomments
Cc: 100-District 5 (831) 647-7755
Subject: Vacation Rental Ordinance

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Supervisors,

We are direct recipients of short term rental/vacation homes, STRs. We live across the street from 2 houses that regularly rent as a STRs.

We bought our house 11 years ago with no STRs in the neighborhood. We bought in the Carmel Woods after being at our house at 10th and Lincoln in Carmel-by-the-Sea. We were downtown and constantly inundated with tourists parking in front of our house. Trash being left, etc.

We moved to Carmel Woods, and after a few years the house across the street turned to a STR. Usually the house is rented for a minimum of month. The house is owned by an older couple who live in the Bay Area. They have owned the house for decades where they rented the house as a regular rental. They then decided to turn the house into a STR and have one of the large local STR management companies take care of it for them.

The other house across the street from us and right next door to that house we just described is a STR that was purchased a year ago by a married couple from Visalia who are doctors. The house was sold and then managed by a STR company that is owned by the real estate firm that sold the property. We imagine the realtor was an integral part in turning this house into a STR. Prior to the house being sold it had been owned by a family that lived there for over 50 years. The house was totally remodeled and then setup as a STR. It is rented by the night mostly, some weekends...hardly ever 7 days and never a month. The remodeling they did had no permit even with the extensive work that was done. We have called to inquire, but nothing has stopped them from continuing the nightly rentals or any penalty on not having had a permit even though structural work, etc was done.

So we have several issues here of the county's continual march ahead on adding STRs and not monitoring and regulating existing STRs that are not following the rules as are currently established. Stays are to be a minimum of 7 days and no more than 30 days. There is no enforcement in place. There are proposals to include enforcement, but if you keep adding properties, enforcement will be even more of an issue. Enforcement needs to be number one priority before adding any more homes to become a STR. Why establish a law if it is not enforced?!



It seems that Carmel Highlands and Big Sur are being established as no STR areas. The roads are narrow and more traffic is an issue. Well, welcome to where we live in the woods with winding streets and hardly any off street parking. We should be exempt, too. Require that a property has enough parking on their property to accommodate additional cars that will impact the area. The house that has recently become a STR has 4 bedrooms....one garage....no one generally parks in the garage or in the driveway. Parking out front is limited. So we are impacted with more vehicles than the area can handle.

We understand that there are homeowners who need the additional income to stay in their home. Seems reasonable. We propose that STR must have a current homeowner present in the home to monitor their guests so they follow the rules and are not a nuisance. Parking on the property to accommodate the additional vehicles should be a necessity. Homeowner residency should be a requirement, so homes are not sold just to turn them into STRs.

All STRs should be inspected by a county enforcement officer to make sure all laws are being followed.

At this time we have a housing shortage for employees in our area. By adding STRs the situation just gets worse. There are plenty of hotels and bed and breakfast inns in and around the area to accommodate tourists. We are impacting that industry's livelihood..

Also, having people in and out of your neighborhood not knowing who they are in the current world we live in, is adding to possible crime, etc.

Remember, we ask you to represent us, so if this was taking place where you live, how would you like it?

Please do what's right for our neighborhoods. We want our neighborhood back! We did not ask for this and the situation keeps escalating.

Sincerely,

Cheryl and Michael Merritt
24505 S. San Luis Avenue
Carmel, CA 93923

Friedrich, Michele

From: philler@jomoracollection.org
Sent: Monday, September 5, 2022 12:41 PM
To: ceqacomments; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Beretti, Melanie
Subject: re Short Term Rentals
Attachments: September 6.docx

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear All,

Please find the attached letter about short term rentals in Monterey County from Peter Hiller and Celeste Williams - thank you -



September 5, 2022

Re: Short Term Rentals in Monterey County

To the Monterey County Board of Supervisors, CEQA – Melanie Beretti – and whom it may concern -

My wife and I purchased our home in 1983 in the unincorporated Monterey County neighborhood of Mission Fields just outside the city limits of Carmel-By-The-Sea, Monterey County. It is in this house that we raised our two, now grown sons, and have lived happily ever after.

Our home is in one of the few neighborhoods that exist in this area with homes next door to each other and with neighbors knowing each other and looking after each other plus supporting a good school district which is evidenced by how the home value has gone up over the years yet is still attracting families with young children to buy and rent in Mission Fields.

Our neighbor across the street has traditionally rented his family home long term which he recently did again when the renters, a military family, with two young children who became close friends and surrogate grandchildren for us as empty nesters, had to relocate after their three-year stay. He found someone based on a long list of people looking to move in long term.

If you live with close neighbors, you know how vulnerable you are to people's varying life styles, and there is not much you can do about a reckless neighbor. Yet we support long term rentals as it helps people get established in communities and school districts.

When we purchased our house over 39 years ago, there was really no such thing as short-term rentals. Ours was close to a starter home neighborhood, and one of the few on the Monterey Peninsula. For every home rented short term, that is a house taken off the long term or purchased market and another family who cannot take advantage of our peaceful neighborhood. Our walkable neighborhood atmosphere is such that we attract and enjoy Halloween trick or treaters from all over the peninsula to the tune of an average of over 750 children coming to our door each year.

With two hotels closer than a quarter mile from us and many more just a mile away, there is no need for the potential disruption of short-term rentals. The most recent experience we had with one over our back fence was horrific due to noise, added traffic and a general disregard not only by the short-term renters but also by the home owner who didn't live nearby and really didn't care about what we were experiencing. To the best of my knowledge, code enforcement concerning short term rentals has been lacking but that is another issue.

As a sidebar, I am also not sure what qualifies the Carmel Highlands and Big Sur from carte blanche banning of STR's. I understand their concerns and support them, but I feel ours are equally important if for similar and different reasons. I do not consider this a 'not in our

backyard' situation as there are plenty of other options for short term visitors – options designed specifically for them like motels and hotels. In our experience with using short term rentals in places where it is allowed, we have not found it to be any less expensive than the commercial options – many of which in our area are in business solely to comfort those same visitors and to create a livelihood for themselves as motel and hotel owners.

I don't suspect you will reduce the 162 STR's already in our area, but hopefully you will not allow the number to increase. Had I known about this meeting sooner – no blame intended – I am sure I could have had the vast majority of the residents in Mission Fields sign a petition requesting that no more STR's be allowed.

Please either flatly reduce the number of allowable STR's in Monterey County, grandfather them out or prevent any more – this is a quality of life issue for those of us who have invested long term in our community.

Sincerely,

Peter Hiller and Celeste Williams
26541 Willow Place
Carmel, CA. 93923
831-624-3284
19philler52@gmail.com

Friedrich, Michele

From: John T. Heyl <johntheyl@gmail.com>
Sent: Wednesday, September 7, 2022 1:59 PM
To: ceqacomments
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments
Attachments: EIR Scoping comments 9.6.22 .pdf

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**Vacation Rental Ordinances Draft EIR NOP Scoping
Comments
Comments for Sept 6, 2022 Meeting
John Heyl
137 Laurel Dr.
Carmel Valley, CA 93924**

My name is John Heyl. I live near Carmel Valley Village. I co-chair the Carmel Valley Association Board's Vacation Rental Task Force.

Last spring CVA Board established its own Host Compliance account to monitor vacation rental listings using publicly available county data. We assist valley residents in vetting and referring their complaints for code compliance enforcement. These complaints often address noise, lighting, traffic, parking, and other issues that contribute to the destabilizing of neighborhoods due to vacation rentals.

This project fails to either preserve or enhance the residential character of our valley and negatively impacts residents' sense of security and safety. The affordable housing supply is decreased.

I draw your attention to the chart provided by HCD Staff on pages 10 and 11 of the Notice of Preparation. The text labels conflate properties advertised for vacation rentals with those that are not yet permitted.

More importantly, our numbers differ from those provided. We currently show 163 advertised short term or vacation rentals, not the chart's 129.

The Allowed rentals, based on the 6% cap, fundamentally conflict with the Carmel Valley Master Plan (CV1.15), where only an additional 110 Visitor Serving Units are allowable east of Majorca. There are more vacation rentals currently advertised than there are Visitor Serving Units to accommodate them. 8 new units have been advertised in the last 30 days. This project will be obsolete before it gets approved.

My street currently has 5 vacation rentals out of 75 homes. The proposed cap of 6% has been reached; the proposed ordinance would allow permitted Limited and Commercial rentals to increase on my street, as the cap is based on the entire Land Use Area, not just discreet residential streets and neighborhoods. This impact needs attention.

CVA members will propose several Alternatives for this project both verbally and in writing. We'll provide factual evidence to debate some of the No Impact decisions in the NOP—like impacts on lighting & glare, and the assumption that no renovation or

new construction will result from the proposed ordinance. We will suggest mitigations for potential impacts, particularly where the new ordinance conflicts with existing plans, policy, or regulations

In the end, though, a No Project determination for this project would not leave vacation rentals unregulated. It would return us to the more stringent set of existing regulations in Title 21. That code, enforced with full staffing and full vigor funded through TOT taxes generated, and adjusted to ease permitting for homeowner-occupied vacation rentals, while further regulating the whole-house commercial rentals, can go a long way to preserving the rural nature of our Carmel Valley communities while providing accommodations serving our visitors.

Friedrich, Michele

From: cheri ann <carmelflowerstudio@yahoo.com>
Sent: Thursday, September 8, 2022 1:57 PM
To: ceqacomments
Cc: Cheri McCarty
Subject: Short term rentals

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

My name is Cheri McCarty, and I have lived in Carmel for 44 years.
My address is P.O. Box 37, Carmel by the Sea, CA. 93921 Email address is carmelflowerstudio@yahoo.com

I am writing to oppose any time of short term rentals, legal or illegal.
These VRBO's are commercial "hotels" in the middle of our neighborhoods.
Neighborhoods are zone R1, but these rentals are businesses.

I have had the misfortune to live next to two VRBO's, and it makes life miserable.
Short term renters can use HOTELS. When they come to town, they are on vacation and do not adhere to the same social norms as people who live here, go to work, take their kids to school and church. They are here to party and party they do.
Not only that, but NUMEROUS people show up in many cars clogging the streets and making it difficult for locals to even park.

I think it is a very BAD idea to make short term rentals legal, on SO many levels.
It is a commercial application in a R1 zone.

Thank you.
Cheri McCarty

Please enter my letter into the record for the meeting. Thank you.

Sent from my iPad

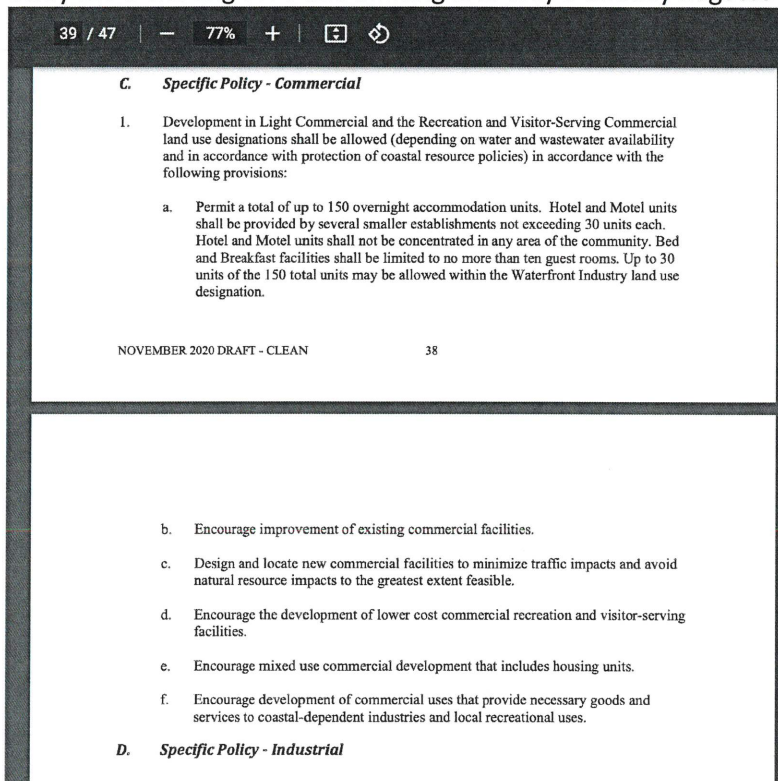


Friedrich, Michele

From: Jamie Jarrard <jjj@davidlyng.com>
Sent: Friday, September 9, 2022 8:57 AM
To: ceqacomments
Subject: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments"
Attachments: November 2020 Draft MLCP_1.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I am commenting on the new draft for Commercial STR in Moss Landing Commercial Zone. In the new ordinance, it appears that Moss Landing will be grouped in with the other areas under a 6% rule. I believe that this should be reconsidered in the Commercial Zoned part of Moss Landing to allow for more Vacation Rentals. Moss Landing *should* be occupied by more tourism, not by solely industrial and Commercial ventures. It is encouraged in the community to bring more eco-tourism here and having an affordable place and option for vacationers to be housed to do that is much needed. In the Moss Landing Community Plan (attached), this is outlined on Page 38/39 Section C. You can see it was specified exactly what the use plan is for the Moss Landing Community. This new Vacation Rental Ordinance, taking away the 8 existing STR's and limiting it to only 3 directly negates the community plan goals.



Jamie Jarrard
831-915-8477
email: jamiejeanjarrard@yahoo.com

5. *MOSS LANDING COMMUNITY PLAN*

5.1 BACKGROUND

The Moss Landing Community Plan has been prepared to provide a comprehensive planning framework for preservation, improvement and enhancement of Moss Landing (the community) while conserving natural resources and providing public access and recreational opportunities. The findings, policies and recommendations contained in this chapter of the North County Land Use Plan are the result of a cooperative land use planning effort between Monterey County, various public agencies, and members of the community. In January 2009, a Community Plan Update Committee was created to identify the vision for future development in Moss Landing. The Committee found the 1982 Plan generally consistent with existing development but recognized portions of the plan were out of date. The community vision identified by the Committee was to allow development to occur at the intensity allowed by the 1982 Plan, a level they called the “Moderate Growth Scenario”, by retaining goals, updating policies, ideas and references, and providing clarification where needed.

Since adoption of the 1982 Plan, the community has seen a dramatic increase in marine research facilities, the closure of the old National Refractories operations and substantial changes in the power plant operations. Recent studies and investigations have demonstrated the potential effects of climate change on the community and the harbor. Using the 1982 Plan as the baseline and Committee recommendations as a starting point, contents were deleted, replaced and refined to address the current circumstances of the community and environment.

Moss Landing is a small coastal town located south of the City of Santa Cruz and north of the City of Monterey (See **Figure 2**). It is a unique community where old world charm meets new scientific facilities and industrial uses. Moss Landing has thriving commercial businesses such as a fishing industry, one of a kind restaurants, and eclectic artist/craftsman and antique shops. Access to the Pacific Ocean has provided an opportunity for educational and scientific research facilities to flourish and establish a home. The Moss Landing Harbor contains over 600 slips for commercial and recreational boats. Many of the residents that live in the community grew up in the area, which allows local history and stories to live on. These uses and history have also shaped the built environment, giving the community its extraordinary character and a culture of its own. The community is made up of a mix of design themes such as historic cannery buildings, nautical features, a piece of the Old West, and the recognizable landmark feature in the area, the 550-foot power plant stacks. Opposite of the built environment is the natural setting, which equally contributes to the community’s scenic beauty and character. This setting surrounds the community as the Monterey Bay National Marine Sanctuary is located to the west and estuaries are located to the east.

For all these reasons, Moss Landing is important as it supports a wide range of uses, people, flora and wildlife. Therefore, specific policies unique to Moss Landing were developed. In addition to applicable policies contained in the other chapters of the North County Land Use Plan, policies contained within this chapter apply to development within the community plan area (See **Figure 3**). The intent of Community Plan Chapter 5 is to protect the community character, prevent

resource damage, update land use designations to reflect changes in land use, and to allow some land use flexibility for unknown future needs while still being aligned with the vision for how the community will grow and that reflects the community's priorities and values. In this collaborated effort, appropriate locations, density, and intensity for existing and proposed land uses have been identified.



Figure 2. Regional Location

5.1.1 Planning Area and Neighborhoods

The Planning Area is divided into seven neighborhoods—North Harbor, Elkhorn, Island, Dolan, Village, South Harbor and Heights. **Figure 3** shows the community area boundary and location of the Moss Landing neighborhoods.

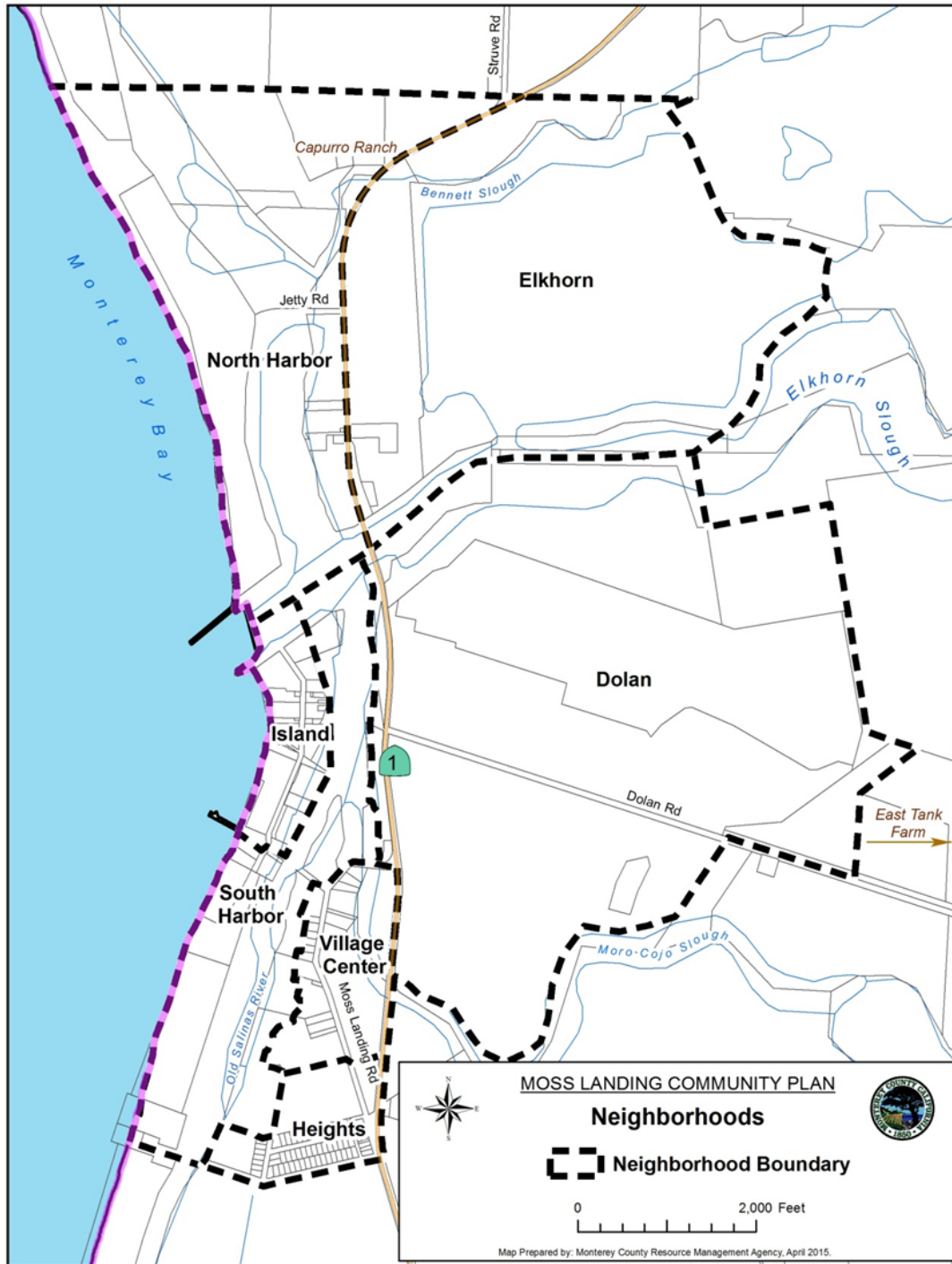


Figure 3. Moss Landing Community Boundary and Neighborhoods

5.1.2 Relationship to Other Plans and Jurisdictions

Significant areas in and around Moss Landing are subject to state and/or federal designations in recognition of the significant natural resources. These areas include:

- Monterey Bay National Marine Sanctuary,
- Elkhorn Slough State Marine Conservation Area,
- Elkhorn Slough State Marine Reserve,
- Elkhorn Slough Ecological Reserve,
- Moss Landing State Wildlife Area,
- Moro Cojo Slough State Marine Reserve, and
- California State beaches.

In addition, the following agencies have jurisdiction over certain areas or resources:

- Moss Landing Harbor District,
- National Oceanic and Atmospheric Administration,
- Elkhorn Slough National Estuarine Research Reserve,
- California Department of Fish and Wildlife,
- US Army Corps of Engineers,
- State Parks,
- State University System, and
- US Fish and Wildlife Service.

These designations and oversight by these agencies offer multiple layers of protection beyond those provided by Monterey County for Elkhorn Slough and other important natural resources in the planning area. **Figure 4** shows affected state and federal resources.

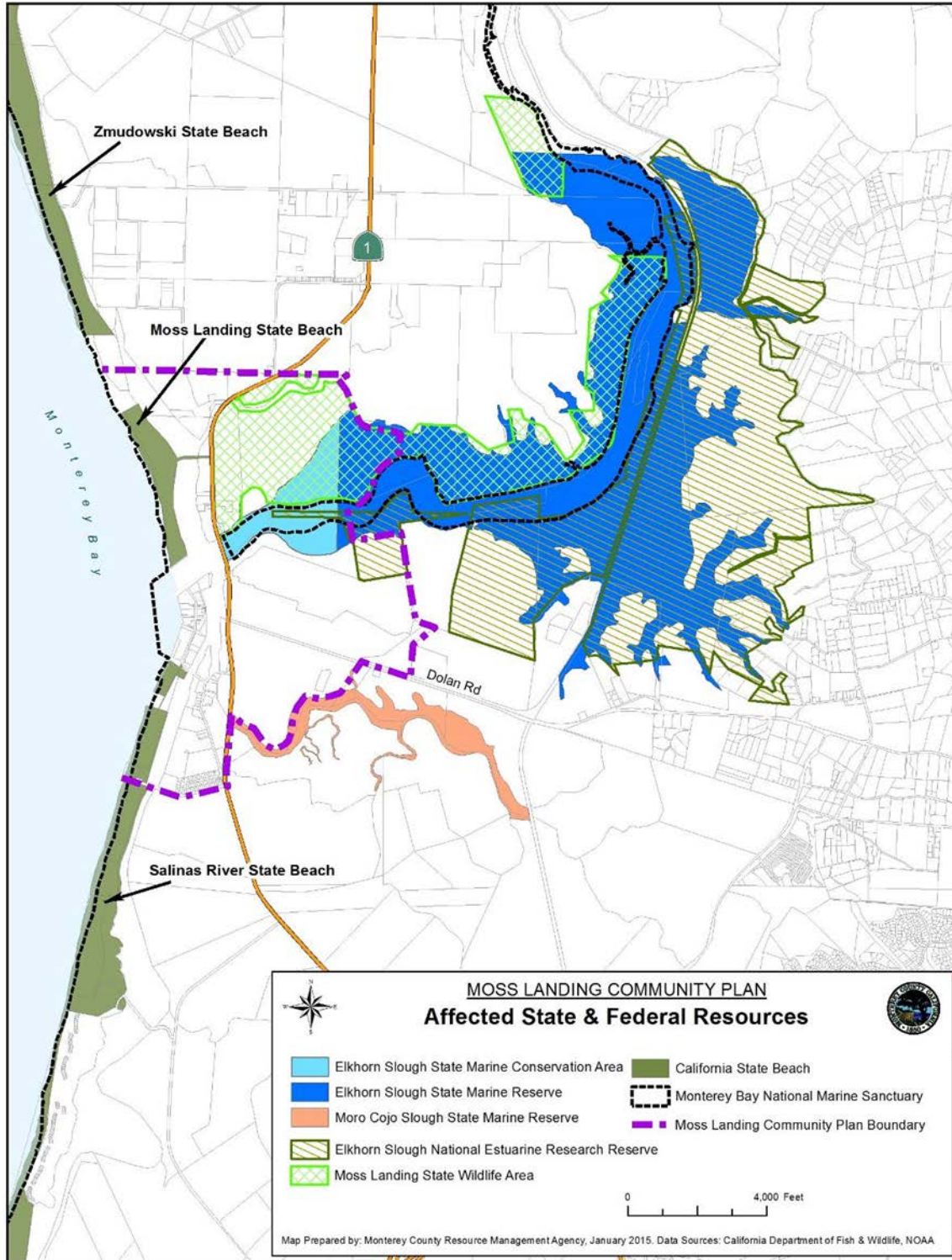


Figure 4. State and Federal Resources Map

5.2 RESOURCE MANAGEMENT

5.2.1 Introduction

The community area contains a variety of resources which present a need for effective protection and management. Not only are these resources unique to the area, they are assets to the community and are economically valuable.

Elkhorn Slough, Bennett Slough, Moro Cojo Slough and the Old Salinas River Channel are local natural features considered to be valuable estuaries that contain biologically important habitats. The coastal dunes and harbor areas also present as valuable resources.

Moss Landing's unique community character is made up of a confluence of historic uses dating back to the 1800's, a commercial and recreational fishing port, an eclectic downtown and educational and research facilities. In addition, the area is rich with archaeological and tribal cultural resources that make Moss Landing unique.

To address the community's desires and maintain the area's unique character, it is important to balance the protection and management of resources with allowing appropriate development and uses which calls for properly locating and designing the built environment. Part of this includes considering North County's potable water limitations and unique hazards (flooding, erosion and the uncertainty from climate change effects) and how these could affect development in Moss Landing.

5.2.2 Visual Resources and Community Character

The special character and unique visual features of the community are derived from both its natural and built environments and how the two co-exist. Beaches and dunes to the west and estuaries to the east form the area's natural setting, providing habitat for an abundance of marine life and shore birds to thrive. When viewed from great distances, Moss Landing is one of the most easily identifiable coastal communities in California; as the 550-foot power plant stacks serve as a landmark feature that unmistakably mark the location of the community from any approach. Other contributors to its character is its status as a historical port and setting for cannery activities. In addition, establishment of educational and scientific research has evolved the community's "current" cultural significance. Recreational opportunities and its collection of antique shops make it a unique destination point for an increasing number of visitors.

In summary, Moss Landing contains a diversity of natural and man-made visual features that contribute to the community's strong vitality and special character. For the benefit of both residents and those who come to work and play, care should be taken to preserve and enhance these important visual resources as the community changes and grows over time.

It is particularly important to recognize that the community itself is composed of distinctly different areas that accommodate the needs of different groups of people pursuing varying activities. As such, the visual resources of these areas are different. The policies that follow

acknowledge this by giving protection to specific natural and cultural resources as well as setting forth broad guidelines to be used when development proposals in the different areas of the community are considered.

A. General Policy

1. The County's objective shall be to conserve the unique visual, ~~cultural, and historic~~ resources of Moss Landing to the greatest extent possible while protecting private property rights. Development shall be consistent with the character of the neighborhood within which they are located.

B. Specific Policies

1. Views of the Moss Landing Community, harbor and dunes from Highway 1 should be protected through regulation of landscaping and siting of new development adjacent to the highway to minimize the loss of visual access.
2. Design Guidelines shall be developed for each neighborhood within the Moss Landing Community Plan. All properties located within the Moss Landing Community Plan planning area shall be zoned to include the Design Control (“D”) Combining District.
3. The County of Monterey shall seek funding to install or retrofit street lights that meet dark sky criteria, provide safe travel, direct lighting such that sensitive resources are not adversely affected and produce minimum glare.
4. Exterior lighting shall be limited to full cutoff fixtures that protect marine life and direct light away from aquatic habitat and the sky.
5. The County of Monterey shall prioritize Moss Landing as one site for undergrounding of utilities using Rule 20-A and Rule 20-B monies.

5.2.3 Historical, Archaeological, and Tribal Cultural Resources

A. Historical Resources

Commercial uses in Moss Landing date back to the 1850’s, a few years after coming under American rule. Historical maps (circa 1854) show the Sandholdt Road Bridge traversing over the Salinas River, a pier, and several buildings. In 1860, Paul Lezer, the original settler of Moss Landing, acquired 300 acres of land north of the Salinas River to establish the “City of St. Paul” and operate a ferry across Elkhorn Slough. According to “Historical Context Statement for Agricultural Resources in North County Planning Area, Monterey County (PAST Consultants, September 2010),” Moss Landing was built by a New England captain Charles Moss, who officially founded the town of Moss Landing in 1865. Captain Moss constructed a wharf and

warehouses to serve as the main shipping point for the Salinas Valley’s agricultural goods. The shipping facility was soon eclipsed by railroad service, which arrived in 1871. Approximately 75 years later, in 1947, Moss Landing Harbor began operations. According to the Monterey County Parks Department, three historical properties are listed on the Monterey County Register of Historic Resources. These properties are shown in **Figure 5**.

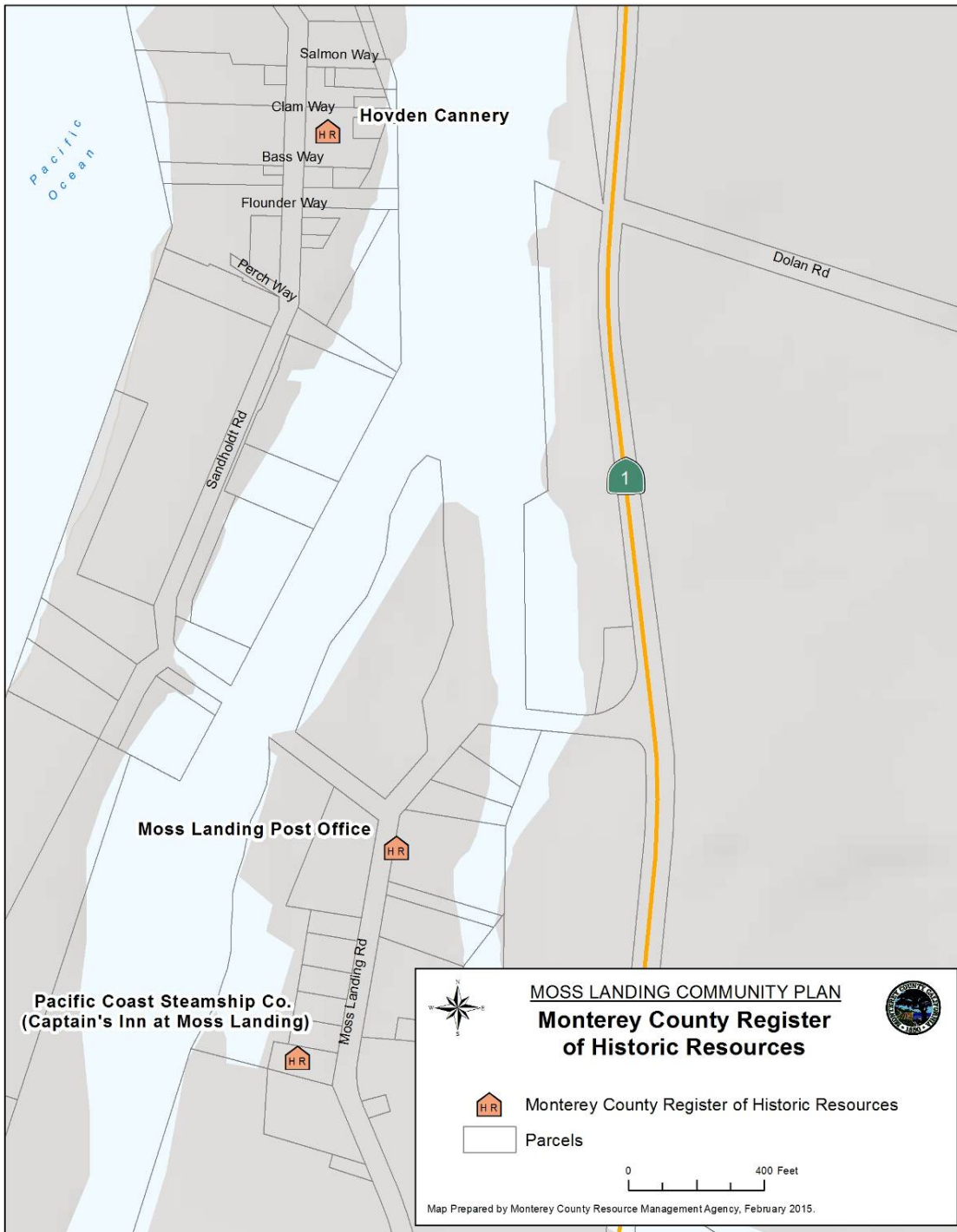


Figure 5. Historic Resources

B. Archaeological and Tribal Cultural Resources

Prior to the establishment of Moss Landing as a town, native peoples occupied the area as far back as 4000 BC, with the most intense occupation occurring between 700 BC and 1000 AD. Numerous reports have identified archaeological resources throughout, even after current development. Thus, the entire plan area is considered to have a high archaeological sensitivity rich with tribal cultural resources. These resources contribute to the uniqueness of Moss Landing and should be preserved and protected.

C. General Policy

1. The County of Monterey shall conserve the unique cultural, historic, and archaeological resources of Moss Landing to the greatest extent possible while protecting private property rights.

D. Specific Policies

1. The County of Monterey shall work with private and public organizations and individuals/entities that have the capacity to properly manage and supervise historic properties to acquire property where the preservation of historical buildings and landmarks is in jeopardy.
2. The area is rich in tribal resources. To ensure protection of those resources, all development projects which involve ground disturbance, shall include an on-site tribal representative to monitor all earth-moving activities.

5.2.4 Environmentally Sensitive Habitat Areas

The plan area includes three distinct marine geographic areas: Elkhorn Slough Estuary (tidal lagoon), Moss Landing Harbor (North and South Harbor), and Monterey Bay. Each of these areas contain similar and distinct aquatic biological habitats. Distinct aquatic habitats present within the boundaries of Moss Landing Harbor and Elkhorn Slough include shallow open water, submerged aquatic vegetation, sand/mud/salt flats, fresh/salt/brackish marshes, rocky subtidal and intertidal. Distinct habitats present in Monterey Bay include sandy beach, rocky intertidal and subtidal, and open water areas.

The coastal waters of the plan area are also located within the Monterey Bay National Marine Sanctuary (MBNMS), designated as a federally protected area in 1992. The sanctuary was established for the purpose of research, education, public use, and resource protection.

The Central Coast of California experiences a Mediterranean climate with cool, wet winters and warm, dry summers; the Pacific Ocean has a moderating effect on temperatures, producing a

maritime temperature regime with mild temperatures year-round. Windy conditions are common around Monterey Bay, and fog occurs during all seasons, but is most prevalent during summer months. Based on the Watsonville Waterworks weather station data collected from 1948 to 2005, annual average temperatures near the Plan Area range from 45.9 to 67.1 degrees Fahrenheit. Annual average precipitation totals 22.4 inches; approximately 84 percent of this total amount occurs from December through March.

Moss Landing Harbor serves as the marine gateway to the Elkhorn Slough National Estuarine Research Reserve, California's second largest marine estuary. This expansive tidal area is an important habitat for terrestrial and marine species. The coastal estuary is a particularly valuable resource because California has lost more than 75 percent of its coastal marshes.

The California Department of Fish and Wildlife (CDFW), Elkhorn Slough Foundation, and other agencies and organizations protect natural resources and manage many conservation areas within the Plan Area. This includes, but is not limited to, Moss Landing State Beach and Moss Landing Wildlife Area in the northern portion of the Plan Area, and Salinas River State Beach in the southern portion of the Plan Area.

Monterey County has mapped environmentally sensitive habitat areas (ESHA) and ESHA buffer areas in Moss Landing. **Figure 6** shows these areas, as of 2013. However, ESHA areas are constantly evolving and specific site studies may be required for development. Policies in Chapter 2.3 of this plan require assessment of the surrounding habitat area at the time a development application is submitted, as the habitat areas may move over time.

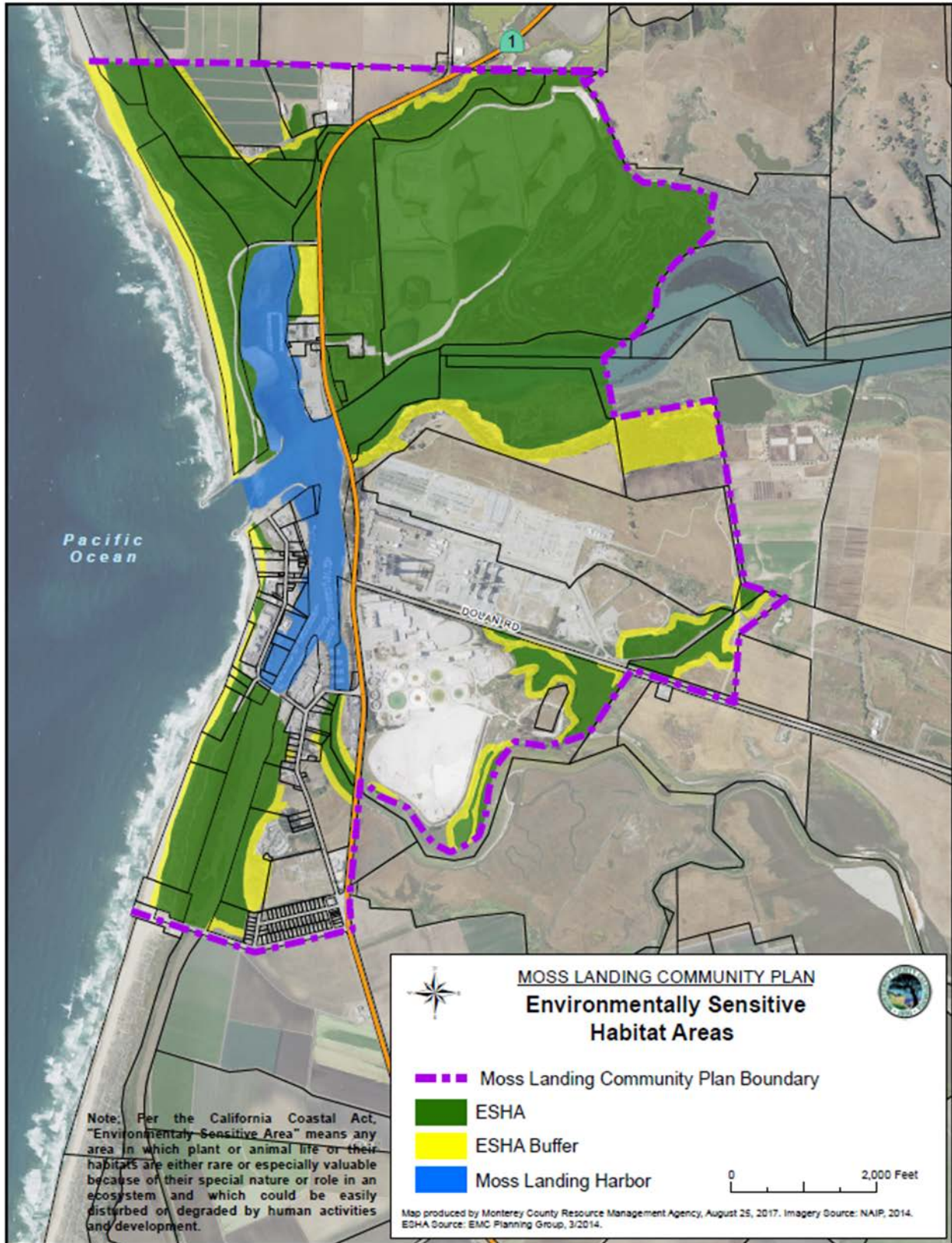


Figure 6. Environmentally Sensitive Habitat Areas

5.2.5 Water Resources

A. *Freshwater Resources*

North County has significant overdraft and seawater intrusion affects much of the area, which has caused some wells to be abandoned. Studies demonstrate that the situation has not improved as of 2019. Seawater intrusion continues to move inland. A 2015 study demonstrates that the Pressure 180 aquifer under the community area has seawater intrusion. The 2015 study also demonstrates that most of the area underlying the community has seawater intrusion in the Pressure 400 aquifer, with a small area between Dolan Road and Elkhorn Slough not meeting the chloride limit to be considered seawater.

Two water management agencies oversee the groundwater in North Monterey County: the Monterey County Water Resources Agency and the Pajaro Valley Water Management Agency. The aquifers in North Monterey County consists of several subareas: Pajaro, Springfield Terrace, Highlands (north and south), Salinas Valley Pressure area, and Granite Ridge. The Springfield Terrace, Salinas Valley Pressure, and Highlands South subareas underlie the community area. The majority of the Moss Landing community area is located overlying the Salinas Valley aquifer, with the area north of Elkhorn Slough overlying the Springfield Terrace.

The Springfield Terrace subarea, north of Elkhorn Slough, has significant seawater intrusion. Many hydrogeological studies identify that groundwater levels have fallen below sea level

The wells that currently serve the Moss Landing community lie within the Highlands South subarea, just north of Dolan Road about 1.5 miles east of the community. The area between the Highlands subarea and the ocean, including most of the Moss Landing community, are located within the Salinas Valley basin. The Highlands South area is part of the Salinas Valley Groundwater Basin; therefore, the wells serving Moss Landing are located within the Salinas Valley Groundwater Basin.

While actions have been taken to reduce coastal groundwater pumping, including many supplemental water supply projects since certification of the North County Local Coastal Program in 1988, significant overdraft conditions still exist for North County. This overdraft has led to continuing seawater intrusion. It is uncertain if the Pressure Deep Aquifer, located below the Pressure 180/400, is hydraulically connected to the ocean in Monterey Bay, so it is not known whether pumping from this aquifer would lead to the onset of seawater intrusion into the Pressure Deep Aquifer.

The State of California Sustainable Groundwater Management Act (SGMA) requires that solutions to overdrafted aquifers be identified and implemented. A plan is required to be adopted by 2020 for the Pressure 180/400 Aquifer Subarea, which SGMA identifies as being in critical overdraft. Solutions identified through the SGMA planning process are required to be implemented by 2040.

1. **Pajaro/Sunny Mesa Community Services District**

Potable water service is provided to the majority of the Moss Landing community by Pajaro/Sunny Mesa Community Services District (PSMCS D), which has a well and water tank located on Avila Road, approximately 1.5 miles east of the community. The well provides sufficient water quantity and quality to the community. However, the system capacity is currently limited by the storage tank size, which may limit development potential for the community.

Available water resources for new development provided by PSMCS D and planned capacity improvements should be discussed.

2. Other Potable Water Sources

Potable water is also provided for the power plant property through its own water system. An additional well that provides water to the former National Refractory property is also located in the Avila Road area.

B. Seawater Resources

Several properties within the community have seawater intake or outfall pipelines. These connections have provided cooling water for the power plant, seawater for refractory processes, and marine research uses. The pipelines historically accessed seawater from the ocean, the harbor, or Elkhorn Slough. Discharge (outfall) pipelines require waste discharge permits from the State of California Regional Water Quality Control Board. The former National Refractory site includes an intake and outfall facility. The power plant site includes seawater intake and outfall pipelines. Moss Landing Marine Labs includes an intake pipeline within the pipeline for the former National Refractories property.

C. Specific Policies

1. The County of Monterey shall not approve discretionary development permits that exceed the water purveyor's ability to provide potable water.
2. The County of Monterey shall encourage strategies, including but not limited to seawater desalination, increased use of recycled water, and conservation measures, to address historic groundwater overdraft and seawater intrusion, preserve river and stream habitats, and produce additional supplies of potable water.
3. The County of Monterey shall encourage existing and new development to supplement its supply of water with on-site facilities, including but not limited to the installation of small-scale seawater desalination facilities for coastal-dependent/coastal-related uses, recycled stormwater and greywater, rainwater collections systems (for landscaping) or other water sources, as made feasible by emerging technologies. Any proposed desalination facility shall be designed to use the best available site, system and technological design, and feasible mitigation measures, to minimize or avoid intake and

mortality of all forms of marine life and obtain all other applicable agency permits and/or approvals.

4. Historic consumptive groundwater use that has been perfected by prior appropriation and/or pursuant to prior court adjudicated rights may be transferred (pursuant to state law and upon agreement of all parties) by the holder of those appropriative rights from one property to another within the boundaries of the Moss Landing Community Plan area.

5.2.6 Hazards

This coastal community is subject to several hazards. Flooding, coastal erosion, tsunami and storm surge, all as exacerbated by climate change, are the primary coastal hazard risks for the community. Noise from industrial uses, the fishing industry, harbor traffic and Highway 1 can be a public health concern.

A. *Flooding*

The community is subject to flooding from both the ocean and from inland drainage areas. Much of the community is low-lying, particularly the downtown area and areas adjacent to the sloughs, harbor and Old Salinas River. The *Moss Landing Community Coastal Climate Change Vulnerability Report* (June 2017) projects increased risk in the future from both ocean effects (e.g., sea level rise, coastal storm flooding) and from increased flooding from inland watersheds.

The areas within Moss Landing that are subject to flooding are shown in **Figure 7**. According to the Federal Emergency Management Agency (FEMA), almost all of Moss Landing lies in the 100-year flood hazard zone. The exceptions include the Moss Landing Power Plant, much of the Moss Landing Business Park and an area north of Potrero Road that includes residential property, the cemetery and Moss Landing Marine Laboratories.

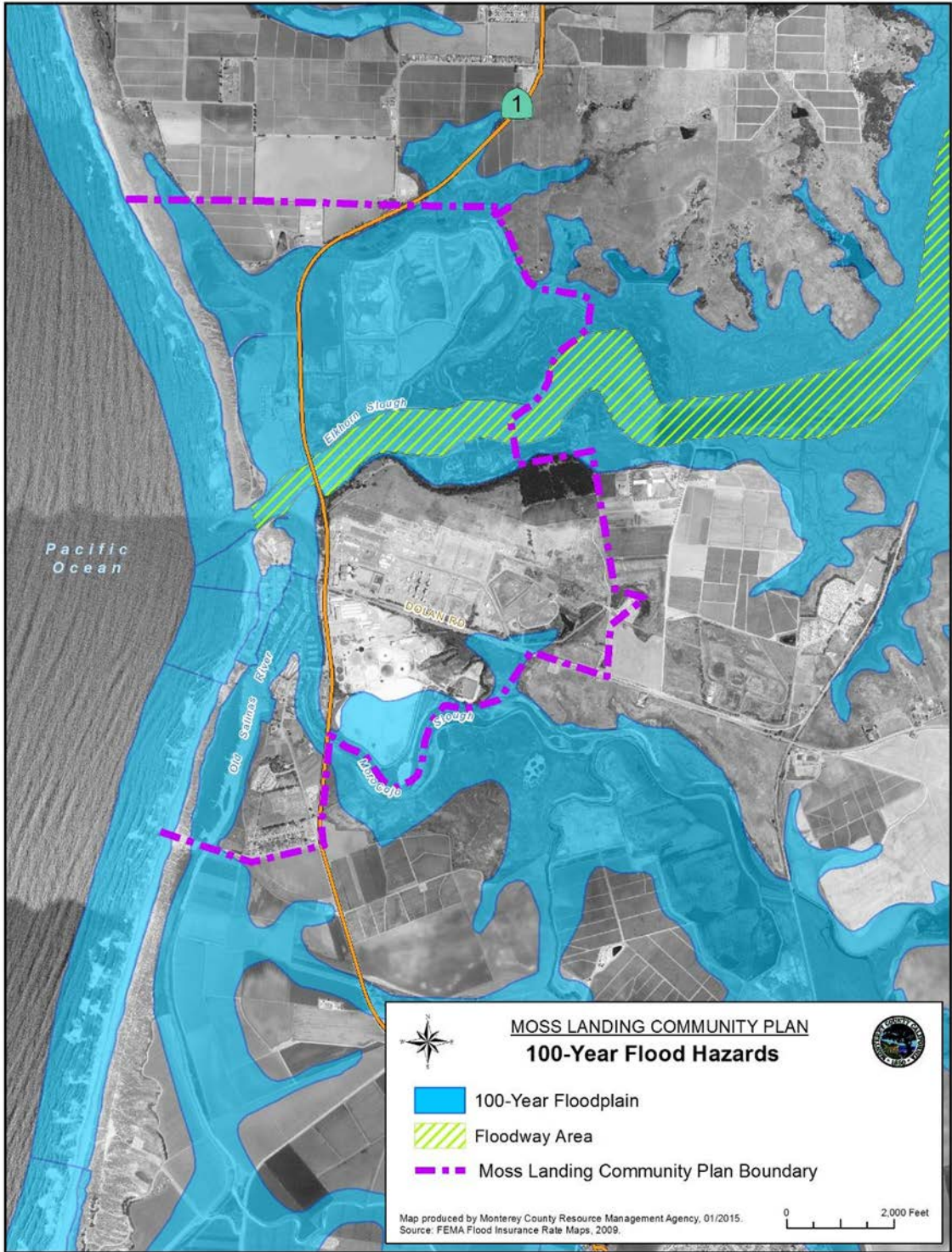


Figure 7. Flood Hazards Map

B. Shoreline Erosion

Shoreline erosion issues related to land use are largely confined to the harbor shoreline and the Island, which is the only developed portion of the community located directly on the ocean waterfront.

According to a 2007 study (Griggs) for MBARI, addressing the Island area, the historical position of the vegetation line on the Moss Landing spit is a useful indicator of long-term shoreline erosion patterns. For the purposes of the study, Griggs compiled a record of the vegetation line on the Moss Landing spit using aerial photographs taken over a 74-year period. Then using this record, the study established the “most severe erosion conditions” that were evident in the photographic history. Griggs mapped the extent of these conditions to establish a recommended setback line for new construction on the spit using Sandholdt Road as a reference point. Griggs summarized the conclusions of the vegetation line analysis as follows:

- The vegetation line on the spit (the position reached by maximum wave run-up) varied between 38 and 100 feet from mean high tide in the 74-year history of aerial photographs.
- The vegetation line varied depending on weather patterns, with the vegetation line moving seaward in the relatively calm La Niña period (i.e., 1965 to 1974) and moving landward in the stormier El Niño period (i.e., 1976 to 1984). Since 1998, when severe storms resulted in significant shoreline retreat, the vegetation line has generally advanced seaward.
- The distance between Sandholdt Road and the vegetation line is the narrowest on the southern portion of the spit where beach retreat has been arrested by the seawall constructed in this area.
- The shoreline has been gradually advancing at the sandy point in the vicinity of Perch Way and retreating slightly toward the northern end of the spit.

However, climate change effects were not included as part of this 2007 study. These effects will alter the rate and timing of coastal erosion making the area potentially vulnerable to coastal hazards.

C. Coastal Hazards

With the community lying between the Pacific Ocean and sloughs, and its low elevation, property within the community is vulnerable to the effects from climate change, including sea level rise, coastal storm flooding, rising tides and fluvial (inland) flooding. Infrastructure within and around the community is also at risk from these effects.

According to the Intergovernmental Panel on Climate Change (IPCC) and the California Natural Resources Agency (CNRA), sea level has risen about seven inches over the last century due to global melting of land-based ice and thermal expansion. According to the *Moss Landing*

Community Coastal Climate Change Vulnerability Report (June 2017), more changes related to climate change can be expected by the year 2060 and on to the end of the century (2100):

- Average annual precipitation may show little change, but more intense wet and dry periods can be expected with more floods and more droughts.
- Flood peaks will become higher and natural spring/summer runoff will become lower.
- Sea levels in the Central Coast Region may rise by six to 28 inches by mid-century and 16 to 62 inches by the end of the century. (The estimated 62-inch rise in sea level corresponds to the high estimate for the year 2100).

The Coastal Commission's Sea Level Rise Policy Guidance and Ocean Protection Council's State Sea Level Rise Guidance both find that sea level rise is a threat to shoreline development and habitats, and offer guidance for sea level rise projections to use in planning and permitting decisions.

Rising sea levels in the Central Coast Region are likely to affect coastal recreation resources such as beaches, wharves and campgrounds. Sea level rise is also expected to affect vulnerable populations along the coast through the immediate effects of flooding and temporary displacement and longer-term effects of permanent displacement and disruption of local tourism. Sea level rise also will affect the provision of basic services through disruption of linear infrastructure. Impacts to Highway 1 could affect regional transportation, access to Moss Landing and access to tourism areas. Finally, communities that depend on groundwater basins within the coastal zone may be affected by increasing saltwater intrusion driven by sea level rise.

D. Tsunami Risk

The community area abuts Monterey Bay and the Pacific Ocean, so inundation from tsunami is possible. Tsunamis are typically triggered by earthquakes, local or distant, and can also be triggered by larger underwater landslides. A submarine landslide in the Monterey Canyon offshore of the community is considered capable of producing a significant tsunami on Monterey Bay. Large tsunamis can result in significant damage and loss of life.

On March 11, 2011, Moss Landing Harbor was damaged by a tsunami that caused approximately \$1.75 million in damages. According to Moss Landing Harbor District, the water surged and receded about seven feet in a matter of minutes, slamming the docks against the pilings in two directions resulting in almost 200 damaged pilings and 20,000 cubic yards of extra sediment in the harbor.

E. Noise

Primary sources of noise for the community are the industrial areas and their land uses, harbor uses and infrastructure, waterfront industrial uses and traffic along Highway 1.

F. Specific Policies - Erosion Hazard

The following policies apply to the harbor area (between Jensen Road and Sandholdt Road/Moss Landing Road (north), and between the ocean and Highway 1):

1. The County of Monterey supports structural armoring (i.e., bulkheading or rip rap) or other measures where necessary to prevent erosion, protect the Harbor shoreline and to incorporate where feasible public access into any armoring project.
2. Bulkheading or other measures to prevent erosion and to maximize use of available shoreline should be provided along the banks of the South Harbor from Sandholdt Bridge to the mouth of the harbor.
3. Develop and maintain retaining walls bulkheads, or other appropriate erosion control measures along the eastern bank of the North Harbor, with natural protection methods used where possible, and provide natural protection methods where feasible to stabilize the west bank of the North Harbor, between the harbor mouth and Jetty Road, as a means of preventing further erosion and improving berthing capacity.

G. Specific Policies - Climate Change Hazard

1. To the maximum extent feasible, development shall be sited, designed and constructed to avoid effects from coastal hazards, including flooding and erosion hazards as these may be exacerbated by sea level rise and climate change over the anticipated life of the development in a manner that assures its stability and structural integrity without reliance on shoreline protective devices, substantial alteration to natural landforms along bluffs, cliffs, and wetlands, or otherwise harm coastal resources in a manner inconsistent with LCP policies or Coastal Act public access and recreation policies. The development shall not contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas.

Minor and/or ancillary development, including public trails, benches, gazebos, patios, raised decks and platforms and other similar uses, may be located seaward of a bluff or shoreline setback line provided that such development does not: 1) use a foundation that can serve as a retaining or protection device or 2) require landform alterations.

Development may be approved provided it protects coastal resources, is consistent with public access and recreation policies, and minimizes exposure to coastal hazards.

Development proposed in coastal hazard areas shall, as a condition of approval, record a deed restriction describing the hazard, the limitations of rights to protect the property from hazards, and describe restoration requirements.

2. Maintain the long-term viability of Moss Landing Harbor and coastal-dependent and coastal-related uses as long into the future as is economically feasible. The County of

Monterey shall, in cooperation with the Harbor District, community and affected agencies, plan the appropriate steps to protect (dune restoration, beach replenishment, vegetation planting, armoring, etc.) or develop other types of adaptation strategies against the effects of climate change hazards.

Shoreline protective devices that alter natural shoreline processes shall be permitted when necessary to ensure the continued operation of the harbor or to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on shoreline sand supply. Public access features shall be incorporated into the project (or provided off-site if on-site is infeasible) when access is determined necessary for the area. Such development may be allowed only where all coastal resource impacts are avoided, or if unavoidable, are appropriately and proportionately mitigated.

3. Monterey County shall, in cooperation with affected agencies, the Moss Landing Harbor District, and the community, plan the appropriate steps for managed retreat implementation to accommodate a migrating shoreline caused by sea level rise while promoting the conservation of beach, dune, slough, and other natural habitats. Such planning shall also include measures to ensure that increases in sediment load do not compromise harbor operations.
4. The County of Monterey shall work with the Moss Landing Harbor District and state and federal agencies to install and maintain a warning system, including adding nearby tide gauges, and signing for storm hazards and tsunami evacuation and education.
5. The utility of Highway 1, including its importance to the local and regional economy and public access and recreation, shall be protected and provided in a manner that best protects coastal resources. Shoreline armoring may be allowed for segments of Highway 1 in conformance with applicable LCP shoreline protective device policies.

H. Specific Policies - Noise Hazard

1. Proposed development resulting in new noise levels shall incorporate site planning and design elements necessary to minimize noise impacts on surrounding land uses and reduce indoor noise to an acceptable level.
2. The County of Monterey shall require new residential development, including the demolition/rebuild of habitable structures but excluding remodels, within 400 feet of the centerline of Highway 1 to prepare an acoustical report containing design recommendations to maintain interior noise levels at 45 decibels (dBA) day-night average sound level (Ldn) or less.

5.3 PUBLIC SERVICE SYSTEM

5.3.1 Introduction

This section describes existing public infrastructure: transportation/circulation, including pedestrian access and wastewater facilities. Policies addressing constraints such as the level of service of Highway 1 and improvements to County roads, the lack of bus service to the community, wastewater facility improvements and maintenance and maintenance of service facilities are provided. Potable water service is discussed in Section 5.2.5 of this plan.

5.3.2 Transportation

The primary transportation emphasis of the Coastal Act is to preserve highway capacity for coastal access and coastal-dependent land uses. In this context the plan describes improvements to Highway 1 and recommends a reduction in the number of access points from the highway to minimize hazardous and congested conditions. Parking facilities are discussed in Section 5.5.2 of this plan.

A. *Street and Highway Classifications*

1. Highway 1

Highway 1 (also known as State Route 1) is a major state highway that runs in a north/south direction along the Pacific Coast. Highway 1 is a two-lane roadway between the Salinas Road interchange and the Highway 1/156 interchange and Chapter 3.1 of this plan calls for widening this section of the roadway to a four-lane divided highway. Due to the constraints and safety issues, existing access points to Highway 1 shall be consolidated by Caltrans and limited to Jetty Road, Dolan Road, Moss Landing Road, North Harbor and Potrero Road.

2. County Roads

The County roads shown on the land use plan map are Jetty Road, Moss Landing Road, Dolan Road and Potrero Road. These are shown as two-lane roadways with the access improvements to Highway 1 discussed above. In order to minimize the access points to Highway 1 in the North Harbor area, a frontage road with a single access point should be developed to serve the yacht club and present and future commercial uses.

3. Issues and Constraints

The primary issue with circulation within the plan area is traffic congestion along the Highway 1 corridor, on both the north-bound and south-bound lanes. Much of the traffic is contributed by regional commuter traffic; very little is as a result of travelers to and from the community. However, the community and visitors alike are directly impacted by this traffic and its associated

hazards. Constraints of internal roads within the community limit bike-ability and walkability, as roadway widths are inconsistent and lack sidewalks and storm drains.

4. Planned Improvements

The County is currently studying interim safety improvements to the Highway 1/ Dolan Road intersection. Several alternative configurations are under consideration, including additional lanes in the immediate area of the intersection, and signalization, or partial signalization, of the intersection. The Association of Monterey Bay Area Governments (AMBAG), in partnership with Caltrans, The Nature Conservancy, the Center for the Blue Economy at the Middlebury Institute of International Studies and Environmental Science Associates, prepared the *Central Coast Highway 1 Climate Resiliency Study* (July 2020) that identifies adaptation strategies and transportation improvements for an eight mile stretch of Highway 1, a portion of which is within the community plan boundary. This study provides initial information that can be used for future studies and plans for Highway 1 improvements.

Additional long-term transportation improvements addressing access, mobility, health and safety are planned for, and should continue to be planned for, in the vicinity of the plan area. These improvements are identified by the Transportation Agency of Monterey County (TAMC) in their Regional Transportation Plan and the California Transportation Plan overseen by Caltrans.

Caltrans' *2006 State Route 1 Transportation Concept Report* calls for construction of a four-lane expressway, or equivalent capacity in bypass and/or in alternative modes, such as light rail, through the Plan Area. The report also calls for consolidation of access points, and non-highway mobility measures (rail, transit, and bicycling).

B. Pedestrian Access and Bicycle Facilities

The developed part of Moss Landing is approximately 1.75 square miles in size, and the distance between the Village Center located along Moss Landing Road and the outer limits of development is approximately 0.75 miles. Thus, walking and biking should be encouraged as the central community area is small in scale. However, the lack of sidewalks on Moss Landing Road require caution on the part of pedestrians and drivers. There has been extensive input from the community concerning pedestrian safety and the lack of connectivity between the residential area and downtown. The County supports requiring installation of sidewalks along Moss Landing Road as part of future developments. In addition to increasing pedestrian safety, it enhances the downtown area which will continue to be the primary focal point of visitor oriented commercial development. **Figures 8** and **11** provide additional illustration of existing and proposed access opportunities for planned facilities. Public access and improvements to and along the shoreline within the plan area are described in Chapter 6 and are shown on Figure 6.

1. Planned Improvements

The Monterey Bay Sanctuary Scenic Trail (MBSST) is planned as a bicycle and pedestrian route connecting Pacific Grove to Santa Cruz. The Moss Landing section of the trail is planned along

the west side of Highway 1, turning onto the north end of Moss Landing Road. MBSST will provide a pedestrian link in the plan area and will be incorporated into the Pacific Coast Trail.

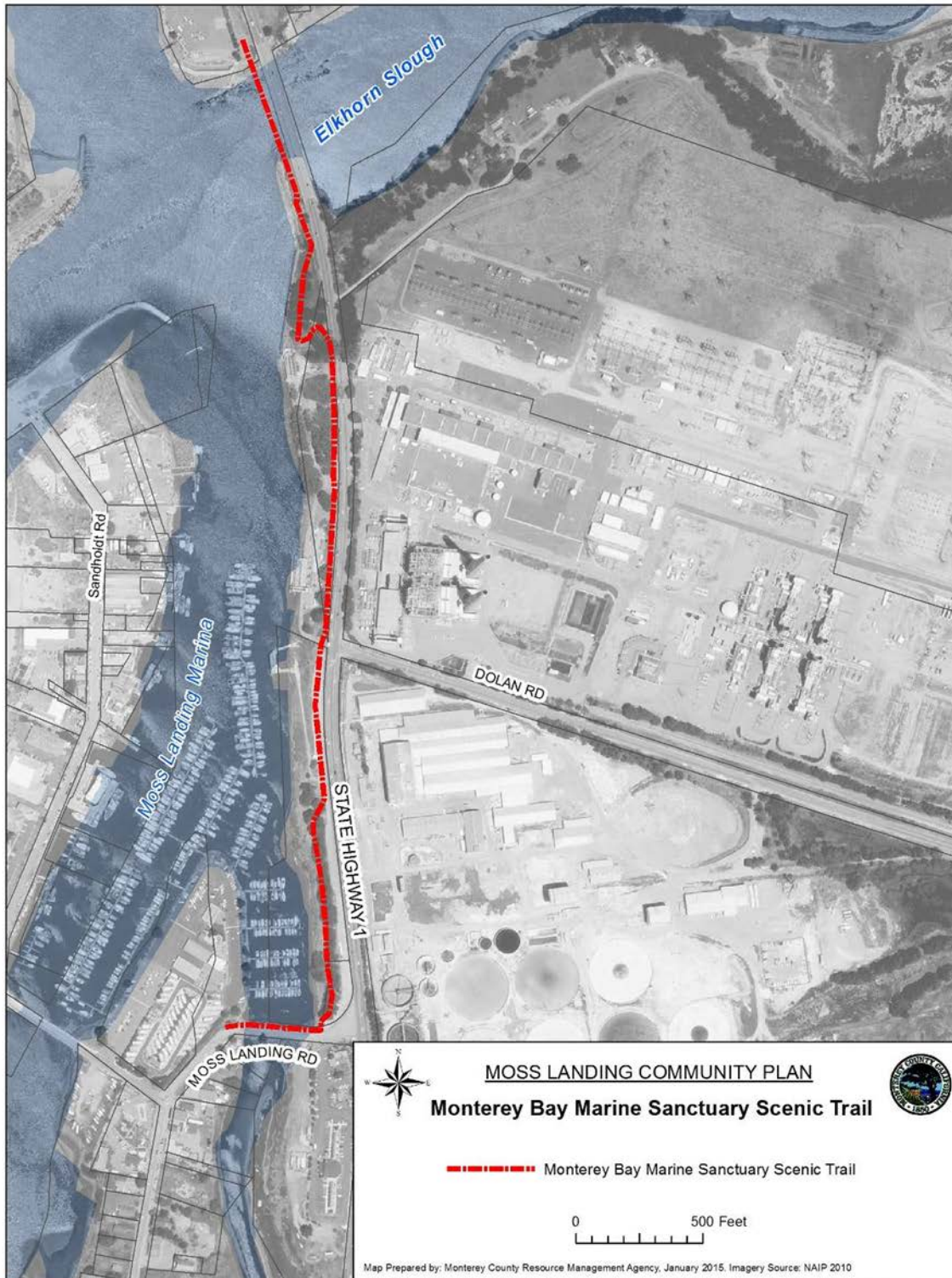


Figure 8. Monterey Bay Sanctuary Scenic Trail Map

C. Public Transit

Public transit is provided in the plan area by Monterey-Salinas Transit (MST) and Greyhound (via MST). Local public transit stops served by MST are located on the west side of Highway 1 near Dolan Road, and at the Jetty Road/Highway 1 and Potrero Road/Highway 1 intersections. Commercial, recreational and industrial facilities are not currently served in Moss Landing. The community identified major safety hazards as crossing Highway 1 is necessary due to the existing stop locations. Designation of new stops within the community and improved scheduling would provide better service to the residents of the community and visitors alike.

D. Rail Service

There are two rail spurs within the plan area; both access the industrial properties on the east side of Highway 1. Currently, these spurs are not in use. However, they would be valuable assets as part of a multimodal access plan for the area.

E. General Policies

1. The County of Monterey shall participate in initiatives for regional transportation planning, improved rail service, expanded transit service, demand reduction, and providing signage and other travel instructions that implement the Moss Landing Community Plan.
2. The County of Monterey shall identify funding to construct and maintain a balanced, multimodal transportation network, consistent with TAMC and Caltrans Plans, that meets the needs of the community and all users of the streets, roads, and highways for safe and convenient travel. The Land Use Advisory Committee shall be involved with providing input for transportation plans.

F. Specific Policies

1. The County of Monterey shall require all feasible traffic generation reduction measures of any new and/or expanded industrial use(s) and/or facility that would generate traffic on the segment of Highway 1 between Castroville and Salinas Road. Development in the heavy industrial designated properties shall not be allowed until improvements needed to accommodate any such development are made to the Dolan Road and Highway 1 intersection.
2. The creation of new direct driveway access onto Highway 1 shall be prohibited. Wherever possible, access to Highway 1 from commercial facilities should be consolidated.

3. The County of Monterey shall work with TAMC to select the preferred transportation improvement(s) identified in the Moss Landing Community Plan and include in the Regional Transportation Plan.
4. The County of Monterey shall develop a plan and funding strategy for the improvement and maintenance of Moss Landing Road and Sandholdt Road as a pedestrian connection corridor. The plan for this corridor shall include improved on-street parking, bicycle facilities, and sidewalks, including extending sidewalks and bicycle facilities to connect to the Heights residential neighborhood. Where the right of way is constrained, bicycle and pedestrian facilities are prioritized over on-street parking. The corridor shall also include the Monterey Bay Sanctuary Scenic Trail. The improvement plan shall be included in the Monterey County Capital Improvement Program.
5. The County of Monterey shall work with transportation agencies to provide improved transit service to Moss Landing, including the re-routing of Monterey-Salinas Transit buses along Moss Landing Road and the construction of new bus stops along that corridor to provide access to the re-routed buses.
6. The County of Monterey shall work with Monterey-Salinas Transit to improve bus scheduling to allow more frequent transit service to the state beaches and Moss Landing's village center.
7. The County of Monterey shall, in coordination with railroad and property owners, work to retain a railroad branch line and spurs that serve Moss Landing, along with its necessary supporting facilities.

5.3.3 Wastewater Management

On November 6, 1984, the Monterey County Board of Supervisors approved the Moss Landing County Sanitation District (MLCSD) Sewer Allocation Plan for the design and construction of a wastewater collection system to replace existing failing septic systems in Moss Landing. The MLCSD provided wastewater service to the Struve Road Area, North Harbor, Island, downtown, and the Heights. The wastewater system was designed to accommodate a flow of 105,000 gallons per day (gpd) based on engineering studies, input from potential users and the limiting capacity of the treatment facilities of the Castroville County Sanitation District, which later merged with MLCSD and took over wastewater service. A sewer allocation plan was implemented in tandem with the 1982 Moss Landing Community Plan to ensure that the community's sewer treatment capacity would be equitably distributed among Moss Landing ratepayers. The Plan allocated sewer service to each service area based upon existing land use and expected future growth, including future priority uses.

In 2014, the MLCSD ceased as a separate entity and formally consolidated with the Castroville Community Services District (CCSD). Subsequently, the Monterey Regional Water Pollution Control Agency (now Monterey One Water) opened its regional wastewater treatment plant near Marina, providing a greatly expanded sewer treatment capacity to the region, including Moss

Landing. As the rationale for the original sewer allocation plan fell away with the opening of the regional wastewater treatment plant in Marina, planners and Moss Landing community members who initiated work on the update of the Moss Landing Community Plan in 2008 began an effort to retire the sewer allocation plan.

A. Wastewater Treatment System Capacity

After the regional wastewater treatment plant was in operation, the Castroville Treatment Plant was replaced with Monterey One Water's Moss Landing Regional Pump Station and wastewater capacity service to Moss Landing was increased to 309,000 gpd. The CCSD remains as the service provider in Moss Landing. **Figure 9** shows the current CCSD service areas that are located in the Moss Landing Community Plan area and an additional site at Struve Road/Highway 1.

Although sewer capacity increased, the service area did not. The Moss Landing Power Plant and Moss Landing Business Park are not currently included in the urban service area and instead dispose of effluent using on-site septic systems. If future development occurs on these sites they would need to annex into Monterey One Water's and CCSD's service areas and connect to the CCSD wastewater system. In addition, the collection and pumping system would need to be analyzed for capacity and rehabilitation requirements.

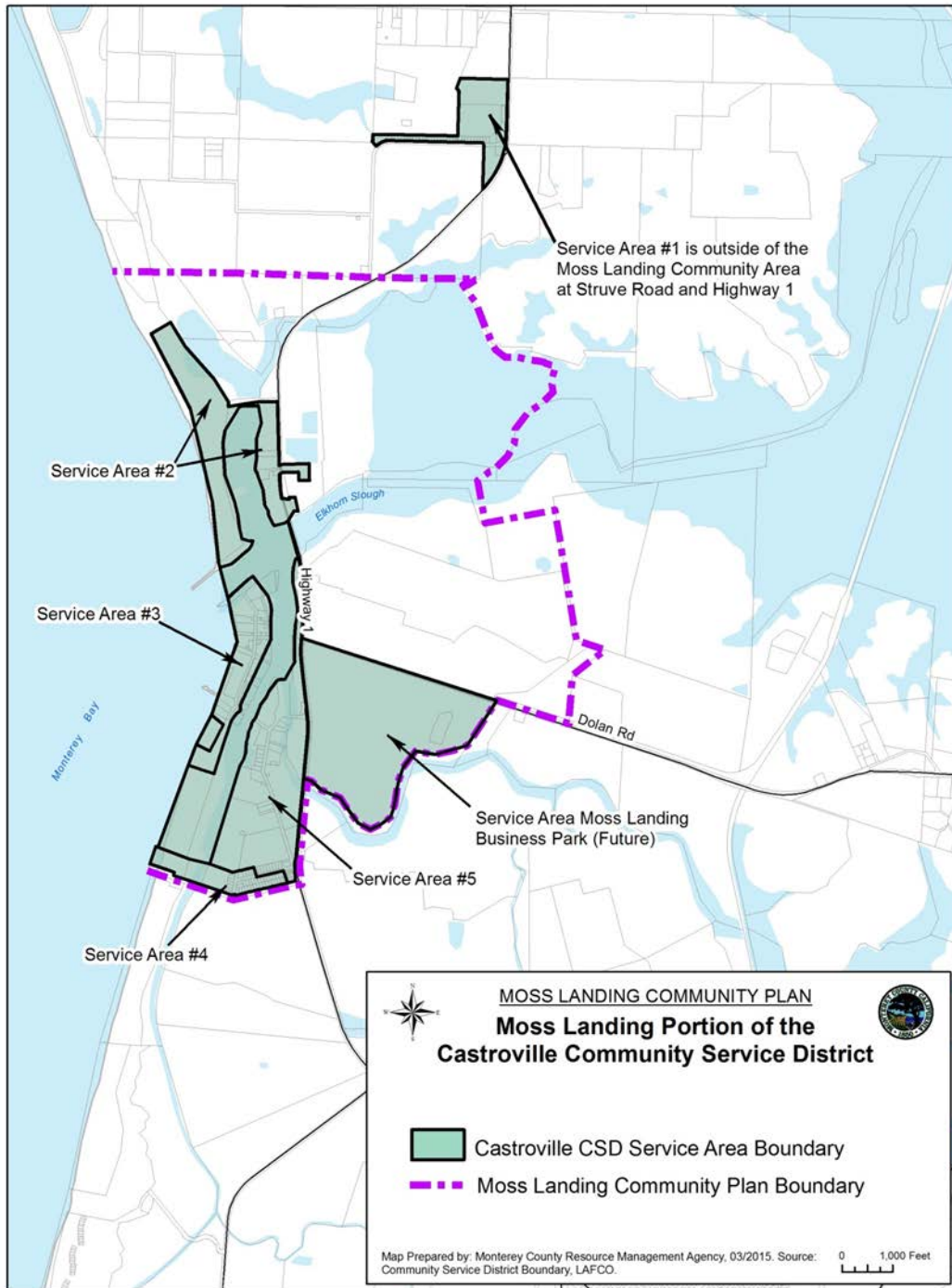


Figure 9. Castroville Community Services District Service Map

B. Specific Policies

1. Development at the Moss Landing Business Park (MLBP) that exceeds existing onsite wastewater treatment system (OWTS) capacity shall require connection to the wastewater collection system as a condition of project or plan approval. Such system

improvements shall be funded at the sole expense of the Moss Landing Business Park and installed on or before the time that such development comes on line that could exceed OWTS capacity. Sewer conveyance system improvements shall ensure that operations at the Moss Landing Business Park do not significantly limit the existing or future sewer conveyance system capacity otherwise required to accommodate development anticipated by the Moss Landing Community Plan outside of the business park.

2. The County of Monterey shall work with the Castroville Community Services District to retire the Moss Landing Sewer Allocation Plan in favor of a traditional service system that ensures equitable service to all Moss Landing rate payers, including undeveloped and under developed properties, in line with regional sewer conveyance and treatment capacities. The replacement system could include the metering of sewer flows at individual properties.
3. The County of Monterey shall ensure that any replacement of the allocation system guarantees the preservation of rights of each parcel to previously granted sewer allotments.

5.4 LAND USE & DEVELOPMENT

The Land Use Plan for the Moss Landing Community illustrates the geographic locations of the land use designations based on existing land uses and development, as well as the planned future buildout of the community (See **Figure 10**). Thirteen land use designations, one overlay designation, and three Special Treatment Areas have been created for the Moss Landing Community Plan area. The boundaries between land uses shown on the Land Use Diagram are intended to be exact in most locations, particularly where land is developed now. In undeveloped or un-subdivided areas, boundaries are approximate. The intended effect of the land use designations, the location of these designations, and the uses allowed within each, are set forth below.

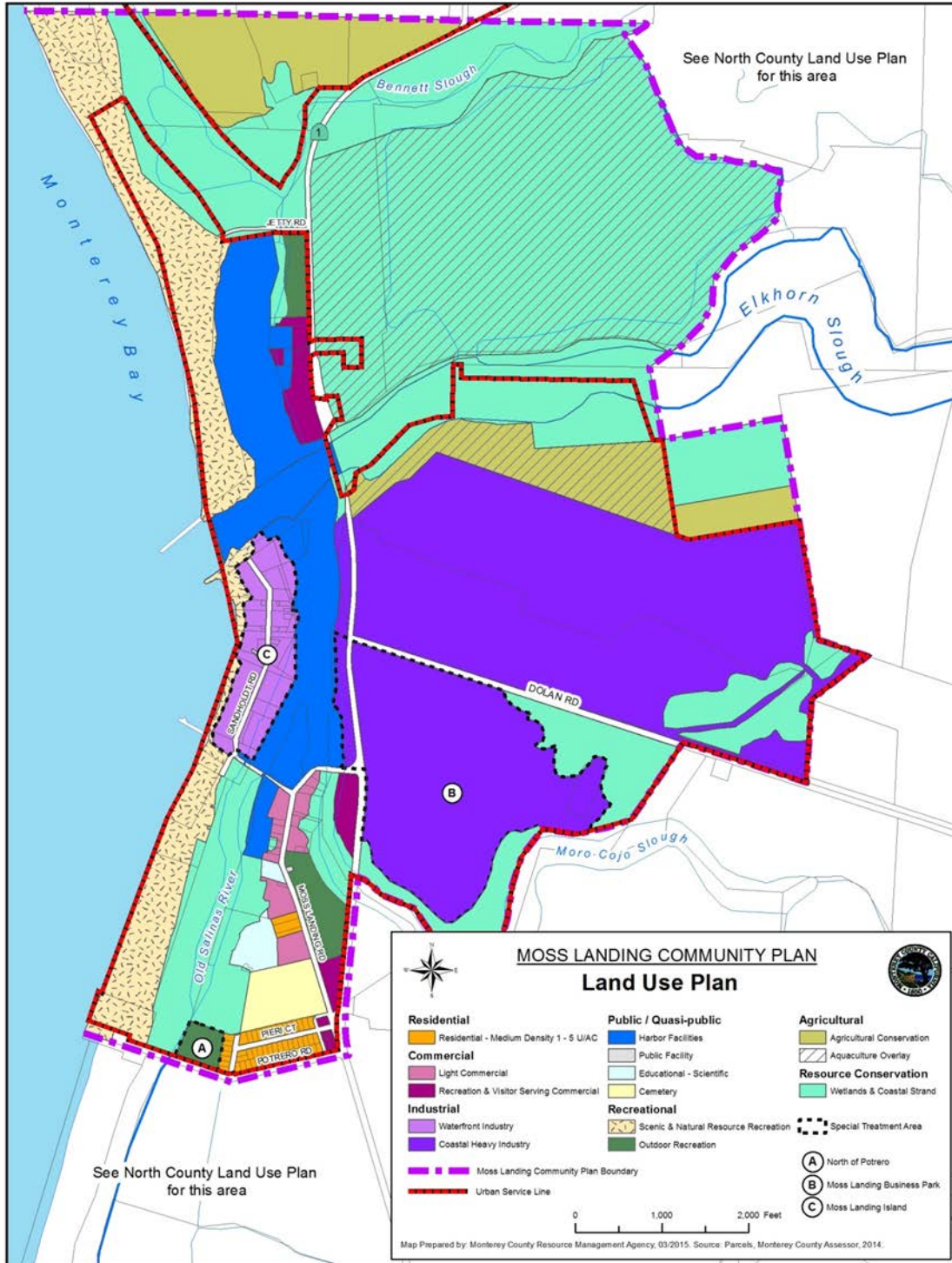


Figure 10. Land Use Diagram

5.4.1 Residential – Medium Density (1 to 4 Dwelling Units per Gross Acre)

Very little residential development currently exists within the Moss Landing Community Plan area. Locations without environmental or topographical constraints to accommodate the County's housing needs are limited in Moss Landing. Medium density housing is the only residential category in the plan area and are based on the currently existing residential development.

Residential -Medium Density (1-4 dwelling units/acre) land use designation areas are located within the Heights Neighborhood north of Potrero Road and between Pieri Court and Laguna Place.

5.4.2 Commercial

There are two (2) types of commercial land use designations: 1) Recreation and Visitor-Serving Commercial; and 2) Light Commercial. The Coastal Act gives priority to visitor-serving commercial uses but at a lower priority than coastal-dependent industrial uses. In addition to the policies set forth for Recreation and Visitor-Serving Commercial uses, the Recreation and Visitor-Serving Commercial policies and guidelines provided in North County Land Use Plan Section 4.3.6.E.4 shall also be applied.

A. Light Commercial

The Light Commercial land use designation area is located within the Village Center Neighborhood on both sides of Moss Landing Road. This designation provides the opportunity to mix commercial and residential uses and accommodate a broad range of light commercial uses. Antique shops, the Moss Landing Post Office and historical buildings such as the Pacific Coast Steamship Company (Captain's Inn at Moss Landing), lend a special character to this area and should be preserved, maintained and if necessary rehabilitated. Opportunities for providing a motel, a small neighborhood grocery store, low-cost rental housing units and small-scale desalination facilities that produce water for on-site use only are allowed on undeveloped or underdeveloped parcels in these areas. Appropriate design and setback standards should be applied as a means of providing relief from "strip" development that can be an aesthetic nuisance to the community.

B. Recreation and Visitor-Serving Commercial

The primary purpose of this designation is to accommodate and allow a broad range of recreation and visitor serving uses. This term is used to describe uses that serve primarily visitors; however, they are appropriate to also serve and accommodate those who live and work in the community. Although an absolute distinction between visitor-serving and neighborhood type commercial uses is difficult to make, visitor-serving uses would include restaurants, motels, service stations and antique shops. Small-scale desalination facilities provided for on-site use only would also be appropriate in this designation.

The plan designates four (4) areas for Recreation Visitor-Serving Commercial uses west of Highway 1 as listed below:

- 1) The North Harbor area not including the areas designated as Harbor Facilities or Wetlands & Coastal Strand. The current uses include harbor facilities, parking facilities and unimproved land located near Jetty Road.
- 2) The South Harbor area west of Highway 1 and east of the Moro Cojo Slough. The current uses for this area include restaurants, a coffee shop and produce stand.
- 3) The History and Heritage Center property located in the Heights Neighborhood, east of Moss Landing Road and west of Highway 1 (See **Figure 3** for the Moss Landing Neighborhoods Diagram). The Center currently includes permits to allow retail sales, a cheese factory, 30-unit motel, a restaurant and on-site parking.
- 4) Eight parcels located in the Heights Neighborhood east of Allen Street, west of Moss Landing Road and north of Potrero Road. The current uses at these properties include a restaurant, antique shop, liquor store and fishermen's supply store.

5.4.3 Industrial

The Moss Landing Community Plan establishes two designations for industrial uses: Waterfront Industry and Coastal Heavy Industry. Some industries located in Moss Landing are generally dependent for their existence upon a location near the coastline. These industries include commercial fishing, aquaculture, energy facilities and manufacturing activities and are located within the Island Neighborhood, properties east of Highway 1, and a stretch of land between the south harbor and west of Highway 1. Coastal-dependent industries are given priority by the Coastal Act (CA §30255) over other land uses on or near the coast. The intent of this plan is to encourage coastal-dependent industrial uses to expand within the existing sites, and be allowed reasonable growth consistent with the protection of the area's natural resources. Impacts to sensitive natural habitats that cannot be avoided by the future expansion of these facilities must be mitigated to less than significant to the extent feasible.

A. Waterfront Industry

The primary purpose of this designation is to maintain a strong commercial fishing base and other maritime activities within the Moss Landing neighborhood called “The Island” (see the narrative in Section 5.4.8.C and Policies 5.4.9.I.1 through 6 for an expanded description of allowed uses and development considerations for the “The Island Special Treatment Area”). Existing commercial fishing industries include canneries and fish processing companies, boat storage and repair facilities, marine supply stores and other related facilities (e.g., fueling stations, private launching ramps, used boat sales businesses). In addition to commercial fishing industries, the Island contains marine research, engineering and education facilities as well as a restaurant.

The plan recognizes an existing need for limited support uses within the Island such as a fishermen's dormitory, cafe, restaurant, etc. This plan provides the flexibility to allow commercial uses provided that these uses are compatible with the priority use of commercial fishing or provide the necessary goods and services that benefit those who work within the Island.

The Island has seen considerable growth in marine research and education over the last 30 years. Existing marine research and education facilities include office complexes, storage buildings, boat docks and storage, and laboratory facilities and classrooms. These uses associated with marine research and education are considered coastal-dependent uses in Moss Landing.

Currently, several companies engaged in commercial aquaculture base their existing operations within the Island and use the Elkhorn Slough as a propagation area. These companies have existing buildings that house offices, laboratories, indoor growing tanks and other processing equipment within the Island. The plan encourages these uses by including them among the appropriate uses in the "Waterfront Industry" land use designation.

B. Coastal Heavy Industry

Located within the Moss Landing Community Plan Coastal Heavy Industry land use designation area are two energy-related facilities: the Moss Landing Power Plant and the Moss Landing Switch Yard, and one industrial business park: the Moss Landing Business Park.

1. Moss Landing Power Plant

Moss Landing Power Plant is an energy generation facility built in 1949 that is bounded by Moss Landing Harbor to the west (including a narrow strip of land between the Harbor and Highway 1), the Elkhorn Slough to the north, agricultural land to the east and Dolan Road to the south. In 1998, this property was subdivided into two separate properties. Although the Moss Landing Power Plant Master Plan, and subsequent amendments, govern both properties, the northern property maintains the Moss Landing Substation and the southern property maintains the Moss Landing Power Plant.

The power plant contains the bulk of the power generating units and supporting infrastructure built in 1949, including the two iconic 500-foot smoke stacks that are now retired. The facility burns natural gas delivered via underground pipelines. It also has the capability to draw seawater from two intake areas in Moss Landing Harbor, for cooling purposes. The cooling water is returned to the ocean via an existing discharge system that runs under the harbor and the Island neighborhood into Monterey Bay. The facility also has a cooling water discharge system that extended north into Elkhorn Slough that is currently not in use. The marine terminal which includes the two tall smoke stacks and a fuel oil pipeline was discontinued when the power plant converted from fuel oil to natural gas in the 1990s. Recent permit approvals on this property have allowed the establishment of a Battery Energy Storage System for energy storage as part of its operation.

2. Moss Landing Substation

Moss Landing Substation is bounded on the west by Highway 1, by the Elkhorn Slough to the north, by agriculturally zoned land to the east and by Moss Landing Power Plant to the south. Currently, the substation consists of a PG&E switchyard, transformers and associated equipment and facilities. The facility connects the substation with the regional and interstate power distribution system. Recent permit approvals have allowed establishment of a Battery Energy Storage System on the northwest portion of the site as part of its operation.

3. Moss Landing Business Park

The Moss Landing Business Park is located south of Dolan Road, east of Highway 1 on approximately 182.6 acres and includes a narrow stretch of land (approximately 7.7 acres) located between the South Harbor and the west side of Highway 1. Historically the business park site east of Highway 1 was used for manufacturing purposes, specifically for the production of magnesia and refractory brick by using nearby resources including seawater from the ocean and dolomite from the Natividad Quarry. Today the business park property is being used for industrial offices, industrial shops, storage and commercial cannabis activities (see “The Moss Landing Business Park Special Treatment Area” narrative in Section 5.4.8.B below and Policies 5.4.9.H.1 and 2).

5.4.4 Public/Quasi-Public

There are four public/quasi-public land use designations provided in this plan: Harbor Facilities, Public Facilities, Educational-Scientific and Cemetery. These areas are located west of Highway 1 within the North Harbor, South Harbor, Village Center, and Heights Neighborhoods and are further discussed below.

A. Harbor Facilities

The primary purpose of this designation is to accommodate and allow harbor uses. In addition to harbor property owned by the Moss Landing Harbor District (“District”), the District leases the Moro Cojo Slough portion of the harbor for boat berths. Appropriate harbor uses include docks, fueling facilities, offices, yacht clubs, picnic areas, recreational vehicle parks, dredge re-handling areas, potable water systems to supply docked boats, residential use of docked boats, water systems, marine research, education, maritime activities, harbor related commercial activities and ancillary uses. This designation applies to:

- 1) Harbor District Office Property located north of the Moss Landing Road and Sandholdt Road intersection. Existing uses include but are not limited to the Harbor District Office, a parking lot, restrooms, storage, showers, laundry facilities, recreational vehicle park, dock space, staging areas, a harbor maintenance facility, charter service providers and eating facilities.
- 2) A Portion of Property South of the Sandholdt Bridge and East of the Old Salinas River. Existing uses within this area include dry storage.

- 3) A Portion of Improved Property Surrounding the Elkhorn Yacht Club in the North Harbor. Existing uses within this area include a boat launching ramp, dry storage areas and restroom facilities for non-yacht club members.
- 4) The In-Water Harbor Areas: All submerged lands and in-water harbor facility areas. Existing uses include but are not limited to loading docks, piers, boat berths, boat slips, dredging and residential use of docked boats.

Moss Landing Harbor District (A Special District)

Moss Landing is perhaps best known as a commercial fishing port and home port for research vessels operated by the Monterey Bay Aquarium Research Institute and Moss Landing Marine Laboratories. Moss Landing is also a popular tourist destination, where people come for restaurant dining, nature and whale-watching tours, sport fishing charters and boat access into the Elkhorn Slough and ocean. In 1947 the Moss Landing Harbor District (“District”) was formed pursuant to the Federal Harbors and Navigation Code to operate and maintain the Moss Landing Harbor and ownership of harbor lands is deeded to the District by the State Lands Commission.

The Moss Landing Harbor lands encompass approximately 85 acres, not including the submerged lands of the harbor itself, and the District maintains approximately 610 boat slips within the Harbor. The Moss Landing Harbor District is the largest special district in Monterey County and is governed by a five-member board. Designated as a year-round port of safe refuge, Moss Landing Harbor provides safe, reliable refuge and marine services to seafarers from around the world.

For the entire Moss Landing Harbor, demand for commercial and recreational boat berths and related facilities exceeds the available supply in the existing harbor area. Efforts to make optimal year round use of available berthing and support facilities, particularly in the South Harbor, are constrained by peaks created by the cyclical nature of the fishing industry upon which the planning process can have little effect.

Nonetheless, some of the physical constraints on maximizing the use of existing facilities can be addressed by land use planning and harbor management measures. In the South Harbor for example, the ability to intensify boat repair and fish processing activities will be considerably improved when bulkheading work along the western shoreline of the south harbor is completed. The limited supply of dry storage areas and underutilization of other areas that could be used for dry storage is a further constraint on efficient use of existing facilities. Constraints in the North Harbor include bank erosion, which has prevented maximum utilization of this area for harbor-related purposes. Expansion is limited ultimately by basin dimensions. However, if retaining walls are developed and dredging is completed along the shoreline, additional slips or other harbor support uses may be possible.

B. Public Facility

The primary purpose of this designation is to accommodate a range of public uses including: sewer and water pump stations and administrative, management and maintenance facilities. One small parcel located on Moss Landing Road has been given this designation. Currently it is being used as a Wastewater Facility owned and operated by Monterey One Water, previously known as Monterey Regional Water Pollution Control Agency.

C. Educational - Scientific

The primary purpose of this designation is to accommodate and allow education and scientific uses. Appropriate uses include: educational facilities, marine laboratories, small-scale desalination facilities for on-site use only, and ancillary uses. Two facilities given this designation are the Moss Landing Marine Lab campus and the school district office building on Moss Landing Road both within the Village Center Neighborhood. Future redesign and expansion of Moss Landing Marine Labs shall not be permitted to encroach upon sensitive dune habitats south of the existing site and east of the Old Salinas River.

D. Cemetery

The primary purpose of this designation is to accommodate and allow cemetery uses. Appropriate uses in this designation include cemeteries and ancillary uses. The Moss Landing Cemetery is shown on the plan map on the west side of Moss Landing Road within the Heights Neighborhood.

5.4.5 Recreational

There are two types of recreational land use designations: Scenic & Natural Resource Recreation and Outdoor Recreation. These land use areas possess recreational land use value and can provide for recreational opportunities for the public, including low- and moderate-income persons.

A. Scenic & Natural Resource Recreation

The primary purpose of this land use designation is to accommodate and allow scenic and natural resource recreation uses within the Moss Landing State Beach areas of the Community Plan. Low-intensity recreational and educational uses that are compatible with the natural resources of the area and require a minimum level of development, accommodate basic user needs, and necessitate minimal alteration of the natural environment are appropriate in this designation. Uses may include general beach use, surfing, pedestrian trails, hiking, fishing, picnicking, nature studies and horseback riding. Ancillary facilities contemplated in this designation include improved parking, restrooms and fish cleaning facilities at Moss Landing and Salinas River State Beaches.

B. Outdoor Recreation

The primary purpose of this designation is to accommodate and allow outdoor recreation uses located in two areas within the Community: 1) Property located west of Highway 1 and east of Moss Landing Road (APN 133-221-007); and 2) within a 4.7-acre parcel located north of Potrero Road, east of the Old Salinas River and west of the Heights Neighborhood's residential development (see "North Potrero Road Special Treatment Area" narrative in Section 5.4.8.A and Policy 5.4.9.J.1). Moderate-intensity recreational use with accompanying facilities compatible with the recreational and natural resources of the site are appropriate. In addition to the uses permitted in the Scenic & Natural Resource Recreation category, appropriate facilities include children play structures, tent and recreation vehicle campgrounds, improved restrooms, fish cleaning facilities, interpretive/visitor centers, viewing platforms and other low-intensity uses.

5.4.6 Agricultural

Preservation of agricultural lands is the second highest priority of the Coastal Act. It is ensured in this plan by designating all lands in agricultural production, or suitable for such use, as "Agricultural Conservation" and by allowing aquaculture uses in these areas where appropriate as discussed below.

A. Agricultural Conservation

The primary purpose of this land use designation is to accommodate and allow agricultural uses. Agriculture, agriculture-related uses, and housing ancillary to the agricultural use sited on the less agriculturally viable areas of the parcel are appropriate uses in this designation. There are two Agricultural Conservation land use designated areas located in Moss Landing including: 1. North of Bennett Slough and west of Highway 1; and 2. South of Elkhorn Slough and north of the Moss Landing Power Plant and Moss Landing Substation properties. These areas should be provided maximum protection against development to maintain consistency with the agricultural policies of Section 2.6 of the North County Land Use Plan.

B. Aquaculture Overlay

Aquaculture is defined in the California Aquaculture Development Act (Public Resources Code Section 825 et seq.) as "...The culture and husbandry of aquatic organisms, including but not limited to fish, shellfish, mollusks, crustaceans, kelp, and algae." It is an agricultural industry that is growing rapidly in many parts of the world.

Aquaculture is shown as an appropriate Land Use Overlay for certain areas located near the Elkhorn Slough and Bennett Slough and is compatible with the Resource Conservation and Agricultural Conservation land use designations within Moss Landing. Aquaculture facilities in these areas are limited to non-structural development such as ponds or basins, piers, walkways, or minor storage facilities for tools. Aquaculture processing facilities/buildings is a higher intensive use and therefore would be appropriately located in the Industrial land use designated areas and not within the Aquaculture Land Use Overlay. Refer to policies contained in Section 2.7 – Aquaculture of Chapter 2.

5.4.7 Resource Conservation

Protection of sensitive resources, plant communities and animal habitats are emphasized in this land use designation. The Resource Conservation areas within the Moss Landing Community area contain Wetlands and Coastal Strand resource areas as discussed below.

Wetlands and Coastal Strand

The primary purpose of this designation is to protect and conserve wetland and coastal strand resources. Only very low intensity uses and supporting facilities compatible with protection of the resource, including low-intensity recreation, education and research, are allowed. In certain designated areas, aquaculture is also appropriate. This designation is used in various parts of the planning area, including Bennett Slough, Elkhorn Slough, Moro Cojo Slough, and the Old Salinas River, and in wetland areas on the eastern portions of the heavy industrial properties along Dolan Road.

5.4.8 Special Treatment Area Overlays

The "Special Treatment" designation is intended to facilitate a comprehensive planned approach towards developing specifically designated areas intended for intense levels of development or that require special consideration due to their proximity to unique or valuable resources. There are three special treatment area overlays in Moss Landing including: North Potrero, Moss Landing Business Park and The Island.

A. North Potrero Special Treatment Area

The North Potrero Special Treatment Area is provided for property located north of Potrero Road, east of the Old Salinas River and west of the Heights Residential Neighborhood (APN 133-201-010). The intent of this overlay is to establish the parameters for development within the property to address concerns related to the site's proximity to unique or valuable natural resources directly west and north of the site and to the residential neighborhood to the east of the site. This overlay designation is used in combination with the Outdoor Recreation designation.

B. Moss Landing Business Park Special Treatment Area

The Moss Landing Business Park Special Treatment Area covers the Moss Landing Business Park Property located south of Dolan Road, east of Highway 1, on approximately 182.6 acres and includes a narrow stretch of approximately 7.7 acres of land located between the South Harbor and the west side of Highway 1 (currently consisting of Assessor's Parcel Numbers 133-172-004-000, 133-172-013-000, 133-173-002-000 and 133-173-005-000). The intent of this overlay is to establish the parameters for development of the Moss Landing Business Park, including allowing flexibility in the types of uses allowed while restricting the development intensity of the site. Proposed land uses are expanded beyond coastal-dependent limitations currently in place as the only portion of the property on or adjacent to the sea is a strip of land located between Highway 1 and the harbor that will have significant development constraints.

The majority of the property is located east of Highway 1 and not considered on or adjacent to the sea. Use of the property's seawater pipelines may allow coastal-dependent uses on the site.

Development of the site requires the approval of a comprehensive General Development Plan that describes proposed circulation improvements and their location, categories of proposed land uses and their location, and an estimate of potential development intensity for each proposed use. Required General Development Plans should address the coastal-dependent/coastal-related/coastal priority nature of proposed uses (including the use of seawater), potential land use conflicts between different categories of use, and the protection of unique natural resources on and around the site.

C. The Island Special Treatment Area

The Island Special Treatment Area is located on the westernmost spit of land that extends south from the mouth of Moss Landing Harbor to approximately the Sandholdt Bridge. The intent of this Special Treatment Area is to accommodate growth in marine research, engineering, and education, in a manner that compliments, maintains, and strengthens Moss Landing's traditional harbor activities, commercial fishing base, and maritime industries. This overlay designation is used in combination with the "Waterfront Industry" land use designation.

5.4.9 Land Use Policies

In addition to the Land Use policies contained in Chapter 4 of this plan, development within the Moss Landing Community Plan area must also be consistent with the applicable land use policies listed below.

A. Key Policy

1. Existing coastal-dependent and coastal-related industries in Moss Landing have local, regional, statewide and, in some cases, national significance. Accordingly, the county shall encourage maximum use and efficiency of these facilities, and to allow for their reasonable long-term growth consistent with maintaining the environmental quality and character of the Moss Landing Community and its coastal resources.

B. General Policies

1. Use of existing and proposed land-based facilities that support commercial boating should not jeopardize the protection of public access.
2. Commercial fishing facilities shall be protected and, where feasible, upgraded. Commercial fishing shall have priority for berthing space in the South Harbor, and recreational boating facilities shall not interfere with the needs of the commercial fishing industry.

3. The County of Monterey supports the development of appropriate recreation uses and visitor-serving uses in the harbor area and the improvement of public recreational boating facilities.
4. The County of Monterey encourages the use of existing piers for water access and recreational purposes when compatible with commercial fishing uses.
5. The Sandholdt Pier should be rebuilt to accommodate public access, commercial fishing and other appropriate maritime commercial uses.
6. Additional restroom facilities should be provided in the North Harbor area.
7. The capacity of dry dock storage areas should be increased when needed and new dry storage areas should be developed. Measures should be taken to ensure that grading and surfacing work performed to provide additional capacity will not adversely affect water quality in the harbor.
8. Legal remedies should be investigated to prevent berthing of unseaworthy boats in the harbor and abandonment of boats in dry storage areas.
9. Infrastructure improvements necessary to accommodate new development shall not be the financial responsibility of the existing community and shall be funded by the developer.
10. The County supports Caltrans studying the feasibility of constructing and maintaining a pedestrian connection across Highway 1 south of Elkhorn Slough. Such connection shall be funded through Community fair share contributions and other local, State and Federal funding.
11. New or expanded development shall provide adequate parking, either on or off site, and safe access, including necessary turning lanes, acceleration lanes, and signing.

C. Specific Policy - Commercial

1. Development in Light Commercial and the Recreation and Visitor-Serving Commercial land use designations shall be allowed (depending on water and wastewater availability and in accordance with protection of coastal resource policies) in accordance with the following provisions:
 - a. Permit a total of up to 150 overnight accommodation units. Hotel and Motel units shall be provided by several smaller establishments not exceeding 30 units each. Hotel and Motel units shall not be concentrated in any area of the community. Bed and Breakfast facilities shall be limited to no more than ten guest rooms. Up to 30 units of the 150 total units may be allowed within the Waterfront Industry land use designation.

- b. Encourage improvement of existing commercial facilities.
- c. Design and locate new commercial facilities to minimize traffic impacts and avoid natural resource impacts to the greatest extent feasible.
- d. Encourage the development of lower cost commercial recreation and visitor-serving facilities.
- e. Encourage mixed use commercial development that includes housing units.
- f. Encourage development of commercial uses that provide necessary goods and services to coastal-dependent industries and local recreational uses.

D. Specific Policy - Industrial

- 1. The County of Monterey shall require the approval of a General Development Plan prior to considering future expansion, improvement, or other development of industrial-designated properties within the Moss Landing Community Plan.

E. Specific Policies - Public/Quasi Public

- 1. The County of Monterey supports use of harbor facilities to allow appropriate maritime activities, such as commercial fishing, recreational boating, and visitor-serving activities consistent with the conservation of the area's wetlands, dunes and other coastal resources.
- 2. Provision of an additional boat fueling facility should be considered.
- 3. An additional boat launching ramp or hoist should be provided in the harbor area.

F. Specific Policy - Recreational

- 1. Low and moderate cost recreation and visitor-serving facilities shall be prioritized.

G. Specific Policies - Resource Conservation

- 1. The County of Monterey shall not permit construction of new water discharge outfalls in all sloughs. The County supports limiting expansion or reuse of existing, cooling water discharge outfalls in all sloughs to protect natural resources. If the existing discharge rate from any existing facilities (e.g., the Power Plant) is to be increased, environmental studies shall be undertaken to determine the effect.
- 2. Prior to acting on any proposal that relates to wetlands and/or sensitive habitat restoration projects located within the Elkhorn Slough watershed or have potential

effects on the sloughs or Old Salinas River channel within the community, the County shall provide written notice and consult with the Moss Landing Harbor District.

H. Specific Policies – Moss Landing Business Park Special Treatment Overlay

1. Total structural development in the Moss Landing Business Park Special Treatment Area shall be limited by water use, traffic generation or wastewater generation equivalent to 2,000,000 square feet of habitable floor area. Above ground seawater tanks and non-habitable structures (e.g., solar panels) are not included in determining this limitation.
2. Development within the Moss Landing Business Park Special Treatment Area shall be subject to the following:
 - a. Uses are limited to coastal-dependent uses, coastal-related uses, manufacturing that furthers State of California goals for affordable housing and greenhouse gas reduction, and uses related to the following Coastal Act priorities: Natural Resource Preservation and Protection and Agricultural Uses (including research, commercial cannabis activity and aquaculture).
 - b. Residential (other than caretakers' units) and Commercial development is not allowed.
 - c. Direct motor vehicular access to the area located west of Highway 1 is not allowed from Highway 1 or Moss Landing Road.
 - d. Approval of a comprehensive General Development Plan that analyzes the following:
 - i. Proposed circulation improvements and their location;
 - ii. Categories of proposed land uses and their location;
 - iii. An approximation of the proposed potential development intensity for each proposed use;
 - iv. The coastal-dependent/coastal-related/coastal priority nature of proposed uses (including the use of seawater); and
 - v. Potential land use conflicts between different categories of use, and the protection of unique natural resources on and around the site.
 - e. Development of industrial operations that can reuse waste heat or other effluent streams from facilities within the Moss Landing Community, or that utilize coastal resources, as part of their processes is encouraged.

I. Specific Policies - The Island Special Treatment Overlay

1. The highest priority should be given to preserving and maintaining all fish handling and processing facilities within the Island Special Treatment Area. According to both the State Lands Commission Charter for the Moss Landing Harbor District and the Coastal Act mandate, it is imperative that commercial fishing activities be protected.
2. The Island Special Treatment Area shall accommodate growth in marine research, engineering, and education, in a manner that complements, maintains, and strengthens Moss Landing's traditional harbor activities, commercial fishing base, and maritime industries while being consistent with applicable coastal resource protection policies and safety hazards policies.

Any area where development is not allowed, or restricted to minor and/or ancillary development, due to coastal hazards shall be placed in a conservation easement or rezoned to a district that similarly limits development.

3. The County of Monterey will develop a Waterfront Industry Zoning District that allows uses related to these industries subject to the following:
 - a. Aquaculture-related uses are encouraged that emphasize the development of aquaculture concepts that can be exported to less physically constrained locations.
 - b. A maximum of one full-service restaurant shall be allowed. Other small-scale commercial establishments (e.g., fishing and boating supplies and coffee huts) that support the commercial fishing industry are also allowed.
 - c. New residential uses are not allowed.
 - d. Allowed uses shall include commercial fishing industries; marine education, research, and engineering; boat storage and repair; and commercial and recreational boating uses and support facilities including fisherman dormitories.
4. Encourage the conversion of underutilized or unused parcels on the Island to land uses that are supportive of the commercial fishing industry, marine research and education, and aquaculture. Coastal-related development that supports coastal-dependent uses within the Island Special Treatment Area or the Harbor Facilities land use designation shall be considered the same as coastal-dependent uses for purposes of allowing shoreline protective devices.
5. The County of Monterey supports the development of public parking/access at a location near the northwest end of the Island consistent with the protection of coastal resources.
6. Monterey County shall require new development on the Island to provide either on-site parking or a dedicated off-site parking facility consistent with protection of coastal resources. Shared parking may be considered where it can be reserved for the use through conditions of approval.

J. Specific Policy - North Potrero Road Special Treatment Area

1. Development of the property located at APN 133-201-010-000 (North of Potrero Road, east of Old Salinas River and west of the Heights Residential Neighborhood) shall be compatible with existing resources and the adjacent land uses. The County supports the use of the site for habitat restoration and/or enhancement.

5.5 RECREATION AND PUBLIC ACCESS

A major reason for the passage of the Coastal Initiative (Proposition 20) in 1972 was to ensure preservation of access to the coast and protection of coastal recreation resources. One of the principal goals of the Coastal Act of 1976 is to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners."

At Moss Landing State Beach, problems with sand blowouts, littering, fires in the dunes, crowded parking conditions, congestion along Jetty Road, and illegal camping, limit the aesthetic appreciation and quality of the recreational experience. Uncontrolled access to fragile sand dunes are resulting historically resulted in trampling of dune vegetation and severe damage to the dunes themselves. Similar problems existed at Salinas River State Beach and the sand dunes south of the former Marine Labs site at Sandholdt Road. Access in recent years has been better controlled through signage and exclusionary fencing.

Overall, the lack of adequate management and public facilities at the two state beaches is a pressing problem in urgent need of correction. Improved parking facilities and restrooms are needed at both beaches. Other facilities needed at Moss Landing State Beach include fish cleaning tables, fire pits and bicycle racks. Finally, the lack of adequate public transit service to the two state beaches limits the degree to which either facility can be used and appreciated by those dependent upon public transit services.

Opportunities for public access to the Island Beach are limited by inadequate parking as well as by the developed character of this area. Other areas where opportunities for improved public access and low intensity recreational use should be considered are Bennett and Elkhorn Sloughs. The Moro Cojo Slough, by virtue of its proximity to Highway 1, represents a potential recreational opportunity that could be appreciated by the public in addition to the areas above. **Figure 11** shows Public Access and Recreation facilities.



Figure 11. Public Access and Recreation Map

5.5.1 Recreation and Public Access Policies

The following Recreation and Public Access policies supplement the more general coastal public access policies contained in the North County Land Use Plan (Chapter 6 “Public Access”). Therefore, any proposed development within the Moss Landing Community must be reviewed in accordance with the applicable North County Land Use Plan and Moss Landing Community Plan policies that govern the Moss Landing Community Area.

A. Key Policies

1. The Moss Landing community contains a variety of sandy beaches, dunes, estuaries and wetland habitats which offer diverse recreational opportunities. In the spirit of the Coastal Act, public access to these areas shall be provided. However, conservation of the sensitive natural resources of the coastline is an even higher priority. The County’s policy is to encourage an optimal level of development of recreation and public access opportunities consistent with the conservation of coastal resources.
2. Development of the Monterey Bay Sanctuary Scenic Trail (which is a piece of the larger California Coastal Trail) through the Moss Landing Community Plan area is a high priority and shall be constructed and completed in a manner that balances maximum public pedestrian and bicycle access, protection of coastal resources (including but not limited to sensitive habitats, water quality, and visual resources), educational and interpretive opportunities, and integration with Harbor and other coastal-dependent operations.

B. General Policy

1. General policies on shoreline access and development of recreation and visitor-serving facilities contained in other chapters of this plan are incorporated by reference in the Moss Landing Community Plan. These policies emphasize permanent protection of major access points and property management by appropriate public agencies. New access and recreation areas should be guided by detailed management plans, and the rights of residents and property owners should not be jeopardized by irresponsible public access. Low and moderate cost recreation and visitor-serving facilities are preferred to higher cost facilities.

C. Specific Policies

1. The County of Monterey shall review development projects and public agency planning documents to seek opportunities to increase public access to Bennett Slough, Elkhorn Slough, and Moro Cojo Slough and the sand dunes south of the Moss Landing Marine Laboratories, consistent with coastal resource protection policies.
2. Controlled public access to Moro Cojo Slough and Bennett Slough shall be explored. Provision of boardwalks constructed of permeable materials should be favored over foot trails where the potential for impacts to wetland habitat exists.

3. The County of Monterey shall work with property owners and California State Parks to provide beach access in the area immediately south of Sandholdt Bridge that is accessible to persons with disabilities, and in other areas owned by State Parks.
4. The County of Monterey shall require new development on the Island to incorporate new, maintain existing, or make improvements to existing, public access as necessary.

5.5.2 Parking Facilities

Locations for improved parking facilities are shown on **Figure 11** for the Plan area. It is recommended that parking areas located along Jetty Road be limited consistent with the protection of coastal resources. Consistent with public access policies in Chapter 6 of the North County Land Use Plan, parking improvements shall be made only upon completion of more detailed management plans for the area by the State Department of Parks and Recreation. Care should be taken during construction of parking facilities at the Jetty Road curve, to avoid filling the Bennett Slough wetlands or disrupting wildlife and shorebird habitat.

Parking improvements are proposed for the South Harbor area. The existing Caltrans Park and Ride facility is shown on the west side of Highway 1 and south of Dolan Road. Future parking is also shown at the Southwest corner of Moss Landing Road North and Highway 1. Lastly, general upgrading of the existing parking area at Salinas River State Beach just north of Potrero Road is also needed.

A. *Specific Policy*

1. The County of Monterey, in collaboration with property owners, shall work to provide an appropriate number of parking spaces based on a detailed management plan that considers coastal resource limitations along Jetty Road.

NORTH COUNTY LAND USE PLAN POLICY CHANGES

Section 4.3.6.E.4: Delete. It is replaced by draft Policy 5.4.9.C.1.

~~4.3.6.E.4. Recreation and Visitor Serving Commercial and General Commercial uses shall be developed in the Moss Landing Community Plan area in accordance with the following policies and guidelines and with Section 5.2.1.B.~~

- ~~○ Permit a total of up to 150 hotel/motel units based on available land and wastewater collection system capacity. These shall generally be provided by several smaller establishments not exceeding 30 units each.~~
- ~~○ Encourage the expansion and improvement of existing recreation and visitor-serving facilities.~~
- ~~○ Design and locate new commercial visitor-serving facilities to minimize traffic and natural resource impacts.~~
- ~~○ Encourage the development of low and moderate cost commercial recreation and visitor-serving facilities in preference to high cost facilities.~~
- ~~○ Encourage mixed use commercial development that includes housing units.~~
- ~~○ Encourage development of commercial uses providing (sic) necessary service to coastal-dependent industries such as commercial fishing, aquaculture, and energy production, and commercial facilities providing goods and services related to the use of local recreational opportunities.~~

Section 6.3.1: Modify Public Access General Policy No. 1 as follows:

[Edits shown compared to 6.3.1] Major access areas, whether in public or private ownership shall be permanently protected for long-term public use. They shall be improved where necessary and managed properly. Major access locations are:

- (1) Giberson Road - access to Zmudowski State Beach
- (2) Jetty Road - access to Bennett Slough and Moss Landing State Beach
- (3) Sandholdt Road - access to "The Island" beaches and ~~North~~ South Harbor
- (4) Moss Landing Marine Lab - access to beach
- (5) Potrero Road - access to Salinas River State Beach
- (6) Monterey Dunes Way - access to Salinas River State Beach
- (7) Kirby Park - access to Elkhorn Slough

Appendix B: Add the Following Glossary Terms:

- 10.5 **Coastal Hazards** include, but are not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, high liquefaction, and the interaction of same, and all as impacted by sea level rise.
- 69.5 **Shoreline Protective Devices:** Structures along the shoreline that are used to protect development against coastal hazards, including but not limited to seawalls, revetments, gunite/shotcrete, sheet piles, breakwaters, groins, bluff retention devices, retaining walls, and pier/caisson foundation (or other form of atypical deep foundation) and/or wall systems.

Monterey County Housing and Community Development
Department

Attn: Melanie Beretti, AICP, Principal Planner

1441 Schilling place, 2nd Floor South

Salinas, CA 93902



Dear Melanie,

Enclosed are my first four pages of comments. Lots to read and I will continue to send my thoughts. You have presented a great job of pulling all the pieces together.

Margaret Robbins *9/5/2022*

Margaret Robbins, 3850 Rio Road #26, Carmel, CA 93923

Phone: 831-624-1153

email: mm_robbins@cpmpcast.net

Questions relating to Notice of Preparation

Reduction in the number of long term housing is my major concern. Please explain in detail how and why limited vacation rentals will not reduce the availability of long term housing.


1. Explain in detail why any type of vacation rental should not be prohibited from any area where flooding and fire can and will occur. There is no such prohibition now.
2. Explain in detail why any type of vacation rental in flood prone and fire prone areas will not make evacuations much more difficult.
3. Explain in detail why any type of vacation rental in fire and flood prone areas will not create more traffic and make evacuations much more difficult.
- 4 Explain in detail why vacation rentals in fire and flood prone areas will not create significant hazards to public health and safety for both the people in these vacation rentals and the all residents living nearby.
5. Explain why in detail there will not be a huge increase in vacation rentals before the new

ordinances pass? If this happens, how will the County deal with this increase? Details, please.

6. Where is the money—source, amount needed, number of personnel—for enforcement of rules? There is little enforcement of vacation rentals now. Please assure me that enforcement will soon become part of the vacation rental rules and be made a part of the new ordinances. Details, please.

7. Why are there no page numbers on the NOP, Notice of Preparation?

GENERAL QUESTIONS

1. Explain in detail why 6% was selected. Who made the decision and what facts are this number based on?
2. In light of the fact that Carmel Valley has numerous areas where floods happen and numerous areas here fires can take place, and flood and fire areas in the same locations, why is Carmel Valley still under the 6% regulation? In addition, Carmel Valley has only two ways to exit which makes quick and timely evacuations difficult if not impossible. 

3. An exception to the 6% rule is made for Big Sur and the Carmel Highlands, why is there no exception for Carmel Valley? Detailed explanation, please.
4. According to the figures presented, Carmel Valley is to have a total of 320 vacation rentals. Due to the lack of County enforcement, we now have 129 vacation rentals. Please supply a map showing where these vacation rentals are located. Indicate how many of these vacation rentals now pay TOT?
5. With a total of 129 vacation rentals now operating in Carmel Valley there are 173 slots left for additional vacation rentals. This 173 figure is mysteriously close to the 175 figure representing the number of hotel rooms planned for the Rancho Canada Golf Course. The County in the past called these hotel units vacation rentals. Is the still the County's position? Explain in detail.
6. If 173 of the remaining vacation rental do indeed represent the hotel units, these 173 new vacation rentals would all be located between Via Mallorca and Highway One at the mouth of Carmel Valley. This is an area subject to both fires and flooding. Please explain how this small area could possibly safely and quickly evacuate the existing residents



and people in the new vocational rentals. Details needed! How do you reach the vacation renters when you do not have cell phone numbers for them?

MY PERSONAL EXPERIENCE WITH VACATION RENTALS.

This was before Arroyo Carmel banned any vacation rentals in our governing documents. The owner of a large 2 bedroom unit moved his child into their master bedroom and set up three bunk beds in the second bedroom. He rented to 3 couples who arrived in three cars. He only had a two car garage filled with his cars and furniture from the second bedroom. His 6 guests parked their 3 cars illegally in short term (few hours only) parking.

Those 6 guests and their three cars were busy from early morning to well after dusk. I was told the owner provided passes for 2 to the Aquarium so each car made at least one trip there. They had flyers from Point Lobos. And regaled the owner with the names of the many other sites and restaurants they visited well as filling their trucks with the many purchases they made. In short, vacation rentals cause TRAFFIC. LOTS OF TRAFFIC.

3850 Rio Road#26, Carmel, CA 93923. 831-624-1153

Margaret Roberts September 5, 2022

*email Nelly Rodriguez @
wonderst.net*

Friedrich, Michele

From: James Greco <greco@jamesgreco.com>
Sent: Monday, September 12, 2022 11:08 AM
To: ceqcomments
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To the Board ,

I live next door now to a person who just has developed his backyard into a mini golf course and turned his previously long term rental guest house into an AirBNB. He now advertises it as a "Golfer's Dream stay" .I'm stunned that we have to defend the idea that our neighborhoods are residential areas and NOT business industries. A STR IS A FULL TIME BUSINESS!!!

Allowing STR **only encourages more residents to consider turning their homes into businesses.**

Your policies incentivize homeowners to turn their homes into profit centers. Your policies actually **encourage the loss of housing for workers and families** and it will only get worse overtime.

Please reconsider and severely restrict any STR activity.

Thank you

James Greco
26565 Canada Way
Carmel, CA 93923



Secured by Paubox - HITRUST CSF certified

Friedrich, Michele

From: Arlene Nolan <watermedia1@comcast.net>
Sent: Saturday, September 10, 2022 5:04 PM
To: ceqacomments
Subject: Short-term rentals

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

If the goal of ordinances is to "preserve and enhance the residential character and sense of security and safety in stable neighborhoods of residential properties", the rural areas of Carmel Valley are already being threatened.

Vacation rentals in these neighborhoods are not compatible with "party houses" and those are currently being established by out-of-area owners who are purchasing single family homes for that specific purpose (we currently have at least one in our neighborhood, where parties are held essentially every weekend next door to long-time homes). This is unfair to neighbors and increases the noise, traffic, and water usage in an area that is not readily accessible to infrastructure. Vacation rentals are simply unacceptable in rural areas already impacted by these issues.

Arlene Nolan
Hidden Hills, Carmel Valley



Friedrich, Michele

From: LLOYD NOLAN <soothsayer1@comcast.net>
Sent: Saturday, September 10, 2022 5:19 PM
To: ceqacomment

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I'm all for someone being able to rent out their property (and pay taxes) but in our neighborhood we had a house with about 30 drunk abusive people keeping the neighbors up all night and blocking the entire area of parking. That's what I don't like.

Lloyd Nolan soothsayer1@comcast.net

You've got to live somewhere you aren't afraid to die.
Ukrainian poet Serhiy Zhadan



Friedrich, Michele



From: Bill Monning <billmonning@gmail.com>
Sent: Monday, September 12, 2022 2:09 PM
To: ceqacomments
Cc: Dana Kent; Adams, Mary L.; Courtney, Colleen
Subject: Dana Kent and William Monning CEQA COMMENTS -Monterey County Short Term Rental Draft Ordinance EIR
Attachments: DK and WM Comments on Vacation Rentals EIR Comments 9 12 2022.docx

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Dear Ms. Beretti, Mr. Lunquist, and team:
Below and attached, please find our comments on the
Monterey County Short Term Rental Draft Ordinance EIR:

DANA T. KENT
WILLIAM W. MONNING
24731 Crestview Circle
Carmel, Ca 93923
(Unincorporated Carmel, Coastal Zone)
kentmonning@hotmail.com
billmonning@gmail.com
831.624.5102

12 September 2022

**PUBLIC CONSULTATION AND COMMENTS
ON MONTEREY COUNTY SHORT TERM RENTAL
DRAFT ORDINANCE EIR.**

Dear Ms. Beretti, Mr. Lundquist, and team,

Thank you for holding the Public Consultation Session September 6, 2022. We attended by Zoom, and Bill made comments during the public comment time.

We are also sending you here some of our questions and concerns regarding the EIR draft ordinances, particularly for the Commercial Vacation Rentals (CVR).

1. We live in the unincorporated area of Monterey County, in the Coastal Zone of Carmel. We live on a small cul-de-sac of 7 homes. In the past several years, 3 of the 7 homes (43%) have been transformed from owner/resident-occupied dwellings to CVRs. One of the 3 homes has been

converted to a duplex that is commercially rented as 2 separate units. This has profoundly affected our tiny street. The 6% area cap proposed in the draft EIR seems not to address the neighborhood- or street-level impact of CVRs, such as we are experiencing daily.

2.. A preliminary question regarding REF 130043: How is "low-density areas of Carmel" defined? We cannot determine if our home falls in that area. A map would be helpful.

3. Project Issues Discussed in Document (from "Notice of Completion & Environmental Document Transmittal" document sent with notice of Public Consultation Sessions):

a. Noise: The increase in noise in our cul-de-sac has been profound, mostly from cars and trucks (and once an RV) coming and go constantly as the CVR units flip every 2-4 days, and the CVRs' house cleaners also come and go at the same rate. Further, the CVRs have constant construction and/or service trucks coming and going. They all park on the public street when they overflow the CVRs' driveways. There have also been problems with "guest" noise and disruption, as well as paying "guests" entertaining other visitors, adding to more parked vehicles on the public street.

b. Public Services/Facilities: Does this include public safety? Parking? The cars coming and going travel much faster than do the permanent residents (both home-owners and long-term renters, who are aware of children, walkers, and animals). And what about access for emergency vehicles? The "guests" parking on our public street cul-de-sac have effectively blocked access for fire/EMS and other such vehicles. Finally, does the draft address access for necessary services like postal service/trash/recycling? We see those workers struggle to perform their routes because of the number of cars, trucks, and even an RV connected to the CVRs parked on the public street. (Large waste and recycling vehicles used to be able to make a complete turn on the cul de sac and use their mechanical arms to lift bins. Now, more often than not, they must stop the trucks and bring the bins to the mechanical arms. Then they often make a multi-point turn to get the truck faced back down the road. What is the wear and tear to the road surface. Will any of the TOT fees be used to repair damaged and worn road ways in residential areas?)

c. Infrastructure: Does the document's scope include effects of the CVRs on infrastructure? On our cul-de-sac, having 43% of the homes now CVRs with the accompanying increase in trucks and cars, the street has become ridden with potholes and loose gravel.

d. Water supply/groundwater: We appreciate that the draft seems to preclude conversion to duplexes for CVRs. Where is all the water coming from when what was a permanent residence is now 2 CVRS that flip (with attendant laundry) every few days? In another of the CVRs, a water main was leaking from its connection in the street. We happened to be walking by, saw the leak, and called the absentee owner. The water had already reached Hwy 1 by the time it was fixed several days later after we reported the leak to the absentee short term rental owner.

Thank you for your consideration of our questions and thoughts. We appreciate your work and look forward to help with what has become an untenable situation.

Sincerely,

/s/

Dana Kent
William Monning

cc. Supervisor Mary Adams

--
Senator Bill Monning, Ret.
California State Senate
Majority Leader Emeritus
Attorney at Law
he/him/his
P.O. Box 1385
Monterey, Ca 93942-1385

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12 September 2022

**PUBLIC CONSULTATION AND COMMENTS
ON MONTEREY COUNTY SHORT TERM RENTAL
DRAFT ORDINANCE EIR.**

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Thank you for your consideration of our questions and thoughts. We appreciate your work and look forward to help with what has become an untenable situation.

Sincerely,


Dana Kent
William Monning

cc. Supervisor Mary Adams

Friedrich, Michele

From: MICHELE RADFORD <maradford@sbcglobal.net>
Sent: Wednesday, September 14, 2022 10:25 AM
To: ceqacomments
Subject: Vacation Rental Notice of Preparation (NOP)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Please do not allow short term rentals in Carmel Valley. People who rent have no interest in maintaining a quiet neighborhood and they most likely will behave badly. I have seen this is Oakland from where I moved. They simply are not responsible people who do short term rentals.
Michele Radford



Friedrich, Michele

From: philler@jomoracollection.org
Sent: Wednesday, September 14, 2022 1:22 PM
To: ceqacomments; 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; Beretti, Melanie; friedrichm@co.monterey.ca.us
Subject: new reply re STR public input
Attachments: September 14.docx

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

please see new attached letter re STR's - thank you - Peter Hiller and Celeste Williams



September 14, 2022

Re: Short Term Rentals in Monterey County

To the Monterey County Board of Supervisors, CEQA – Melanie Beretti – and those whom it may concern -

As a follow up to our letter of Sept. 5/6 here is an attempt, as requested, at addressing the questions of *environmental issues* along with *alternatives and mitigation* concerning STR's in Monterey County. We appreciate being asked to chime in on these specific issues but at some point, we believe these areas are best answered by those persons who are professionally trained in these issues, nonetheless, we will try and share some individual thoughts and research, on the part of a novice, because we care about our neighborhood.

Concerns re STR environmental issues:

These are publicly well documented and include potential for increased noise, increased car trips which impact traffic and road use, parking overload, air pollution based on additional automobile use, increased water use along with additional septic and/or sewage impact which all come about as a result of maximizing renters and their potential guests.

Thoughts re STR alternatives:

- Encourage creation of and use of motels and hotels where zoning allows (it should be noted that even during the largest tourist events in the county, there are still motel/hotel rooms available).
- Require timeshare ownership with minimum length of stay at two weeks.

Thoughts re STR mitigation - please consider the following in no specific order...

- With community input, draft guidelines for appropriate use permits for STR home owners and STR renters
- Require length of stay of five nights minimum
- Limit number of days dwelling is used per year
- Require owner presence – require direct booking with owner
- Require owners use a guide for screening renters like rental agencies do for potential tenants
- Require water regulators on all appliances for low flow and require *Energy Star* rated appliances
- Require obvious recycling and composting means
- Require recycled toilet paper and bulk consumables like shampoo and soap
- Create a common understanding list of rules for STR's in single family neighborhoods
- Conveniently post list of STR's by neighborhood with 24/7 owner contact information

- Add a school district tax as homes off the market for sale and long-term rental reduce the tax base which impacts school districts among other tax recipients
- Require ADA compliance
- Create a countywide Hotline for enforcement concerns

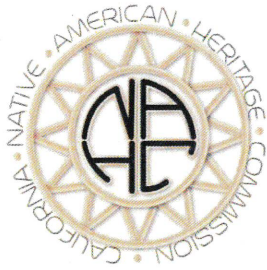
*We are compelled to reiterate one more comment – with **Regional Housing Needs Allocation (RHNA)** rulings upon us in each city within Monterey County and the unincorporated parts of the county – which we support – each home that is dedicated to a STR unit is a home off the ownership and long-term market – an exact contradiction of what the goal of RHNA is trying to achieve.*

Ultimately the question of STR's is a personal one based on each person's intention, perspective and wishes for their neighborhood and community. From the point of view of single-family home owners, it is very subjective. Please do not allow any additional STR's in our neighborhood and grandfather some out of permits as they change use. 2% is plenty in an historically family-oriented neighborhood.

Sincerely,

Peter Hiller and Celeste Williams

Peter Hiller and Celeste Williams
26541 Willow Place
Carmel, CA. 93923
831-624-3284
19philler52@gmail.com



NATIVE AMERICAN HERITAGE COMMISSION

September 8, 2022

Malanie Beretti
Monterey County Housing and Community Development Dept.
1441 Schilling Place, 2nd Floor South
Salinas, CA 93901



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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2022080643, Vacation Rental (Aka Short-Term Rental) Ordinances (Coastal – REF130043 & Inland – REF100042) Project, Monterey County

Dear Ms. Beretti:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice; to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures; including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Friedrich, Michele

From: Rick Thau <rick@thau.net>
Sent: Thursday, September 15, 2022 9:32 AM
To: ceqacomments
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I live in mid valley - Carmel Valley... there are different areas here, with vacation rentals in the Carmel Valley Ranch complex as part of a resort environment expected. However, across the road on Tierra Grande and Mercurio Road; these are quiet residential areas and the inclusion of vacation rentals adds traffic, noise, and security issues. These renters don't care about our environment, leaving trash and causing a nuisance.

I would request that the allocations of short term rentals be controlled on a more "local" basis than ALL of Carmel Valley. Quiet residential neighborhoods could be overrun and not be residential anymore...

Thank you,

27990 Mercurio Rd, Carmel, CA 93923

Rick Thau
Rick@thau.net
Carmel, CA
Cell: 650-255-5222



Friedrich, Michele

From: TINA DEYERLE <tinadeyerle@sbcglobal.net>
Sent: Thursday, September 15, 2022 10:16 AM
To: ceqacomment
Subject: STR

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I am the homeowner of an STR. I reside on the same property and have enjoyed sharing our space with people from around the world for over three years. I have never had a problem with my Airbnb. People are informed before renting that the space is in a quiet neighborhood and no extra guests are allowed. Mostly my guests are looking for a quiet getaway with the opportunity to enjoy the area. My space is well equipped and affordable for middle class families. If I were disallowed from continuing my Airbnb I would never consider renting it out full time. It's not set up for that. My minimum stay is three night and rarely is it as much as a week. If I were required to rent for a minimum of seven days i would not be interested. I have always paid my TOT and I hope you will consider that.

Thank you

Tina Deyerle
Sent from my iPhone





Friedrich, Michele

From: D. WILDAY <dwilday@sbcglobal.net>
Sent: Thursday, September 15, 2022 11:43 AM
To: ceqacomment
Subject: VACATION RENTAL ORDINANCES DRAFT EIR NOP SCOPING COMMENTS

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attn: Melanie Beretti, AICP Principal Planner, Monterey County Housing and Community Development Dept.

Our home sits in a quiet Carmel Valley residential neighborhood where most homes have less than 1/4 acre so that neighbors are visible and audible to each home in the neighborhood.

There is no buffer of sight or sound.

Traffic and garbage have increased *off the charts* since legalization of short term vacation rentals and even prior to legalization as typically people were renting anyway. Many of our neighbors are selling their homes to avoid living on our streets, which now are littered with alcohol bottles and garbage.

We live on a road that ends at the Garland Park little league field--one way in and one way out.

Cars speed through the neighborhood and kill our beloved cats . . . kill innocent chickens and roosters.

More cars can only equal more deaths.

We have a neighborhood in which young children happily walk in the road.

We fear for their safety and sense of trust.

Our own neighbors recently decided to open their home and property to short term vacation rentals.

During one fairly recent period there were 7 different renters in 7 weeks with only one or two days in between each check-in and check-out to allow for housekeeping.

More recently there were several renters whom we were forced to listen to during what seemed like a sexual gathering with drinking and / or drug use.

As I write those words I am aware that it sounds as if I live next door to a seedy hotel in a city slum.

At least in a hotel one can call the front desk.

We have lost our neighborhood, our home value, our sense of safety, our blessed quiet and propriety: everything about living in a rural family neighborhood that has been precious to us.

We feel endangered with transients coming and going next door regularly.

We feel violated having to listen to their parties, sometimes with lurid sounds, and from the sound of things with drinking or drug use.

Even when the renters are respectful of the neighborhood norms, which often they are, the neighborhood is entirely transformed by transient presences. It boggles the mind and hurts the heart that the County has legalized short term rentals so that *some people can profit* (including the County, on taxes, when there is compliance, which often there is not), while the rest of us have lost everything we have worked for our entire lives. Endangerment of law-abiding local citizens in exchange for profit--short term gain in exchange for destruction of a way of life!

Our neighbors keep a ping-pong table on their property abutting our fenced property. At night, in the dark, speeding ping-pong balls fly over our fence to the sound of renters' raucous laughter, disrupting our sleep, endangering and littering our property. Should anyone on our property be injured by these hard speeding balls, or should windows break, we will confront these violations to the fullest extent allowed by law.

What are our rights? Those of us who care about our neighbors' comfort, trust, and peaceful lifestyle--we have been left in a ditch by the County to which we pay our taxes.

Thank-you for the opportunity to comment.
Kindly confirm you receipt of this document.

*Deborah Wilday, Ph.D., LMFT
David Wilday
Homeowners
4 Paso Cresta
Carmel Valley, CA. 93924*

Friedrich, Michele

From: Vicki Nelson <vcnelson@earthlink.net>
Sent: Thursday, September 15, 2022 2:05 PM
To: ceqacommments
Subject: STR'S

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Just putting my two cents in. The house next to mine in Pebble Beach has had different people renting at least once a week for well over a year. I'm particularly disturbed by the fact that I have seen the renters leaning over the fence between our properties trying to see into my yard.

It's very disturbing to have strangers in a quiet neighborhood on a regular basis. On my block in particular we watch out for each other, know what cars/trucks are in driveways and who they belong to.

Thank you for your time.

Vicki Nelson

Vicki Nelson



Friedrich, Michele

From: John Manning <ruthandrick@msn.com>
Sent: Thursday, September 15, 2022 2:16 PM
To: ceqacomments
Subject: Vacation Rentals Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

As a longtime Carmel Valley resident, I feel commercial STRs are a threat to our community and our abilities to keep Carmel Valley a peaceful, semi rural community with a decent quality of life. We have friends who have STRs on their owner occupied properties and that is the only acceptable form of an STR. Everything else is a hotel.

Thank you,

Ruth Carter

937 W. Carmel Valley Rd.

93924

831-915-9458

Sent from my iPhone



Friedrich, Michele

From: Phil Dunsford <pdunsford@gmail.com>
Sent: Thursday, September 15, 2022 8:14 PM
To: ceqacomment
Subject: Short term rental legislation comments



[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Good afternoon,

I'm an active duty service member and homeowner in unincorporated Monterey County and would like to comment on the proposed short term rental regulation:

The proposed 6% cap on short term rental properties mentioned in the latest edition of the Carmel Pine Cone is vague and does not discern between renting entire properties and rooms within homes, nor the amount of time a property is rented.

I advocate a 3 tiered system, specifically:

- 1) full time short term rental of an entire property being very tightly restricted with significant fees.
- 2) part time short term rental of an entire property, up to 14 days per year with few restrictions.
- 3) short term rental of rooms within a home with few restrictions.

1) Short term rental of an entire house with no restriction on the number of days short term rented per year should be tightly restricted. A 6% cap is quite high and I would encourage a significantly smaller cap with large annual fees tied to CPI to discourage investors from converting neighborhoods into unzoned hotel commercial districts. These license fees should be more than sufficient to fully fund the management of the remainder of this program and should be sufficient to offset their impact to the community in the way of funds for parks/playgrounds etc.

2) Short term rentals of primary residences up to 14 days per year: Due to the popularity of certain weeks of the year on the Monterey peninsula, consideration should be given to permitting up to 14 days of short-term rentals per year of a primary residence - allowing local homeowners to rent their primary residence during popular times such as the food and wine festivals, car week and PGA tournaments. These should not be subject to a cap and should simply be a matter of filing the paperwork and paying the requisite taxes. No fee other than collection and remittance of the relevant taxes should be imposed. This will allow visitors to enjoy the Monterey peninsula during popular events and provide a financial benefit to local families committed to their community while not removing housing stock from the local community.

3) Short terms rentals of a room within an existing home should be lightly regulated, and not subject to a cap or the number of days rented per year. This is a way for local homeowners to gain financial stability, does not remove housing stock from the rental market and provides tourists or traveling professionals an affordable option for visiting the peninsula with an authentic local experience.

Thank you for your consideration.

Phillip Dunsford, D.D.S.

LCDR, DC, USN

Friedrich, Michele

From: Rob Officer <rob8210@gmail.com>
Sent: Saturday, September 17, 2022 1:03 PM
To: ceqacomments
Subject: Vacation Rentals in Carmel Valley

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

For three years I hosted a vacation rental in a small cabin in Carmel Valley that sadly burnt down in the Carmel fire. Over those three years I never had a single complaint against us. We provided a valuable service to our guests, an experience that they could not find anywhere else. We are working folks, both working full time, yet this income was so critical for our survival here. Now that i can not host any longer i have had to take a second job to make ends meet. I understand people's concerns about vacation rentals but I feel the negative comments are drastically exaggerated, by people who simply don't want anyone coming into this community. Carmel Valley's business will thrive with tourist traffic, and with reasonable regulations vacation rentals can support our residents who don't happen to be millionaires, like myself. I was a renter for years, and I understand vacation rentals take up rental units, but they are not to blame for our housing crisis. Years of underdevelopment are to blame. If we want to have a diverse community that grows and cultivates culture then we need to grow and respond to these innovative changes, rather than banning them or making them so expensive and restrictive that only the wealthy could afford them.

We have had multiple deaths in Carmel Valley Village because there is no crosswalk. Our roads are in horrible condition. This past year we had five cars go off the same cliff on cachagua rd. with no guard rail. We need infrastructure development in the valley for our safety. The tax from Vacation rental could pay for this. We are a developing wine country, and the visitors that come to our area to taste wines need places to stay. Any way realistic regulation of vacation rentals, and development of affordable housing. Please look out for hard working people like myself.



Friedrich, Michele

From: davidpicus@gmail.com
Sent: Saturday, September 17, 2022 6:39 PM
To: ceqacomments
Subject: STR Comments Regarding Environmental Impact
Attachments: STR letter Sept 15.docx

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To Whom it May Concern,

Please see my enclosed comments regarding the environmental impact on STR's. I hope you will see how STR's as part of the tourist infrastructure within Monterey County will help the tourism industry remain sustainable.

Best Regards,
David



Overview:

Any environmental impact study must consider the impact new regulations will have on STR's ceasing operations and the new construction of hotels required to meet the tourist capacity resulting from these closures.

Background:

My wife and I have run an owner occupied STR "studio" for the last several years and it's been wonderful for our guests, for the county, and for us. We've worked hard to provide an immaculate, memorable, private, and personable lodging experience for our guests which has enhanced their vacations. We diligently pay our TOT, and contribute more than \$5000 annually in taxes to the county. Our neighbors all support our STR, and they barely know when we have guests. There's never been a complaint. There is zero impact to the integrity of the neighborhood. Regarding affordability of housing, our house hunting choice, budgetary planning, and renovations options were based on eventually hosting an STR, which has allowed us to afford moving to the very expensive Carmel unincorporated area. For us, affordability of housing is dependent on our STR.

Our STR income, not only provides a meaningful retirement activity for us, allowing us to meet and interact with guests from all over the world, but the money we earn has a multiplying effect in the community. The guests spend money around the peninsula in shops, restaurants, and leisure activities. For us, the STR gives us a bit of spending money that allows us to eat out a bit more, and not delay further required improvements to our home, supporting craftsmen throughout the Peninsula. Our STR income is spent in the community.

We have been waiting for many years for the County to have come up with the revised regulations on STR's before applying for our permit. We have understood that out of the 600+ STR's in the county that very few are permitted. The process is notoriously difficult, and expensive, even if a permit is not granted. And moreover, the current permits allow only for a 7 night minimum stay, which would preclude the great majority of our business. For these reasons, we've chosen to wait and plan to apply for a permit under the new regulations.

Environmental Impact:

Please step back a moment and take a common sense approach. The existing situation is that there are more than 600 STR's fully operational in Monterey County, providing about 1200 rooms. The environmental impact study should determine the impact on the environment under various scenarios.

If licenses were granted to all existing STR's and no new permits were allowed, there would be no environmental impact. These units are fully renovated and operational. One could study the impact on additional licenses being granted.

If all existing STR's were converted to Long Term rentals, there could be debate about the impact on the environment, but it would seem to be negligible. For water/sewerage usage, there is probably more sheet washing but much less normal laundry and less dish washing. For traffic, it's difficult to ascertain if there would be any change. As most STR's are only rented part time, the impact in fact, is less from STR's than from full time tenants. In short, the environmental impact of the conversion of STR's to long term rentals is basically negligible. Moreover, it is probable that most STR owners would never convert their units to long term rentals.

If all STR's were shut down and would remain unoccupied, it would be a very positive environmental impact on resource utilization and traffic. Less tourists equates to less usage, but there would be a very negative impact on the local economy. This is clearly not a goal of the County. Tourism is the number two industry in Monterey County. Now, and increasingly in coming years, we all face the challenge of finding a sustainable way to protect our natural beauty and local charm while granting access to visitors.

Even if Monterey County only wishes to maintain today's current tourist levels, we must not eliminate existing lodging. For existing STR owners, if the new permitting requirements are onerous and the fear of draconian fines is threatening, many will cease operations. At the announcement of the pilot enforcement program many already have. Even if STR owners face fines while they are applying for permits, there will be an immediate drop in lodging capacity.

Summary – New Hotel Construction Means Tremendous Environmental Impact

If Monterey County wants to maintain its current tourism capacity, while implementing procedures that will greatly reduce the current number of STR's, the only alternative is to build new hotels. If we want to be realistic about environmental impact, then this study MUST take into account the environmental impact on creating new hotel rooms; perhaps for about 1200 rooms, as currently provided by STR's. That equates to about 6 Embassy Suites hotels.

The environmental impact study must compare keeping the existing STR infrastructure to building out these new hotels, including massive dusty new construction sites, foundation work, sewerage work, manufacturing of concrete, steel, windows, mechanical systems, etc, as well as traffic impacts during construction.

And upon completion, if all STR's are gone, but these 1200 new rooms are complete, the environmental impact on resource usage for water, sewerage, electricity, etc. will be about the same as it is today with the STR's. Only the traffic will be concentrated in just a few places, another negative environmental impact.

It is clear that to curtail STR usage while maintaining existing tourist capacity will have a huge negative environmental impact that must be accounted for within the study.

Final Thought:

Imagine the tourism landscape in Monterey County in 10 or 20 years. The challenge is to balance sustainability of resources with granting access to visitors, while growing our economy. Hotels, including new hotels, are surely a part of this tourism fabric. But imagine a Monterey County that embraces some portion of these tourists, being personally housed by regulated responsible STR owners within our existing infrastructure. Many of these homes, such as mine, have an extra separate unoccupied living space, and many others are second homes, unoccupied for many weeks in the year. Do we really prefer these rooms and houses to go dark, rather than be occupied with spending tourists? Arguably, capacity limits on STR's would be required to maintain the integrity of the neighborhoods.

For many of our guests, the experience of chatting personally with a host about how to best experience the Peninsula, in a quiet private setting is such a memorable part of their tourist experience. Increasing numbers of travelers greatly prefer this option to sterile hotels. Rather than resisting this trend, Monterey County should come up with reasonable and relatively easy ways to regulate the STR's and prohibit bad actors, while showing guests some true Monterey hospitality, organically and sustainably.

Friedrich, Michele

From: Mark Grandcolas <mjgrandcolas@gmail.com>
Sent: Sunday, September 18, 2022 8:41 PM
To: ceqacomment
Subject: Fwd: CEQA and STRs

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello,

I own my home and live full time in Carmel Highlands.

The proposal to allow 6% of our homes to be Short Term Rentals is simply too much- it should be closer to 3%.

Monterey county faces a shortage of affordable housing, and an increase in STRs makes that even worse.

STRs destroy the fabric of a community, and only benefit a small minority of wealthy people (many who live out of the county) - is that the kind of society we want?

NO!

Please limit STRs to no more than 3% of Monterey County housing stock.

Sincerely,
Mark Grandcolas
89 Yankee Point
Carmel, CA



Friedrich, Michele

From: davidpicus@gmail.com
Sent: Monday, September 19, 2022 10:15 AM
To: ceqacomments
Subject: Considerations for the Environmental Impact Study Regarding STR's
Attachments: STR letter Sept 15.docx

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To Whom it May Concern,

Please see my enclosed comments regarding the environmental impact study for STR's. I hope you will see how having a vibrant STR component in the County tourist infrastructure will help the industry grow organically and sustainably.

Thanks so much for all of your efforts to shepherd through a reasonable new set of Licensing regulations.

Best Regards,
David



Overview:

Any environmental impact study must consider the impact new regulations will have on STR's ceasing operations and the new construction of hotels required to meet the tourist capacity resulting from these closures.

Background:

My wife and I have run an owner occupied STR "studio" for the last several years and it's been wonderful for our guests, for the county, and for us. We've worked hard to provide an immaculate, memorable, private, and personable lodging experience for our guests which has enhanced their vacations. We diligently pay our TOT, and contribute more than \$5000 annually in taxes to the county. Our neighbors all support our STR, and they barely know when we have guests. There's never been a complaint. There is zero impact to the integrity of the neighborhood. Regarding affordability of housing, our house hunting choice, budgetary planning, and renovations options were based on eventually hosting an STR, which has allowed us to afford moving to the very expensive Carmel unincorporated area. For us, affordability of housing is dependent on our STR.

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Summary – New Hotel Construction Means Tremendous Environmental Impact

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Friedrich, Michele

From: Charles Franklin <charlessfranklin@gmail.com>
Sent: Monday, September 19, 2022 1:24 PM
To: ceqacomments
Subject: Vacation Rentals ordinance

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I believe that the proposed ordinance will have a substantial effect on the housing shortage and efforts should be made to mitigate this.

Charly Franklin



Monterey Housing and Community Development Dept.

Sept. 16, 2022

Attn. Melonie Beretti

1441 Shilling Place, Salinas CA 93901

Sept. 16, 2022

Dear Ms. Beretti,

I was not able to find a place to send an e-mail concerning short term rentals in Monterey County so am sending you my thoughts. We moved to Monterey County in 1999 and Carmel Woods in 2004. I taught for the County Office of Education for 9 years.

Please, enforce and continue to ban short term rentals in Carmel Woods. There are at least 2 near my home. One is on the 3200 block of Camino del Monte and the other is in the first block of Portola. Several people are involved in renovations to enable short term rentals. Our streets are narrow and we have no sidewalks. Children walk to bus stops and are endangered by careless drivers. Short term rentals are often noisy due to partying and people park where they please. In spite of complaints from neighbors no action is ever taken. I know this is being addressed in Carmel Valley, but not here. I know people in the area who have inherited homes and rent them legally for a month at a time. They are abiding by the rules. Please take these issues into account when discussing and ruling on short term rentals in the county. People are buying up properties in our area because they know they can be used as short term rentals and no one will come after them.

Thank you for your attention to this matter.



Susan Murphy

3278 Camino del Monte

Carmel CA 93923





Friedrich, Michele

From: SEAN MATTHEW <sean@luxevaca.com>
Sent: Tuesday, September 20, 2022 3:39 PM
To: ceqacomments
Subject: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments" a fair comparison!

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Monterey County Vacation Rental Ordinances Draft EIR Nop Scoping Comments Committee,

I am a Property Manager and a builder of 4 homes that have solar, our company is carbon neutral and has 3 electric vehicles for our operations, I am also currently working on a 30 KW solar system install in a Tehama property that we manage and I find it very concerning that labeling vacation rental as not being Carbon friendly compared to a Hotel or Motel. Please read the document on how vacation rentals or use of existing homes are Eco Friendly. A full-time residence has a greater Carbon Footprint then a 50 percent occupied home. Also, Hotels have a greater impact on the environment than homes due to the nature of the Hotel structures having lights on and either cooling or heating the pool and utilities all the time while not occupied! So the study should include the reduction of carbon footprint when compared to a Hotel like the Embassy suites if we want to have a fair comparison of the environmental impact! You will also see in the Document below how Hotels can never be carbon neutral due to not having the sq footage space for enough solar panels to reduce the energy consumption to even half in most instances. You will also see guidelines to make the homes more carbon friendly at the bottom and I would like to see this type of education as a vision in the future Planning development of the county if we are really taking a look at making vacation rentals and the county more ECO Friendly!

Please read the article below and make sure this comparison is included in the Study Hotel room night impact compared to House Room at a 50 percent rental per year.

Traveling is undeniably great, it connects us with cultures, opens our eyes to new ways of thinking, and puts folks on the path of beauty. But unfortunately, tourism is not an industry without its impacts. Energy consumption and carbon emission outputs that are directly correlated to tourism are serious concerns. And, as the number of international travelers is expected to eclipse 1.5 billion in 2020, these impacts are not decreasing. Now more than ever, it is important to consider environmental responsibility while traveling. As the market grows we explore why vacation rentals are eco-friendly and why they may be a good option for the planet.

By venimo/Shutterstock

Contrast with Hotels

Perhaps the biggest reason vacation rentals are environmentally-friendly is that they are not hotels. As sites like Airbnb, VRBO, and HomeAway quickly grow, the competition between hotels and the top VR sites continues to intensify. While there are cool eco-lodges and green hotels popping up around the world, the necessary parameters to be considered “eco-friendly” are way easier to achieve as a vacation rental.

Hotels have a huge carbon footprint in part because of their size. For hotel chains or hotels with a high number of rooms, energy consumption is a massive problem and a 24-hour occurrence. Vacation rentals are less impactful because they have less to maintain. Homes don't have giant flowerbeds to water, usually only one refrigerator to power, and lights for only a few rooms rather than hundreds.

New inspirations, destinations, adventures.

Discover more with our weekly newsletter.

[Sign up]

Even instituting green methods of saving energy won't greatly cut down a hotel's environmental impact. For example, a couple of solar panels will reduce a hotel's energy consumption by a minuscule amount but could generate enough power for a single-family home.

Also, in a vacation rental, it is much easier to pass some responsibility onto the guests. In a home environment, guests are much more likely to do things like turn off lights, not just out of environmental thinking but because this is normal behavior in a house and is more convenient. Hotels on the other hand, regardless of who is staying there or how many guests there are, can't cut their energy use completely at any time during a day. Even in the middle of the night, hallway lights are on, industrial-sized laundry machines are running, and pools are being heated — not great for the environment.

By anweber/Shutterstock

Things to Add to a Vacation Rental to Make it Eco-Friendly

There are many advantages for a host to make changes to their homes and rentals to make them more environmentally friendly. Not only will these go towards helping the planet but hosts will also be able to advertise their properties as “green” or eco-friendly. According to studies, upwards of 80% of consumers pick environmentally-conscious businesses every time over normal ones. This increases revenue and the amount a host can charge per night.

Eco-Friendly Shower Heads – Eco-friendly showerheads greatly reduce water use while still maintaining a comfortable pressure.

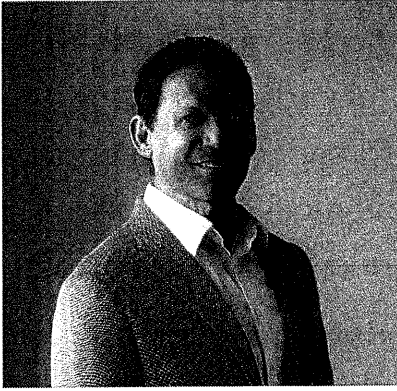
Solar Panels – While the startup cost for this method is going to be high, the long-term payoffs are often too tempting to ignore.

Smart Thermostats – Cranking the heat and AC is very wasteful, smart thermostats help by monitoring temperature and only using energy when necessary.

Make Windows More Efficient – This may not be the sexiest way to improve a house’s efficiency but it is one of the more effective. From tinting windows to properly sealing them to swapping out single-pane windows, there are many ways to help.

Gardening Methods – There are varying degrees of making a garden space more efficient. It can range from using only local plants and natural water from the rain or planting an organic garden to source your own veggies.

Saltwater Pools – Pools are expensive and oftentimes hard on the environment. If a property has one, consider replacing the freshwater with saltwater. This won’t cause a monumental shift but saltwater pools require fewer chemicals, which helps.



SEAN WARD -CEO & FOUNDER

c 530.314.9202

o 866.614.8866

16B East Carmel Valley Rd

Carmel Valley Ca 93924

sean@luxevaca.com

South Lake Tahoe, CA - Carmel, CA - Paso Robles , CA

"Patent Inventor of Automated management online"

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LUXE-O.COM

Morrison, Kyle (Broker CA) Lic #01431994

Fuller McDade, Amber (Broker NV) Lic#1000666 PM 163829

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Friedrich, Michele

From: d coke <xdcoke@gmail.com>
Sent: Tuesday, September 20, 2022 8:35 PM
To: ceqacomments
Cc: Beretti, Melanie
Subject: Comments on proposal STR CEQA attached
Attachments: Comment on proposed STR CEQA92022.docx

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Dale Coke
P.o. box 186
Aromas, Ca. 95004

Re. proposed CEQA requirement for short term rentals in Monterey County

To Whom it concerns,

I do not agree with what I understand is a blanket proposal to require environmental impact reports for all the folks who want to have a short term rental in Monterey County.

The existing proposal is too broad a brush to use for the relatively few examples of the occasionally deplorable conduct of short term renters that irritate a particular neighborhood.

The proposed cap at 6% of the total single family residences in the County seems very low and arbitrarily derived.

We have rural agricultural property in North Monterey County in the coastal zone. Should we want to have a short term rental these proposed regulations would make getting a permit for a farm stay prohibitively expensive.

These proposed regulations hinder people's access to the coastal area of Monterey County. Agricultural properties not only provide food and country viewsheds, but many also provide habitat, protect the environment and employ people.

Rural properties should not be subject to the same kinds of regulations that higher density built-up environments are. It isn't necessary nor is it warranted or fair.

These proposals need to be refocused in a narrower manner and to be redrafted.

I am able and willing to participate in that process, if it's appropriate.

Cordially,

Dale Coke

Friedrich, Michele

From: KIP HOPKINS <kiphopkins@comcast.net>
Sent: Thursday, September 22, 2022 10:41 AM
To: ceqacomment
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

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In Monterey County, vacationers go to numerous spots, daily. Of course, but it really effected my yard, with these strangers driving in a group of cars up to the rental, and back to buy some grocery items, and back for Happy Hour, and the night hasn't even started ! That is a form of stress on me, in my yard. My street is a dead-end street, but a similar effect could be felt by others who are used to a kind of quiet Carmel Valley.

I am Kip Hopkins, at: 31430 Via Las Rosas, Carmel Valley, CA 93924 Landline: 831-659-4002



Friedrich, Michele

From: Margaret Ostarello <goinggeat@gmail.com>
Sent: Wednesday, September 21, 2022 4:51 PM
To: Friedrich, Michele
Subject: Re: REVISED Notice of Preparation for a Draft EIR for County of Monterey Vacation Rental (aka Short Term Rental) Ordinances (REF100042 & REF130043)
Attachments: STR.pdf

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Thank you for reaching out to me. Please let me know if this doesn't work for you.

Thank you
Margaret Ostarello

On Tue, Sep 20, 2022 at 9:37 AM Friedrich, Michele <friedrichm@co.monterey.ca.us> wrote:

Margaret –

I am unable to open the attachment you sent via email.

Please attach a .pdf version of the documentation to your email.

Thank you.



Michele Friedrich

Principal Office Assistant

County of Monterey Housing & Community Development Department – Permit Center

Direct Line: (831) 755-5189

Main Line: (831) 755-5025

To access our permit database, please go to: <https://aca-prod.accela.com/monterey/Default.aspx>

The Monterey County Housing and Community Development Department is currently operating with limited in-office staff to reduce risk of COVID-19 transfer to and between its workforce and our customers. During this time, responses may be delayed, but staff is checking email and will respond to you. If you have an urgent issue that requires immediate attention, please contact our main line at: 831-755-5025.

From: Margaret Ostarello <goinggeat@gmail.com>

Sent: Monday, September 19, 2022 3:40 PM

To: Friedrich, Michele <friedrichm@co.monterey.ca.us>

Subject: Re: REVISED Notice of Preparation for a Draft EIR for County of Monterey Vacation Rental (aka Short Term Rental) Ordinances (REF100042 & REF130043)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Michele,

Please pass this email onto all the right people. It was my understanding that I would be limited to items brought up at this time in regards to STR's

Thank you

Margaret Ostarello

On Tue, Sep 6, 2022 at 5:23 PM Friedrich, Michele <friedrichm@co.monterey.ca.us> wrote:

Attached to this email is a **REVISED** Notice of Preparation for a Draft EIR for the County of Monterey Vacation Rental [aka Short Term Rental] Ordinances (REF100042 & REF130043). The document also includes information regarding the Scoping meetings to be held September 6th and September 19th.

You can also view the document by visiting the "Vacation Rental Ordinances (Coastal & Inland)" webpage at the link below:

<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/vacation-rental-aka-short-term-rental-ordinances-coastal-inland>

If you have any problems opening up the document, please contact me.

If you have questions about the project, please contact Melanie Beretti at (831) 755-5285.

Thank you.

Michele Friedrich

Principal Office Assistant

County of Monterey Housing & Community Development Department – Permit Center

Direct Line: (831) 755-5189

Main Line: (831) 755-5025

To access our permit database, please go to: <https://aca-prod.accela.com/monterey/Default.aspx>

The Monterey County Housing and Community Development Department is currently operating with limited in-office staff to reduce risk of COVID-19 transfer to and between its workforce and our customers. During this time, responses may be delayed, but staff is checking email and will respond to you. If you have an urgent issue that requires immediate attention, please contact our main line at: [831-755-5025](tel:831-755-5025).

Margaret Ostarello
25150 Limekiln Rd.
Salinas, CA 93908
goinggeat@gmail.com

September 19, 2022

Monterey County Housing and Community
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901

Dear Erik V. Lundquist,

The problems with Short term rentals in the unincorporated areas are many.

STR's means there are fewer homes on the market for long term rentals.. Inflated rents for the common person. Less housing for the people who work in the areas. Without housing for the people who work in the area we greatly add to the homeless population. Lack of long term housing in areas adds to the commute traffic.

Health and safety concerns have not been addressed so far with the current STR rentals.

Lack of enforcement owners evading the building and zoning laws. Not following the codes and no code enforcement. Not complying with water quality standards of multiple homes on one well. What about the sanitation issue of septic tanks. Many properties were not designed and permitted with the numbers that are using the facilities of the septic. The septic was figured for a home with so many estimated occupants. Owners are not interested in the environment their only interest is the profit. More people in the rental the more they get per night. Not all of the buildings being used are permitted. Isn't an unpermitted dwelling a health and safety concern. Who is responsible for the health and safety?

The Monterey County Sheriff Department is presently understaffed. This makes them not able to respond to calls when there are problems with the guests in these rentals. You will be told there is nothing that can be done. They can't come that far.

Devalue the surrounding property. Having a STR next door if you have just a home or Ag land devalues the property. When you purchases a home you should know if there is going to be commercial use. Not have it crop up.

How could it possible be a good idea to have a STR in the middle of an agricultural zone? If property is zoned for agriculture having a STR is not ideal with the work that is being done in the area. Are we going to follow the right to farm or are we going to now say no spraying here or fertilizer because of the STR. Dogs are a big problem if they are wondering on the land that has crops. The domestic animals in a field pose a health risk for the crops being grown when harvested. Guests do not always respect property lines they are trespassing and causing problems for neighbors. If a bull were to attack someone not staying on the STR property who is liable. If there was not a STR next door the likely hood of someone in the field with the bull is greatly reduced.

This is a case of one property owner trampling all over the personal rights of their neighbors and their community How many of the owners of the STR live anywhere within miles of the STR property?

Sincerely yours,

Margaret Ostarello

Friedrich, Michele

From: Lundquist, Erik
Sent: Monday, September 26, 2022 8:21 AM
To: ceqacomment
Cc: Beretti, Melanie; Price, Taylor
Subject: FW: Response to Revised NOP initial Analysis & Scope by Monterey County Housing etc.
Attachments: HOA2 letter re STR EIS,vt.docx

FYI

From: vtorcolini@aol.com <vtorcolini@aol.com>
Sent: Saturday, September 24, 2022 12:59 PM
To: Lundquist, Erik <LundquistE@co.monterey.ca.us>; vtorcolini@aol.com
Subject: Response to Revised NOP initial Analysis & Scope by Monterey County Housing etc.

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Mr. Lundquiste,

Attached please find our response to the Monterey County Short-Term Rental draft proposal cited at the two September, 2022 meetings before the public.

The High Meadow Development in its entirety consists of 343 homes in the unincorporated area of Carmel, specifically situated east of the Carpenter St. traffic light on Highway one.

We urge your attention to the opinions of the majority of homeowners in this area. Thank you.

Sincerely,

Victoria Torcolini
President, High Meadow Homeowners' Association No. 2



HIGH MEADOW HOMEOWNERS' ASSOCIATION NO. 2

P.O.BOX 22261, CARMEL, CA 93923

Date: Sept. 25, 2022

To: Erik Lundquiste, Director
Monterey County Housing & Community Development
1441 Schilling Place South, 2nd Floor, Salinas, CA 93901
(831) 755-5025

Re: Response & Comments to Revised Initial Analysis and Scoping provided by Monterey County Housing

Dear Mr. Lundquiste,

As High Meadow homeowners, we are concerned that the proposed ordinances would be counter-productive to the goals of preserving and enhancing the residential character and sense of security and safety of our neighborhoods. The proposed 6% Short-Term Rental proposal would allow for a significantly increased influx of transients. A properly executed environmental impact study will demonstrate this impact in many concrete ways.

We concur and support all of the reservations which the Carmel Valley Association has made with respect to this document. Rather than reiterating those concerns, we will elaborate on only one issue, that of wildfires. (Re 1.20)

Our High Meadow No. 2 homes are at the edge of Hatton Canyon, and we live with the constant threat of wildfires. Over the years as a community, we have worked with Cal Fire to mitigate these fire risks. Our home owners have been briefed on fire safety, are linked into emergency communications systems, and understand evacuation procedures and routes.

We know that most short-term renters are unaware of the fire risks in this area. We have seen them engage in the reckless behavior of building open fires in patio pits and watching the glowing embers float a few yards towards fields of dry grass and slopes of dying trees.

They are unaware of this environment and may not be disposed toward caution. As part of the environmental impact study, we urge you to consult with Cal Fire regarding additional resources they would require to adequately prepare for such a catastrophe.

Sincerely,

Victoria Torcolini, High Meadow HOA NO.2 Board President

Friedrich, Michele

From: 100-District 5 (831) 647-7755
Sent: Monday, September 26, 2022 9:43 AM
To: ceqacomment; Hardgrave, Sarah
Cc: Beretti, Melanie; Friedrich, Michele; Courtney, Colleen
Subject: FW: Vacation/Short Term Rental Policy

Please see Mr. & Mrs. Courrejou's comments below. Thank you.

Susan Moore

Executive Assistant to Supervisor Mary L. Adams
Scheduler & Office Manager for District 5
County of Monterey, District 5
1200 Aguajito Road, Suite #1
Monterey, CA 93940
Phone: 831-647-7755



Please consider the environment before printing this e-mail.

From: dscourrejou <dscourrejou@gmail.com>
Sent: Saturday, September 24, 2022 2:35 PM
To: 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>
Subject: Vacation/Short Term Rental Policy



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Dear Supervisor Adams:

My husband and I live at zip code 93908. We write this letter concerning vacation rental policy for unincorporated parts of the county. We understand that at this point we may submit our input concerning environmental issues, which include population and housing.

Thus please record our wish that vacation housing only be allowed on a limited basis. Some private home owners could be allowed to rent their houses out, but no one should be allowed to buy up whole groups of houses for the purpose of short term rentals. Such a practice prevents people from finding places to live.

Thank you for your hard work,
Susan and David Courrejou

Friedrich, Michele

From: Dianne Yeakel <yeakel@sbemp.com>
Sent: Wednesday, September 28, 2022 3:10 PM
To: 100-District 1 (831) 647-7991; 100-District 2 (831) 755-5022; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755; ClerkoftheBoard; Magana, Sophia; ceqacomments; dan.carl@coastal.ca.gov
Cc: Shaun Murphy
Subject: Committee for Fair and Affordable Housing and Monterey County Vacation Rental Alliance - Draft Vacation Rental Ordinances
Attachments: 2022.9.28.Board of Supervisors..pdf

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Dear all:

Attached please find correspondence from Shaun Murphy regarding the matter referenced above.

Sincerely,



PALM SPRINGS INDIAN WELLS ORANGE COUNTY SAN DIEGO NEW JERSEY NEW YORK

Dianne Yeakel
Legal Assistant to Shaun Murphy
Brent Clemmer and Thomas Slovak
SLOVAK BARON EMPEY MURPHY & PINKNEY LLP
1800 E. Tahquitz Canyon Way
Palm Springs, California 92262
Phone (760) 322-2275
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SHAUN M. MURPHY, Esq.
PARTNER
ADMITTED IN CA, MI, TX, NY
AND THE U.S. SUPREME COURT

REPLY TO:
1800 E. Tahquitz Canyon Way
Palm Springs, California 92262
T (760) 322-2275 • F (760) 322-2107
murphy@sbemp.com

September 28, 2022

VIA NEXT DAY DELIVERY

Monterey County Board of Supervisors
168 West Alisal Street, 1st Floor
Salinas, California 93901

RE: Draft Vacation Rental Ordinances amending Titles 7, 20, and 21; Notice of Preparation for a Draft Environmental Impact Report

Dear Members of the Board:

We represent the Committee for Fair and Affordable Housing on the Central Coast (the “**Committee**”) and are also writing on behalf of the Monterey County Vacation Rental Alliance (the “**Alliance**”). As you know, the Committee and the Alliance are member associations with an interest in the short-term rental issue under consideration by the Board (referred to collectively as the “**Associations**”).

The Associations received the Notice of Preparation for a Draft Environmental Impact Report (“**EIR**”) for the draft vacation rental ordinances amending Section 7.02.060 of the Monterey County Code relating to business licensing for hotels and vacation rentals, adding Chapter 7.110 relating to vacation rental activities; Title 20 (“**Coastal Zone**”) and Title 21 (“**Inland Zone**”) of the Monterey County Code. The County proposes an environmental review of potential impacts both in the Coastal Zone and the Inland Zone in accordance with the requirements of the California Environmental Quality Act (“**CEQA**”). The draft ordinances are problematic for several reasons discussed below. Because there are several fundamental flaws in the draft ordinances, the Associations believe that the County’s intent to proceed with an EIR is premature.

1. Notice of Preparation for a Draft EIR

The County’s decision to proceed with an environmental impact report before it completes the amendments to Chapter 7, Title 20, and Title 21, is the equivalent of putting the cart before the horse. The draft ordinances, particularly Title 20, contain requirements and restrictions that are likely to be rejected by the Coastal Commission, which will require revision and duplicate CEQA analysis.

Before CEQA review, the County should consult with the Coastal Commission, receive public comments, and revise the ordinances as necessary. It is likely that several

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New York, NY
T (212) 829-4399

www.sbemp.com

of the comments/revisions may affect environmental impacts and require further review. Although CEQA review may reveal expected environmental impacts of the proposed ordinances – and thus lead the Board of Supervisors to modify the current proposals - any significant changes made after an initial CEQA review will likely require recirculation of the EIR for additional comments. Thus, it would be a waste of time and resources to conduct a CEQA review at this time only to have to repeat the process again when the ordinances are completed. It would be far more efficient to make needed modifications to the proposed ordinances in advance of CEQA review, rather than undertaking an expensive CEQA analysis of ordinances that contain fundamental flaws.

The County and the Associations have an interest in the prompt adoption of an ordinance that will be successful. A regulatory failure does not benefit anyone. As the Associations have maintained for some time, Monterey County should base its proposed ordinances on successful examples from other coastal jurisdictions, like Santa Cruz and San Luis Obispo Counties.

2. Changes to the draft ordinances that may affect an EIR and should be incorporated before initiating an EIR:

Coastal Zone ordinance (Title 20)

Considering the Coastal Commission’s pronouncements related to the County’s attempt to regulate short-term rentals, it is almost a certainty that the Coastal Commission will reject the Coastal Zone ordinance for multiple reasons. First, the County proposes to ban Commercial Vacation Rentals (“**CVRs**”) in Big Sur, in LDR (CZ) zoning districts within the Carmel Area Land Use Plan (including Carmel Highlands), and possibly in the Del Monte Forest. As you know, the Coastal Commission has maintained the position that short-term rentals function as a priority visitor-serving use, provide a lower-cost option for many families and groups, and as a result are a higher priority than long-term residential use under Coastal Act section 30222. (See Coastal Commission letter dated July 28, 2022, to Erik Lundquist.)

The ban on CVRs in those areas directly contradicts the mandatory requirements of the Coastal Act, which require coastal jurisdictions to promote, not obstruct, the ability of visitors to access the coast. Treating some Coastal Zone communities differently from others, without any rational justification, will very likely lead to a rejection by the Coastal Commission. It is apparent the County is succumbing to pressure from political interests rather than following legal and regulatory requirements.

Second, the County continues to pursue a regulation requiring owners and operators of CVRs to obtain a Coastal Development Permit for short-term rentals. Since 1997, the Coastal Commission has consistently informed the County that this is not an acceptable requirement. On November 17, 1997, the Coastal Commission advised the Monterey County Board of Supervisors that it was concerned about the appropriateness “of a coastal permit for transient [short-term rental] uses, [and] the appropriateness of

placing transient rental provisions in the local coastal program...” The Coastal Commission explained that “‘Transient rental’ of dwellings is not a new category of use nor an intensification of use. As such, a coastal development permit (which is limited under the Coastal Act to be a device to regulate only new development) is not an appropriate mechanism for regulating transient rentals.”

The Coastal Commission further suggested it “would be preferable for the County to devise ... a non-coastal permit mechanism rather than for the Coastal Commission to suggest one in a specific modification to a local coastal program amendment.” The Coastal Commission advised the County that the subject matter of short-term rentals “should not be regulated by a coastal development permit” and should “not even be part of the local coastal program.”

Despite the Coastal Commission’s caution back in November 1997, the County nonetheless continues to pursue a coastal development permit requirement for CVRs. Nothing has changed in 25 years. The coastal development permit requirement is as objectionable today as it was in 1997.

Permitting Process

The existing Inland Zone vacation rental permit system is a complete failure. The cost is exorbitant (\$7,600). By comparison, the cost to obtain a short-term rental permit in other jurisdictions is significantly less than in Monterey. For example, the City of Indio charges \$1,633, San Diego charges from \$125 to \$1,070, San Bernardino charges \$1,370, Palm Springs charges \$1,009, Rancho Mirage charges \$1,700, the City of Encinitas charges \$464, and Sacramento charges \$230 for a new permit. This list is not exhaustive, but it illustrates that Monterey County’s short-term rental fees are excessive.

The County also requires applicants to submit unnecessary drawings and documents, including elevation drawings, easements and rights of way, tree placement drawings, and the review process takes months. The permit is for an existing dwelling, which was built subject to a building permit. Drawings and plans were submitted and reviewed when the dwellings were constructed. There is no new construction or modification that would justify the need for plan review. The requirement is clearly intended to burden and discourage permit applicants. Since 1997, the County has issued only 22 permits for the approximately 600 operating STRs, which reflects a lack of good faith and both a staff and decisionmaker opposition to short-term rentals.

The County claims there is an existing procedure for obtaining a “similar use” BnB coastal development permit; however, that process is even worse than the Inland Zone process. It is twice as expensive, resulting in not a single such permit being issued.

The Coastal Commission advised the County on July 28, 2022, that the difficulty in obtaining a permit is aggravated by a starting fee that is unnecessarily high. The Coastal Commission also noted the County’s lack of good faith. The Coastal Commission added that the County’s requirements do “not appear to us a good indication that the

County intends to make a bonafide attempt at finding the appropriate middle ground for allowing an appropriate number of STRs in appropriate locations...”

As a result of these fundamental flaws, owners have ignored permit requirements even though these existing permits, if issued, run in perpetuity. The draft ordinances proposed for environmental review require the same failed process for a permit that expires after seven years. Instead of use permits and coastal development permits, the County should implement two forms of the already defined Vacation Rental Operations Permit (VROP) - an annual Limited VROP and an annual Commercial VROP. This will make permits accessible without impairing the County’s ability to regulate and enforce.

Unreasonable Restrictions

The County’s definition of Limited Vacation Rentals limiting rentals to 3 times per year will force almost all owners to apply for a CVR permit to allow more flexibility in their ability to rent their properties. Most LVR owners who are willing to accept the limitation will simply ignore the permit requirement. Three bookings per year is unreasonably restrictive.

Additionally, there does not appear to be any data to justify the County’s limitation of 3 rentals per year or the County’s CVR density limitation of 6%. Without any analysis or study, both limitations are arbitrary and capricious; particularly when compared to other jurisdictions. For example, Palm Springs assigned a workgroup to study the impact of short-term rental density to balance the needs of visitors, residents, owners of rentals, and the revenue benefits to the city. Like Monterey, Palm Springs is a resort destination, but it has a successful vacation rental ordinance and has developed a thriving vacation rental industry. The workgroup concluded that a 10% density cap in any single neighborhood would strike the proper balance.

The 6% density limit in the draft ordinances is unreasonably restrictive. Without a study or reliable data, there is no basis to justify the County’s proposed limitation. It would be subject to legal challenge as an arbitrary and capricious regulation. The County should adopt a more rational CVR threshold for LVRs based on data. This would likely result in more LVRs and fewer CVRs.

Vehicle Traffic

The proposed EIR will necessarily consider vehicle traffic. Limitations on vehicle traffic would minimize environmental impacts. The draft ordinance should limit vehicle traffic for vacation rentals to one vehicle per bedroom. It is a reasonable restriction that would reduce traffic and decrease impact.

Occupancy and Contract Limitations

The proposed ordinances permit only one rental contract at any given time. This provision eliminates an owner's ability to rent individual bedrooms separately. Hosted vacation rentals especially should be allowed to rent individual bedrooms separately. Allowing individual rooms to be rented separately provides a more affordable option for lower income visitors, which serves the Coastal Commission's priority for visitor serving uses.

Similarly, the draft ordinances unreasonably restrict occupancy. The maximum overnight occupancy is limited to two persons per bedroom. Limiting occupancy to two persons per bedroom for an entire home discriminates against families. Even for small apartments, the general rule is two persons per bedroom plus one. The draft ordinances should be revised to adopt this rule.

Categories Missing in the Proposed EIR

As shown in the "Project Issues Discussed" section of the form proposed for transmission to the State Clearinghouse, the Notice of Preparation (NOP) did not include any discussion of the Economic/Jobs or Fiscal categories. An analysis of those categories should be included in the Draft EIR. The NOP listed the number of existing, advertising STRs in each planning area. These total 609! These STRs house over 120,000 visitors each year (50 average STR bookings per year x 4 people average per booking x 609 STRs = 121,800). These visitors buy at grocery stores, eat and drink at restaurants and bars, visit wineries, purchase from stores, play golf, take whale watching excursions, etc. – all supporting local businesses and jobs. The onerous draft ordinances, if enacted, will eliminate a lot of STRs. Will the County accept the impact to businesses and local jobs? The EIR should study and quantify this impact.

In Section 1 of the draft ordinance (County Code Section 7.02.060 - Findings and Declarations), the following statement appears: "Tourism is a top economic driver of the regional economy, and Monterey County is recognized globally as a premier tourist destination." This is clearly true. Pages 1-2 and 1-3 of the Initial Study list the number of advertised vacation rentals in each planning area. As noted above, the total in the County adds up to 609. Using a conservative assumption that the average vacation rental has two bedrooms, this equates to 1218 hotel rooms.

The unreasonable restrictions on LVRs in the draft ordinances puts most existing vacation rentals in the CVR category. But the proposed ordinances offer a burdensome and cost prohibitive permit system for CVRs. This is likely to cause a significant decrease in the number of available vacation rentals (at least 50% of current inventory). Monterey County does not have enough available hotel rooms, nor can they be built in time to accommodate the market demands, to serve tourists and visitors. This is a significant economic issue that must be included in any CEQA analysis.

The "Project Issues Discussed" section of the form proposed to be sent to the State Clearinghouse also did not include the Coastal Zone category. This omission ignores the requirements of the Coastal Act, which are binding on Monterey County. Coastal visitation and lodging must be considered. This category must be included in the EIR analysis!

Additionally, the proposed ordinances clearly favor long-term housing, but the Coastal Act places a higher priority on providing visitor accommodations in the coastal zone than on long term housing, and the Commission has repeatedly stated that visitor lodging is, as the Coastal Act says, a priority. The scathing July 28, 2022, letter sent to Erik Lundquist by Central Coast Regional Director Dan Carl accuses the County of having its "finger on the scales." The draft ordinances clearly place a priority on long-term housing in the Coastal Zone and is further evidence that the Coastal Commission is likely to reject the Coastal Zone ordinance if presented to the Commission in its current form.

To decrease the risk of future litigation and delay, we strongly urge the County to amend the ordinances before initiating CEQA review. Whether the County revises the draft ordinances, it should consider and analyze as part of the CEQA process all of the matters discussed in this letter.

Sincerely,

SBEMP LLP



BY: Shaun M. Murphy

SMM: DY

- c: Supervisor Luis A. Alejo (district1@co.monterey.ca.us)
Supervisor John M. Phillips (district2@co.monterey.ca.us)
Supervisor Chris Lopez (district3@co.monterey.ca.us)
Supervisor Wendy Root Askew (district4@co.monterey.ca.us)
Supervisor Mary L. Adams (district5@co.monterey.ca.us)
Clerk of the Board of Supervisors (cob@co.monterey.ca.us)
Monterey County Planning Commission (maganas@co.monterey.ca.us)
CEQAcomments@co.monterey.ca.us
Monterey County Vacation Rental Alliance
Dan Carl, District Director, Central Coast District (dan.carl@coastal.ca.gov)

Friedrich, Michele

From: upsstorecarmel@gmail.com
Sent: Thursday, September 29, 2022 9:16 AM
To: ceqacomments
Subject: Scanned and emailed from The UPS Store Carmel.
Attachments: Sdoc scan 22092916140.pdf



Friedrich, Michele

From: upsstorecarmel@gmail.com
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[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]



CEQAcomments@co.monterey.ca.us

Attn: Melanie Beretti

From: mm_robbins@comcast.net

12 pages total including page.

Margaret Robbins, 3850 Rio Road #26, Carmel, CA 93923

Margaret Robbins

831-624-1153 Date: *9/29/2022*

Monterey County Housing and Community Development

1441 Schilling Place, 2nd Floor South, Salinas, CA 93902

Contact: Melanie Beretti, AICP, Principle Planner

Dear Melanie,

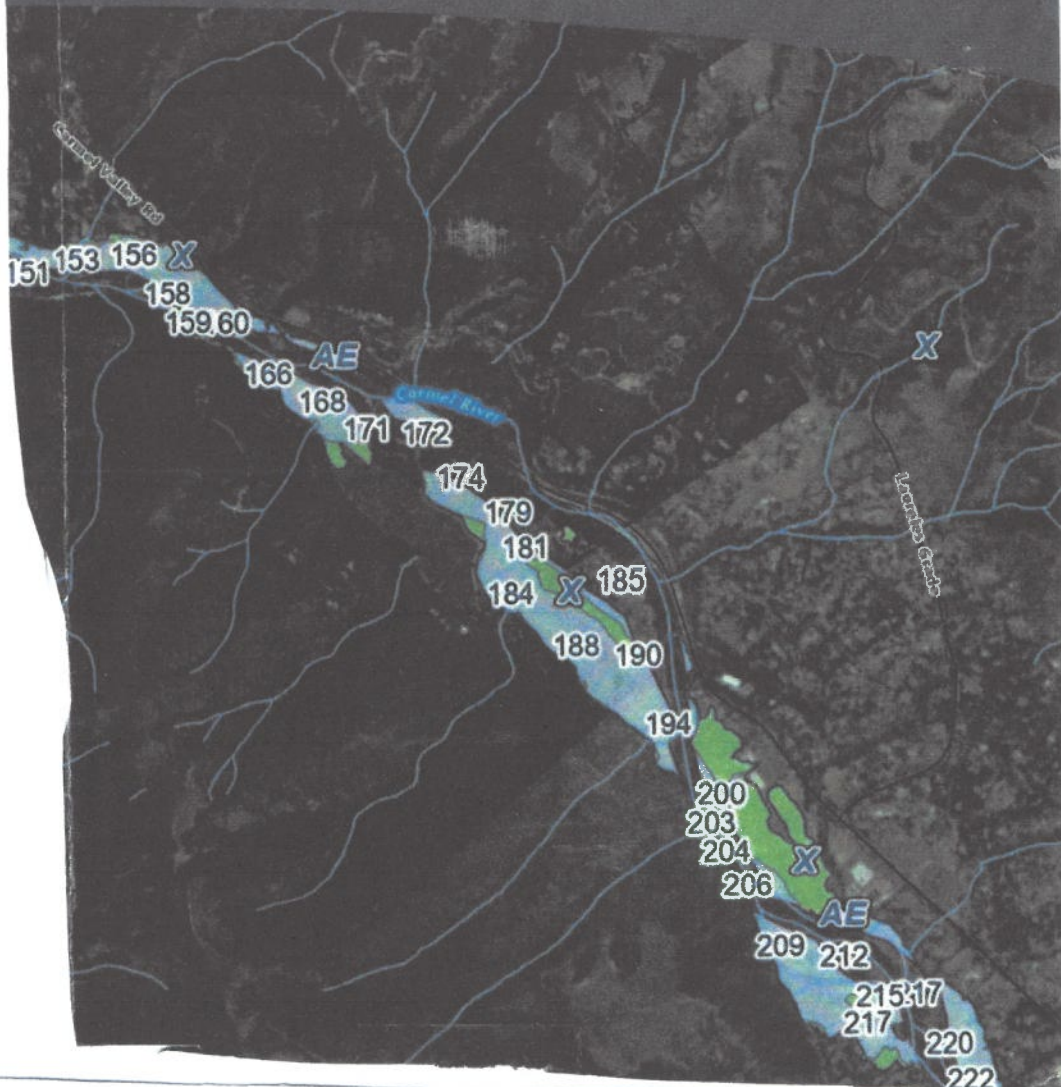
Enclosed are my final pages of comments. I look forward to going through the entire process.

Best wishes, Margaret

Margaret

YOUR PROPERTY IS IN OR NEAR THE 100-YEAR FLOODPLAIN

CARMEL RIVER WATERSHED



FLOODPLAIN

This is the cover of a flood flyer that I received recently. While it is not part of the Vacation Rental documents, the answers to the questions I raise here when answered will relate. 1. What do the highlighted numbers represent and mean? Details, please. 2. Exactly what area does the photo cover? Does it start with Carmel Valley Village and run to Highway One? Details, please. 3. Please show any vacation rentals that exist now in the flood plain with property addresses. NOTE: Checking ads will not give correct number of vacation rentals in the floodplain because many floodplain rental operators do not use ads to attract tenants because they find their units are more than filled with word of mouth from previous users of their rentals. Comments, please.

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I have checked all the revised drafts and can find nothing from Highway One to the boundaries of Carmel Proper. This area includes Mission Fields and the homes to the west. Please supply a map that show the area I have described. According to the neighbors in Mission Fields, there are several vacation rental. Do you have a list of these? If so, please supply. This area—call it Missions Fields PLUS and the vacation rentals located there—should not be counted in the Carmel Valley count because it is not part of Carmel Valley. I know there are some vacation rentals in the Coastal Area. How many? And should these be allocated to MISSIONS FIELDS PLUS? DETAILS, PLEASE.

Do you plan to let existing vacation rentals in the MISSIONS FIELDS PLUS area go through the paperwork required by the new ordinance to become new vacation rentals. If so, please explain why? Details please.

You have received my strong objections (pages 1 and 2, points 1 through 6) in my comments on the NOP dated 9/25/22. I even more strongly object to even one vacation rental in this area. Any vacation rentals here will make it harder for the 92 residents of Arroyo Carmel and the 87 residents of Riverwood plus the 220 residents of Mission Fields. Unfortunately, I do not think there is any way for the County to alert these vacation renters by phone or internet because they will not have registered or even asked to register for ALERT MONTEREY COUNTY. My last point – these vacation renters will not be familiar with the roads so they will slow the evacuation traffic down. Comments, please.

Questions relating to Notice of Preparation

Reduction in the number of long term housing is my major concern. Please explain in detail how and why limited vacation rentals will not reduce the availability of long term housing.

1. Explain in detail why any type of vacation rental should not be prohibited from any area where flooding and fire can and will occur. There is no such prohibition now.
2. Explain in detail why any type of vacation rental in flood prone and fire prone areas will not make evacuations much more difficult.
3. Explain in detail why any type of vacation rental in fire and flood prone areas will not create more traffic and make evacuations much more difficult.
- 4 Explain in detail why vacation rentals in fire and flood prone areas will not create significant hazards to public health and safety for both the people in these vacation rentals and the all residents living nearby.
5. Explain why in detail there will not be a huge increase in vacation rentals before the new

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ordinances pass? If this happens, how will the County deal with this increase? Details, please.

6. Where is the money—source, amount needed, number of personnel—for enforcement of rules? There is little enforcement of vacation rentals now. Please assure me that enforcement will soon become part of the vacation rental rules and be made a part of the new ordinances. Details, please.

7. Why are there no page numbers on the NOP, Notice of Preparation?

GENERAL QUESTIONS—REVISED Initial Study

1. Explain in detail why 6% was selected. Who made the decision and what facts are this number based on?
2. In light of the fact that Carmel Valley has numerous areas where floods happen and numerous areas here fires can take place, and flood and fire areas in the same locations, why is Carmel Valley still under the 6% regulation? In addition, Carmel Valley has only two ways to exit which makes quick and timely evacuations difficult if not impossible.

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3. An exception to the 6% rule is made for Big Sur and the Carmel Highlands, why is there no exception for Carmel Valley? Detailed explanation, please.
4. According to the figures presented, Carmel Valley is to have a total of 320 vacation rentals. Due to the lack of County enforcement, we now have 129 vacation rentals. Please supply a map showing where these vacation rentals are located. Indicate how many of these vacation rentals now pay TOT?
5. With a total of 129 vacation rentals now operating in Carmel Valley there are 173 slots left for additional vacation rentals. This 173 figure is mysteriously close to the 175 figure representing the number of hotel rooms planned for the Rancho Canada Golf Course. The County in the past called these hotel units vacation rentals. Is it still the County's position? Explain in detail.
6. If 173 of the remaining vacation rental do indeed represent the hotel units, these 173 new vacation rentals would all be located between Via Mallorca and Highway One at the mouth of Carmel Valley. This is an area subject to both fires and flooding. Please explain how this small area could possibly safely and quickly evacuate the existing residents

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~~3.~~

and people in the new vocational rentals. Details needed! How do you reach the vacation renters when you do not have cell phone numbers for them?

MY PERSONAL EXPERIENCE WITH VACATION RENTALS.

This was before Arroyo Carmel banned any vacation rentals in our governing documents. The owner of a large 2 bedroom unit moved his child into their master bedroom and set up three bunk beds in the second bedroom. He rented to 3 couples who arrived in three cars. He only had a two car garage filled with his cars and furniture from the second bedroom. His 6 guests parked their 3 cars illegally in short term (few hours only) parking.

Those 6 guests and their three cars were busy from early morning to well after dusk. I was told the owner provided passes for 2 to the Aquarium so each car made at least one trip there. They had flyers from Point Lobos. And regaled the owner with the names of the many other sites and restaurants they visited well as filling their trucks with the many purchases they made. In short, vacation rentals cause TRAFFIC. LOTS OF TRAFFIC.

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INITIAL STUDY. Page 1-3. Point 1. Why base count on advertised data, when it has been pointed out that many vacation rentals do not need to advertise. Why make the assumption that majority of VR's (Vacation Rentals) are rented more than 3 times a year? Facts and details, please. What are you going to do with existing VR's that are located in flood and fire prone areas? Details, please.

VRs, Accessory Dwelling Units, and the units mandated by the State under the Regional Housing Needs Analysis are not compatible. How do you plan to handle this? Details, please. Page 10. Point b—final sentence. Please provide your preliminary thoughts on why VR regulations would have a “potentially significant impact. I pose the same question for air quality, energy, greenhouse gas emissions, pages 1-11 through -1-19. Pages 1-201 through 1-22 Points f. and g. Please explain why existing units, which are not new construction, will have no effect on the adopted emergency response or emergency evacuation plan. Details, please.

Page 1-27. There are many complaints about noise now from VRs, but at non-office hours when there is no one to hear or record those complaints. What about future staffing levels – will there be more staff and more staff hours. Details, please. Where is the funding? Page 1-29



Housing. How does the potential loss of long term housing affect the State mandated RHNA? Details, please. Page 1-33. TRANSPORTATION. Point b. Last portion starting with “However..... Please identity the existing traffic studies and the new studies you plan to use analyze these new traffic patterns. No one knows how much additional use parks will get for example. Or more trips to winery and wine tasting. Since as many as three meals each day may be at local dining, these traffic should also be counted.

Page 1-34. Result in inadequate emergency access. Please explain in detail why emergency response and access will not occur because VRs are allowed in areas prone to fire and flood. As before I ask that your focus be on Carmel Valley and Missions Fields. Page 1-38. Water Use. The people using VRs have no idea of our local water constraints and no appreciation of same while on vacation—they certainly are not going to cut their showers short. Explain how you intend to analyze this.

Page 1-39. Explain in detail why VRs would not impair emergency response or emergency evacuation plans if VRs are allowed in areas prone to feel and fire.



Questions about Title 21 revised Draft Ordinance

Page 1. Point D. Also look at previous discussion of no VRs of either type in Fire or Flood prone areas. Page 2. Point G. Fire and Flood prone areas should not have any VRs. Any previous Administrative permits did not take this into account. Why not? Details, please. Section 5, page 3. Previously the number was three persons. Explain why this change was made. Page 8. Point 4. Explain why limited VRs are exempt from a use permit. Details about why there would be no increase in traffic, water use. VRS 3 times a year use means that these would no longer be available for annual leases and remove one unit from long term housing. Lack of a use per means no notice to adjacent home owners. Explain why no notice is good? Point C.2 This paragraph is confusing. Please re-start clearly and explain what it means.

Page 9. Point 1. Please add that limited VRs are not permitted in fire or flood prone areas. In what other zoning areas are Limited VRs prohibited? Please list and explain why prohibited. Page 10. Point ii. Explain why the exception in these areas? Details, please. Point 11. Explain why a property manager or owner must reside on the property in these three zoning areas. Details, please.

Page 12. Point 2 d. Why and how was the 6 percent figure established? Details, please. Please supply unit count calculation. The 302 permits are for Commercial vacation rental uses. What about the limited vacations rentals? Are these above and beyond the 302 unit limit? Details, please? I am confused! Page 13. Point 6. Why this addition rule Commercial VRs in these zoning districts only when agriculture operations are active? Does the property manager have to move when the ag activity stops? Details, please.

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Page 14. Point C. Please explain the thinking behind this exception.

Page 16. Point 16. What is an “adequate response time”. Details please.

Point 17. Since no one is checking the VRs parking right now, how does anyone know if enough parking is being provided for the occupants of VRS? Also, since this relates to the number of individuals sharing a VR unit—is anyone counting the number of cars parked in VR units? What about guests of the VR unit -- how many parking spaces do they require? Details and your comments.

Page 17. Point 1. What paperwork is required to establish previous operation of a VR? Who in the County will check each VR that is looking to establish a permanent VR to see if any complaints have been filed? How many complaints would stop an existing VR from getting a license under the new ordinances?

Page 18. Point 3. Please define exactly what constitutes an immediate or imminent threat to life, public health, or safety. Where is the funding to provide the new staff needed to check all the new paperwork require? Point H, a. Please provide a copy of the “form”. Point H, b. Rather than rely on the RV owner researching and verifying the information, insist that the president and entire Board of that Homeowners Association or other such entity, sign a statement that VRs are allowed by the Association’s documents and have a copy of the by-laws attached to the Board statement.

Page 20. Point 2.a. Why is a 7 year term set for the initial Use Permit? Details, please. Surely, with enough trained staff the County can make evaluations in less than 7 years. Your comments. What defines “an adequate ongoing review”? How many staff will be needed to provide this ongoing review? Where is the funding for this new staff? 

Page 21. Point 2. Please define what constitutes a “hearing Body”. Page 23. Point 3. Please define “disgorgement”.

Page 23. Points a, b, and c. Who selected the percentages and the amounts listed? What factors entered into the judgement?

REVISED DRAFT .01.06.2022. Page 1. Point B. I agree with the potential problems caused by VRs. Define “properly regulated”. Explain what this means. Explain why existing VRs now are not properly regulated or even checked. Details, please. Page 7. Points b and c.

Why not state hours of daytime and night time occupancy as well as stating quiet hours? Details and reason why not. Point 14 c. please explain the reasoning behind this requirement. Details. Page 8 point 18. What size type is planned? Must be large enough to easily read. Point 19. Define appropriate provisions. How does this get to the VR operator? Page 10. Point B. Give concrete example. What about Children? Do they count in the 1.5 figure? Explain. Page 12. Point B 2. See previous recommendation and repeat here.

Note: My additional comments will wait until I have the proposed EIR on hand.

Margaret Robles 9/29/2022
3:30 pm

3

/

Friedrich, Michele

From: John T. Heyl <johntheyl@gmail.com>
Sent: Thursday, September 29, 2022 11:11 AM
To: ceqacomments
Subject: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments"
Attachments: CVA Comments Vacation Rental NOP Scoping & Initial Analysis.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attached please find the Carmel Valley Association Comments on the NOP Scoping and Initial Analysis.

This .pdf was previously submitted directly to Erik Lundquist who acknowledged receipt.

This NOP EIR Scoping and Initial Analysis Comment Letter is the position statement of the Carmel Valley Association. It was prepared by Members of the Carmel Valley Association Board of Directors, and collated and edited by:

John T. Heyl
137 Laurel Dr.
Carmel Valley, CA 93924
928-600-0812



To:

Erik Lindquist, Director
Monterey County Housing & Community Development
1441 Schilling Place South, 2nd Floor
Salinas, CA 93901
(831) 755-5025

From:

C.S. Noel, President



Date: Sept. 27, 2022

Carmel Valley Association
PO Box 157
Carmel Valley, CA 93924

Re: Response & Comments to Revised NOP Initial Analysis and Scoping provided by Monterey County HCD and Ascent Environmental, Inc.

In our comments below, in addition to inserted hyperlinks to specific institutions and data, please find:

Contents

- I. Introductory remarks updated to the current NOP Initial Analysis reiterating our letter to the Board of Supervisors of August 9, 2021 regarding the draft ordinances.
- II. Detailed analyses and evidence on pertinent Environmental Impacts from the NOP Checklist (1.1-1.21) and recommendations for further study prior to the issuance of the draft EIR, including some impacts where we question the No Impact determination of the Initial Analysis. This section supplies some links to related documents, photos, and references for use in further study.
- III. Suggested Alternatives and Mitigations
- IV. Additional Evidence

I. Introductory Remarks

The [Carmel Valley Association](#) (CVA) is concerned that the Draft Ordinances (henceforth, Project) will cause deterioration in residential neighborhoods rather than ‘preserv[ing] and enhanc[ing] the residential character and sense of security and safety in stable neighborhoods of residential properties.’ (NOP pg. 3, 2nd Paragraph) in the Carmel Valley Master Plan Area (henceforth, CVMP).

The many unique neighborhoods in Carmel Valley are what attract new residents to the area and retain long-standing resident families when housing is available. Vacation Rentals have proliferated virtually unchecked and unregulated over the last two decades.

The commercialized whole-house vacation rentals that constitute 85% of the 166 currently advertised properties (sourced from CVA's Grannicus Host Compliance Address Identifier Account), create the greatest environmental threats to our communities and this Project's allowing of their permitting essentially rezones our Low Density 5 neighborhoods into Commercial Visitor Accommodations while side-stepping the established legislative process for doing so. The NOP chart on page 9 [1.2-1.3] shows only 129 advertised rentals, while our Grannicus account shows 166 with 4 new listings added in the last month (Please see screenshot below).

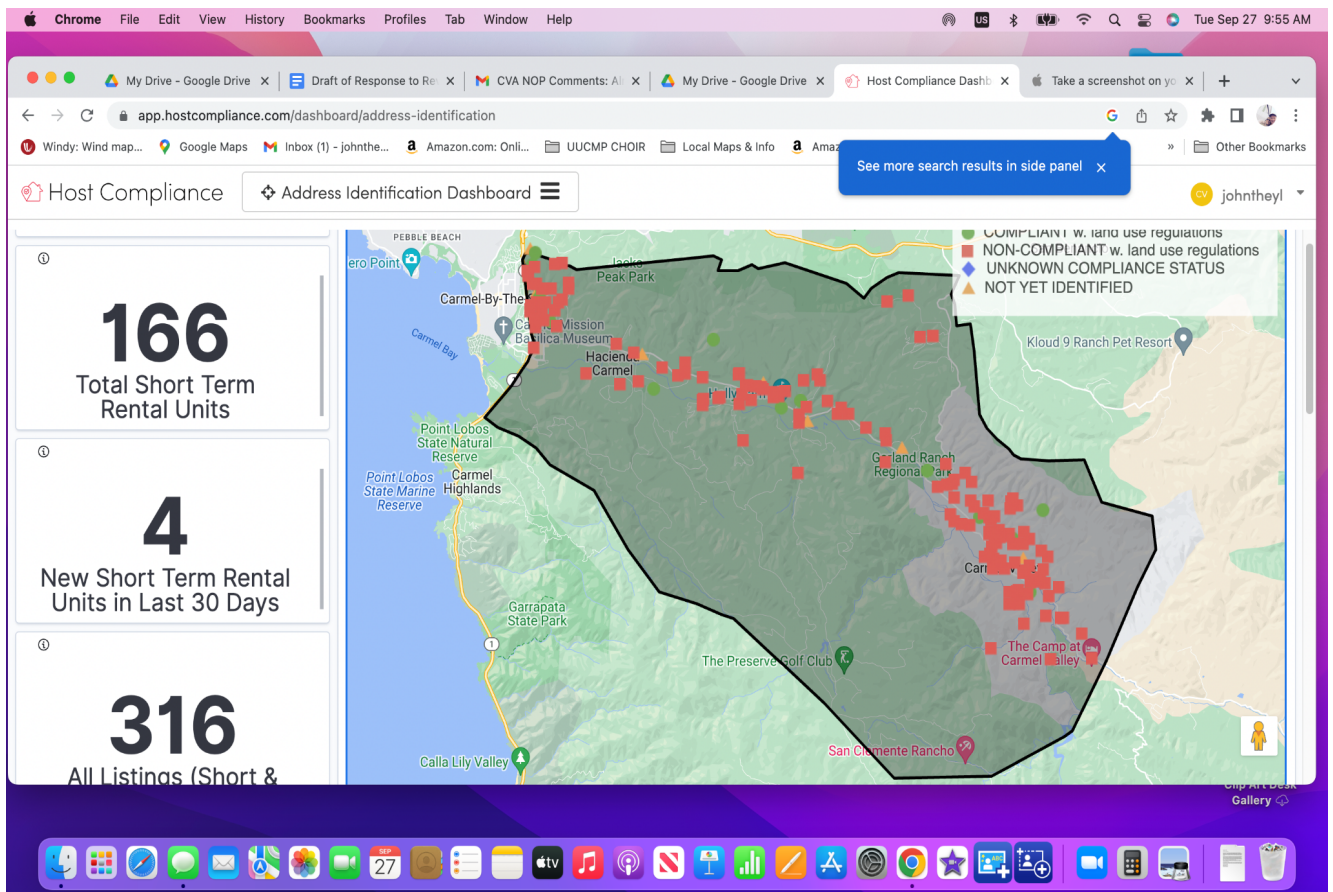
Thus the accuracy of the HCD Agency numbers is brought into question, then, in the fourth column of the chart on page 9 [1.1-1.3] of the NOP in the row “Carmel Valley” titled 'Allowable Commercial Vacation Rentals'; therefore, further study is needed to identify how Housing and Community Development is arriving at their numbers of currently advertised vacation rentals.

Also in question are the figures for the total number of single family residences eligible for either Limited or Commercial Vacation Rental Operating Permit (henceforth VROP) in the CVMP area. The 5,003 number HCD Agency was provided by the Tax Assessor's office needs more complete detailing through further study. What are the boundaries covered in the number? How was the data

pulled from the Assessor's data? By planning area boundary? By zip code? By previous flagging as CVMP?

Both Residential Dwelling Units and Current Advertised Dwelling Units columns' numbers need to be further justified through further study before the drafting of the EIR to avoid challenges at the hearings.

As indicated in our August 9, 2021 letter to the Board of Supervisors there remain inconsistencies in the draft ordinances with CVMP 1.15 and a distinct relaxing of regulations of the existing Title 21 Code (Zoning Ordinance Title 21.64.28).



Screenshot: CVA's Address Identifier Dashboard for CVMP Area taken 9.27. 2022

Inconsistency with the Carmel Valley Master Plan

The Plan provides the following:

CV-1.15 Visitor accommodation uses shall follow the following guidelines:

- a. Expansion of existing hotels, motels, and lodges should be favored over the development of new projects.
- b. Visitor accommodation projects must be designed so that they respect the privacy and rural residential character of adjoining properties.
- c. Bed and breakfast facilities shall be counted as visitor accommodation units and be limited to a maximum of five (5) units clustered on five (5) acres in accord with Monterey County Code Chapter 15.20, unless served by public sewers.
- d. All further development of visitor accommodations in the area west of Via Mallorca and north of Carmel River shall be limited to moderately-sized facilities, not to exceed a total of 175 units.
- e. There shall be a maximum of 110 additional visitor accommodation units approved east of Via Mallorca, including units at Carmel Valley Ranch.

The Project does not protect the privacy and rural residential character of adjoining properties.

The CVMP defines bed and breakfast facilities as visitor accommodation units. Based on this precedent, the draft ordinance should treat all short term rentals subject to the CAP identified in the Plan as visitor serving units (see CV 1.15, d. and e. above). CVA undertook a detailed investigation of existing Visitor Serving Units (henceforth VSU's). This was done to determine the baseline number of existing VSU's. This number should be compared to the actual number of VSU's existing at the time of the 2010 Carmel Valley Master Plan. Those numbers then should be deducted from the CAP numbers of VSU's East of Majorca and the CAP west of Majorca in the Carmel Valley Master Plan. The issue of the Project's ability to allow vacation rentals that still meets the established CAPS of the 2010 CVMP requires further study before drafting an EIR for the Project.

This draft ordinance allows vacation rentals far in excess of the established CAPS, and will overburden Carmel Valley, which already sees significant environmental impacts from excessive tourism in traffic, noise, lighting, and hazards.

The draft EIR should find inconsistency of the project with the CVMP 1.15 as significant and unavoidable.

[Link to the full CVMP](#)

Relaxing of Regulations within Existing Zoning Ordinance Title 21.64.28

The draft Ordinance includes requirements that are less stringent than the existing Title 21 requirements. The existing ordinance and CVMP policies constitute CVA's recommended Alternative: No Project / No Change (see Section III of this letter: Alternative a.).

The proposed ordinance allows Limited Vacation Rentals to receive a Vacation Rental Operating Permit (henceforth VROP) with no land use permits required. Further study is required to explain how the Project's proposed Limited Rental for 14 days three times a year for up to 5,000 residences would not have impacts or need not require a land use permit.

This relaxation of requirements should be further studied and evaluated as indicated in the Initial Analysis (1.11 b).

The applicable sections of Title 21.64.28 follow:

- A. 3. The use of single and multiple family dwelling units, duplexes, guesthouses, caretaker units and other structures normally occupied for residential purposes, for bed and breakfast, hostel, hotel, inn, lodging, resort, or other transient lodging purposes has impacts on residential areas which must be addressed through existing County use permit processes.
- A. 5. If not properly regulated, such use of residential property may create adverse impacts on surrounding residential uses including, but not limited to,

increased levels of commercial and residential vehicle traffic, parking demand, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the County. Moreover, such use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services, and neighborhood watch programs.

B. Purpose. The purpose of this Section is to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of owner-occupied residences.

3. Except as provided in this Section, restrict transient use of property for remuneration, which use may be inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in Title 21.

C. Definitions

5. “Transient Use of Residential Property” means the use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for not less than seven (7) nor more than thirty (30) consecutive calendar days.

D. Administrative Permit

1. Permitted Use.

a. Transient use of residential property for remuneration shall be permitted in all zoning districts which allow residential use upon the issuance of an administrative permit pursuant to Chapter 21.20 of Title 21, subject to regulations in Section D.2.

Link to further details of the Title 21 code governing [transient use of residential property for remuneration.](#)

CEQA Initial Analysis and Scoping

Please refer to the NOP pg 11 (1-4) Section 1 – Environment Checklist:

In the Environmental Checklist, Wildfire has **NOT** been selected as one of the “Environmental Factors Potentially Affected”. This is a serious omission and represents a very concerning defect in the scope of environmental review for the Project.

Vacation Rentals will significantly increase the risks and impacts from Wildfire in the CVMP area. In fact, as this Comment Letter provides information to demonstrate, the other 9 areas not indicated for study in the NOP all do demonstrate potential environmental hazards for the CVMP area, some mitigatable, others not.

The Scoping and Initial Analysis of Impacts must assume a worst case scenario of allowable vacation rentals in the CVMP area, e.g., 5,003 residential units rented a total of 42 days (three 14 day periods) per year. We understand the Board directed Agency staff to revise the draft ordinance to provide for Commercial Vacation Units at a CAP of 6% of total residential units for a total of 302 units in the CVMP area. Since Commercial Vacation Units would not be limited in the number of days for which units could be rented, a worst case scenario must assume 302 units times 365 days per unit of VSU's. These allowable vacation rentals would exceed by far the CVMP CAPS, or any reasonable evaluation of low density 5 rural zoning. Further study is required for use permit project level analysis under cumulative impacts (1.21 b & c) as indicated in the NOP.

The Agency’s Project description states, “... Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable...”. Further study is required to support this conclusion, e.g., three concurrent rentals in one neighborhood for 14 days each would certainly increase the intensity of residential use. (See NOP pg. 3, paragraph 2). Please see detailed comments under 1.1, 1.11, 1.13, 1.14. and 1.21 in Section II of this letter).

In addition, in paragraph 4 on the same page, the Agency states: "...The regulations limit establishment of vacation rentals to existing, legally established dwellings. Therefore, no specific development or construction is proposed for or would be entitled by any of the draft ordinances." (See NOP pg. 4 paragraph 3). Because this reasoning is cited often in the NOP's Initial Analysis Discussions of potential for environmental impact classifications, further study is required to address possible development or construction related to allowable vacation rentals:

1. How many permit applications to operate vacation rentals already processed have resulted in further construction to mitigate areas of deficiency?

2. A chart to correlate permitted improvements cross-referenced to advertised vacation rentals whether permitted or not could be informative.

3. Please review and tally the content of all the complaint emails HCD has received through Host Compliance, focussing here on those discussing current renovations, fence construction, new lighting , etc. due to vacation rental property usage.

Although not new construction, certainly an addition, a new deck, a new hot tub and string of lights, or extensive fencing would constitute "development" and be directly attributable to the Project's allowed vacation rentals.

And then there are neighbors' needs to protect themselves from significant impacts, and to preserve a "sense of security and safety in stable neighborhoods" e.g.this complaint from an email CVA received:

"...renters have picked flowers off our trees or looked over our fences, We have had to build fences to keep renters and their pets out of our yard."

CVA would like to see a revision of the scope of the EIR, objecting to Part 9 of the Revised Initial Study that states the proposed "ordinance is for the entire County and not location specific." To date Carmel Valley has been the most impacted land-use area of the County as measured by advertised short-term vacation rentals. As proposed, the study does not recognize that the environmental impacts of

vacation rentals will vary widely among different regions of the County. Accordingly, the scope of the EIR should specifically address those areas with distinct land-use policies and boundaries, such as the CVMP, in separate sub-sections, for all potentially affected environmental factors. (Please see also Mitigation d. in Section III of this comment letter)

Enforcement

Enforcement continues to be an issue under existing codes, as pointed out in the Grand Jury findings of 2021. [Link to 2021 Monterey County Grand Jury findings on STRs](#). One wonders how this will improve under the new ordinances; little to no attention is paid to this in the NOP Initial Analysis. How will any environmental impact determined to be significant be mitigated through code compliance, especially in the 30 minute response time the project regulates for owners or their representatives? (7.110.040. Regulations for Vacation Rentals D. D 5) How will the County provide additional resources to bring operators into compliance with the ordinances?

This NOP does little more than state that ordinances exist and will be enforced. When and how, we ask, having not seen any for the last decade? This creates further conflict of the Project with the CVMP's (CV-1.15) existing land use plan, policy, and regulations (NOP 1.11 b), conflicts with existing Title 21 code, and kicks the increasing problem of enforcing illegally operating or code-violating vacation rentals down the Carmel Valley road.

CVA recommends that the Project stipulate mitigations needed to address significant environmental impacts to neighborhoods due to allowable vacation rentals. The Project should stipulate how the Transient Occupancy Tax and fees collected for permitting of vacation rentals will be used to fund the hiring of adequate staffing and support for existing local public service entities (Fire, Sheriff, HCD Code Compliance, etc.). In addition, the Project needs to detail how local entities and designated representatives of the owners will provide enforcement of the draft ordinances and environmental impacts such as Noise

(1.13), Lighting (1.1), Population and Housing (1.14), Traffic (1.3,1.6,1.8,1.9,1.17,1.20), and Transportation (1.17), and the penalties for non-adherence.

Permit Fees and TOT collected through this Project should not be used to support the General Fund. Further study is required as to how this might be documented.

Potential County Risk of Liability on Limited Vacation Rentals in the Draft Ordinance

Since Limited Vacation Rentals are allowable through a VROP without land use discretion, how do we know that they will "conform with applicable state building and fire codes" (draft Ordinance, pg. 9 of 24) without on-site inspections? Would the County be liable for not policing these rentals in the event of accidents at rental units? If an owner is not resident at least 6 months and 1 day of any given year, is that property still legally a residence?

In further analysis before drafting the EIR for the project, please identify how compliance for renters would be known or enforced. Please address whether or not the county would be liable for not policing these Limited Rentals in the event of accidents or harm at rental units.

II. Detailed Analyses, Links to References, and Evidence on Pertinent Environmental Impacts

Introduction

CVA questions the "No Impact" determination on several of the Initial Analyses.

Under the heading "The Evaluation of Environmental Impacts" (#2 on pg. 13), "All answers must take account of the whole action involved, including ...cumulative...indirect as well as direct...impacts." Several discussions of the NOP Initial Analysis appear to fail to follow this guideline. Please see also below comments on (1.21 d).

On #6 on pg. 13 states, “Lead agencies are encouraged to incorporate...references to information sources for potential impacts (e.g. general plans, zoning ordinances).” There is no mention in this analysis of the Carmel Valley Master Plan or its set CAP limits on visitor serving units to be available as rentals to visitors to Carmel Valley.

The NOP Analysis of the Project carries a false assumption that because the use of residential properties is involved, there will be no increase in visitors accommodated in low-density residential zoning and that the allowable use through the project is the same as residential living. This is a major misconception, as CVA shows below.

There is no reference to, or analysis of, what would happen to neighborhoods in Carmel Valley currently zoned low density residential if they suddenly found 6% of the structures therein permitted as “Commercial” short term rentals--possibly with no resident or their representative present, albeit in violation of the ordinances. Further study shows again the unmitigatable nature of the Project's total lack of CAP on “Limited” vacation rentals. As aforementioned and indicated in the Initial Analysis, much further study is required in 1.11 b. before the draft EIR is prepared.

Detailed Analyses for All Environmental Factors

1.1 AESTHETICS

1.1.1 a)-c):

CVA strongly disagrees with the No Impact findings. Most properties in the Low Density Residential zoning of Carmel Valley have views to a ridgeline, a dark night sky, or a field that would be impacted by the Project's allowing of added parked cars, fencing, and possible additions to existing residential properties to accommodate vacation rental activities.

Here are excerpts from some emails CVA has received:

"I live in Mid Valley on a quiet private road. The house across from me was just sold to a San Jose family. Their first order of business was to build an 8 foot fence around the property. I was talking to a gentleman taking photos and was told that they plan on ST renting it. Another person working on the property said the same."

"...residents have been complaining of Airbnb guests trespassing/hiking through their properties, speeding, picking fruit from their trees, using their garbage cans, knocking on their doors at night asking for directions, dropping cigarette butts, letting their dogs run loose."

"Many of us choose a rural environment because we want privacy, quiet, dark skies, and a good old fashion commune with nature. I don't really care what local pro-business county officials have to say about short term rentals. What is happening is destroying a way of life for all time to come. No walking it back once the full extent of damage is done. During this particular time of climate / earth-borne disaster and species extinction the issue of commercialization of private property could not be more relevant or more tragic."

"...renters have picked flowers off our trees or looked over our fences. We have had to build fences to keep renters and their pets out of our yard."

1.1.1 d):

CVA finds lighting a potentially significant impact based on several complaints we've received from existing vacation rentals, even those operating legally at this time. The Ordinance's inclusion of Lighting as needing to be regulated would indicate the same. Some examples from emails received:

"And the dark skies--my how we love being entertained by the dark skies that broadcast glimmering constellations. Artificial strings of lights [are] strewn everywhere on this property..."

"The outdoor dining area is just below my bedroom window and is, in my opinion, garishly lighted by a newly installed system."

"Outdoor "party" lights are left on all the time,"

Please refer to Title 7 draft ordinances:

3. Limited Vacation Rentals shall comply with Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended, of the Monterey County Code. Outside amplified sound associated with the Limited Vacation Rental is prohibited at all times. Limited Vacation Rental operation shall adhere to nighttime noise and quiet time requirements set forth in Monterey County Code Section 10.60.040, as periodically amended.)

If all these things are regulated, why not lighting, too?

Further study is required to mitigate this shortcoming of the draft ordinances. Here's a link to the [County's exterior lighting guidelines for new construction](#). And here's a [link to the County's Lighting Ordinance](#).

Please see a letter from Meredith Nole, MIES lighting expert, in the Additional Evidence section at the end of the Comment letter.

1.2 AGRICULTURE AND FOREST RESOURCES

The NOP indicates potentially significant impacts in 1.2.1 (b) 'Conflict with existing zoning for agricultural use or a Williamson Act contract' . CVA sees no need for further study outside this area, but wishes to point out that the wording "The ordinance would not result in a change to land use designations or zoning, nor would it result in any new development" in the same item is misleading; for indeed, the fact that a new Land Use permit for any Commercial vacation rental parcel is required indicates there would be a change in land use designation, and we've already discussed the potential for some development due to the Project, albeit not 'new'.

1.3 AIR QUALITY

1.3.1.a)-c):

CVA agrees with the findings of potentially significant impact. Residents use [AIR NOW](#), [AIR VISUAL](#), or [Purple Air](#) (most sensors) to monitor air quality under wildfire conditions. Further study should compare air quality along Carmel Valley Road on weekdays to a busy holiday weekend when many vacation rentals are in operation, and take note of the potential for very unhealthy air during a wildfire emergency with potential impact on vacation rental tenants' health.

In 1.3.1 d):

CVA still disagrees with this faulty conclusion, as the premise indicates "facilitate" and the conclusion "not result". The proposed regulations would not authorize **or facilitate** any new development. Therefore, the proposed regulations **would not result in any construction activities.**"

Many applicants have to make adjustments to their properties to obtain a permit, such as a new or updated septic system, renovated exterior lighting, or optional additions or decks, etc.; hence, the VROP (permitting) process will inevitably facilitate some construction activities.

1.4 BIOLOGICAL RESOURCES

1.4.1 b):

Steelhead trout have been long protected in the riparian areas of the Carmel River. A significant number of currently operating vacation rentals draw water from wells in the same aquifer. The Carmel River has been running dry during the current drought conditions. Surely this rates further study, as vacation rentals will draw on more water resources than current residential uses do.

1.4.1 d):

CVA maintains that further research will show that the proposed regulations could facilitate development and more human interactions with wildlife in low-density residential areas where wild turkeys, deer, bobcats, foxes, many bird species, pets and horses, and other livestock and animal life lives alongside humans, so there may be potential significant impact on Carmel Valley's biological resources due to the Project's allowing of vacation rentals in WUI (wildlife urban interface) areas.

Further study is required.

1.5 CULTURAL RESOURCES

1.5.1 c) & d):

Again, this faulty assumption that the Project would not involve any digging related to the permitting of a vacation rental operation is faulty, therefore potential impact could occur, mitigatable by requiring archeological inspectors on-site at any septic or construction project related to permit compliance which might result in an approved vacation rental land use.

1.6 ENERGY

1.6.1 a), b):

The NOP provides solid analysis of potential additional vehicle trips and lengths due to allowed vacation rentals, but again, this faulty assumption that the Project would not involve any construction related to the permitting of a vacation rental operation is faulty; at a minimum, most commercial operations hire third party providers to maintain cleaning and services on a vacation rental which inevitably leads to increased trips in addition to those of the transient tenants.

This is a significant finding of these environmental impacts in b): "...and they [vacation rental tenants] may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis." This finding has implications in 1.9,1.15,1.16, and 1.17 for the NOP initial analysis and further study is required.

1.7 GEOLOGY AND SOILS

1.7.1 d):

Septic issues abound in Carmel Valley. This item requires further study. Please see these findings:

Management plan for septic systems:

<https://www.co.monterey.ca.us/home/showdocument?id=64073>.

Perhaps this link is better, with link to plan in the above:

<https://www.co.monterey.ca.us/government/departments-a-h/health/environmental-health/environmental-health-review/monterey-county-local-agency-management-program-lamp>.

1.8 GREENHOUSE GAS EMISSIONS

1.8.1 a) & b):

CVA supports further study for the EIR, aligned to Air Quality (1.3), Energy (1.6), Hazards (1.9), Transportation (1.17), Wildfire (1.20), and Findings of Significance (1.21).

1.9 HAZARDS AND HAZARDOUS MATERIALS

1.9.1 f) & g):

CVA questions the reasoning here. "No aspects of this project would inhibit access to hospitals, emergency response centers, school locations, communication facilities, highways and bridges, or airports." A simple look at a map of Carmel Valley road would indicate that, in an emergency, wildfire, or any other hastily announced evacuation, any additional vehicles would clearly create an unmitigatable impact.

1.10 HYDROLOGY AND WATER QUALITY

1.10.1 b) and e):

Please see the attached letter in the appendix at the end of this Comment Letter from residents of Sky Ranch Rd impacted by vacation rental use of their limited local water system.

The Carmel River is currently running dry for much of its course through the valley. Many vacation rentals have wells that tap this aquifer. Much of Carmel Valley has experienced significant flooding.

The Carmel River Watershed Conservancy has provided the link below to a video showing an incredible encounter with Steelhead spawning in the Carmel River on March 22, 2021. Even though early in the year at a time still once considered "the rainy season", the river is low. Drought had already set in by this date. But it is still enough, and something magical ensues. Watch here: <https://youtu.be/CIB6tks-M6k>

Here's what it looks like this month:

Exactly 18 months after the video above was shot, Carmel Valley River behind Dampierre Park, 37 Paso Hondo, CV

Carmel River Looking East – 9/22/2022 Carmel River Looking West – 9/22/2022



Footbridge over bone dry river bed



A River of Rocks as far as you can see

The proposed Short Term Rental ordinance allows a 6% CAP county-wide on commercial short term rentals. The Project has no CAP on Limited vacation rentals, which are bounded only by no more than a restriction of three instances of 14 day stays. This option is available for all 5,033 residences in Carmel Valley (per the County's statistics), which affords this category the opportunity collectively for 211,386 rental days a year. Add to that the 365 days per year potential Commercial rentals. There is no question that this activity will require more water than "regular residential uses."

1.11 LAND USE AND PLANNING

1.11.1 a):

Although the intent of this section is indications of **physically** dividing neighborhoods, CVA questions the No Impact rating here, because, by allowing vacation rentals in the Low Density Residential neighborhoods of Carmel Valley, the vacation rental properties are essentially **divided** from the non-permitted neighbors who are subjected to the significant environmental impacts.

1.1.1 b):

As previously mentioned, much further study is needed here to address these significant impacts. CVA maintains that further study will confirm the Project's significant and unavoidable relaxing of quotas and standards in the Monterey County Zoning Ordinance Title 21.64.28 and with the previously established CAPS in the CVMP 1.15.

1.12 MINERAL RESOURCES

CVA agrees with the No Impact findings.

1.13 NOISE

1.13.1 a):

CVA has had many complaints around Noise, and some around Nuisance and Nuisance Animals. Examples provided here:

"One evening there was yelling of great intensity and, for a few minutes, of a possibly violent intensity. I considered calling the sheriff, but, before I took this step, there was a slight abatement of the yelling."

"Dogs have been locked in the courtyard and painfully howled for 90 minutes while the renters went to dinner."

"Loud party at house for sale on my street....We called the sheriff who did come by and speak to the partiers... .The entire street is upset at our loss of quiet enjoyment, should this persist." July 2019. House is still available as vacation rental.

"Illegal campground on property. Owners have 3 rv trailers rented out to different people that they charge rent for and 1 school bus as well. The school bus has a dog living it too. Which barks a lot and must be very hot inside it. Some of the rentals/units run generators all night. Fire hazard, health hazards, and nuisance. Also illegal use of property." August 2022

"..but after three occasions of rental noise from the neighboring house in the last month, it has become more emotional (lost sleep). Where on the web do I find the rules, especially noise rules, for home rental in mid Valley? Whom do I contact, and how, regarding a complaint?" Sept 2022

"There is no doubt traffic has increased. So have animal deaths on the road....has been noisy after 10--playing ping pong ball and smashing the balls over our shared fence. However, while 10PM might be the official cut-off time for noise, some of us treasure the quiet nights we used to have. Some of us like to go to sleep early and rise early. (Healthier and good for the soul)."

Because no discussion is provided as to how the regulations related to permitting compliance and Noise in vacation rentals can be effectively enforced to relieve this environmental impact on abutting neighbors when these and corollary ordinances are violated (draft Ordinance Title 7.110.040. pg. 5 D. 3), the significance of this impact appears unmitigatable, unless further study can show evidence of the ability to stop the noise when it happens, e.g. owner-representative on site.

1.14 POPULATION AND HOUSING

1.14 (a):

Induce substantial unplanned population growth in an area...

Contrary to the “No Impact” statement, there certainly could be a “facilitation” of new development. Such a permissive vacation rental ordinance will encourage investors to consider purchasing and building on property to take advantage of the profits they can make from operating these rentals. The county states that these regulations “only apply to existing, established dwellings,” but can the county legally prevent someone currently owning a lot, or someone who purchase a lot in the future, from building a structure on their property which would then be used as a vacation rental? Note that aggressive groups, such as Pacaso are already active in the county. This will inevitably test current resources and infrastructure.

In Section 1 Environmental Impact - Project Information - Paragraph 6

“Description of Project,” it states “These regulations also provide an amortization of investment for existing vacation rental operators.” Doesn’t that suggest that these operators have made investments, probably including construction, in the preparation of the rentals? Perhaps the county has figures for the number of permits issued for the construction involved in those properties, at least those known to be paying TOT. Since many current vacation rentals have required construction, renovation, or improvement of some sort, it must be expected that further, similar construction and renovation will occur with an ordinance that allows such noticeable growth of these rental activities. Further study is required before drafting the EIR.

From a complaint email:

"The house across from me was just sold to a San Jose family. Their first order of business was to build an 8 foot fence around the property."

1.15 PUBLIC SERVICES

1.15 (a):

“...In order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services...”

There is no “acceptable service ratio” stated but there certainly would be an increase in the potential demand on the Sheriff’s department and emergency services because of the additional people in the county staying at vacation rentals. The county is already unable to respond to complaints about vacation rental problems. With the additional numbers of vacation rentals demand will grow. Further study is required before drafting the EIR.

1.16 RECREATION

1.16 a) & b):

“Increase the use of existing neighborhood and regional parks or other recreational facilities...”

One of the most important reasons for visitors to come to Monterey county is to see our county, regional, and state parks. The increase in the number of people in the county due to those visiting on a short term basis will definitely increase the use of these parks, and there will be an unavoidable strain on those properties. Please recall the recent problem of the illegal removal of the succulent Dudleya from Point Lobos. This should be considered a “Potentially Significant Impact” and should be analyzed further.

There should be an examination of how many vacation renters visit the parks, how they use the facilities and what pressure this puts on park CAPacity and staff. The analysis should take into account trail degradation which requires more maintenance, the increase in use of already inadequate bathroom facilities, and the greater likelihood of accidents at the parks which might necessitate emergency rescue. The current challenges to safe parking on Highway 1 for visitors to Point Lobos State Park is a perfect example of how the growth of visitors to the

area, many of whom are using vacation rentals for their stay, has adversely influenced our park resources. Further study is required before drafting the EIR.

1.17 TRANSPORTATION

1.17 c) & d):

The CVA disagrees with the less than significant finding of this impact . Further study is required, as, contrary to what is stated in the Discussion 1.17.1 d), because this ordinance **does not limit** Limited rentals at all, hence up to 5,003 homeowners could have an additional car parked at their home in the CVMP area in the event of a fire emergency. This issue should be studied further in the EIR with **input from the fire authorities** in order to back up the claim that “No aspects of this project would inhibit or change existing emergency access within the County”. The study should include input from: fire authorities, the fire districts, CAL FIRE, the County Sheriff, and the County Office of Emergency Services. Emergency access is a well-known problem in the county and particularly in Carmel Valley. Residents are generally advised to shelter in place until help arrives where there is limited egress CAPacity. Would vacation rental transient occupants know or follow these established guidelines? The EIR must have a thorough review of this issue.

1.18 TRIBAL CULTURAL RESOURCES

CVA agrees with the findings, but disagrees that "The proposed regulations would not authorize or facilitate any new development. No grading or excavation is proposed as part of the project, nor are such activities reasonably foreseeable consequences of activities authorized by the project." Such projects would arise due to the application process for applying for a permit to operate an allowed vacation rental.

1.19 UTILITIES AND SERVICE SYSTEMS

1.19.1 a), c), d), and e):

CVA finds the No Impact designation requires much further study. As residential property is allowed to operate under increased loads, most with existing OWTS systems and many antiquated, impact is potentially significant.

Again, for further study, please see these findings:

Management plan for septic systems:

<https://www.co.monterey.ca.us/home/showdocument?id=64073>.

Perhaps this link is better, with link to plan in the above:

<https://www.co.monterey.ca.us/government/departments-a-h/health/environmental-health/environmental-health-review/monterey-county-local-agency-management-program-lamp>.

1.20 WILDFIRE

The environmental impacts of Wildfire must be recognized and addressed:

Properties in Carmel Valley are located in a State Responsibility Area (SRA), where land and property have a high fire hazard severity rating. Properties located in an SRA have legal requirements associated with them that fall under PRC 4291. Properties must be maintained at a certain level, and to be compliant, property owners must: Maintain a 100-foot defensible space that includes a 30-foot lean, clean and green zone, and 70 feet of fuel reduction where trees are limbed up six feet, brush is thinned out and annual grasses are mowed down to a maximum four inches. Remove tree branches from within 10 feet of a chimney or stove pipe, remove all leaves and needles from the roof and roof gutters and remove all dead limbs away from the home.

In addition, starting January 2023 for new homes and 2024 for existing homes, there will be a new zone where no combustibles will be allowed and only fire resistant plants and materials will be allowed within the first five feet of your home.”

It is incumbent on the County that the new ordinance(s) related to vacation rentals include these legal requirements and ensure compliance as part of the process to obtain a permit.

In addition, ordinance(s) should stipulate a mechanism to monitor regular ongoing adherence to PRC 4291, and see that it is being enforced rigorously.

Please note that PRC 4291 specifically further calls out that: “A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation.” This can and should be done where property line distances make it practicable. Many vacation rental properties are owned by individuals or entities which are either unaware of, or out of compliance with these regulations which require frequent and ongoing effort to be sufficiently maintained.

Monterey County Regional Fire District has provided educational information alerting property owners that embers from wildfires, which can travel as far as five miles ahead of the fire, are the #1 cause of home ignition. To forestall this high risk, home hardening is imperative, with frequent and regular maintenance as described in PRC 4291 is equally important. The County should provide this info to all owners and renters of vacation rental properties and require an LA 100 (or other equivalent assessment) prior to awarding a permit, and re-issue annually with ongoing inspections. TOT will need to provide the funding required for Regional Fire District staffing to inspect each operating vacation rental in the County.

Furthermore, it is strongly recommended that installation of new fire pits be denied, and regulations regarding fire screens be strictly enforced on those that are existing.

Link to PRC 4291:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4291.&lawCode=PRC

Resources for further study in scoping the environmental risks of wildfire in the draft EIR for the CVMP area:

Emergency Operations Plan – (April 2022) County of Monterey
Operational Area

Annex | Evacuation and Transportation

<https://www.co.monterey.ca.us/home/showpublisheddocument/114301/637961624584000000>

Evacuation and Transportation Plan Draft (2021) Monterey County Office of
Emergency Services

<https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/office-of-emergency-services/response/evacuation-guide/evacuation-plan>

Carmel Valley has been cited in two studies on Communities at High Risk in Fire Evacuations:

1) <https://www.nytimes.com/2021/09/29/us/fire-risk-california.html>

Please see complete text of this analysis in the Additional Evidence section at the end of this Comment Letter.

1.20.1 a)-d):

CVA disagrees with the less than significant ranking on a-d. If approved, the Project will mean that traffic will be substantially impacted, particularly during an emergency evacuation. The CVA recommends that there be further study focused on this issue.

Carmel Valley Road and its associated side roads have limited capacity. A small accident can move it into Level of Service (LOS) rating F in minutes. In addition, California Title 14 has been recently revised by the Forest Service and adopted by the State.

The new regulations of Title 14 alone require further study to prepare the draft EIR on this Project; the EIR will need to determine to what extent the proposed ordinance allows for enforcement of these safety guidelines in any individual permitted Commercial or Limited vacation rental. Particular attention in the EIR should address the cumulative effects of the up to 302 Commercial and 5,003 Limited rentals operating.

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

Complain email received from a Carmel Valley Resident:

"We have a single family commercial stand alone short term rental next to our house and it has changed the character of our neighborhood. This month [August, 2022] has brought 3-night rentals on each weekend. Outdoor "party" lights are left on all the time, renters have picked flowers off our trees or looked over our fences. Dogs have been locked in the courtyard and painfully howled for 90 minutes while the renters went to dinner. We have had to build fences to keep renters and their pets out of our yard. With every new rental comes a flurry of cars to check out, clean, check in renters. This has wrecked our retirement and devalued our house."

Cumulative impacts of the Project will unmitigatedly cause a situation in Carmel Valley where "incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

1.21.1 a)

CVA disagrees with the No Impact finding. The Carmel River is running dry most summers now, and this Project will have potential significant impact in its allowed use of residential properties for vacation rentals, a significant number of which draw water from wells in the same aquifer. Steelhead trout are already threatened enough to have the State reduce pumping from the river for drinking water. How

could thousands of the Project's allowable operating vacation rentals have no impact?

Further study is required as to potentially significant additional impact to the delicate state of the environmental quality of the riverine basin in Carmel Valley.

Please see additional commentary in 1.10 HYDROLOGY AND WATER QUALITY

1.21.1 b)

CVA maintains that the possibility for significant impact due to this project exists in "...aesthetics, agriculture and forestry resources, biological resources,... geology and soils, hazards and hazardous materials, hydrology and water quality (except groundwater use), mineral resources, public services, recreation, utilities and service systems (except water use) or wildfire". Please see our arguments and evidence under the appropriate impact areas detailed in Section II of this comment.

1.21.1 C)

When CVA met to discuss these Comments, many issues outside of this EIR process were discussed, not the least of which is the anxiety and psychological burden placed on neighbors where a vacation rental "party house" or similarly poorly managed commercial operation exists. Time and again, CVA has heard complaints from otherwise laissez faire neighbors after a residential parcel turned to providing unmanaged short term vacation rentals, whether permitted or not, without the owner present.

We don't get complaints about well-managed owner-occupied vacation rentals.

Legally operating hotels, motels, event centers, and the like contain the noise, trash, and other potential nuisances by having hired staff and security on site at all times. They bear the brunt of additional expense to adhere to the Carmel Valley Master Plan guidelines and maintain good relations with their neighbors and the County.

Residential property, especially whole houses turned over unsupervised to large groups of transient tenants who are visiting with no stake, who often ignore regulations with impunity under the current enforcement conditions and response times, are a potential threat and hazard to a peaceful neighborhood, and have caused substantial adverse effects on human beings here in Carmel Valley and in other areas of the County.

III. Suggested Alternatives and Mitigations

ALTERNATIVES

a. No Project - No Change. The existing ordinances and CVMP policies constitute the No Project / No Change alternative. Further amendments may be required to specific elements of existing regulations in Title 21.64.28 D.2) Regulations, e.g. 'length of stay'. This alternative addresses major inconsistencies in the draft ordinances with CV 1.15, the relaxing of standards set out in current Title 21.64.28, and the large number of unmitigatable significant environmental impacts of the Project.

b. HomeStay Only Project. County-wide home-stay vacation rentals only can be permitted on the condition that the homeowner be present on the property during the rental period. This alternative mitigates inconsistencies of the Project with Purpose # 2 on page 3 of the Agency's Project Description:

"...provide opportunity for visitors to access public areas of the County through Vacation Rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare..."

It also mitigates environmental and enforcement issues not met by the Project's Limited division and particularly not by the Commercial division. It also mitigates inconsistencies with the CVMP 1.15, while still allowing for some vacation rentals within established CAPS.

PROPOSED MITIGATIONS

a. **Increase affordable housing requirements** to counteract potential project impact due to displacement of tenants. Population and Housing (1.14 b)

b. **Increase sheriff and HCD staffing and response time** to accommodate project's environmental impact on noise (1.13), parking (1.17 d.), public services (1.15), Nuisance and Nuisance animals, and other anxiety-provoking substantial adverse effects on human beings, in this case for neighbors, resulting from the Project's increased allowable vacation rentals. (1.21d)

c. **Consider other working ordinances**, such as the city of Pacific Grove or Santa Cruz County, as guidelines for Monterey County's ordinances.

d. **No Project.** Consider a new localized approach to creating workable vacation rental ordinances and policies arrived at through local determination. HCD staff hires 3rd party Focus Group facilitators to solicit resident input through each Land Use Area or Planning Area of the County, asking citizen committees with LUACs or other Planning agencies to fill in options to develop localized addenda to existing Title 7, 21, or 20 (each requiring BOS approval). This addresses the fact that, in the case of vacation rentals across Monterey County, one size does not fairly fit all, and the disparity between the TOT generated and percent of services rendered can be addressed.

e. **Include a sunset clause** terminating any administrative permit that takes effect with any transfer or change of ownership status of property, or with no rentals in a 6 month period, or with failure to pay TOT for any Commercial Rental.

f. **Increase Staffing and Vigor** for both County staffing in code compliance and Sheriff staffing to provide adequate enforcement to bring all potential Limited and Commercial vacation rentals into compliance. This requires full time staff dedicated to continued monitoring of operations based on neighborhood complaints after administrative permitting, TOT registration and payments, business license, with increased response time for loud parties, trespass, etc. the 30 minute response time for a property is not sufficient to comply with environmental disturbances inherent in the Project.

g. **Project should stipulate how Transient Occupancy Tax and fees collected for administrative permitting of existing vacation rentals will be used to fund the hiring of adequate staffing and support for existing local public service entities** (Fire, Sheriff, HCD Code Compliance, etc.) How will the Project allow for enforcement of the draft ordinances and environmental impacts such as Noise (1.13), Lighting (1.1), Population and Housing (1.14), Traffic (1.3,1.6,1.8,1.9,1.17,1.20), Transportation (1.17)? Permit Fees and TOT collected through this Project should not be used to support the General Fund.

h. **Moratorium on all Vacation Rental Permits.** This should be a separate Board of Supervisors Referral to avoid potential litigation resulting from permitting vacation rentals that change the land use of a parcel in perpetuum without an legislative rezoning process.

Additional Evidence to Enter into the Record

1. Letters from Sky Ranch Rd Residents:

Dear Supervisor Mary Adams,

My name is Jennifer Jackson, and I am a resident of Sky Ranch Road located in Upper Carmel Valley (Cachagua). I was on the EIR/CEQA Zoom meeting on Sept. 6 about the proposed Monterey County Vacation Rental Ordinance. I really appreciated your sincere request to hear from the community regarding the short-term rental problems in our neighborhoods.

I am writing to you because my community is extremely concerned about an unpermitted short-term vacation rental that has begun operating on our private road. In February 2022, the new owners of [35370 Sky Ranch Road](#) listed their [home on the Airbnb website](#) and began regularly renting out the house as well as the adjacent “in-law unit” on this platform. The neighbors were never asked for input regarding this business venture. In fact, soon after purchasing the property the owner told one of my neighbors that many family members would be living in the house, and they would have a lot of vehicles.

Sky Ranch Road is a private road at the top of Tularcitos Ridge, off Cachagua Road. The above-mentioned listing (Assessor Parcel # 417-081-055) is located at the dead end of the road. Residents have seen a substantial increase in traffic driving at unsafe speeds (above the posted 20 MPH). Guests of the Airbnb have also been observed trespassing on community members’ property, taking photos of property affected by the 2020 Carmel Fire, using resident garbage cans, and picking fruit from our trees.

Complaints have been made by community members to the Monterey County Department of Housing and Community Development, and to the Carmel Valley Association (CVA). On August 24, 2022, the CVA’s STR Task Force leader shared our concerns in an email to Erik Lundquist and Joshua Bowling at HCD.

Based on research done by the CVA, the STR property owner [Daniel Boudreault](#) does not have a Monterey County Use Permit to operate this residential property as

a commercial short-term rental. Nor is Mr. Boudreault paying the required TOT tax to Monterey County to operate his business. According to the proposed Monterey County STR Ordinance, even if he had the proper STR permits, he would not be allowed to [rent the in-law unit](#) on the property.

The Sky Ranch neighborhood was severely affected by the 2020 Carmel Fire – half our 34 homes burned down. Fire safety continues to be a top priority. There is no evidence that Airbnb or the host of this property has educated their potential guests of this danger. This lack of awareness of the environment endangers our community.

Additionally, our neighborhood relies on a fragile well water system that we maintain ourselves. At times the system fails, and all residents must stop using water to protect the integrity of the pumps and pipelines until repairs are made. During Car Week in August 2022, we had one of these emergencies. A member of our Tularcitos Mutual Water Company Board notified Mr. Boudreault by telephone of the emergency, and Boudreault stated that he would pass this information to his guests. I had a conversation with one of his guests the next morning, who stated he was not made aware of a no-water-use emergency.

I am asking for the County's assistance in enforcing current county ordinance to protect the safety and welfare of our neighborhood.

Thank you in advance for your assistance. I'm attaching here a letter from a Sky Ranch survivor of the 2020 Carmel Fire about what he has witnessed as a result of this illegal short-term rental.

Sincerely,

signed by President Jackson and 18 other residents of Sky Ranch Road

WHY I DISLIKE HAVING AN AIRBNB IN MY NEIGHBORHOOD

Sky Ranch Road in Carmel Valley August 2022

By: a Carmel Fire survivor who is helping rebuild the family home

As a brief summary of why I dislike having an Airbnb in my neighborhood, I could start by making a list of irritating actions done by the guests. The first reason is I constantly see cars driving way too fast down our private, two-lane Sky Ranch Road. Since August of 2020 when my family home burnt down, me and my family have been working tirelessly to get life back to normal. Often that means I am on the property working long days, and sometimes not even leaving the property for weeks at a time due to a huge construction list of things needing to be done. I see things that go on in the neighborhood because I'm here almost all the time. There have been incidents of Airbnb guests driving too fast right in front of my house and even running people onto the side of the road; including some of our construction employees. The second reason I must complain relates to trespassing. In July 2022, Airbnb guests were caught trespassing on my family's property, as well as my next-door neighbor's property to the west of ours. It was before eight in the morning when one of my family members told me that what looked like a family they didn't know walked partially down our driveway, took pictures, and then kept walking down Sky Ranch Road. Irritated, I got on a quad and road up to see what was going on. I saw the family on Sky Ranch Road in front of my neighbor's property. I noticed there was a couple who I assumed were around their 40s-50s, and two daughters. I didn't want to seem intimidating or spook anyone, so I rode to our neighborhood mailboxes (about a block away on Sky Ranch Road) and turned around to see if they were doing anything else that seemed weird on my way back. I then saw the father in the neighbor's yard, and the rest of the family standing in his freshly planted flower beds. I then stopped and asked them how and what they were doing. After they told me they were staying at the Airbnb, I asked them if they knew anyone from my family or if they knew the neighbor. They said they did not know anyone who lives on Sky Ranch and the man's excuse for being on my neighbor's property was "to use his trash can." I told him that was not OK and to please not trespass and allow their dogs to poop in people's yards. The third incident in August 2022 was Airbnb guests were partially blocking the roadway early in the morning when people are driving to work. The guests were out of their cars, taking photos. I again politely asked them how and what they were doing to

which they answered, “taking pictures.” I told them that Sky Ranch is not a national park for you to enjoy and that they should please move along. Besides Airbnb guests being nuisances, the owner never consulted the community before starting a short-term rental, and in fact he lied to my family about his intentions. When Daniel Budreault first came here, my Grampa was taking his garbage cans up the driveway and noticed a car he didn’t recognize. He stopped the car, asked the driver if he was the new neighbor. My Grandpa is in his late 70s and his memory and basic mental function is getting worse and worse at a more rapid rate than I have seen throughout my whole life. The Airbnb owner told my Grandpa that the house he just bought at 35370 Sky Ranch is going to be his new family home, and that his four children who all drive will be up here frequently along with all of their significant others, so there will be lots of cars due to the large family. My Grandpa, thinking there is nothing to be frustrated about, then told him to have a good day and went about his business. Come to realize this was a big fat lie. Of all the disturbances by the guests, the owner lying directly to my grandfather’s face makes me more disgusted than anything. Thank you for taking the time to read this.

2. Information on Lighting Issues from Meredith Nole, MIES, MONTEREY LIGHTING EXPERT

MONTEREY LIGHTING
ilight8@aol.com – T: 831-250-5623 C: 862-220-1406

September 27,2022

RE: VACATION RENTAL LIGHTING

After reading the recommendation indicating that there is NO impact relative to Vacation Rental Lighting, this letter is intended to introduce some facts as to why specific rules on lighting must be incorporated into every lease. Not only will

natural human activity influence the usage of vacation rental lighting patterns, scientific documents are clear about the “Effects of Light on Humans”.

Please see NOP Initial Analysis 1.1.1d): d) [Does the Project] Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? "No Impact. The proposed regulations would not authorize or facilitate any new development. The ordinance only applies to existing dwelling units. There would be no impact associated with a new source of substantial light or glare and this issue will not be analyzed further in the EIR."

The name “ Vacation Rentals” indicates that people will be transient tenants in locations they are unfamiliar with. This fact alone will prompt each vacationer to increase the usage of exterior lighting not only for seeing going in / out, but also for safety / security at night, where they will be prone to leave all exterior lights on all night.

In addition, the name “Vacation Rental" also gives way for Tenants to party, entertain in the back yards and hang LED string lights all around the back yard areas, usually high up in trees, spreading light 360 degrees, into the surrounding properties.

The reasons light at night does indeed need to be regulated and have rules, is the fact that several scientific studies, over many years, have documented the bad effects spill over lighting / light pollution or glare at night has on the health of all people and animals burdened with a lack of complete darkness during nighttime hours of sleep.

Briefly, since 1993 to the current time 2022, the amount of scientific documents specific to “the biological effects of light on humans” is huge. A summation of so many reports by the most noted scientists in their field, all have proven data that there are many effects of light, and the most significant is light at night, during ordinary sleep hours. Sleep times need to have complete darkness, for best health practices.

Light entering the eye stimulates both sensory capacity of vision as well as the non-visual part of the brain called the suprachiasmatic nucleus, a fundamental part of the circadian system that controls daily bodily rhythms and physiological parameters. Light--the intensity, the color, and the use patterns of light--in all its forms affects all living things; humans, animals and plants.

One of the best usages of light, in addition to our daily usage, is in the medical setting for improving Alzheimer's, sleep regulation, physical homeostasis, and the best health-related activity for all humans is proper sleep. Any spillover, glare, overly bright, intrusive light at night must be regulated especially for vacationers, unfamiliar with the terrain.

Also, I recommend each rental property should have all the exterior light fixtures evaluated to be dark sky friendly, and that prior to being included into the listing of available rentals, all exterior light fixtures existing be only dark sky compliant, using 2700 Kelvin color. This certainty will alleviate any potential issues with interfering with any neighboring properties, especially with children getting into bed early, or older residents wanting their rest. It's best to anticipate and prevent any issues early for smooth working relationships all around.

The Illuminating Engineering Society – the Lighting Authority -- develops all standards for good and proper lighting for every type location, and offers suggestions of best levels of light for specific areas and usage types.

I would be happy to offer current documents and scientific reports of over 25 years of research on humans by top scientists as well as some publications of the IES.

To mitigate undo stress of any potential sleepless night for any vacation rental, I urge you to adopt developed lighting principals, practices and measures of “good lighting”, ensure safety and security without spillover, promote efficiency and sustainability, and adopt 2700 Kelvin color for all external lighting in Carmel Valley. The use of the color lighting of 2700 Kelvin will allow for the right light levels needed, without over lighting, and without blue or harsh color.

I remain available for any questions.

Regards

Meredith Nole, MIES

3. Complete Text of Comments on NOP Impact 1.20 Wildfire by Boronda Rd.
Firewise Community Co-chairs C.S. Noel & Fred Rubin

ENVIRONMENTAL IMPACTS OF WILDFIRE ON CARMEL VALLEY

NOP Section 1 – Environment Checklist

In the Environmental Checklist, Wildfire has **NOT** been selected as one of the “Environmental Factors Potentially Affected”. This is a serious omission and represents a very concerning defect in the document. Vacation Rentals will significantly increase the risks and impacts from Wildfire in Carmel Valley.

- ❖ Vacation rentals currently exist, and the new ordinances have the potential to greatly expand their presence in Carmel Valley. The Monterey Peninsula region and Carmel Valley are sought after vacation destination locales for their glorious weather, unmatched scenery, world class dining, and multitude of special events, shopping and sightseeing.
- ❖ Monterey Peninsula Visitors Bureau estimated that Car Week alone this year in 2022 would draw over 85,000 visitors to the area. So, it is no surprise that vacation rentals have increased dramatically in just the last year, and this demand will only increase further based on these recent trends.

1.20 WILDFIRE: The environmental impacts of Wildfire must be recognized and addressed: **Properties in Carmel Valley are located in a State Responsibility Area (SRA), where land and property have a high fire hazard severity rating. Properties located in an SRA have legal requirements associated with them that fall under PRC 4291. Properties must be maintained at a certain level, and to be compliant, property owners must:**

- Maintain a 100-foot defensible space that includes a 30-foot lean, clean and green zone, and 70 feet of fuel reduction where trees are limbed up six feet, brush is thinned out and annual grasses are mowed down to a maximum four inches.
- Remove tree branches from within 10 feet of a chimney or stove pipe, remove all leaves and needles from the roof and roof gutters and remove all dead limbs away

from the home.

- In addition, starting January 2023 for new homes and 2024 for existing homes, there will be a new zone where no combustibles will be allowed and only fire resistant plants and materials will be allowed within the first five feet of your home.”

It is incumbent on the County that the new ordinance(s) related to vacation rentals include these legal requirements and ensure compliance as part of the process to obtain a permit. In addition, ordinance(s) should stipulate a mechanism to monitor regular ongoing adherence to PRC 4291, and see that it is being enforced rigorously.

Please note that PRC 4291 specifically further calls out that: **“A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation.”** This can and should be done where property line distances make it practicable.

Many vacation rental properties are owned by individuals or entities which are either unaware of, or out of compliance with these regulations which require frequent and ongoing effort to be sufficiently maintained.

Monterey County Regional Fire District has provided educational information alerting property owners that **embers from wildfires, which can travel as far as five miles ahead of the fire, are the #1 cause of home ignition.** To forestall this high risk, home hardening is imperative, with frequent and regular maintenance as described in PRC 4291 being equally important. The County should provide this info to all owners and renters of vacation rental properties and require an LA 100 (or other equivalent assessment) prior to awarding a permit, and ongoing annually at a minimum. It is strongly recommended that installation of new fire pits be denied, and regulations regarding fire screens be strictly enforced on those that are existing.

Link to PRC 4291:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4291.&lawCode=PRC

1.20 Wildfire

A Wildfire event will create other impacts that are either incorrectly called out as “No Impact” in the Environmental Factors Potentially Affected section, or not addressed in the NOP as written.

CARMEL VALLEY REGION EVACUATION GUIDE



Zone Count	91 Zones	Zones	Zones D001-D091
Cities	-	Estimated Population	23,015 People
Unincorporated Communities	Carmel Valley Carmel Valley Village Rancho Tierra Grande Robles Del Rio Santa Lucia Preserve Cachagua Jamesburg/Tassajara	Address Count	6,974 Addresses
Law Enforcement	LPNF Monterey County Sheriff's Office BLM USFS-LPNF	Fire Protection Districts	Cachagua FPD Carmel Highlands FPD CALFIRE-Cypress FPD USFS-LPNF Monterey County Regional FPD

Evacuation Routes	Primary Evacuation Routes:	Secondary Evacuation Routes:
	<ul style="list-style-type: none"> • Carmel Valley Road • Hwy 1/Cabrillo Highway 	<ul style="list-style-type: none"> • Cachagua Road • Laureles Grade • Tehama Rd/Canada Wood Rd/Monterera Ranch Rd

XX. Wildfire

a) IMPACTED! A Wildfire event in Carmel Valley has an extremely high risk of substantially impairing an adopted emergency response plan and/or emergency evacuation plan.

Not counting visitors to our area, Monterey County’s Carmel Valley Region Evacuation Guide from 2021 (latest figures published) states that the estimated population for Carmel Valley is 23,015 with an address count of 6,974. **The Guide lists only two primary evacuation routes, and three secondary routes.** Of those five routes, ONLY Highway 1 is entirely two lanes in each direction, with Carmel Valley Road having two lanes in each direction for only 2.2 miles. The three secondary routes are single lane in each direction, and feature mainly narrow, winding roads as well as grades.

Picture such a wildfire occurring during one of our area’s highly attended multi-day events, e.g. Car Week in 2022, where event attendance was projected to be over 80,000. Or, during the AT&T which is known to top 100,000 spectators. That’s on top of the County’s 23,015 estimated population for Carmel Valley, plus crowds of visitors who would likely be out-of-area with no prior emergency evacuation practice, or much knowledge of local roads, the vast majority trying to get out via only two primary evacuation routes. How could the impact be anything other than catastrophic. (This is not such a far-fetched concern given that fire season has become a year-round visitor itself, first arriving in Monterey County on 1/21/2022 near the coast with the Colorado Fire. Since then, there have been four or five others – albeit small grass fires – in the Carmel Valley area, which were fortunately all put out very quickly by local fire departments before they became a threat.)

None of the three secondary routes were designed for this volume of traffic under good road conditions, much less in an emergency event with a fast-moving Wildfire. The two primary roads would also be critically over-burdened given their Level of Service ratings (LOS).

Monterey County’s Draft Environmental Impact Report 2008, in Table 4.6-24 titled, “County Roadway Segments Operating at LOS E or F under Buildout Cumulative plus Project Conditions,” lists Roadway Segments Operating at LOS “F” in Buildout Cumulative Conditions Scenario for County Road G16 (Carmel Valley Rd) for all segments listed in the report. And, they still have that rating currently, which is as follows:

	<u>LOS – (Level of Service)</u>
SR-1 to Carmel Rancho Blvd	F
Carmel Rancho Blvd to Rio Rd	F
Rio Rd to Rancho San Carlos Rd	F
Rancho San Carlos Rd to Valley Green Dr	F
Valley Greens Dr to Robinson Canyon Rd	F
Robinson Canyon Rd to Miramonte Rd	F
Miramonte Rd to Laureles Grade	F
Laureles Grade to Ford Rd	F
Ford Rd to Esquiline Rd	F
Holman Rd to Via Los Tulares	F

To complicate matters even more, between Highway 1 and the eastern boundary of Carmel Valley Village there are forty-nine separate streets servicing small neighborhoods that intersect with Carmel Valley Road. Of these intersecting streets, twenty-nine (60 % of them) rely on this single ingress/egress in and out of their neighborhood; many of them with narrow winding streets and narrow shoulders. In the event of a fast-moving wildfire, this will complicate both evacuations out of neighborhoods and onto overcrowded primary evacuation routes, as well as impede access for any emergency vehicles attempting to enter these neighborhoods.

Mitigation strategies should be considered and incorporated into planning and ordinances. For example:

Vacation rental caps should be much lower than 6% in Carmel Valley, particularly in neighborhoods with single ingress/egress access due to road capacities in an emergency and for safe evacuation.

The County should work with the Firesafe Council and Firewise neighborhoods (there are now over 40 neighborhoods that are either certified or in progress toward certification) to share neighborhood evacuation plans with property owners, to see that visitors receive appropriate educational materials, orientation on routes out of the Valley, and to encourage early evacuation when emergency warnings are given.

Property owners should be required to provide vacation renters with educational materials describing wildfire danger and fire safety practices, including a list of County contacts, emergency numbers, how to sign up for County emergency texts, and to have visitors sign that they have read and understand these materials.

b) IMPACTED! Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

In the current dry conditions of the surrounding habitat in Carmel Valley combined with regular onshore winds that often blow with strong gusts in Carmel Valley, danger from wildfire embers is increased, particularly where leaves and other detritus gather quickly around the base of buildings, and under structures such as decks creating hazardous conditions; in addition many vacation rentals advertising fire pits as a feature of the rental, creating additional risk from embers and other careless practices associated with this feature. Fire in addition to smoke and pollutants can quickly spread in this environment. Steep slopes on either side of the Valley floor further exacerbate risks, along with higher temperatures and stronger winds on ridge tops. Smoke and pollutant concentration can spread quickly and uncontrolled. Valley residents were exposed to just such a situation in 2016 during the Soberanes fire for months on end.

c) IMPACTED! Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Neighborhoods with a single point of ingress/egress urgently need an additional emergency outlet. Fuel breaks are needed along ridgetops, due to excessive fuel loads and the poor condition of trees and vegetation from the current state of the drought. Excessive increases in the vacation rental inventory also enable higher levels of visitors to the region which put additional pressure on stressed water resources, as for example with the Carmel River that is bone dry in long stretches and historically has been an important water source in fire emergencies. In the long term, this will exacerbate replenishment of aquifers. Problems with power lines and utilities can further impact the ability to fight fires, pump water, and keep communication lines open and available in emergency conditions, impacting residents and visitors alike.

d) IMPACTED! Exposes people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

When wildfire decimates trees and the understory, root systems are also damaged, which during the increasingly heavy and erratic seasonal storms we have recently started experiencing, can cause hillsides to destabilize causing landslides and contributing to further slope instability after fires. This can dump huge volumes of soil, dead vegetation and trees into the Carmel River, which can both block the channel, and when pressure from this

backup is released, result in a flow that undercuts river banks, silts up the river, changes drainage, which further damages trees, plants, wildlife and structures, creates undesirable conditions and cycles of flooding and deterioration of river banks, worsening the health of the river and the riparian corridor, while exposing people and structures to significant risks.

REFERENCES:

Link to PRC 4291:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4291.&lawCode=PRC

Emergency Operations Plan – (April 2022)

County of Monterey

Operational Area

Annex | Evacuation and Transportation

<https://www.co.monterey.ca.us/home/showpublisheddocument/114301/637961624584000000>

Evacuation and Transportation Plan Draft (2021)

Monterey County Office of Emergency Services

<https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/office-of-emergency-services/response/evacuation-guide/evacuation-plan>

Carmel Valley has been cited in two studies on Communities at High Risk in Fire Evacuations:

1) <https://www.nytimes.com/2021/09/29/us/fire-risk-california.html>

Across California, approximately 350,000 people live in fire zones that have no more evacuation routes per person than Paradise, according to the 2019 analysis. [The places](#) with relatively few exit routes:

- Highland Park, Eagle Rock, Pacific Palisades, Rancho Palos Verdes in Los Angeles County
- Newbury Park, Oak Park and Moorpark in Ventura County
- **Carmel Valley and Jamesburg in Monterey County**
- Jamul, Ramona and Scripps Ranch in San Diego County
- Big Bear, Minnelusa and Sugarloaf in San Bernardino County
- Jamul, Ramona and Scripps Ranch in San Diego County

2) AP News carried information on an analysis dated 4/27/19 in USA Today-California Network analysis of California Communities and evacuation routes. The analysis identified the Zip codes listed as being roughly within the worst 1% of the state when it comes to population-to-evacuation-route ratios:

Based on zip codes, the analysis identified 24 zip code areas in California falling within the worst 1%, only one on the list was identified as a zip code in Central California and it was follows:

CENTRAL CALIFORNIA:

93924: Carmel Valley and Jamesburg in Monterey County

Link to article and summary of process used for the analysis:

<https://apnews.com/article/california-wildfires-evacuations-redding-ca-state-wire-6f621c1c54734d0b95d374556c2cf5c0>

4. Complete Text of President Noel's Comments on NOP Analysis 1.1, 1.17, 1.10, 1.19

COMMENTS ON NOP_IS_20220906_by C.S. Noel, 9/21/2022

C.S. Noel, 26 Aliso Road, Carmel Valley, CA 93924 (925) 286-9771, cn0elr@yahoo.com

CARMEL VALLEY RIVER & RIPARIAN CORRIDOR

Carmel Valley was made and molded by long eons of traverse by its river, the Carmel River. Carmel Valley residents, and indeed, the entire Monterey Peninsula are deeply dependent upon her waters, which are heavily pre-empted for use by agriculture, residents, commercial interests and visitors.

Despite these extensive intrusions, our river has a quiet beauty that resonates a sense of place, influencing the flow of events in the Valley on many levels. Our Valley has very rare treasure. A rich riparian corridor with some original segments still intact and relatively undisturbed by agriculture or development. In the west, rivers like ours are few and far between, which is why riparian corridors should be accorded strong protection by the State and government entities.

Other Valley denizens, besides humans, live in dependency with this river that runs through the riparian corridor. Native plants thrive there, as well as animal populations from the wild, such as bobcats, mountain lions, deer, coyotes, frog (hopefully still some of the red-legged sort) and native steelhead.

The Carmel River Watershed Conservancy has provided the **link below** to a video showing an incredible encounter with Steelhead spawning in the Carmel River on **March 22, 2021**.

Even though early in the year at a time still once considered "the rainy season", the river is low. Drought had already set in by this date. But it is still enough, and something magical ensues.

Watch here: <https://youtu.be/CIB6tks-M6k>

Exactly 18 months after video, Carmel Valley River behind Dampierre Park, 37 Paso Hondo, CV

Carmel River Looking East – 9/22/2022



Footbridge over bone dry river bed

Carmel River Looking West – 9/22/2022



A River of Rocks as far as you can see

By comparison, the photographs of the Carmel River (above) were taken September 22, 2022 exactly 18 months to the day after the video. Now, vast stretches up and down Carmel River look like a rock quarry, bare and dry with not a hint of water, not even a damp patch. In rare places where there are small pockets, water can only be measured in inches not feet. The river strains against the forces of high temperatures, changing climate, pumping stations to meet the demands of agriculture, commercial businesses, residents, and large influxes of visitors forcing additional water demands onto her. Now the Carmel River is reduced to a river of rock. In places, it can hardly even summon that, and is little more than a dry and dusty arroyo.

The Monterey Peninsula Visitors Bureau estimated that for Car Week alone in 2022, there would be an influx of over 85,000 visitors to the area. Thirsty visitors, visitors that require water. When will the tipping point be reached?

The proposed Short Term Rental ordinance allows a 6% cap county-wide on commercial short term rentals. There is no cap imposed on the Limited category of Short Term rentals, which are bounded only by no more than a restriction of three instances of 14 day stays. This option is available for all 5,033 residences in Carmel Valley (per the County's statistics), which affords this category the opportunity collectively for 211,386 rental days a year. There is no question that this activity will require more water.

In fact, the only questions that remain are how much more, and when will our gracious river, and its lovely riparian corridor with its many dependent denizens – wild and human – through no fault of her own, fail us. It is essential that an expert and thorough EIR be completed.

The Carmel River reached an inflection point such as this once before in the 1970's, when the state's Department of Water Resources suggested increasing the draw from the river's aquifers. Over pumping coupled with drought, as conditions were then, would cause irreparable damage to the riparian corridor resulting in erosion to the river banks. And this is exactly what happened in 1976 – 1977.¹ And, now in 2022, the Monterey Peninsula and Carmel Valley region is experiencing an even more severe return of these same conditions, and the expected result can be easily predicted — the deterioration of the river, at a rate that will continue at an ever-increasing pace as climate conditions worsen and greater demands are placed on sources of water for our area. After decades of mismanagement, at the close of the 20th century, Carmel River achieved further notoriety when listed by the advocacy group, American Rivers, as one of the continent's ten most endangered rivers.²

One final question. Why would we be permitting this to happen again? This is not progress, it is making the same mistake twice. Do not "Permit" this.

Do not let a greedy thirst for water created by the drunken demand of Short Term Rentals cause the beautiful Carmel River Riparian Corridor to become choked and only a watercourse of dust and rock, thence to run dry again leaving only the parched gullet of a once majestic river system. Instead, research and accept no more and no less than a natural balance that values a healthy river with rational levels of visitors to the area that will sustain our watershed and community both now and into the future.

~ ~ ~

"The Carmel River presents a remarkable test case for a messed-up river. Almost everything that can go wrong with a river system through human activity has happened. What we see in the Carmel River is an archetypical manifestation of what happens in western rivers."

~Quote by Dr. Robert Currey, geologist, 1981, excerpted from "River In Ruin",
by Ray A. March; pg xi.

~ ~ ~

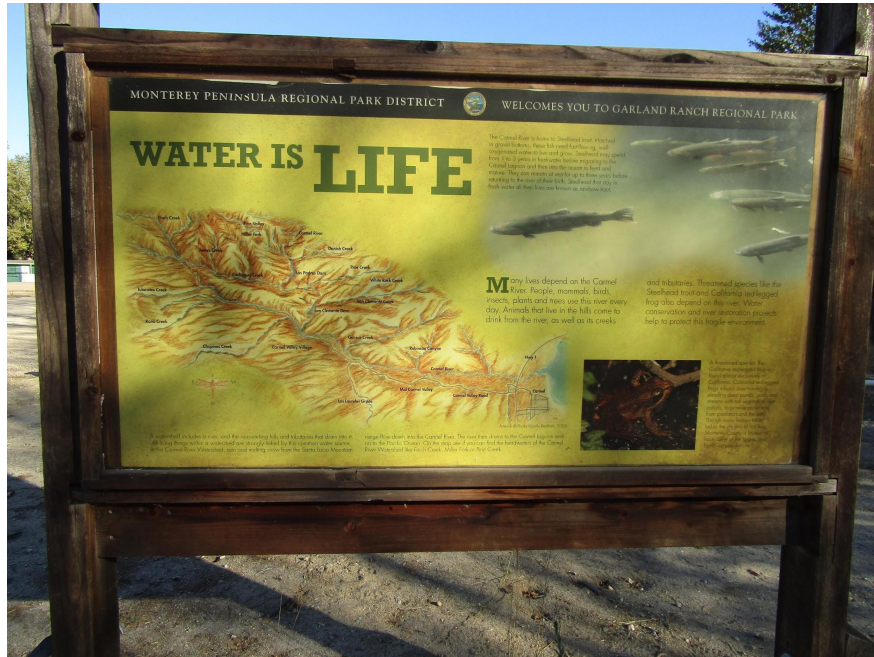
"A Watershed includes a river and the surrounding hills and tributaries that drain into it. All living things within a Watershed, rain and melting snow from the Santa Lucia Mountain range flow down into the Carmel River. The river then drains to the Carmel Lagoon and on to the Pacific Ocean. Many lives depend on the Carmel River. People, plants and trees use this river every day. Animals that live in the hills come to drink from the river, as well as its creeks and tributaries. Threatened species like the Steelhead trout and California red-legged frog also

¹ River in Ruin by Ray A. March, pg 109.

² Ibid

depend upon this river. Water conservation and restoration projects help protect this fragile environment.” ~ Local artist, Paola Berthoin

Monterey County Educational Sign posted at Dampierre Park, 37 Paso Hondo, CV



Carmel River was a river in distress in the 1970's and 1980's. By making sensible, sensitive decisions, and taking careful action she gradually healed. But she is still fragile. Let us not get to the point of testing whether our amazing river, set in a transcendent riparian corridor, can come back a second time. It is we, her caretakers, that now need to pass this difficult test.

The Information contained on pages 1-3 of this document demonstrate risks and impacts from the project due to misuse and mismanagement of water resources, insufficient ability to control visitor influx impacting water resources, forest, river and riparian health, degradation of the riparian corridor resulting in soil instability significantly increasing the risk of flooding after a wildfire event, or in the event of increasingly unpredictable storm and weather patterns caused by climate change which may increase flooding events, and impact on these same natural resources from greenhouse gasses emitted by increasing traffic loads on local byways. These conditions will result in degradation of the community and surrounding environment creating Significant Impact as related to the following sections of the NOP, making the NOP assessment of "No Impact" as marked in these sections inaccurate and incorrect:

The heavy load of additional visitors to the area will put significantly increased pressure on water consumption impacting water table level, water levels and flow volumes in the Carmel Valley River. This will impact the health of bank-stabilizing plants, resulting in potential degradation of soil condition in the banks, making banks vulnerable to erosion in the event of heavy and erratic winter storms, landslides on steep hillsides, promoting undesirable silt and solid build up in the water channel from storms following a wildfire event. Additionally, impacts

on water levels due to additional consumption will affect wildlife dependent upon water in the river, along with all those – including humans – dependent on a daily basis on the health of the entire watershed area, river, tributaries and riparian corridor. The new ordinances being developed to support this project should be directed at reducing these risks instead of enabling them to occur.

- 1.1.1 Aesthetics – Aesthetics 1.a, b, c
- 1.1.1 Discussion – a, b, c
- 1.2 Agriculture and Forest Resources – II. Agriculture and Forest Resources d, e
- 1.2.1 Discussion – d, e
- 1.3 Air Quality – III. Air Quality c, d
- 1.3.1 – c
- 1.4 Biological Resources – IV. Biological Resources – a, b, c, d, e, f
- 1.4.1 Discussion – a, b, c, d, e, f
- 1.7 Geology and Soils – VII. Geology & Soils – b, c, d, e
- 1.7.1 Discussion – a)iv – b, c, d, e
- 1.8 Greenhouse Gas Emissions – VIII. Greenhouse Gas Emissions a, b
- 1.8.1 Discussion – a, b
- 1.10 Hydrology and Water Quality – X. Hydrology and Water Quality a, b, ci, cii, ciii, civ, e
- 1.10.1 Discussion – a, b, ci, I, ii, iii, iv, e
- 1.19 Utilities and Service Systems – XIX. Utilities and Service Systems – a, b, c
- 1.19.1 Discussion – a, b, c
- 1.20 Wildfire – c,d
- 1.20.1 Discussion – c, d
- 1.21 Mandatory Findings of Significance – XX. Mandatory Findings of Significance – a, b, c
- 1.21.1 Discussion – a, b,c

Legislation and programs regarding Riparian Corridors, wetlands and streams³

The California Coastal Act of 1976, see especially PRC Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes . . . shall be maintained and where feasible, enhanced through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The California Energy Commission PRC Section 25527

³ Legislative and Policy information as summarized in “California Riparian Systems”, University of California Press, UC E-Books Collection, 1982-2004; University of California, CDL California Digital Library.

PRC Section 2552 provides protections (against the siting of energy facilities) for parks, reserves, "areas for wildlife protection, recreation, historic preservation, or natural preservation," and undeveloped estuaries. In addition, the commission "shall give the greatest consideration to the need for protecting areas of critical environmental concern."

California Department of Fish & Game Sections 1601-1606 of the California Fish & Game Code
DFG authority in Sections 1601–1606 of the California Fish and Game Code to execute Streambed Alteration Agreements for any activity that will divert, obstruct, or change the natural flow or bed of a river, stream, or lake.

California Department of Water Resources

The California Department of Water Resources (DWR) has in recent years increased its documentation and policy support for preservation of riparian vegetation and instream retention of water.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) is involved in many areas of present interest, but two are especially worthy of comment. The "208" area-wide "nonpoint pollutant" control planning process (from Section 208 of the Clean Water Act) has given some attention to the vital importance of vegetated streambanks for erosion control and filtration of sediment-carrying runoff, plus the value of wetlands for sediment and pollution filtration; and also the new program of the SWRCB for retaining instream water flow as part of its water rights program. The regulations are now in place and can be vitally important in protecting the overall health of our streams and many wetlands.

The Rivers and Harbors Act, Section 404, and Riparian System Conservation

Federal Wetlands Protection under the Rivers and Harbors Act of 1899

This NOP EIR Scoping and Initial Analysis Comment Letter is the position statement of the Carmel Valley Association. It was prepared by Members of the Carmel Valley Association Board of Directors, and collated and edited by:

John T. Heyl
137 Laurel Dr.
Carmel Valley, CA 93924
928-600-0812

Friedrich, Michele

From: DAVID ERLACH <giseledave@cox.net>
Sent: Thursday, September 29, 2022 8:10 PM
To: ceqacomments
Cc: Gisele Goetz Erlach; Jon Doelman; Nichole Chupka
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello Monterey County Supervisors and Environmental Consultants,

My Wife and I, David and Gisele Erlach, would like to comment on the Environmental Impact of Short-term Rentals related to our area of the Southern Big Sur coast. Also, we will offer a few comments on the general and evolving draft ordinance.

We live in Santa Barbara and have owned a vacation house at 28900 Plaskett Ridge Road, Big Sur, since 2016 along with our friends Jan and Nicole from Carmel Highlands. Our property is 8 acres and is amongst half dozen other properties in the vicinity. We have a lovely young couple who live on the property, and we rent the main house as a Short-term rental most of the year. The environmental impact of our rental activity is no more or less than if the house was occupied full time. The area is sparsely populated, and we have plenty of parking on the property. We do not allow special events. Our property is "off-grid" so it has little impact on public utilities or services. It could be argued that if the property was only for occasional visits, the traffic to and from would be slightly diminished. There are a few properties nearby that have very wealthy owners and visit only from time to time.

The largest environmental impact that faces our area comes from the many car campers that use the length of Plaskett Ridge Road. This is a legal activity and is not up for debate, but the off-road damage, litter and fire potential are real.

Environmental Impact from operating a short-term rental in Southern Big Sur = None.

General comments on the draft:

We find that the September 6th Revised Ordinance for Environmental Review specifically strikes out (in red) any allowable commercial vacation rentals in Big Sur. The draft ordinance continues to claim that they are prohibited. This is in direct conflict with the Murphy estopple letter of 6-16-22. from Monterey County Counsel. How does Monterey County plan to reconcile this? For our part, we will continue with the status quo. We look forward to a fair ordinance that can be forwarded and accepted by the California Coastal Commission.

We are happy to discuss any details regarding this input,

Thank You



David and Gisele Erlach

982 Cheltenham Road

Santa Barbara, CA 93105

(805) 570-1396

giseledave@cox.net

Friedrich, Michele

From: Lynda Marín <lmarin@cruzio.com>
Sent: Thursday, September 29, 2022 9:30 PM
To: ceqacomments; Berretim@co.monterey.ca.us; ClerkoftheBoard; Magana, Sophia
Subject: Re: Response to Notice of a DEIR for Vacation Rental Ordinances
Attachments: LTR re NOP2.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Kindly replace the Word doc letter that I just sent you and replace it with this PDF file attached to this message. The earlier version has a signature anomaly on the first page that I only discovered after sending it.

Thank you!

Lynda

Lynda Marín
Evolve!
(831) 458-1416 home
(831) 840-4176 cell



"Not only is another world possible; on a quiet day I can hear her breathing."
~Arundhati Roy

On 9/29/2022 9:04 PM, Lynda Marín wrote:

Please receive my attached letter and distribute accordingly.

Thank you very much.

Sincerely,

Lynda Marin

--

Lynda Marín
(831) 458-1416 home
(831) 840-4176 cell

"Not only is another world possible; on a quiet day I can hear her breathing."
~Arundhati Roy



Virus-free www.avast.com

Lynda Marín
2830 Smith Grade
Santa Cruz, CA 95060
831.458-1416

September 29, 2022

To: Erik Lundquist, Monterey County Housing and Community Development, director
Melanie Beretti, Monterey County Housing and Community Development, principal planner

Re: Notice of Preparation of a Draft Environmental Impact Statement
Vacation Rental Ordinances Project

I am writing as an inland STR provider for over 20 years regarding the Notice of Preparation for a Draft EIR related to STR ordinances regulating the coastal and inland zones of Monterey County. Aside from the daunting process that many inland owners are now embarking on to receive the 1997 STR permit, I am most concerned that Monterey County is subjecting the draft coastal ordinance to an EIR that will surely have to be prepared again after the county redrafts it to comply with the Coastal Commission's repeated statements that it will not approve of an ordinance that requires a Coastal Development Permit. In July 2022, Katie Butler of the Central Coast District Office wrote, ". . . the foundation for your position on CDPs and STRs in the coastal zone appears to lack a Coastal Act or LCP basis, and any enforcement actions would face a similar challenge in our view. We recommend that any such enforcement efforts be abandoned, and that the County take proactive steps to provide clearer LCP and CDP information to the public and County decisionmakers that tracks Commission guidance." In light of this recent, blatant pushback from the Coastal Commission, I cannot imagine why the county thinks the proposed coastal ordinance will be approved. And if it is not approved, any EIR related to it will be irrelevant. Why would the county waste resources on an EIR that will inevitably have to be redone? Wouldn't it make much more sense and be economically more responsible to redraft the ordinance, run it by the Coastal Commission, and then submit it for an EIR?

As for the inland ordinance EIR (though I would make the same comments about the coastal zone ordinance if I thought it were viable) I note that on p. 1-4 employment is not included among the list of environmental factors potentially affected. Although the employment of citizens of Monterey County might not at first glance be considered part of the interdependent ecosystems that an EIR considers, the financial health of a community should be considered when an activity that is providing significant employment is being analyzed. The income generated by the 600+ STRs identified by the county goes to pay rent, food, fuel, for a demographic that the county purports to be concerned about in its conversations about affordable housing.

Section 1.3 addresses air quality but makes a one-sided assumption that STRs could cause an increase in air emissions:

However, the operation of vacation rentals could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to the area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase in air emissions.

The discussion for this or any other section never takes into account the possibility that STRs might also result in decreasing air emissions by virtue of their irregular and limited occupancy. Visitors often travel

Lynda Marín
2830 Smith Grade
Santa Cruz, CA 95060
831.458-1416

to local attractions 4 or 5 to a vehicle during intermittent STR stays. That kind of travel would produce far less emissions than 2 or more people driving to work every day, possibly 5-7 days a week. Additionally, many visitors are attending weddings at venues close to the vacation rental where much of their activity for a long weekend is concentrated. These visitors don't match the assumption of visitors described in the discussion section, but rather represent a significant group that hardly travels at all as part of the wedding party. I see no mention in any of these discussions of a recognition that visitors do not fill vacation rentals 24/7 like long-term renters/owners do and may indeed be contributing fewer vehicle miles traveled (VMT) and their attendant pollution than a house full of long-term renters.

Sections 1.6 and 1.8 refer to Energy and GHG emissions impacts. These discussions also lack the perspective of downtime that STRs experience. How will the EIR factor this in? What will the processes be for collecting data about the real occupancy of STRs that differentiates between the occupancy of guests to Monterey County and the owners and families of owners that use the house outside of the STR framework? This year, so far, we have had family and friends staying at our home many times and for many different durations. We do not pay TOT of course for that kind of sharing our home, but does the county have a system for ascertaining when that actually happens? How does Ascent ascertain that information in presenting a truly fair impact estimation?

Section 1.10.1 b) contemplates that STRs could have a potentially significant Impact on groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Again, the intermittent occupancy of STRs makes the likelihood of significant impact very small, but to ascertain the real impact, will the EIR process use, for comparisons, the usage of long-term homes of varying occupancies including those with and without significant water features (pools, hot tubs, ponds, etc.)? I assume this is what the discussion means when it refers to further analysis. Without significant aggregated background data on long term occupants' water use, this impact would be very difficult to ascertain and would fail to show the likely result that long term occupants' water use by far exceeds that of STRs over a year's time.

Section 1/13.1 a) posits that STRs might present an increase in the operational level of noise due to the transient nature of guests. Does "operational" refer to suitcases being rolled in and out of homes? Car doors opening and closing in driveways? The discussion rightly points to the fact that guests are subject to the same noise regulations that residents are and that "any loud and unreasonable sound, such as any sound that is plainly audible at a distance of fifty (50) feet in any direction from the source of the sound or any sound that exceeds the exterior noise level standards set forth in the County Code" would be a violation by the vacation rental permittee. Will the EIR analysis also take into account the noise of leaf blowers and tree cutters that assault neighborhoods at all hours of the day and whose dramatically high decibel levels reach far beyond the 50 feet limit for unreasonable sounds? In any case, these kinds of noises may indeed be associated with STRs as they are most likely to be well landscaped and maintained. But should that be counted against them?

Section 1.14.1 b) proceeds with the assumption that STRs could cause housing displacements: "Allowing some vacation rentals to operate in the County could deplete the housing supply for long-term residents or could displace residents, necessitating replacement housing elsewhere." This assumption rests upon the likelihood that STRs would revert to long term rentals or owner occupancy if they were not allowed.

Lynda Marín
2830 Smith Grade
Santa Cruz, CA 95060
831.458-1416

How will the EIR determine the validity of that assumption? In 2016 MCVRA surveyed its membership asking what they would do if STRs were completely banned. Only 5.9% said they would offer their homes as LTRs. The most stated reason that they would not long-term rent their homes was that owners wanted to use their homes themselves and for family and friends. What data will the EIR use to determine the validity of the assumption that housing displacement will be caused in any proportion as to constitute a significant impact?

Section 1.17.1 a) posits that “. . . the operations of a vacation rental could result in an increase in vehicle trips that would be in conflict with general plan policies encouraging the reduction in vehicular trips and the use of alternative modes of transportation such as transit, bicycle, and pedestrian.” Is this supposition based on the assumption that vacation renters drive to and away from their destination homes in single vehicles more so than long-term occupants, or that they would be less inclined to walk or ride bikes than the long-term occupants? Would it be taken into account that STR guests most frequently transport multiple occupants in their cars, often bring or rent bicycles, and rent homes where walking in the neighborhood itself is an attraction?

Section 1.17.1 b) considers that “. . . vehicle miles traveled (VMT) associated with the proposed ordinance’s operation could result in an increase in VMT such that a conflict of inconsistency with CEQA Guidelines could occur.” Will the analysis also consider the very likely possibility that VMTs are reduced in total when STRs are in operation in any given area?

Section 1.19.1 b) considers the sufficiency of water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. While the analysis will not assume intensification of water use beyond that of an existing permanent residential use, it does see a potential for vacation renters to use more water on a per night basis than typical residences who are subject to restrictions, higher water bills, etc., and therefore will pursue further analysis. Will the analysis be as granular as studying the routines of vacationers to ascertain how much more or less they dine at restaurants (avoiding dishwashing), spend significant portions of their days at attractions other than the vacation rental (decreasing toilet flushing and related water use), or do laundry? All of these are very common daily uses of water associated with long-term occupants.

Most EIRs predict the impacts of a project based on a stated scale that the project anticipates. A mining operation will take place on a specific acreage, a highway on a specific strip of miles, an auditorium on a distinct number of square feet. In the case of coastal or inland short-term rentals, however, the EIR cannot (but should try to) predict the loss of STRs that will result from the ill-fitting ordinances and the often remarked upon difficulty that applicants have encountered and will continue to encounter in pursuit of them. If the purpose of the ordinances were to preserve the number of STRs now operating, they would be approved of in a much simpler process. As they are written and as the RMA in the past and the HCD in the present are now engaging owners applying for the present, ill-conceived inland ordinance, we can be assured that the 609 STRs counted presently in Monterey County will decrease significantly. Therefore, the EIR should offer a graduated impact scale beginning with only half the number of STRs presently in operation.

Lynda Marín
2830 Smith Grade
Santa Cruz, CA 95060
831.458-1416

Because there are so many tensions between the ordinances as presently written and the purpose of an EIR, I would hope the HCD and Board of Supervisors attend first to the inherent problems these ordinances present before engaging in a costly EIR.

Sincerely,

A handwritten signature in black ink that reads "Lynda Marín". The signature is written in a cursive, flowing style with a large initial "L" and "M".

Lynda Marín

RECEIVED

OCT 01 2022

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
LAND USE DIVISION

Friedrich, Michele

From: Sandy Hoag <sandyhoag0@gmail.com>
Sent: Saturday, October 1, 2022 1:09 PM
To: ceqacomments; Beretti, Melanie; ClerkoftheBoard; Magana, Sophia
Subject: Comments for the Notice of Preparation of a Draft Environmental Impact Statement Vacation Rental Ordinances Project

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

October 1, 2022

To:

Erik Lundquist, Monterey County Housing and Community Development, director
Melanie Beretti, Monterey County Housing and Community Development, principal planner
Our Monterey County Supervisors

Re:

Notice of Preparation of a Draft Environmental Impact Statement Vacation Rental Ordinances Project

Dear Planners and Supervisors,

We are STR owners and have enjoyed renting to couples and families for several years.

Our guests are often older couples, couples and families escaping New England winters and (now more frequently) heat waves in the south, couples attending local weddings, and intergenerational families spending time together (a new baby with parents and grandparents). Our home with its kitchen, family room and patio allow them to relax together, have meals together, walk to the beaches, and hike our beautiful coastlines. Having a kitchen allows people with food allergies to prepare food they know is safe for themselves and their loved ones.

Our neighbors all know we rent out our home and several have had family or friends stay here – so convenient to be within walking distance of each other. We have never had any issues with any of our guests, and have over 100 five-star reviews.

A few points for the EIR team to keep in mind ...

First, STR guests typically do not use a home as heavily as full-time occupants do. There are breaks between guests and many guests do not fill up all the bedrooms. We often have older couples

stay in our two-bedroom home. (Sometimes, one person sleeps in one bedroom and the other in the second bedroom - as older couples often do to avoid a snoring partner or one with an oxygen concentrator.) So an assumption of full-time, full use of a home by STR guests is not correct. Perhaps a "percentage of use" value, such as 40%, might be more realistic for the analysis. (Sections 1.3, 1.6, 1.8, 1.10, 1.17)

Second, the proposed 6% cap on STRs is about what is in use today. Therefore, from an environmental impact perspective, we should see very little, if any, new or new cumulative environmental impact. (1.11, 1.17)

Third, regarding trip emissions, STR guests do not commute or do lots of errands like homeowners or long-term renters do. Yes, they do go to the beach or to the mission or to Big Sur. But these are single trips, not repeated, daily commutes. And many guests walk or ride bikes. So the study should not assume that STR guests drive more than regular home occupants. If it does make that assumption, it should back it up with real data. (Sections 1.3, 1.6, 1.8, 1.17)

Fourth, there is no inherent reason that STRs need to be public nuisances or disruptive. In contrast, residential remodels and construction generally result in many months of noise, dust, and traffic that can affect surrounding homeowners for blocks. The smell and noise of gas-powered blowers and chainsaws make it unpleasant to sit outside nearly every morning. Dogs bark all day while their owners are at work or out playing. Yet these activities (including owning a dog) are all legal within the bounds of reasonable permitting and nuisance regulations. Nobody would consider making remodeling, hiring a gardener, or dog-ownership illegal. Properly managed, an STR should be largely indistinguishable from a typical owner-occupied house from a noise perspective. If this is not the case, then the owner should be held responsible, just as if they themselves were blasting their stereo at 2am or allowing construction work outside of permitted hours. (Section 1.13)

And fifth, regarding housing and populations, assuming that decreasing STRs will increase long-term rentals doesn't make sense. If you STR a house you normally live in, you won't long-term rent it because ... it's where you live. If you STR a second home, you won't long-term rent it because ... it's where your family comes to vacation. Therefore, assuming decreasing STRs will create more long-term rentals just doesn't make sense. (Section 1.14)

Vacation Rentals are essential to Monterey County. Section 1 properly notes that unconstrained STRs have the potential to generate nuisance and negatively affect Tourism. However, we would like to see Section 1 also say how very important STRs are in support of the tourism industry, as they provide a class of service that is completely unlike that of Hotels and Bed and Breakfasts. STRs allow parents to play with their children in a private family room; grown sisters and their spouses to cook a meal together and catchup while watching a football game on TV; and seniors to read peacefully by the firepit in a private courtyard, knowing that they have their own bathroom, walk-in shower, and other comforts that make them feel safe enough to venture beyond their homes.

These examples are not made up, but rather represent the vast majority of STR visitors to the Carmel area in our experience. If suitable STRs are not available in Monterey County, many of these people will travel instead to areas that are more accommodating.

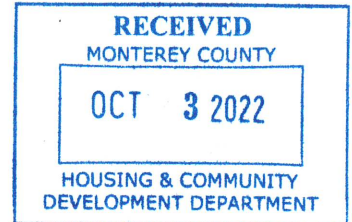
On a personal note, when we plan a trip, selecting a nice vacation house is *the starting point* for planning our vacation. As we travel with our two adult 'children' and elderly parents, staying in a hotel or B&B, eating restaurant food three times a day, and 'relaxing' in a small hotel room is too expensive, noisy, and unfulfilling. I know we are not alone in feeling this way. STRs provide travelers the ability to visit places with the amenities they need to feel safe and comfortable together.

Thank you for your time.

Sandy and Alec Hoag

Oct. 1, 2022

To: Monterey County Housing & Community Development
Attn: Melanie Beretti
Topic: Vacation Rental Ordinances Draft EIR NOP Scoping
Comments



Dear Staff:

I understand there is an upcoming meeting which will discuss Vacation Rentals in Carmel Valley, Monterey County. I live in a friendly neighborhood, where at present we believe only two houses are engaging in short term rentals. This is a worrisome activity, and although we don't have a legal homeowners organization, many of us are very concerned about the unregulated growth of STRs. Here are some of our concerns:

- (1) In neighborhoods (not zoned for commercial business), STRs artificially inflate rental costs. Fewer homes are on the market for long-term renters.
- (2) Illegal STRs attract disruptive out-of-town visitors, who have no stake in the community, and often don't care how neighbors may suffer from their activities.
- (3) Commercialized STRs are frequently operated without paying taxes that benefit the surrounding community (i.e. transient occupancy taxes).
- (4) Some Cities in Central California have passed reasonable restrictions, but unincorporated County areas (like Monterey) haven't kept up with residents' pleas for this.

Kindly consider our concerns at the upcoming meeting, and lean toward preserving neighborhoods. Thank you,

Eleanor Avila
6405 Brookdale Dr.
Carmel, Ca. 93923

A handwritten signature in cursive script that reads "Eleanor Avila".

Friedrich, Michele

From: Barbara Williams <lafnbarb@gmail.com>
Sent: Monday, October 3, 2022 2:04 PM
To: BerretiM@co.monterey.ca.us; ClerkoftheBoard; ceqacomments
Subject: Vacation Rental Ordinances draft EIR - NOP scoping comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

October 3, 2022

Dear Board of Supervisors,

We recently became aware that you have interest in changing the rules and accelerating the process for commercial businesses to make it easier to bring stand alone short term rental houses online. We live in Carmel Valley and are disturbed by this effort. There was such short notice that we have not had a chance to become more familiar with this proposal but can only assume it has a to do with getting more TOT money. We can't imagine this has any benefit to residents.

We have a single family commercial stand alone short term rental home next to our house and it has changed the character of our neighborhood, This month is all 3 night rentals on the weekends, Outdoor "party" lights are left on all the time, renters have picked flowers off our trees or looked over our fences, Dogs have been locked in the courtyard and painfully howled for 90 minutes while the renters went to dinner. We have had to build fences to keep renters and their pets out of our yard. With every new rental comes a flurry of cars to check out, clean, check in renters and then the renters. This weekend was 8 cars. This change in use is wrecking our retirement and has devalued our house.

We have no problem with owners renting out a room in their home or an in-law type unit as long as the owner is present and hopefully for longer terms.

Our other concern is no support for the community. At one point recently we called the Short term rental hotline and didn't get an answer or a call back. It feels this proposal is more about collecting more tax money. We can see no other benefit. Please do not approve.

Thank you for your time,

Barbara & Steve Williams
89 Boronda Road
Carmel Valley, CA. 93924



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OCT 03 2022

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
LAND USE DIVISION

Friedrich, Michele

From: jennifer marler <jennifermarler@hotmail.com>
Sent: Monday, October 3, 2022 10:37 PM
To: ceqacomments; ClerkoftheBoard; Magana, Sophia; Beretti, Melanie
Subject: Re: Notice of Preparation of a Draft Environmental Impact Statement Vacation Rental Ordinances Project

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

October 3, 2022

Dear Members of the Board,

I am a vacation rental owner and am honored and grateful to offer our home to families, groups of friends, and couples who enjoy staying in a home environment when they visit our beautiful Monterey County. I also use vacation rentals when I travel and when I have family come into town locally (we have used our neighbor's vacation rental several times for that purpose). Between having young children and elderly parents, I find vacation rentals are often the best accommodation for our multi-generational needs. Accordingly, I am writing to express my concerns regarding the proposed Environment Impact Report (EIR) pertaining to vacation rentals in Monterey County.

First, I wonder why the EIR is being pursued at this point, when the proposed ordinances require a Coastal Development Permit despite repeated statements from the California Coastal Commission (CCC) that it will not approve such an ordinance? This seems like a potential waste of resources and time only to have to repeat an EIR after the ordinances come into compliance with the CCCs requirements.

Regarding air quality, the EIR proposal notes, "...vacation rentals could potentially increase vehicle trips and trip lengths as people travel from outside the region to use the rentals, and they may be more apt to drive to area attractions than typical long-term residents. Additionally, there is a potential that the users of vacation rentals utilize more energy than permanent residents on a per-night basis. This could result in an increase in air emissions. It is not anticipated that the implementation of the ordinance would exceed any significant criteria or growth assumed by the Monterey Bay Air Resources District in its air quality attainment plans." I expect the EIR will take into consideration that guests of vacation rentals often travel with multiple people in one car, and on foot or by bike. They are less likely to travel in vehicles occupied by one person, and less likely to have daily commutes than permanent residents.

Along those lines, I hope the report will include meaningful, practical, and credible comparative data. It likely would be best for the environment if no structures stood on the land; in such case the comparison would be between the impact of the vacation rentals vs. no structures (and the 'no structure' side will of course always be better from an environmental standpoint). But the structures in question are existing homes, and with the proposed 6% STR cap, there is not much room for more vacation rentals. So, the EIR should include comparison of the environmental impact between vacation rentals and full-time occupancy, noting that vacation rentals are occupied less than full-time, with associated implications for several of the areas of interest in the proposed EIR, including greenhouse gas emissions, energy use, air quality, utilities/services systems, and hydrology/water quality. Taking the natural ebbs and flows of vacation rental use (high seasons and low seasons) into consideration, it will be important to detail environment impacts over periods that reflect these variations (which are less so present with full-time occupancy), for example, over the course of one year. Speaking plainly, while nightly use of resources such as energy and utilities may (or may not be) be more for a vacation rental over the winter holidays, that same rental which has a 64% annual occupancy rate may have a smaller environmental impact over the course of a year than a comparable house that is occupied by permanent residents. I expect the EIR will do a fair and comprehensive job exploring, analyzing, and presenting their associated findings accordingly.

Finally, I did not see assessment of the jobs/economic impact on Monterey County residents of increasing/not changing/decreasing vacation rental availability included in the EIR. If such analyses are deemed out of scope for the EIR, I request they be formally undertaken elsewhere, before finalizing ordinances 7, 20 and 21. The role vacation rentals play in supporting our local businesses and community members must be considered in this complex equation.

I thank you for this opportunity to share my concerns and for your consideration-

Respectfully,

Jennifer Marler

jennifermarler@hotmail.com

415-757-7696

From: [David & Patti](#)
To: [ceqacomment](#); [ClerkoftheBoard](#); [Magana, Sophia](#); [Beretti, Melanie](#)
Subject: Notice of preparation of an EIR statement Vacation Rental Ordinances Project.
Date: Tuesday, October 4, 2022 9:02:13 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To: CEQAcomments@co.monterey.ca.us
2022

October 3,

Beretim@co.monterey.ca.us

cob@co.monterey.ca.us

maganas@co.monterey.ca.us

Re: Notice of preparation of an EIR statement Vacation Rental Ordinances Project.

Dear Planners and Supervisors,

We have been operating and paying TOTaxes on our short term rental family home since 2010. It is a short term rental because our family continues to use it occasionally and we want to keep it furnished as it was when our family lived there.

As you proceed with the EIR and questions regarding the impact of STR's please keep in mind that in our case, as with most other STR's, the home is not used nearly as much as it would be if it were a long term rental or owner occupied residence. Our home is generally rented out for about 110 days per year if we are lucky and when it is there are fewer people staying at the house, fewer vehicles and less traffic. Neighbors that were around when our family lived there will certainly attest to that. They may even say there is much less noise and activity.

In addition, the notion that STR's are or will be noisier or more disruptive than a long term rental or residence is not true. For all of our renters we have strict rules regarding the number of guests or visitors allowed on the property, the number of vehicles and the levels of noise. The neighbors around our house have been and remain our good friends and neighbors and it is important to us that we remain that way. The same cannot be said for long term rentals or owner occupied residences. They operate under limited standard ordinances and too often they can show little regard for the neighbors around them. When that happens there is very little a neighbor can do to stop the noise, lower the music, end the party or nuisance right next door. Homeowners and long term rentals can't be shut down like STR's can.

Thank you for considering this letter,

David and Patti Hughes

From: [Price, Taylor](#)
To: [Michelle Chabu](#)
Cc: [Beretti, Melanie](#)
Subject: RE: Your message re Vacation Rentals
Date: Thursday, September 15, 2022 5:03:53 PM
Attachments: [image001.png](#)

Hi Michelle,

I broke up the email into three separate sections based on your questions. Please let me know if I missed anything in the below.

Next Community Meeting

There is another public scoping meeting on September 19th at 1:00 pm; it will occur virtually via Zoom.

Here is the Zoom link: <https://montereycty.zoom.us/j/99160568854?pwd=WEo1VEMvNWdQL1NRSFVZTStSWnpSZz09>; Webinar ID 991 6056 8854; Webinar Passcode: 610181.

Draft Vacation Rental Ordinances

The County has prepared draft regulations for Vacation Rentals, which can be accessed here: [Vacation Rental Ordinances \(Coastal & Inland\) | Monterey County, CA](#), as Attachment 1 – Title 7, Attachment 2 – Title 20, and Attachment 3 – Title 21. They are available under the Environmental Information section of the webpage.

At this time, the draft ordinances currently have two categories of vacation rentals.

1. Commercial Vacation Rentals, which are for vacation rentals rented more than three times per 12-month period, or if any of the rentals exceed 14 days.
2. Limited Vacation Rentals, which are for vacation rentals not rented more than three times per 12-month period, each rental not to exceed 14 days.

The draft ordinances allow for one Commercial Vacation Rental and one Limited Vacation Rental per legal lot of record.

Permit Process

A short-term rental (transient use of residential property) may be permitted with an approved discretionary permit in certain designated zoning districts. You can learn more about land use permitting as well as Transient Occupancy Tax payments for short-term rentals at our webpage - [Short Term Rentals | Monterey County, CA](#).

I have forwarded your email to Liz Gonzalez, our Permit Center Supervising Planner; she will reach out to you to discuss the appropriate permit pathway to pursue.

Thank you,



Taylor Price
Assistant Planner
he/him or they/them
County of Monterey - Housing & Community Development
1441 Schilling Place, South 2nd Floor
Direct: (831) 784-5730
PriceT1@co.monterey.ca.us

From: Michelle Chabu <michellechabu@gmail.com>
Sent: Thursday, September 15, 2022 1:23 PM
To: Beretti, Melanie <BerettiM@co.monterey.ca.us>
Cc: Price, Taylor <PriceT1@co.monterey.ca.us>
Subject: Re: Your message re Vacation Rentals

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Greetings Melanie, thank you for your response.

We are homeowners in pebble beach and our house is currently under renovation, however when we are finished we are hoping to use it partly as a short term rental when we are out of town to help us with the extraordinarily high cost of living during these times of high inflation. I'm aware of the pilot program, though it leaves more questions than answers, I'll write some of them below...

-I'm first wondering if you have any other community meetings scheduled regarding vacation rentals? If so, I'd like further information so I can attend in the future.

- I know the pilot program was launched late last year, do you know how long it is meant to last? Is the county is still gathering feedback for improvements on it, or if the program is basically set in stone?

-Can you please help me understand the process involved in obtaining a vacation rental permit? I'm

aware of the \$7000 fee, is this a one time fee? If not, how often must it be renewed? I have also read/heard that paying the fee and submitting application will take years and does not result in an approval, is this true? Is there any clear cut path to legally renting out our home? From my own research it seems very convoluted and uncertain, which is frustrating.

- assuming we are unable to obtain a commercial vacation rental permit (which honestly wouldn't be the best fit for us anyway as we also live in the house), are there any additional allowances/considerations made for primary resident owners that are being considered, beyond the 3 times a year for 2 week max each?

We like to get out of town a couple times a month. This is obviously more than 3 times a year, though as our primary (and sole) residence, we are clearly not just running a commercial business to make money off a real estate investment at the expense of our community. Have you made room for residents like us with new rental regulations? We are not taking away housing from others or accepting nuisance vacation renters that would cause problems in our neighborhood by renting out our house (as obviously it is our full time home and do not want it abused or our neighbors distraught). However, especially in an already well established vacation destination such as pebble beach, we could be helped tremendously by being allowed a less rigid structure to rent on a short term basis. Are there any additional considerations for full time community members like us (rather than part time residents) to allow us to help make ends meet?

3 times a year for 2 weeks each is incredibly restrictive for those of us who live in the community full time, work full time, and often can usually only get out on weekends. Trying to plan 2 weeks away 3 times a year to maximize the limited time to legally rent our own property is very challenging. Why not allow a total sum cap of annual days per year for primary residents, such as found in other coastal California cities? Or even allow the total number of annual rentable days the county has decided on be broken down into more visits, such as 6-1 week stays? These options would let the 6 week total allowance to be rented out more in line with the property owners discretion, and to capitalize on more of the annual events that draw visitors here year round. It would be more considerate to home owners and allow for us to distribute the days more in accordance with their own schedules without needing to increase the overall rental limits placed by county. It would thus be more considerate and sustainable for homeowners and county alike.

Again I'm not sure if all this is finalized, just trying to find solutions that actually make sense, on behalf of myself and the many other community members who want to maintain, preserve and share our beautiful community without having to having to sacrifice the supplemental income that so many rely on. I know this is a lengthy email so if it is easier to respond over a phone call, I'm happy to schedule a time for it.

Thank you and best regards,
Michelle

On Thu, Sep 8, 2022 at 3:54 PM Beretti, Melanie <BerettiM@co.monterey.ca.us> wrote:

Hello Ms. Chabu – I received your message regarding the above subject. Please feel free to “reply all” with your questions and my colleague, Taylor, or I can respond.

Kindly,
Melanie

Melanie Beretti, AICP | Principal Planner – Advanced Planning

County of Monterey Housing and Community Development Department

[1441 Schilling Place, 2nd](#) Floor South

Salinas, CA 93901

Phone | 831-755-5285 Email | BerettiM@co.monterey.ca.us

Friedrich, Michele

From: Melissa Olvera <malgre2@comcast.net>
Sent: Tuesday, October 4, 2022 2:41 PM
To: ceqacomments
Subject: short term rentals

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To whom it may concern,

My family moved to Carmel-by-the-Sea in 1956 when it was still a family based community. We have lived in Carmel Valley Village for the past 28 years.

Most of my neighbors, myself included, moved to the valley seeking a slower, calmer, more rural life, especially since Carmel has now become a tourist and second home mecca. Others moved out here, often far from their places of employment, because this was still an inviting place to raise a family and find a house at least somewhat affordable.

And now the idea is to deprive these same community members of a chance of owning (or renting long term) a home and instead transforming family homes and dumping many more vacation rentals on our unincorporated areas, polluting our peace and tranquility with strangers here to party who have no investment in our community? And what about our already dangerous Carmel Valley road? The traffic will be increased with more lost, confused, inebriated people dashing to their events in the coastal areas.

I am baffled by all the to and fro arguments on short term rentals, limited and commercial rentals juxtaposed with the obvious lack of housing for young families and our hard working population who serve all our needs. It doesn't make sense mathematically, economically, socially, or even emotionally to take the possibility of a home out of the hands of our present population so a very few (often companies from out of the area) can turn a profit. Let's help our community make a life here.

Thank you for your consideration,

Melissa Manke de Olvera
Carmel Valley



Friedrich, Michele

From: Rita Greco <angelika515@yahoo.com>
Sent: Tuesday, October 4, 2022 4:57 PM
To: ceqacommments
Subject: Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To the Board ,

I live next door now to a person who just has developed his backyard into a mini golf course and turned his previously long term rental guest house into an AirBNB. He now advertises it as a "Golfer's Dream stay" .I'm stunned that we have to defend the idea that our neighborhoods are residential areas and NOT business industries. A STR IS A FULL TIME BUSINESS!!!

Allowing STR **only encourages more residents to consider turning their homes into businesses.**

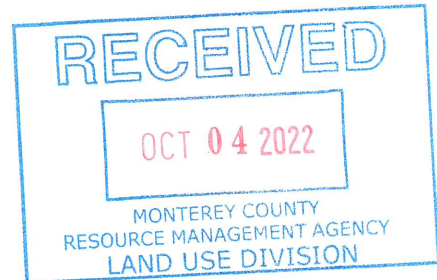
Your policies incentivize homeowners to turn their homes into profit centers. Your policies actually **encourage the loss of housing for workers and families** and it will only get worse overtime.

Please reconsider and severely restrict any STR activity.

Thank you

Rita Greco
26565 Canada Way
Carmel, CA 93923

Sent from my iPhone





Friedrich, Michele

From: David & Patti <hughes584@gmail.com>
Sent: Tuesday, October 4, 2022 9:02 PM
To: ceqacomments; ClerkoftheBoard; Magana, Sophia; Beretti, Melanie
Subject: Notice of preparation of an EIR statement Vacation Rental Ordinances Project.

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To: CEQAcomments@co.monterey.ca.us October 3, 2022
Berettim@co.monterey.ca.us
cob@co.monterey.ca.us
maganas@co.monterey.ca.us

Re: Notice of preparation of an EIR statement Vacation Rental Ordinances Project.

Dear Planners and Supervisors,

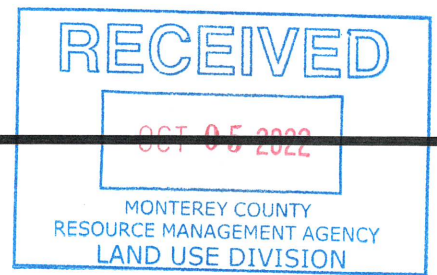
We have been operating and paying TOTaxes on our short term rental family home since 2010. It is a short term rental because our family continues to use it occasionally and we want to keep it furnished as it was when our family lived there.

As you proceed with the EIR and questions regarding the impact of STR's please keep in mind that in our case, as with most other STR's, the home is not used nearly as much as it would be if it were a long term rental or owner occupied residence. Our home is generally rented out for about 110 days per year if we are lucky and when it is there are fewer people staying at the house, fewer vehicles and less traffic. Neighbors that were around when our family lived there will certainly attest to that. They may even say there is much less noise and activity.

In addition, the notion that STR's are or will be noisier or more disruptive than a long term rental or residence is not true. For all of our renters we have strict rules regarding the number of guests or visitors allowed on the property, the number of vehicles and the levels of noise. The neighbors around our house have been and remain our good friends and neighbors and it is important to us that we remain that way. The same cannot be said for long term rentals or owner occupied residences. They operate under limited standard ordinances and too often they can show little regard for the neighbors around them. When that happens there is very little a neighbor can do to stop the noise, lower the music, end the party or nuisance right next door. Homeowners and long term rentals can't be shut down like STR's can.

Thank you for considering this letter,

David and Patti Hughes



Friedrich, Michele

From: Amy Essick <amyessick@icloud.com>
Sent: Wednesday, October 5, 2022 11:33 PM
To: ceqacomment
Cc: Frank A. Takacs
Subject: Public Comments on Vacation Rentals Ordinance sent October 5 2022

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To Whom It May Concern:

We are writing about our concerns on the new Ordinances proposed for Vacation Rentals in Carmel Valley (CV). The Draft is calling for 6% of Residential Dwelling Units in CV or 302 be allowed for vacation rentals. We oppose this large number for these reasons:

1. There is a severe housing shortage here for local working people such as doctors, nurses, teachers, firemen let alone grocery store staff, professional staff, etc. Requiring these essential workers to have to drive over an hour each way to work puts an excessive strain on their health and that of the community.
2. Many of the residential communities in the hills of CV have high risk single lane, steep, and curving one-way in and out roads without adequate pull off areas over extreme slopes. Non-residents on these roads are dangerous with their driving in the middle or onto the other lane. Emergency vehicles are impacted during times of medical and fire emergencies by tourists in these critical roadways. These neighborhoods are no place for tourists.
3. Tourists in neighborhoods disrupt the rural character of CV. There is ignorance on how to behave in woodland areas with parking on Coast Live Oak tree roots and trash dispersed out the car windows, leading to fire danger from debris and potential devastation to the natural environment.
4. Noise from tourists on vacation disrupts the family life of local neighborhoods with large parties on decks overlooking neighbor's bedrooms while preparing for the next day at school or work. There is an entitlement factor to do whatever they want as they had to pay so much money to stay the night at the neighbor's "home."
5. Vacation rentals are threats to the wild land properties of CV both in native plant and animal habitat and most importantly in fire potentials. A minority of the general population visiting our area understands what precautions are necessary in our "Summer Dry"/Arid climate of 7 or more months per year without rain. Bar-b-ques on decks and fire pits with embers flying through the Oak woodlands can ignite quickly. Parking an older vehicle on a grassy area with sparking catalytic converters are a match to a parched and years long drought stricken landscape with people living on it.
6. The Safety and Security of local neighborhoods is threatened with this tourist/family/children mix. Unknown tourists becoming familiar with the working local neighborhood can gain keen insights into the regular routines of each home and easily plan theft while the locals are at work or regular time away from home, e.g., sports practices, club meetings, church services, etc.
7. Commercializing our neighborhoods that we have worked, scrimped, and saved so hard to create makes no sense. We have worked several decades here between us, paying our property, school, local, and state taxes faithfully. This proposed ordinance to allow tourist rentals next door not only degrades our peace and harmony after work and/or the weekend but is in conflict for what we bought into here: an area of single family dwellings in a neighborhood. To allow this simply for a neighbor to make thousands of dollars per night off the loss of our home life? This is the fast track to

degradation of any kind of quality of life on the Monterey County. There is a arge hotel industry here with vacancies for tourists.

We are opposed to Vacation Rentals in Carmel Valley neighborhoods. Please take care of the local working community who pays the salaries of county employees and let the hotel industry take care of where the tourists sleep.

Sincerely,
Amy & Frank

Amy Essick and Frank Takacs, M.D.
27502 Schulte Road
Carmel, CA 9392
831.624.3541
amyessick@icloud.com
frankatakacs@icloud.com

Friedrich, Michele

From: DAWN POSTON <jumperdawn@aol.com>
Sent: Thursday, October 6, 2022 7:29 AM
To: ceqacommments
Subject: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments"

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Ms. Beretti,,

I agree completely with the comments and recommendations made by the CVA regarding the Vacation Rental Ordinances. For over a year there was a vacation rental in my heretofore quiet residential neighborhood. It was rented every weekend. Generally there were multiple groups or families and often even the sides of the road were filled with cars. They parked wherever they could find a piece of ground. We're on a ridge, they can be seen from all the ridges nearby. Generally people rent a home for a holiday (aka a party). Most are noisy. Many bring dogs and let them loose. Trash overflows many times.

An owner renting a room, or rooms, is one thing. An owner renting an entire house, with no one there to monitor, is quite another. Stand alone vacation rental homes are incongruent with the residential character of Carmel Valley in every way and I oppose them vehemently.

Dawn Poston
11575 McCarthy Road
Carmel Valley, CA 93924
831-659-3331



Friedrich, Michele

From: cpentony@redshift.com
Sent: Thursday, October 6, 2022 8:08 AM
To: ceqacomment
Subject: Vacation Rental Ordinaces Draft EIR NOP Scoping Comments
Attachments: Cachagua Area Plan Vision Statement.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Ms. Beretti,

I have provided written commentary of the effects of the "short term rentals" to the BOS on several occasions in the past several years. They are summarized below;

1. Increase in fire hazards in High and Very High Fire Severity zones due to a greater number of people making access, who are unfamiliar with the danger. Recent research at UC Irvine and the National Park Service indicate that 85% of wild land fires are human caused and are more destructive than natural caused fires.
2. Significant decrease in affordable rental housing, which is key to maintaining a viable Fire District in the Cachagua, which is staffed entirely by volunteers. One of my neighbors has a short term rental and charges up to \$ 450 per night. I would estimate that this guest house would rent for about \$ 2,250 per month.
3. Increase in liability for private road associations. It has been my personal observation that many "short stay" renters are used to paved roads and drive far faster than is safe on unpaved roads.
4. Lack of compliance with area plans, which were enacted to preserve rural areas. Please see attached Cachagua Area Plan Vision Statement.
5. Lack of enforcement capability, this has been well documented by County Staff, in previous reports to the Mo Co BOS

Please incorporate the above comments and attachment.

Thank You,

Chris Pentony

13 Trampa Canyon Road

Carmel Valley, CA 93924



The philosophy of Cachagua is derived from a synthesis of viewpoints. A desire to preserve the natural beauty of the Cachagua Planning Area is foremost. All agricultural uses of the land are encouraged. Ranching, vineyards and wineries, the growing of olives, native grasses and plants are encouraged. Commercial visitor serving uses, such as tasting rooms, which could generate daily traffic on area roads, shall not be permitted in the Cachagua Area.

Large projects, including land divisions, multiple-family housing and large public or commercial buildings that would change the rural character of the area, shall not be permitted in the Cachagua area. The integrity of the Cachagua Area must not be sacrificed to satisfy the needs of development in other Planning Areas.

The philosophic thread which links Cachagua with the past guides in planning for the future. All future development must be in harmony with the natural beauty, fragile ecology and delicate infrastructure of the Cachagua Planning Area.

The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience. In order to support the existence of this special community we must seek to provide and protect housing to accommodate the people who live and work here.

Friedrich, Michele

From: Robert Korstanje <robertkorstanje@hotmail.com>
Sent: Thursday, October 6, 2022 9:57 AM
To: ceqacomment
Cc: Doris Fabre; Karin Strasser- Kauffman; Bart Burrows; Bob Byrne
Subject: Strong objections to current proposal

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Current. Resources allocated to the permanent residents/ home owners to safeguard the living conditions in the Valley does not allow an expansion of daily home rental. Current roads, including El Caminito Rd are already cluttered by cars and junk due to daily or weekly rentals. The present maintenance of roads are also poorly managed. Long term programs have been many years behind schedule. Illegal road blocking by poor car parking and no light facilitation has increased many unreported accidents!!!

No name nor notification since many are illegal one night rentals.

The seni rural Valley is currently covered by illegal rentals, illegal parking and questionable alcohol selling.

Current public resources to supervise rules and regulations is far below standard.

While tax revenues have significantly increased during the last 3 years, county supervision on public safety and security has been inadequate to preserve rules and standards . The tax revenues are not properly allocated to maintain security, Safety on the roads and a degradation of rural settings!

Soon an annexation of Salinas?

Or suburban living without proper security on secondary roads!

No lightning, no road maintenance, no police safety supervision and on time security assistance!

Stop the destruction of suburban development!

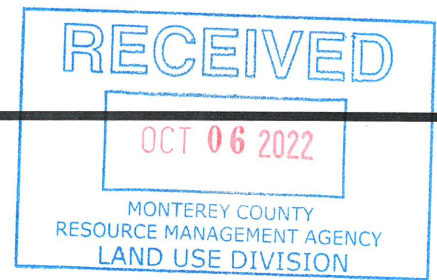
Robert Korstanje
341 El Caminito Rd
Carmel Valley, 93924

Sent from my iPhone



Friedrich, Michele

From: Ross Bava <rbava@taylorfarms.com>
Sent: Thursday, October 6, 2022 10:00 AM
To: ceqacomments
Cc: dbava@bavalaw.com
Subject: Illegal Non-Owner Occupied Short Term Rentals



[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

10/6/2022

To CEQA; Melanie Beretti, AICP, Principal Planner,

My name is Ross Bava and we own and live at 27 Los Robles Road in Carmel Valley. We live 400 yards from the private residence at 32 Los Robles Road.

32 Los Robles Road is an illegal non-owner-occupied short-term rental and has been since 2018. 32 Los Robles is a home of approximately 7000 square feet, has 6 bedrooms, 5 bathrooms, and sleeps 16 people in the main quarters.

We have been over-run with wondering guests at all hours, noise, weddings, parties, bands, dogs, trash, drones, and an overall violation of our privacy. We are believers in one's private property rights, but when those rights are abused and begin infringing on other private property rights, that's an issue.

We, and our local neighbors, have lived alongside and dealt with this short-term rental for at least the last 4 years. In early 2021 when covid had us locked down, the residence was rented every weekend and we were to the point where we reached out to a realtor as we were considering selling our property to move away from this albatross.

After many complaints to the county, I was informed that "short term rentals are a priority 3 case and investigated / responded to as time permits". More than a year later, on July 19th, 2021, a citation and warning was issued to the property owner. To which, the rental of the property continued as if nothing had been done.

I contacted the county on multiple occasions post citation letting them know that the property was still being used as an short-term rental. On one occasion, the county agent told me that my pictures and videos are not enough evidence to prove that it is being rented as a short-term rental and that they had to 'catch them in the act'. I responded, "Great, come out to 32 Los Robles next Saturday afternoon and you'll see first-hand what I'm talking about." The response was that they don't work on weekends and even if they did, the county doesn't want to pay the overtime. Wow.

And for what it's worth, apparently the citation and fine were in the sum of \$2400. The owner has made claims that he clears \$300k annually without paying a single dollar tax. Thus, the fine and/or penalty is infinitesimal to the home owner, Yati Sahae, as the renting continues.

This area is not zoned for business, nor is it zoned for high impact. Unfortunately, this is exactly what we are being exposed to. We feel that this is a complete encroachment on our privacy and is damaging our local environment. We are firm believers in private property rights... But when those rights trespass upon another's rights, we take issue.

Thank you for your consideration.

Ross and Darla Bava

Friedrich, Michele

From: Robert Korstanje <robertkorstanje@hotmail.com>
Sent: Thursday, October 6, 2022 10:14 AM
To: ceqacomments
Subject: Stop any change to home rental policies in Carmel Valley

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Current law changes will destroy the current security and proper quality maintenance. Destruction by daily rental without owner presence is completely destructive of our current living status.
Please stop this proposal without strict rules of owner presence. Road maintenance maintenance with safe parking conditions, and no light pollution.
Current noise and destruction of roads by daily rentals, including light pollution, illegal parking and no owner presence are the huge threats towards deterioration. And still asking tax increases from the current owners to pay for this illegal destruction.
No, no, this becomes a run down place with high alcohol consumption serving the bad tourists!
Stop this change of rules and standards!!!
Robert korstanje
341 El Caminito rd
Carmel Valley, 93824

Sent from my iPhone



Friedrich, Michele

From: Steve Bloch <rsteveb@gmail.com>
Sent: Thursday, October 6, 2022 10:32 AM
To: ceqacomments
Subject: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments"

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Ms. Beretti,

I agree with the comments and recommendations made by the CVA regarding the Vacation Rental Ordinances. For over a year there was a vacation rental in my quiet residential neighborhood and it was rented every weekend. Often to multiple groups or families, and they parked wherever they could find a wide spot in the road -- often even the sides of the road were filled with cars. Generally people rent a home for a holiday (aka a party). Most are noisy. Many bring dogs and let them loose. Trash overflows many times.

If an owner is renting just a room, or rooms, that's one thing. However, an owner renting an entire house, with no one there to monitor, is quite another. Stand alone vacation rental homes are incongruent with the residential character of Carmel Valley in every way and I oppose them vehemently.

Respectfully,

Roy Stephen Bloch
11575 McCarthy Rd.
Carmel Valley, CA 93924



Friedrich, Michele

From: Ellen Korstanje <ellen.korstanje8@gmail.com>
Sent: Thursday, October 6, 2022 12:18 PM
To: ceqacomment
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Melanie,

In order to maintain the rural character of Carmel Valley where, according to a survey from a few years back the DARK NIGHT SKY and the TRANQUILLITY of the valley was rated as THE MOST IMPORTANT aspect of living here, the Principal Planner has the task and responsibility to adhere to the wishes of the people she/ he serves. Short term rentals have brought noise, light, heavier traffic both during the day but more importantly during the night and parked cars which should not be there alongside the often NARROW roads! The people who own the rentals are people from OUTSIDE the valley and are focused on income rather than contributing to the precious character of Carmel Valley!

For the reasons stated above I propose:

* No Project- No change in existing ordinances.

* Home-Stay Only Project-County-with home-stay vacation rentals can be permitted only on the condition that the homeowner be present on the property during the rental period.

Only LEGAL ordinances will maintain Carmel Valley's renowned character for both residents and tourists alike.

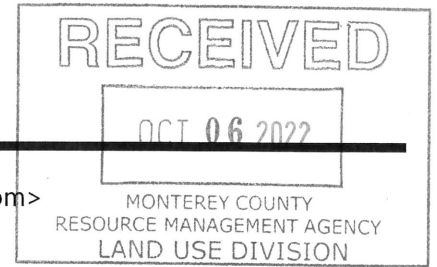
Ellen Korstanje
341 El Caminito
Carmel Valley
Ca 93924

Tel. 517-282-8027
E mail: ellenkorstanje@hotmail.com

Ellen
Sent from my iPhone



Friedrich, Michele



From: Amanda and Clinton Weichers <caweichers@gmail.com>
Sent: Thursday, October 6, 2022 3:19 PM
To: ceqacomment
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Melanie Beretti, AICP, Principal Planner,

I am sure you are overwhelmed with comments on this issue that can become polarizing.

My husband and I along with our children currently operate a vacation rental farm stay as a family business on our 12 acre homestead in Carmel Valley.

As a middle class family the income we earn is what allows us to continue live in Carmel Valley and share regenerative agriculture concepts and the small farm life with our guests. We have a 5 star rating and have never had a complaint from any neighbor. We pay our TOT taxes and look forward to a ordinance that will allow responsible owners to continue legally. Our guests stay in our Barn duplex located on the property.

The vast majority of our guests are families reuniting after COVID and want a place they can stay together.

Here are links to our rental.

<https://www.airbnb.com/h/bluebarneast>

<https://www.airbnb.com/h/bluebarnwest>

In my experience most of the complaints and problems with vacation rentals are solved by the owner being on the property at the same time. My concern with the ordinance is the following sections.

“3. Limited Vacation Rentals shall be allowed only in a single-family dwelling.

4. Limited Vacation Rentals are prohibited in all of the following: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; and in dwellings which are subject to a recorded covenant, agreement, deed restriction or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.

And in the commercial section:

Friedrich, Michele

From: Amanda and Clinton Weichers <caweichers@gmail.com>
Sent: Thursday, October 6, 2022 3:19 PM
To: ceqcomments
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

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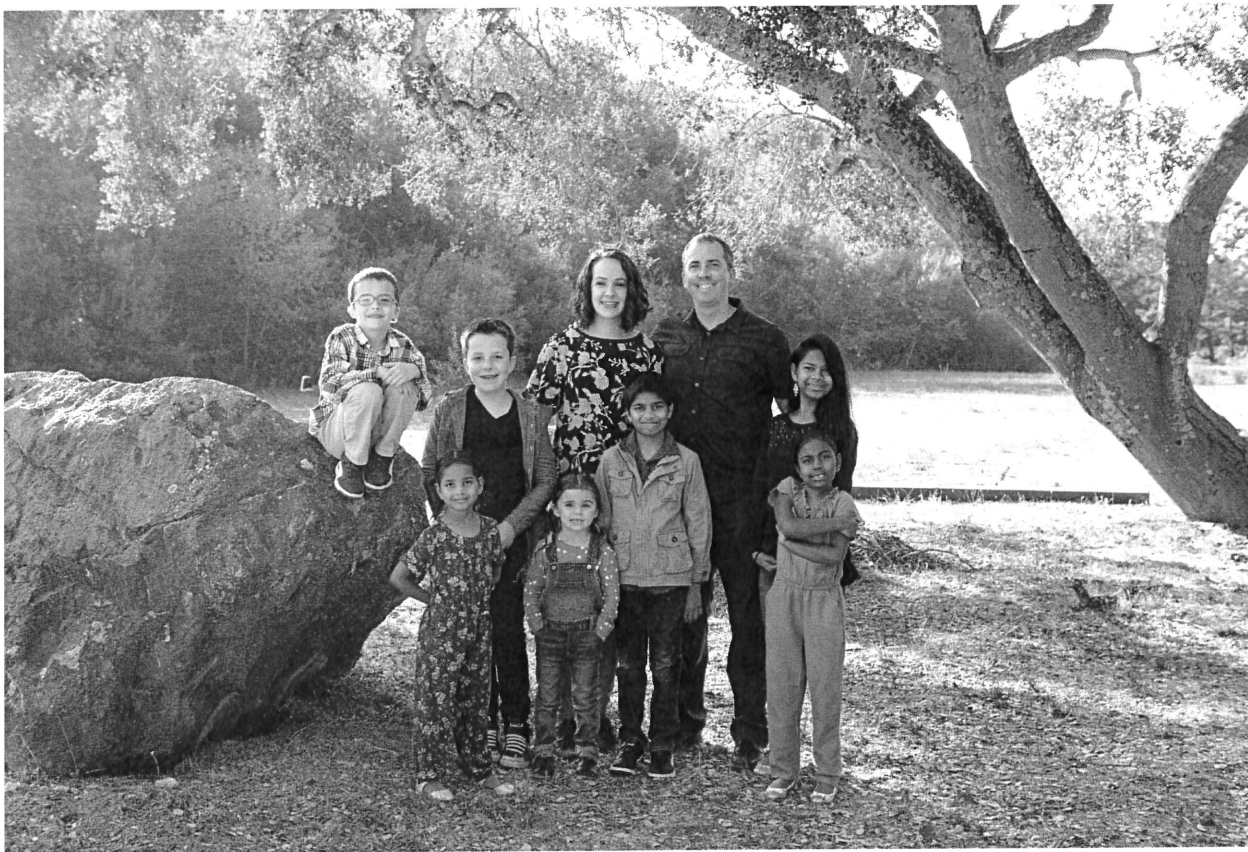
And in the commercial section:

4. Commercial Vacation Rentals are prohibited in all of the following structures: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; structures intended for temporary occupancy; and in dwellings subject to a recorded covenant, agreement, deed restriction, or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.”

Eliminating all non single family residences would end our business and most of the responsible vacation rental hosts we know. Many are retirees that rent there guest home to make ends meet, and share their beautiful space.

Please consider eliminating this section from the ordinance and allowing the use of guest homes, adus , and duplexes with the caveat that the owner must live on property and manage the rental.

Thank you for your time.



Amanda and Clinton Weichers and Family,

Sent from my iPhone

Friedrich, Michele

From: Patricia Larkin <larkin@smwlaw.com>
Sent: Thursday, October 6, 2022 4:02 PM
To: ceqacomments
Cc: krwbigsur@gmail.com; kgafill@nepenthebigsur.com; mrwbigsur@gmail.com; Sara A. Clark
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments
Attachments: 2022-10-06 Scoping Comments.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attached please find a letter from Sara Clark of this office.



Patricia Larkin
Legal Secretary
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
p: 415/552-7272 x235 |
www.smwlaw.com | A San Francisco Green Business



SHUTE MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

SARA A. CLARK
Attorney
Clark@smwlaw.com

October 6, 2022

Via Electronic Mail Only

Monterey County Housing and Community
Development Department
Attn: Melanie Beretti, AICP, Principal Planner
1441 Schilling Place, 2nd Floor South
Salinas, CA 93901
Email: CEQAcomments@co.monterey.ca.us

Re: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

Dear Ms. Beretti:

On behalf of this firm's client, the Big Sur Local Coastal Program Defense Committee ("BSDC"), I write regarding the County of Monterey's Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the Vacation Rental Ordinance Project ("Proposed 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 such values for the public to enjoy. The BSDC has been carefully tracking the County's consideration of a vacation rental ordinance.

Generally, the BSDC continues to support the concept of Limited Vacation Rentals ("LVRs") proposed for Big Sur in the Proposed Ordinance, provided that the County is able to implement thorough and effective enforcement mechanisms to ensure that these standards are actually complied with. The DEIR should include discussion of the County's proposed enforcement program, and carefully evaluate the potential impacts of different enforcement strategies. Lax enforcement will result in adverse environmental impacts, including to natural resources, public safety, traffic congestion, and affordable housing availability. For instance, the NOP assumes that vacation rentals will not increase the risk of wildland fire because they will be required to comply with Fire Safe Regulations. NOP at 1-22. However, unless there is appropriate enforcement of compliance, this result cannot be assured. In addition, the BSDC continues to request that the modifications suggested in the attached letter be incorporated into the Proposed Ordinance, to help ensure that the County's intent of ensuring that LVRs are similar in character, density, and intensity to residential use.

The BSDC is also alarmed by the California Coastal Commission's July 28, 2022 correspondence regarding short-term rentals in the Monterey County Coastal Zone, and the potential impact of that correspondence on the Proposed Ordinance. In that correspondence, Commission Staff states that the County's Proposed Ordinance must "allow[] an appropriate number of STRs in appropriate locations and subject to appropriate LCP operational and other provisions in the coastal zone" and must "strike a balance" between access, housing, and community needs. However, this correspondence does not take into account the unique provisions in the Big Sur Land Use Plan, which was certified by the Commission and remains in effect. The BSDC believe that the Land Use Plan clearly supports the County's Proposed Ordinance with respect to LVRs in Big Sur. The Commission's task in certifying any County vacation rental ordinance will be to evaluate whether the ordinance is consistent with the existing land use plans, so these provisions are highly relevant to the County's development of the Proposed Ordinance.

Specifically, the Big Sur Land Use Plan supports LVRs in at least three ways. First, the LUP is clear that visitor serving uses must not be located in residential areas. Section 5.1.1 provides that residential areas "are not well suited for . . . visitor uses" and that they should continue to be used solely for residential purposes. Likewise, Policy 5.4.3(G)(2) states that "development in designated rural residential areas *shall continue to be limited to residential uses* in order to protect residents from unwanted intrusion by other incompatible activities and because neither vacant land, water, nor roads are adequate to support more intensive uses." (emphasis added). The LUP has already determined where adequate visitor-serving accommodations can be located on the Big Sur Coast, and that visitor-serving accommodations and residential purposes are generally incompatible.¹

Second, even though the LUP was certified almost 40 years ago, it contains strong provisions to protect affordable housing. The need for affordable housing to support visitor-serving uses like hotels, motels, campgrounds, and restaurants was apparent in 1986 (*see* LUP at 73), and has only grown over time. Adequate residential supply is not just necessary to allow the house the Big Sur community, but critical to allow the *visiting* public safe, enjoyable, and affordable access to the California Coast. Specifically, Section 5.4.3(I)(1) of the LUP provides that the County must "protect existing affordable housing in the Big Sur coastal area from loss due to . . . conversion." *See also* 5.4.3(I)(2)(c) (County must "encourage the use of caretaker's accommodations as an appropriate means of providing affordable housing"). A significant number of lower-cost cabins, caretaker,

¹ These policies are different than other jurisdictions, which have relied on the prohibition of general *commercial* activity in residential areas to limit STR use.

or second units are threatened with conversion to short-term rental use in the Big Sur area; these units must be protected per the LUP.

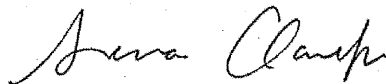
Third, the LUP is very clear that the capacity of the Big Sur Coast is limited, even with respect to Coastal Act priority uses such as visitor-serving accommodations. *See, e.g.*, LUP at 10-11. Limitations on both development and use are required in order to protect Coastal Act resources, including the natural scenic areas, natural resources, and coastal access (especially via highway capacity). LUP at 75-76; Policy 5.4.1 (“Future land use development on the Big Sur coast should be extremely limited, in keeping with the larger goal of preserving the coast as a scenic natural area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country.”). The LUP implements these policies through caps on both residential and visitor-serving units. *See* Policies 5.4.2(8) and (9). These limitations must be taken into consideration when decided whether to allow vacation rentals in Big Sur.

Finally, we note that the Commission has indicated that Monterey County’s Proposed Ordinance must be supported by “clear and accurate information” and data. As previously communicated, the BSDC stands ready to help assist the County document the current availability of overnight accommodations in Big Sur, including lower-cost accommodations, as well as the potential impacts of expanded short-term rental use on the affordable housing market. We note that the affordable housing crises has been most severe for lower-income workers, most of whom are valuable and necessary members of the community’s existing visitor serving uses.

Thank you for your consideration.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Sara A. Clark

Attachment

1573640.1

SHUTE MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

SARA A. CLARK
Attorney
Clark@smwlaw.com

May 24, 2021

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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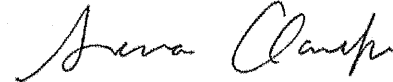
//

May 24, 2021
Page 3

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

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in cursive script, appearing to read "Sara Clark".

Sara A. Clark

Friedrich, Michele

From: Michael Weaver <michaelweaver@mac.com>
Sent: Thursday, October 6, 2022 4:08 PM
To: ceqacomments
Cc: Beretti, Melanie
Subject: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments"
Attachments: NOP Scoping Comments STR's .docx

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Please find the attached two-page letter in WORD format so it should open easily for you.
If, for some reason it does not, please call and I can fax it to you.

Thank you,

Mike Weaver
831-484-2243



Monterey County Housing and Community Development Department
Attn: Melanie Beretti, AICP, Principal Planner
1441 Schilling Place, 2nd Floor South
Salinas, CA 93901
Via email: CEQAcomments@co.monterey.ca.us
BerettiM@co.monterey.ca.us
(Signed hard copy to follow in the U.S. mail)

Re: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments"

Project title: Monterey County Vacation Rental Ordinances

October 6, 2022

Dear H&CD and Ms. Beretti,

Your NOP; INITIAL STUDY CHECKLIST FOR POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECTS:

1) ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

I note that "Public Services" is not checked, as in no impact, when indeed the proposed Ordinance changes can and will have a Significant Impact to Public Services.

2) Changes to the Short Term Rental Ordinances allowing up to 6% of the housing stock would have a SIGNIFICANT IMPACT on the Public's Monterey County Sheriff's Department. It may also effect the Rural Fire Departments, Ambulance services, and Highway Patrol. Please add Public Services to your EIR analysis.

3) Your Notice provides the estimated residential dwellings in the Monterey County Planning Areas. For example the Toro Planning Area is listed as having 4,321. Who did the counting?

4) Please recall the years of complaints about short term rentals in North County. Houses were rented for a weekend, tickets were sold, and large parties happened, to include; loud music, drinking, dope, etc. The neighbors would often complain, but not much of anything was done. The County and the County Board of Supervisors had a heck of a time dealing with this. They created a "Noise Ordinance", but of course that's only as good as the enforcement. The Deputy Sheriff's often have other things to do on their Patrols, i.e., car and motorcycle accidents, drunk drivers, residential burglaries, 5150 calls, etc.

5) Using the Toro Area as an example, it is in the County Sheriffs Beat #4 Area. Beat #4 starts at the top of Laureles Grade, goes to the bottom of the Grade to Highway 68. This takes in residential homes and subdivisions along the way, such as Hidden Hills, Rinconada, and Laureles Estates. From there Beat #4 goes east on Hwy. 68, taking in all of Corral de Tierra, Robley, Calera Canyon, all of San Benancio including Ambler Park, Harper Canyon, Vista Cielo. From there Beat #4 continues east on Hwy 68 taking in all of Toro Park Estates, Toro Hills, Serra Village, Toro Sunshine, and Creekside. From there Beat #4 turns South down River Road taking in all 1,031 houses in Las Palmas Ranch, and all commercial and subdivisions, including all of Pine Canyon, all the way South

to Gonzales.

Page 2

6) The point to this is; There is only ONE Monterey County Deputy Sheriff assigned to this Beat #4, and if there is an emergency elsewhere he or she may be called on as "back up" elsewhere. Who is one going to call when there is a problem, call 9-1-1? Monterey County offices on Alisal St. and at Schilling are closed after 5 pm., on weekends and on holidays. The local Deputy Sheriff may have other pressing issues, or as previously stated, be called on as back up in a different Beat area if there is an emergency. Again, as an example, this would leave the Toro Planning Area with zero. And a complaint to County Code Enforcement on the following Monday will be put on a list of things to do as a Category 3, non-emergency. The complaint may prompt a letter being sent to the STR owner, or the owner's representative. Following this different people will be renting the place. How many people in Monterey County know how to contact County Code Enforcement?

7) The Semi-Rural Residential areas of unincorporated Monterey County contain many shared private roads. Many of these are the result of Minor Subdivisions approved by the County in the 1970's, 1980's and 1990's. At that time of approval, none of these were evaluated or analyzed for future short term rentals for remuneration. Please identify the number of and the location of all County Minor Subdivisions.

8) How will a package of STR Transient Ordinances change the character of the various County neighborhoods?

9) I ask that you re-read the feedback from the County Land Use Advisory Committees regarding Short Term Rentals and the LUAC comments, concerns, and questions for evaluation in the E.I.R. These include water use, traffic, night lighting, noise, and neighborhood safety concerns. This includes strangers knocking on neighborhood doors at night trying to locate their STR.

10) I ask that you evaluate the pressures County officials are putting on the Housing and Community Development Department, and the Environmental Health Bureau for more County "revenue enhancement". There's plenty of money to be made with County fees and taxes for Permits and such, and Transient Occupancy Taxes (T.O.T.) with these STR Ordinance schemes. Once implemented these become an entitlement too many. Zoning becomes fuzzy.

Thank you for the opportunity to comment.

Respectfully,

Mike Weaver
Corral de Tierra
Email: michaelweaver@mac.com

Friedrich, Michele



From: sur1954janet@aol.com
Sent: Thursday, October 6, 2022 4:14 PM
To: cegacomments
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Ms. Beretti

Having followed STR activity in the following areas for numerous years I've noted that the City of Pacific Grove (2.9 sq. miles) with 250 allowed Commercial STRs and unlimited Homestays, the City of Monterey 11.76 sq. miles) with **no** STRs allowed period, and Carmel-by-the Sea (4. sq. miles) with **no** STRs allowed in residential zones are still having a hard time enforcing, collecting money owed and closing down the illegal STR hosts that are still "advertising" illegal STRs in their small towns ... so I question how the County of Monterey will enforce the activity of illegal Commercial & Limited Vacation Rentals in the Big Sur area of the unincorporated County (3,771 sq. miles), when the record for enforcement for the current ordinance is not happening?

Enforcement issues

Loss of affordable housing

Impacts from increased intensity of use on public access and infrastructure capacity

Altering community character by introducing lodging units (short-term transient vacation rentals) into residential neighborhoods

Impacts related to management issues such as noise, trash, lighting, special events

parking and congestion impacts

private water systems not meant for "public" usage

1.1 AESTHETICS

a) Have a substantial adverse effect on scenic vista? **YES** because many of the illegal STRs at this time put up bright outdoor string lights and leave them on all night. They also leave exterior and interior lights on all night because I would imagine they are unfamiliar with the STR layout and perhaps scared of total darkness, unlike those of us living in Big Sur.

b) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? **YES** due to more foot traffic over previously undisturbed terrain, graffiti, trash and human waste ... campfires along with cigarette butts and the danger of wildfire.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? **YES** lighting again ... string lights along with both exterior and interior being left on all night, not to mention strobe lighting when these rentals host events

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **YES** they would, as they do at this time.

1.3 AIR QUALITY

YES More guest road trips than resident road trips both living in the area and those **not** living in the area ... guest trips sightseeing, etc. Not to mention maid, window and garden services coming now daily or two or 3 times a week when there was never any of these people servicing these homes originally or if maybe weekly, twice a month, once a month or less. More STR guest vehicles on Highway 1, therefore more business owners and employees on highway as they no longer have homes to rent as they are now commercial visitor serving units for transient occupancy.

1.4 BIOLOGICAL RESOURCES

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service? **YES** the California Condor and the Pacific Steelhead because of low flow or lack of water in the Big Sur River.

To be continued ...

Respectfully,

Janet Hardisty
Big Sur, 93920
Monterey County



Friedrich, Michele

From: Kathryn Greenwald <kgreenwa@gmail.com>
Sent: Thursday, October 6, 2022 4:26 PM
To: ceqacomments
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

ATTN: Melanie Beretti, AICP, Principal Planner

IN RE: Scoping Comments on Vacation Rental NOP

Oct 6, 2022 4:26 PM

My name is Kathryn Greenwald. I've lived in Carmel Valley near the village since 2010. I've seen an intensive and unchecked growth in commercially operated vacation rentals during this past decade, and little effort on the part of the County to contain it or address it. My own street has seen up to 7 out of 75 homes given over to vacation rentals, not a single one with permit, but most paying their transient occupancy tax to the County. I don't see how the draft Ordinances will positively control or regulate this situation of commercial vacation rentals in residential neighborhoods.

I'm particularly concerned that the County feels that a one-size-fits-all approach will work to successfully manage vacation rentals in the vastly different unincorporated areas of Monterey County. Diverse ecology and environments demand unique solutions tailored to their populations; narrow Carmel Valley with its delicate riparian balance is a far cry from the wide open spaces of South County, or the rural agrarian hills of North County, or the different coast areas from beach to areas where mountains-meet-the-sea.

I'd like to see vacation rentals ordinances that are tailored to the differing environmental and ecological zones of the County. The cumulative effects of creating one ordinance to cover all the differing zones are unmitigatable in the current draft ordinances.

Thanks you for your consideration of this major impact.

Kathryn Greenwald
137 Laurel Dr.
Carmel Valley, CA 93924



Friedrich, Michele

From: surfing <1surfing@gmail.com>
Sent: Thursday, October 6, 2022 4:58 PM
To: ceqacommments
Subject: Re: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments."

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Re: "Vacation Rental Ordinances Draft EIR NOP Scoping Comments."

STRs
Short Term Rentals
or
Short Term Resorts???

I once lived next door to a family which, one day had moving vans arrive, and I watched in wonder while movers carried out beds and furniture and boxes from their home. I assumed they were moving, but shortly, another truck arrived with new sets of beds. Huh?

There is always excitement when a family moves into a new house. Especially the kids are noisy with expectation and excitement to explore their new territory, and it's predictable that when they find the swimming pool, excitement turns to exuberant screaming with delight, and calling out their pleasure to all within earshot. How about when 3 or 4 families all arrive at the same house simultaneously? A serene quiet neighborhood turns into an inner city public playground and public swimming complex. How about when this scenario occurs every 3-4 days a week . . . week after week . . . month after month, with no end in sight . . . never a single day of relief from the squalor? Your nearby home has been transformed and transported from a tranquil country setting to an inner city public sports complex with swimming, ping pong, basketball.

When you live next door to a multi-family complex, you can be sure that one of the families will be *early birds* and especially since they are on vacation, and at least one will be *night owls*. Thus, you will be hearing *chirping and singing* and yelling, from dawn to dusk and beyond into the late night! Every night!!!!!!!!!!!! 7 nights a week! 30 days a month! Without relief! NONE!!!

In no case should people be allowed to use a residential neighborhood for their absent owner **Short Term Resort**. Facilities with pools basketball hoops, ping pong etc will change the neighborhood's character immeasurably for the negative, for all neighbors for a quarter mile around. The property owner with a destination resort in a residentially designated neighborhood must be required to be on site to insure noise and congestion is minimized.

Carmel Valley is mostly built on terraces accessed by switch-back roads. Noise travels on a line of sight, thus straight upward and downward toward residences below and above. Unlike dwellings in cities built in blocks,

we have no structures to absorb and deter sound waves. We have virtually nothing to stop the noise of visitors who bring their "city" voices with them to our country tranquility. My neighborhood is terraced and sculpted into a bowl shape/megaphone shape, which further intensifies how sound travels. There is virtually nothing between an inconsiderate visitor's screaming voice and the ears of those living anywhere within a ½ mile radius.

There are individuals and syndicates buying up residential homes NOW for use as short-term rental investments, basically as neighborhood B & B's, or as small resorts. Most of us move here for the rural ambience, to get away from city tumult, chaos, lights, and noise. All that will come to almost every single block if we allow it. And it's not just noisy out-of-towners who make the noise. It's all the support services: daily leaf blowers, cleaning workers, linen deliveries, bottled water deliveries, window washers, carpet cleaners, pressure washers(air compressors). The County covets TOT's, and Carmel Valley is ripe to become one huge gold mine for the County, and out-of-town "resort" owners, who will collect large sums of money, never have to lift a finger themselves, and will never hear the screaming playground that will be next door to those living nearby, if we allow it to happen. I know of one Carmel home near the beach that brings in \$30,000 a month, year around. When people discover how much income their home can generate, no one can afford to live in it. Anyone of sound mind will sell and retire.

If you are among the few individuals making a decision on this matter, you have by fate been given the power to make certain people's lives miserable the way that kings of countries in the world do not have power to do. You can opt to degrade the neighborhoods occupied far from the neighborhood in which you and your family live. You can choose to disrupt the lives of many strangers with the mere option of a vote. You can deprive a normal night's rest to distant children and adults. . . you can influence the level of life's simple joys for hundreds or thousands of people you will never meet. . . you can choose to take an action that will force people to leave their dream homes and disrupt the lives of people you don't know . . . you can lower property values of others, without lowering your property values . . . all these choices will fall upon you and your conscience, and your decision will artfully be hidden behind the cowardly pretext of plausible deniability . . . the devilish shield of cowards. However, to those of you who have a conscience, when you lay down your head to sleep at night, you hopefully will never stop thinking of those whose sleep will be disrupted by strangers rudely arriving at the commercial hotel that you have allowed to begin operations next door to them. Sleep on those thoughts if you can. However, those of you who follow the GOLDEN RULE: Do unto others as you would have them do unto you. . . those of you who live by the conscience god gave you, you can opt/vote not to commercialize residential neighborhoods, but to leave them residential, as their current owners thought were protected from outside opportunism.

The choice is yours and you will have to live with it for the rest of your lives. . . or, until a court overrules your callous decision, if you have chosen the callous option. Hopefully, you will not be one in that group.

Anonymous, for obvious reasons.



Friedrich, Michele

From: C.S. Noel <cn0elr@yahoo.com>
Sent: Thursday, October 6, 2022 9:02 PM
To: ceqacomment
Cc: Pat Ostrom
Subject: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attention:

I am forwarding this email on behalf of Carmel Valley Association (CVA) member, Pat Ostrom. She followed the process for submitting comments regarding the NOP document, but was unable to access the website on 10/6/2022, and asked CVA to submit her comments to you.

Per your submission instructions, her contact information is listed below along with the comments she made and requested be forwarded to you.

Thank you for your assistance in seeing that Pat Ostrom's comments are received and appropriately processed.

C.S. Noel
President,
Carmel Valley Association
925-286-9771 (cell)

Name: Pat Ostrom
Mailing Address: 286 Hacienda Carmel, Carmel California 93923
Hacienda Carmel Phone number: 831-624-8261
email: Pat Ostrom <postrom5@yahoo.com>

----- Forwarded Message -----

From: Pat Ostrom <postrom5@yahoo.com>
To: C. S. Noel <cn0elr@yahoo.com>
Sent: Thursday, October 6, 2022, 05:50:29 PM PDT
Subject: Letter regarding Short Term Rentals

C.S. Noel and CVA,

I am sending a letter, below, regarding short term rentals in Carmel Valley and Monterey County via CVA as my computer is not opening the given website for comments. Please submit if possible.

Melanie Beretti, AICP, Principal Planner,
CEQA_comments@monterey.ca.us

I am writing in regards to the "Vacation Rental Ordinance Draft EIR NOP Scoping comments." I concur with the statement given by the CVA. 'Draft ordinance will cause deterioration in residential neighborhoods rather than preserving and enhancing

the residential character and sense of security and safety in stable neighborhoods of residential properties.' If there are to be vacation rentals, I would recommend, as CVA does, a Home-Stay Project, county wide home-stay vacation rentals with the homeowner present on the property during the rental period.

The existing draft ordinance offered has the potential of increasing traffic, noise, decreasing levels of parking availability, and generally affecting adversely the quality of our neighborhoods in the unincorporated areas of Carmel Valley. In my reading, the ordinance seems to favor commercial whole house operations of which I am opposed to as they would clearly affect the privacy and character of the residential neighborhoods. Is there an existing capp on visitor serving units in the unincorporated areas of the county? What of the effect on the housing market, rentals, and purchases in our area? The ordinance reads, '...are not anticipated to convert long term housing out of the market.' Rentals in and outside of the peninsula are now lacking and/or at a minimum. Clearly, the short term rentals would take housing out of the market place. The number presented in the draft needs to be looked at once again. With 5,033 Carmel Valley units, the allowed STR's have been stated at 302 units. This number is way too high to support a qualitative, residential neighborhood of which I and many would wish to continue to live in.

I urge you to reevaluate/adapt the ' Vacation Rental Ordinance Draft' in order to continue and promote valuable living areas in our county. We, as residents, have chosen this area for its' remarkable beauty, quietude, diversity in landscape, and neighborhood connections fostered by established residential areas with vast histories. These are characteristics of which it is our job to continue and promote in order to sustain and support the beauty of this area.

Sincerely,

Pat Ostrom
286 Hacienda Carmel
Carmel, Ca.
93923
postrom5@yahoo.com

Friedrich, Michele

From: Patricia Puterbaugh <pmputerbaugh@yahoo.com>
Sent: Tuesday, October 11, 2022 9:10 AM
To: Friedrich, Michele
Subject: Fw: Vacation Rentals draft EIR comments NOP Monterey county

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I have copied the comment into the email. Will this work? I will send another also. Patricia

October 6, 2022

Patricia Puterbaugh et al
1540 Vilas Rd.
Cohasset, CA 95973
pmputerbaugh@yahoo.com



Melanie Beretti, Principal Planner
Monterey County Housing and Community Development Department
CEQAcomments@co.monterey.ca.us

Re: Vacation Rental Ordinances Draft EIR NOP Scoping Comments

Our family owns a property at 176 Monterey Dunes Way, Moss Landing, CA. We have owned this property for over 45 years and have almost continuously rented our home to friends, family and others. Please see attached letter outlining our ownership and use. Our home, at this time would be considered a Commercial Rental in the Coastal Zone as it is rented over 3 x per year. Our address is in Moss Landing, we are in the Monterey Dunes Colony.

We have written comment letters (2016 and 2021) to the Monterey County Board of Supervisors and to the Planning Commission asking for a reasonable, workable, equitable, affordable permit/ordinance to operate Short term rentals (STRS) in Monterey County.

In the draft EIR you state the purpose for the Ordinances :

1. Preserve and enhance the residential character of the zoning districts established in Title 20 and the sense of security and safety in stable neighborhoods of residential properties.
2. Provide opportunity for visitors to access public areas of the County through Vacation Rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare.
3. Establish regulations that provide opportunity for homeowners and residents to participate in the sharing economy by offering Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

Each of these purposes are met by our STR/family home. Our Association has existing CCRs governing STRs and we have met all stipulations. We have security on site excepting midnight until 0800. We provide visitors from all over the world the ability to access the magnificent Monterey Bay

and especially Salinas River, State Beach in front of our home. We have very much contributed to the local economy for decades paying TOT and using local contractors for all work. This is also outlined in the attached letter. Our family and renters shop and dine in local businesses.

The Environmental Factors Potentially Affected by this ordinance listed in the draft EIR are:

Hydrology, Noise, Utilities, Ag and Forest, Greenhouse gas emissions, Land use/Planning, Population/Housing, Transportation, Air Quality, Energy.

We do not see any difference regarding green house gas omissions, traffic, air quality, noise or water use between family use of our home and our rental use of our home. When we do not have rentals, the family is using the home. Our renters tend to stay at the home where there is almost all the recreation they need including tennis, pickle ball, swimming pool and hot tub, basketball, beach combing, fishing and extensive beach walks and enjoyment.

We have a full kitchen where renters are able to cook meals after shopping in surrounding markets, especially Moss Landing and Monterey.

Generally there would be less traffic and resulting greenhouse emissions because vacationers at our home would not be commuting to work, meetings, appointments, school, or errands.

Our renters do not cause undo noise.

We are very strict regarding water use as a family and with our renters. We have signs posted regarding water conservation and drought.

Our home would never be used as a long-term rental as our family would be using it. We hope we will not have to sell the home for generations. In order to do this we need to rent it to pay the expense of a beach house.

We are in the process of installing solar on our home as an investment in clean energy, and to decrease greenhouse gas emissions. Our family is extremely energy conscious and very aware of the need for sustainability on our fragile coastal environment and planet. We expect our renters to use energy sparingly and we outline this in our rental contract. We have installed energy efficient appliances, extra insulation in ceilings and floors and all windows are updated and shaded. Our Colony is also in the process of removing non-native and invasive plant species on our dunes for the ecology and quality of the coastal Dune environment.

There would be no conflict with existing zoning use or the Williamson Act and there is very little potential for wildfire at our property.

We have a business license with Monterey County and pay TOT.

We are contributing members of the Elkhorn Slough Foundation, The Point Lobos Foundation, Monterey Bay Aquarium and we give to local food banks.

As stated above, we look forward to an ordinance that is reasonable and affordable for STRs. The county needs to assess the huge economic benefits that STRs have afforded Monterey. We have shown good faith with the county for decades and we intend to continue contributing to the local economy, sustainability and future success of Monterey County and our neighbors.

Sincerely, The Morrill Family, 176 Monterey Dunes Way, Moss Landing, CA 95039

Please confirm receipt of this public comment.

----- Forwarded Message -----

From: Friedrich, Michele <friedrichm@co.monterey.ca.us>
To: Patricia Puterbaugh <pputerbaugh@yahoo.com>
Sent: Monday, October 10, 2022, 05:14:59 PM PDT
Subject: RE: Vacation Rentals draft EIR comments NOP Monterey county

Patricia –

I am unable to open the attachments you sent via email.

Please attach a .pdf version of the documentation to your email.

Thank you.

Michele Friedrich

Principal Office Assistant

County of Monterey Housing & Community Development Department – Permit Center

Direct Line: (831) 755-5189

Main Line: (831) 755-5025

To access our permit database, please go to: <https://aca-prod.accela.com/monterey/Default.aspx>

The Monterey County Housing and Community Development Department is currently operating with limited in-office staff to reduce risk of COVID-19 transfer to and between its workforce and our customers. During this time, responses may be delayed, but staff is checking email and will respond to you. If you have an urgent issue that requires immediate attention, please contact our main line at: 831-755-5025.

From: Patricia Puterbaugh <pputerbaugh@yahoo.com>
Sent: Thursday, October 6, 2022 3:35 PM
To: ceqacomments <ceqacomments@co.monterey.ca.us>
Subject: Vacation Rentals draft EIR comments NOP Monterey county

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attached are two comments on the draft EIR regarding STRs

Thank you and please confirm receipt.

Patricia Puterbaugh

Friedrich, Michele

From: Patricia Puterbaugh <pmputerbaugh@yahoo.com>
Sent: Tuesday, October 11, 2022 9:12 AM
To: Friedrich, Michele
Subject: Re: Vacation Rentals draft EIR comments NOP Monterey county

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Here is the 2nd letter of our comment. Patricia

July 3, 2016
October 21, 2021
October 6, 2022
Patricia Morrill Puterbaugh et al
1540 Vilas Rd.
Chico, CA. 95973
pmputerbaugh@yahoo.com



To the Monterey County Planning Commission and Monterey County Board of Supervisors
Re: Short Term Rentals in the County or Coastal Zone

PLEASE NOTE, THE ORIGINAL LETTER SENT TO THE COUNTY PLANNING COMMISSION AND MONTEREY BOARD OF SUPERVISORS WAS SENT IN JULY 2016. I SENT ANOTHER VERSION OF THE LETTER 2 YEARS AGO. NOW AGAIN, WE ARE ASKING FOR A REASONABLE ORDINANCE TO GOVERN STRS IN MONTEREY COUNTY. THIS ISSUE HAS DRAGGED ON AND ON AND NOW NEW PUNITIVE MEASURES ARE TO BE ENACTED AGAINST STRS IN MONTEREY COUNTY.

Our family owns a condominium at 176 Monterey Dunes Way in the Monterey Dunes Colony near Moss Landing, California in the county of Monterey. My parents bought this home in 1976 when the homes were brand new. My father owned E.H. Morrill plumbing and engineering Company and we worked on the Monterey Bay Aquarium, the upgrades at Ford Ord Army Base, on the space shuttle at Edwards Air Force Base and other jobs in the vicinity. He and his employees used the home as a base and the family was able to vacation there when it was available.

Our family continues to own the home 46 years later. Now 3 children, 11 grandchildren and 23 great grandchildren count Monterey Dunes as one of our favorite places in the world.

Since my father bought the home, we have continuously rented the house through the Monterey Dunes Company and on our own, to friends and family. Some years we have rented more than others. We rent only to pay the homeowner fees, taxes and utilities, plus continuing maintenance and upkeep. We do not make any profit and put all monies back into the house. As the house is now 46 years old and beachfront, we have had to do extensive repairs in the last few years. When we repair, we use local contractors, local suppliers and local businesses. We hope to keep this house for generations to come.

We employ local housekeepers, window-washers, carpet cleaners, electricians, plumbers and others for our maintenance. Our large family and renters shop at local stores and dine at local restaurants. WE HAVE PAID TOT FOR OVER 9 YEARS SINCE WE RECEIVED OUR REGISTRATION CERTIFICATE IN JANUARY 2013. The county has earned 10's of thousands of dollars from our rental.

We simply could not keep our home if we could not rent. We were very lucky to have inherited this home from our parents, but we do not have the funds it would take to keep the home without some income produced from the home. Again, we only rent to pay the bills and when there are no repairs needed, our rentals decrease. It would be devastating to this family to lose our home that we love so much and wish to pass down to our children and grandchildren.

Our homeowners association has not put any limits on our ability to rent, as long as all renters and homeowners follow the strict regulations we have placed on rental activities.

We strongly urge and ask AGAIN that the planning commission, Monterey County Supervisors and now the Housing and Community Development Department write a reasonable ordinance that will allow STRs in the coastal area with an affordable permitting process. WE strongly urge the supervisors to stop this war against folks who have a legitimate right to rent our properties according to an equitable, realistic ordinance.

Sincerely, Patricia Morrill Puterbaugh et. al

On Monday, October 10, 2022, 05:14:59 PM PDT, Friedrich, Michele <friedrichm@co.monterey.ca.us> wrote:

Patricia –

I am unable to open the attachments you sent via email.

Please attach a .pdf version of the documentation to your email.

Thank you.

Michele Friedrich

Principal Office Assistant

County of Monterey Housing & Community Development Department – Permit Center

Direct Line: (831) 755-5189

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To access our permit database, please go to: <https://aca-prod.accela.com/monterey/Default.aspx>

The Monterey County Housing and Community Development Department is currently operating with limited in-office staff to reduce risk of COVID-19 transfer to and between its workforce and our customers. During this time, responses may be delayed, but staff is checking email and will respond to you. If you have an urgent issue that requires immediate attention, please contact our main line at: 831-755-5025.

From: Patricia Puterbaugh <pmputerbaugh@yahoo.com>
Sent: Thursday, October 6, 2022 3:35 PM
To: ceqacomments <ceqacomments@co.monterey.ca.us>
Subject: Vacation Rentals draft EIR comments NOP Monterey county

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attached are two comments on the draft EIR regarding STRs

Thank you and please confirm receipt.

Patricia Puterbaugh

Appendix B

Draft Ordinances

**Draft 12.04.2023
ORDINANCE NO. ____**

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 7.02.060 OF THE MONTEREY COUNTY CODE AND ADDING
CHAPTER 7.120 RELATING TO VACATION RENTAL ACTIVITIES**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. If not properly regulated, Vacation Rental operations have the potential to be a nuisance and disrupt the sense of safety, security, and peaceful enjoyment of residences in residential neighborhoods.

C. Tourism is a top economic driver of the regional economy, and Monterey County is recognized globally as a premier tourist destination. To help safeguard the reputation of Monterey County and the economic benefits tourism provides the region, regulations and standards for the operation of Vacation Rentals are necessary to protect the health, safety, and welfare of visitors staying in Vacation Rental accommodations and residents of Monterey County.

D. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial time period during which an unlicensed Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the effective date of the Ordinance and the Owner, their designee, and/or Vacation Rental Operator is pursuing all necessary County permits, licenses, and entitlements pursuant to Chapter 7.120 of Monterey County Code.

E. [Reserve for CEQA finding]

SECTION 2. Section 7.02.060.B is added to the Monterey County Code to read as follows:

B. All Hotels, as defined by Section 5.40.020.A of the Monterey County Code, as may be amended from time to time;

This document is a draft and subject to change.

SECTION 3. Section 7.02.060.C is added to the Monterey County Code to read as follows:

C. All Commercial Vacation Rentals and Limited Vacation Rentals as defined respectively by Section 7.120.010.D and F of the Monterey County Code, as may be amended from time to time.

SECTION 4. Chapter 7.120 is added to the Monterey County Code to read as follows:

**Chapter 7.120
VACATION RENTAL OPERATION LICENSE**

Sections:

- 7.120.010. Definitions**
- 7.120.020. Purpose**
- 7.120.030. Applicability**
- 7.120.040. Regulations for Vacation Rentals**
- 7.120.050. Application and Renewal Process**
- 7.120.060. Fees**
- 7.120.070. Grounds for Suspension or Revocation**
- 7.120.080. Enforcement**
- 7.120.090. Process for Hearing by a Hearing Officer**
- 7.120.100. Service Requirements**

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Chapter:

A. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

B. “Appropriate Authority” means the Monterey County Housing and Community Development Director or his or her designee.

C. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

D. “Commercial Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation

Ordinance amending Section 7.02.060 and adding Chapter 7.120 re Vacation Rentals

This document is a draft and subject to change.

Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

E. “Effective Date” means the date on which Ordinance No. ___ adding this Chapter 7.120 to the Monterey County Code took effect.

F. “Limited Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

G. “Occupant” means a person who is entitled to occupy a Residential Property by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

H. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

I. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

J. “Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

K. “Vacation Rental” means the use, by any person, of Residential Property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals. “Vacation Rental” does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

L. “Visitor” means an invitee of a Vacation Rental Occupant, who is not an Occupant and not staying overnight at the Vacation Rental.

7.120.020. Purpose

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. It is the purpose of this Chapter to:

Ordinance amending Section 7.02.060 and adding Chapter 7.120 re Vacation Rentals

This document is a draft and subject to change.

1. Preserve and enhance the residential character of the zoning districts established in Titles 20 and 21.
 2. Preserve the sense of security and safety in stable neighborhoods of owner-occupied residences.
 3. Integrate economic opportunity with the preservation of quality of life.
 4. Ensure that Vacation Rentals are operated in a manner that complies with all rules and regulations and is not detrimental to the health, safety, and welfare of residential neighborhoods in which Vacation Rentals are operating. Specifically, this Chapter seeks to restrict the following inharmonious and injurious outcomes associated with unregulated and uncontrolled Vacation Rentals of Residential Property:
 - a. Public nuisances such as litter, parking congestion, and noise.
 - b. Risk to economic well-being associated with the reputation of Monterey County as a premier tourism destination.
- C. To allow for a reasonable amortization of investment and honoring of reservation commitments as may have been made prior to enactment of this Chapter for existing Vacation Rental operations, this Chapter provides an initial limited time period during which an unlicensed Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the Effective Date and the Owner, their designee, and/or Vacation Rental Operator is pursuing all necessary County permits, licenses, and entitlements.

7.120.030. Applicability

- A. This Chapter applies to Vacation Rentals including Commercial Vacation Rentals and Limited Vacation Rentals.
- B. This Chapter applies in the unincorporated areas of the County of Monterey, including the inland area and coastal zone of the County.

7.120.040. Regulations for Vacation Rentals

- A. All Operators who intend to operate a Vacation Rental, including a Limited Vacation Rental and Commercial Vacation Rental, shall obtain a Vacation Rental Operation License for the fixed location and dwelling in which the Vacation Rental is to occur.
- B. The Owner, or their authorized agent, of the subject property must obtain all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code before the County will issue a Vacation Rental Operation License under this Chapter. The Operator applying for a Vacation Rental Operation License shall provide written proof to the Monterey County Housing and Community Development Director or his or

Ordinance amending Section 7.02.060 and adding Chapter 7.120 re Vacation Rentals

her designee of all applicable land use entitlements. Limited Vacation Rentals are exempt from this requirement, as such Limited Vacation Rentals do not require a land use entitlement.

C. The use of a Residential Property for a Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Vacation Rental Operator shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Vacation Rental is not in violation of those conditions, covenants, or other restrictions. The Vacation Rental Operator shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement is applicable as part of the application for a Vacation Rental Operations License, and annually if renewed.

D. As a requirement of the Vacation Rental Operations License, upon receipt of an approved license, the Operator shall mail an informational letter to: a) neighboring properties within a 300-foot radius of the Vacation Rental; and b) if applicable, to a homeowner's association and any other entity with authority to enforce conditions, covenants, or other restrictions; and c) if applicable, to all properties with ownership or access rights to any shared private road utilized to access the Vacation Rental. At a minimum, the informational letter shall include: Vacation Rental Operation License Number; location of the Vacation Rental; identification if the Vacation Rental is Limited or Commercial; name and contact information for the 24/7 Property Manager; and procedures and contact information for the County.

E. Limited Vacation Rental

1. Limited Vacation Rentals are an allowable use in designated zoning districts, pursuant to Title 20 and Title 21 of the Monterey County Code.

2. Limited Vacation Rentals shall meet all the requirements for Limited Vacation Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

3. Limited Vacation Rentals shall comply with Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended, of the Monterey County Code. Outside amplified sound associated with the Limited Vacation Rental is prohibited at all times. Limited Vacation Rental operation shall adhere to nighttime noise and quiet time requirements set forth in Monterey County Code Section 10.60.040, as periodically amended.

4. Signage or advertisement of the Limited Vacation Rental on the exterior of the unit or property is prohibited.

5. All Limited Vacation Rentals must have a property manager who is available twenty-four (24) hours per day, during all times that the property is rented as a

Limited Vacation Rental. A property manager may be the Owner or Operator, professional property manager, realtor, other resident, or nonresident owner of the subject property, or another person designated by the Operator. The property manager must be able to respond to complaints and arrive at the site within thirty (30) minutes. The Operator shall provide the name of the property manager and their contact information to the County prior to County issuance of the Vacation Rental Operation License and shall notify the County, in writing, of any change of property manager.

6. Only one (1) rental contract is allowed per Limited Vacation Rental at any given time, and not more than one (1) rental contract is allowed per Limited Vacation Rental per 14-day period.

7. An Operator may provide a Limited Vacation Rental for short term rental not more than three (3) times per year, with each such rental not to exceed fourteen (14) consecutive calendar days in duration. Should the duration exceed the 14 consecutive calendar days, the Vacation Rental shall then be considered a Commercial Vacation Rental subject to the requirements and entitlements for such use.

8. In Coastal Agriculture Preserve (CAP(CZ)), Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

9. Each Limited Vacation Rental shall require a rental contract signed by the Operator and the Limited Vacation Rental Occupant who is responsible for compliance with the contract. The rental contract shall be in writing and identify thereon the name, address, telephone number and e-mail contact information of the Owner or Operator, the property manager and at least one responsible Limited Vacation Rental Occupant eighteen (18) years or older who shall be responsible for compliance with all the regulations in this Chapter.

10. A copy of the Vacation Rental Operation License, business license, the name of the property manager and their contact information, and all applicable rules and regulations contained in this Chapter and Monterey County Code Sections 20.64.290 or 21.64.290 shall be included with the rental contract and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

11. All rental contracts, advertisements, and listings for the Limited Vacation Rentals shall include the following:

a. Vacation Rental Operation License Number for that particular Vacation Rental.

b. Maximum occupancy – overnight and daytime occupancy limits.

- c. Notification of quiet hours.
- d. Advertised Rental Rate.
- e. Water quality notifications, when specified by this Chapter.

12. The Operator shall maintain precise records and documentation of the Limited Vacation Rental operation, that shall, at a minimum, make record of the following information for each Limited Vacation Rental occupancy: name, address, telephone and e-mail contact of at least one responsible Occupant; number of Occupants; motor vehicle license number of each motor vehicle used by the Occupants of the site; and dates of the Limited Vacation Rental. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request. The Operator shall retain the written rental contracts and other records of all of the Limited Vacation Rentals during the term of the Vacation Rental Operation License plus two years.

13. No person or entity, including but not limited to, the Owner or Operator shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.

14. The maximum occupancy limits for Limited Vacation Rentals are as follows:

a. The maximum overnight occupancy of vacation renters while being rented as a Limited Vacation Rental shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms.

b. The maximum daytime occupancy of vacation renters and visitors while being rented as a Limited Vacation Rental shall be calculated and limited to a not-to-exceed count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of fifteen (15) persons per unit, no matter how many bedrooms.

c. Limited Vacation Rentals with occupancies that exceed the maximum limitation shall require a Use Permit pursuant to Title 21 or a Coastal Development Permit pursuant to Title 20 of the Monterey County Code for assemblages of people.

15. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as the County may have adopted, at the time the building was constructed.

16. All Limited Vacation Rentals shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

17. All Limited Vacation Rentals shall comply with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Water Standards to demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, at the time of License issuance and prior to each annual renewal. The water sample shall be collected prior to any on-site water treatment system or device. Initial water quality testing and annual testing for renewals may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Limited Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. When the water quality does not meet bacteriological and/or acute primary drinking water standards, the Operator shall provide bottled water in tamper-resistant containers to the Occupants for drinking and cooking purposes, include written notification in the rental contract, and post appropriate advisory signs at each sink in the unit.

18. If the Limited Vacation Rental is served by a water system that is subject to notification requirements, the Operator shall provide notification in the rental contract and post notification within the unit in a prominent place within six (6) feet of the front door of the unit.

19. If the Limited Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system Occupants and Visitors of the Limited Vacation Rental unit shall be advised that excessive water use and/or disposal of unsuitable materials through a sink or toilet may negatively impact the OWTS. The rental contract shall include an OWTS disclosure notice and appropriate advisory signs shall be posted at the kitchen sink(s) and at each toilet in the unit.

20. Outdoor fire areas, when not prohibited by state or local fire bans or regulations, may be allowed in approved recreational fire container or portable fireplace containers, shall be located not less than 15 feet from a structure provided appropriate provisions have been made to prevent the spread of fire to nearby fuel. Such provisions include, but are not limited to, locating the fire container on a noncombustible surface, covering the fire with a fire screen, and extinguishing the fire as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. The Limited Vacation Rental operation shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

F. Commercial Vacation Rental

This document is a draft and subject to change.

1. Commercial Vacation Rentals are allowable in designated zoning districts subject to a Use Permit, pursuant to Section 21.64.290 of the Monterey County Code or subject to a Coastal Development Permit, pursuant to Section 20.64.290 of the Monterey County Code.
2. Commercial Vacation Rentals shall meet all the requirements for Commercial Vacation Rentals in Section 20.64.290 or Section 21.64.290 of the Monterey County Code.
3. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.60 (Noise Control) and Chapter 8.36 (Nuisance and Nuisance Animals), as periodically amended. Outside amplified sound associated with the Commercial Vacation Rental is prohibited at all times. The Commercial Vacation Rental operation shall adhere to nighttime noise and quiet time requirements set forth in Monterey County Code Section 10.60.040, as periodically amended.
4. Signage or advertisement of the Commercial Vacation Rental on the exterior of the unit or property, is prohibited.
5. All Commercial Vacation Rentals must have a property manager who is available twenty-four (24) hours per day, during all times that the property is rented as a Commercial Vacation Rental. The property manager may be the Operator, professional property managers, realtors, resident or nonresident owners of the subject property, or other designated persons. The property manager must be able to respond to complaints and arrive at the site within thirty (30) minutes. The Operator shall provide the name of the property manager and their contact information to the County prior to County issuance of the Vacation Rental Operation License and shall notify the County, in writing, of any change of property manager.
6. Only one (1) rental contract is allowed per Commercial Vacation Rental at any given time.
7. In Coastal Agriculture Preserve (CAP(CZ)), Agriculture Conservation (AC(CZ)), Farmland (F), Rural Grazing (RG), and Permanent Grazing (PG) Zones, a Property Manager or Operator shall concurrently reside on the property while the Commercial Vacation Rental is rented if an agricultural operation is active on the property.
8. Each Commercial Vacation Rental shall require a rental contract signed by the Operator and the Commercial Vacation Rental Occupant who is responsible for compliance with the contract. The rental contract shall be in writing and identify thereon the name, address, telephone number and e-mail contact information of the Operator, the property manager and at least one responsible Commercial Vacation Rental Occupant

Ordinance amending Section 7.02.060 and adding Chapter 7.120 re Vacation Rentals

eighteen (18) years or older who shall be responsible for compliance with all the regulations in this Chapter.

9. A copy of the Vacation Rental Operation License, business license, the name of the property manager and their contact information, and all applicable rules and regulations contained in this Chapter and Monterey County Code Sections 20.64.290 or 21.64.290 shall be included with the rental contract and posted within the unit in a prominent place within six (6) feet of the front door of the unit.

10. All rental contracts, advertisements, and listings for the Commercial Vacation Rental shall include the following:

- a. Vacation Rental Operation License Number for that particular Vacation Rental.
- b. Maximum occupancy – overnight and daytime occupancy limits.
- c. Notification of quiet hours.
- d. Advertised Rental Rate.
- e. Water quality notifications, when specified by this Chapter.

11. The Operator shall maintain precise records and documentation of the Commercial Vacation Rental operation, that shall, at a minimum, make a record of the following for each Commercial Vacation Rental occupancy: name, address, telephone and e-mail contact of at least one responsible Occupant; number of occupants; motor vehicle license number of each motor vehicle used by the occupants of the site; and dates of the Commercial Vacation Rental. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request. The Operator shall retain the written rental contracts and other records of all of the Commercial Vacation Rentals during the term of the Vacation Rental Operation License plus two years.

12. No person or entity, including but not limited to the Operator, shall maintain any advertisements of a Vacation Rental if the Vacation Rental is prohibited by this Chapter.

13. The maximum occupancy limits for Commercial Vacation Rentals are as follows:

- a. The maximum overnight occupancy of vacation renters while being rented as a Commercial Vacation Rental shall be calculated and limited to a not-to-exceed count of two (2) persons per bedroom and shall not exceed a total count of ten (10) persons per unit, no matter how many bedrooms.

b. The maximum daytime occupancy of vacation renters and visitors while being rented as a Commercial Vacation Rental shall be calculated and limited to a not-to-exceed count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of fifteen (15) persons per unit, no matter how many bedrooms.

c. Commercial Vacation Rentals with occupancies that exceed the maximum limitation shall require a Use Permit pursuant to Title 21 or a Coastal Development Permit pursuant to Title 20 of the Monterey County Code for assemblages of people.

14. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as the County may have adopted, at the time the building was constructed.

15. All Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.41 Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

16. All Commercial Vacation Rentals shall comply with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Standards and demonstrate that they meet bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, at the time of license issuance and prior to each annual renewal. The water sample shall be collected prior to any on-site water treatment system or device. Initial water quality testing and annual testing for renewals may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet water quality standards if the Commercial Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. When the water quality does not meet bacteriological and/or acute primary drinking water standards, the Operator shall provide bottled water in tamper-resistant containers to the Occupants for drinking and cooking purposes, include written notification in the rental contract, and post appropriate advisory signs at each sink in the unit.

17. If the Commercial Vacation Rental is served by a water system that is subject to notification requirements, the Operator shall provide the notification in the rental contract and post notification within the unit in a prominent place within six (6) feet of the front door of the unit.

18. If the Commercial Vacation Rental is served by an on-site wastewater treatment system or septic system (“OWTS”), Occupants and Visitors of the Commercial Vacation Rental unit shall be advised that excessive water use and/or disposal of unsuitable materials through a sink or toilet may negatively impact the OWTS. The rental contract shall include an OWTS disclosure notice and appropriate advisory signs shall be posted at the kitchen sink(s) and at each toilet in the unit.

19. Outdoor fire areas, when not prohibited by state or local fire bans or regulations, may be allowed in approved recreational fire container or portable fireplace containers, shall be located not less than 15 feet from a structure provided appropriate provisions have been made to prevent the spread of fire to nearby fuel. Such provisions include, but are not limited to, locating the fire container on a noncombustible surface, covering the fire with a fire screen, and extinguishing the fire as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. The Commercial Vacation Rental operation shall adhere to Chapter 18.09 – Fire Code, of the Monterey County Code, as periodically amended.

7.120.050. Application and Renewal Process

A. Application Requirements. Each application for a Vacation Rental Operation License shall be filed with the Monterey County Housing and Community Development Department on the form and in the manner prescribed by Monterey County Housing and Community Development Director or his or her designee.

B. Limited Vacation Rental. In all cases, the application for a Vacation Rental Operation License for a Limited Vacation Rental shall contain, without limitation, the following:

1. All information on the application form.

2. The Applicant/Owner shall research and verify that Vacation Rental Use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental Use. The Applicant/Owner shall provide proof of approval from any applicable Homeowner’s Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

3. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to utilize the property for the proposed Limited Vacation Rental activity. Evidence, in the form of a lease agreement or other agreement between the applicant and the Owner of the real property which is the subject of the application, that the applicant has control of the property for the proposed license period.

4. Property manager contact information including name, address, telephone number and e-mail address.

5. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, including but not limited to: site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways, on-site parking areas and all structures; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental.

6. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Department Director or his or her designee, to ensure the property is safe and habitable for its intended use, including but not limited to: verification of adequate egress from sleeping quarters and common areas; installation of accessible fire extinguishers; fire alarms; and a carbon monoxide alarm on each level.

7. Evidence that the property receives solid waste service for garbage and recyclables collection.

8. Evidence that the source of water that serves the proposed Limited Vacation Rental meets bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available, and the water sample shall be collected prior to any on-site water treatment system or device. The drinking water is presumed to meet water quality standards if the Limited Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections.

a. When the water quality does not meet bacteriological and/or acute primary drinking water standards, the Operator shall:

i. Certify that bottled water in tamper-resistant packaging will be provided to the Occupants for drinking and cooking purposes;

ii. Include written notification in the rental contract that water quality does not meet bacteriological and/or acute primary drinking water standards;

iii. Furnish a copy of an appropriate advisory signs to be posted at each sink in the unit; and

iv. Certify that the appropriate advisory sign has been posted at each sink in the unit.

b. If the Vacation Rental is served by a water system that is subject to notification requirements, the Operator shall:

i. Include written notification in the rental contract; and

ii. Certify that the notification has been posted within the unit in a prominent place within six (6) feet of the front door of the unit.

9. If the Limited Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system), the applicant must provide a copy of the OWTS informational signs.

10. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

11. Such other information as the Monterey County Housing and Community Development Director or his or her designee deems necessary to process the application.

C. Commercial Vacation Rental. In all cases, the application for a Vacation Rental Operation License for a Commercial Vacation Rental shall contain, without limitation, the following:

1. All information on the application form.

2. Evidence that the Owner has obtained a Use Permit pursuant to Section 21.64.290 or a Coastal Development Permit pursuant to Section 20.64.290 of the Monterey County Code for the Commercial Vacation Rental Use, and that the Permit is in good standing.

3. Certification, under penalty of perjury, that all the information contained in the Vacation Rental Operation License application is true and correct.

4. Such other information as the Monterey County Housing and Community Development Director or his or her designee deems necessary to process the application.

D. Review of Application and Criteria for Grant of Vacation Rental Operation License.

1. The Appropriate Authority to review and render a decision on the application is the Monterey County Housing and Community Development Department Director or his or her designee.

2. The Appropriate Authority shall deem the application complete if it contains all required information and documents and all required application fees have been paid.

3. Upon review of a complete application, the Appropriate Authority shall grant the Vacation Rental Operation License ministerially to the Operator if all of the following requirements are met:

a. The proposed Vacation Rental complies with a checklist, in the form prescribed by the Monterey County Housing and Community Development Director or his or her designee, enumerating the requirements for a Vacation Rental Operations License as set forth in this Chapter and County Code.

b. The applicant has received all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code.

E. Vacation Rental Operation License Nontransferable. A Vacation Rental Operation License is issued to the Operator and covers only the Operator identified on the license solely with respect to the premises identified on the license. The Vacation Rental Operation License does not run with the land and is not transferable.

F. Each license issued pursuant to this Chapter shall require that the Operator indemnify, defend, and hold harmless the County and its officers, agents, and employees from actions or claims of approval of the license and from actions or claims from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the license and the conduct of the activities under said license. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the license.

G. Time Limits. Each Vacation Rental Operation License shall be subject to the following time limits:

1. The initial Vacation Rental Operation License shall be issued for a one (1) year term and shall be renewed annually.

2. An automatic renewal shall be granted for Vacation Rental Operation Licenses that have not had any substantial changes within the year the license has been granted and provided the Operator is in good standing according to their license. Associated application fees are still applicable for such renewals in accordance with the fee schedule in effect at the time of the renewal. The Operator shall notify the Monterey County Housing and Community Development Department at least thirty (30) calendar days before expiration of the license that the Operator wishes to renew their license together with any update of information required for the initial application. If the County does not receive the notice of renewal and, as applicable, updated information at least

thirty days prior to the expiration date, the license shall expire, and the Operator must apply for a new Vacation Rental Operation License. The Operator shall not be in good standing if any of the following apply:

- a. Vacation Rentals with more than two substantiated violations of this Chapter or Section 20.64.290 or Section 21.64.290, as applicable, shall be considered not in good standing.
- b. Vacation Rentals that do not have a valid business license from the County pursuant to Chapter 7.02 or have not paid their Transient Occupancy Tax pursuant to Chapter 5.40 of Monterey County Code, shall be considered not in good standing.
- c. A Vacation Rental is not in good standing if it does not meet the requirements of Section 20.64.290 or Section 21.64.290 of the Monterey County Code:
 - i. Limited Vacation Rentals that no longer comply with the regulations for Limited Vacation Rentals in Section 20.64.290 or Section 21.64.290, shall be considered not in good standing.
 - ii. Commercial Vacation Rentals that do not have a Use Permit pursuant to Title 21 or Coastal Development Permit pursuant to Title 20, or whose Use Permit or Coastal Development Permit for a Commercial Vacation Rental has been suspended or revoked, shall be considered not in good standing.
- d. A Vacation Rental is not in good standing if the Vacation Rental Operation License is suspended or revoked at the time of the application for renewal.
- e. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

3. If a renewal application is denied, an applicant may file a new application pursuant to this Chapter provided the reasons for denial have been addressed.

H. The Appropriate Authority shall deny an application for a Vacation Rental Operation License upon any of the following grounds:

1. The applicant knowingly made a false statement of material fact or has knowingly or negligently omitted a material fact from the application;

2. The proposed Vacation Rental does not comply with the provisions of this Chapter;

3. The applicant has not obtained all necessary land use entitlements as required by Section 20.64.290 or Section 21.64.290 of the Monterey County Code; or

4. In the case of Commercial Vacation Rentals, the applicant is in violation of the Use Permit or Coastal Development Permit for the Commercial Vacation Rental on the property.

I. Notice of Denial. If the Appropriate Authority intends to deny the application, the Appropriate Authority shall issue a written Notice of Denial and shall serve Notice of Denial in accordance with the requirements set forth in Section 7.120.100 of this Chapter. The Notice of Denial shall specify, in writing, the reasons for the denial of the application, and notify the applicant that the decision shall become final unless the applicant seeks an appeal within ten (10) calendar days of the date of service of the Appropriate Authority's decision. The Notice of Denial shall notify the applicant of the opportunity to request a hearing before a Hearing Officer in accordance with Section 7.120.090 of this Chapter.

7.120.060. Fees

The filing of an application for a Vacation Rental Operation License, renewal of a Vacation Rental Operation License, and appeals shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration of this Chapter. license applicants and licensees are responsible for the costs of inspections, investigations, and any other fee-associated activity established pursuant to this Chapter. Fees, fines, and costs specified by this Chapter shall be established by the Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as periodically amended.

7.120.070. Grounds for Suspension or Revocation

A. Where one or more of the requirements(s) of a Vacation Rental Operation License has not been, or is not being complied with, or when a Vacation Rental Operation License was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Vacation Rental Operation License following public hearing pursuant to Section 7.120.090 of this Chapter.

B. Grounds for suspension or revocation may include, but are not limited to: failure to pay applicable State or County taxes on Vacation Rental activity; or more than two substantiated violations of the terms and conditions of the Vacation Rental Operation License or Use Permit issued pursuant to Section 21.64.290 or Coastal Development Permit Issued pursuant to Section 20.64.290 in a twelve (12)-month period. A substantiated violation means a

determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

C. Notice of Revocation or Suspension. If the Appropriate Authority has reasonable grounds to revoke or suspend the Vacation Rental Operation License, the Appropriate Authority shall issue a written Notice of Intention to revoke or suspend the license. The Notice of Intention shall be served on the licensee in accordance with the requirements set forth in Section 7.120.100 of this Chapter. The Notice of Intention shall describe the reason(s) for revocation or suspension and notify the applicant that the decision shall become final unless the applicant seeks an appeal within ten (10) calendar days of the date of service of the Appropriate Authority's decision. The Notice of Intention shall notify the licensee of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the license should not be revoked or suspended and shall notify the licensee of the ten- (10-) day deadline to submit a written request for a hearing. Licensees wishing to request a hearing shall submit such request in accordance with Section 7.120.090 of this Chapter.

7.120.080. Enforcement

A. The remedies provided by this Chapter are cumulative and in addition to any other remedies available in law or in equity.

B. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

C. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of this Code, and any other action authorized by law.

D. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter may be subject to injunctive relief, disgorgement, and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorneys fees, and any other relief or remedy available in law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the Vacation Rental activity or persons related thereto, or associated with, the violation of this Chapter.

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E. For violations of this Chapter, an Enforcement Official may issue to a responsible person an administrative citation that imposes:

1. A civil penalty not exceeding one-hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

2. A civil penalty not exceeding two-hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand, five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one year; and

3. A civil penalty not exceeding three-hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of the same ordinance within one year.

F. Each day during any portion of which any violation of this Chapter is committed or license and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Chapter.

G. Notice of Intention. If the Appropriate Authority has reasonable grounds to determine that a licensee has violated this Chapter, the Appropriate Authority shall issue a written Notice of Intention to issue and record a Notice of Violation. The Notice of Intention shall be served on the licensee. Service of the Notice of Intention shall be provided in accordance with the requirements set forth in Section 7.120.100 of this Chapter. The Notice of Intention shall describe the property, the violation, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The Notice of Intention shall notify the licensee of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the Notice of Violation should not be issued and shall notify them of the ten- (10-) day deadline to submit a written request for a hearing pursuant to Section 7.120.090.

7.120.090. Process for Hearing by a Hearing Officer

A. A person shall have ten (10) calendar days from the service of a Notice of Denial, Notice of Revocation or Suspension, or a Notice of Intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the denial, revocation, suspension, or violation and a failure to exhaust administrative remedies. If the hearing is not timely requested:

1. The Appropriate Authority may issue the Notice of Violation in accordance with the Notice of Intention;

Ordinance amending Section 7.02.060 and adding Chapter 7.120 re Vacation Rentals

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2. The denial of a license application shall become final; or
3. The revocation or suspension of a license shall become final.

B. Upon receipt of a timely written request for a hearing, the Hearing Officer shall set a date for a hearing to be held within sixty (60) days of receipt of the request, unless an immediate threat to the public health, safety, and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be provided in accordance with the requirements set forth in Section 7.120.100 of this Chapter.

C. Hearing by the Hearing Officer:

1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the license.

2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.

3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross-examine opposing witnesses on any matter relevant to the issues.

4. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.

5. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the County.

D. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorneys' fees.

E. If neither the applicant, licensee, or their authorized representative(s) appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

Ordinance amending Section 7.02.060 and adding Chapter 7.120 re Vacation Rentals

7.120.100. Service Requirements

Wherever this Chapter requires the County to serve notice to an applicant, licensee, Owner, or Operator, such notice shall be given by the Appropriate Authority, in writing, and shall be delivered either by personal delivery or by certified U.S. mail, postage prepaid, return receipt requested. In addition, any such notice may be posted at the physical address of the premises on the date of the mailing of notice.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

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By: _____
Deputy

KELLY L. DONLON
Assistant County Counsel

DRAFT

DRAFT 12.04.2023
ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 20 (COASTAL ZONING) OF THE MONTEREY COUNTY
CODE RELATING TO VACATION RENTALS.**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. This ordinance is intended to provide regulations, standards, and circumstances under which Vacation Rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. The intent of this ordinance is to distinguish between Commercial Vacation Rentals and Limited Vacation Rentals, such that Commercial Vacation Rentals require a discretionary land use entitlement while Limited Vacation Rental are defined in a manner to be similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and, therefore, are allowed uses, where applicable, with a Vacation Rental Operation License and business license.

D. Regulation of Vacation Rentals is necessary because Commercial Vacation Rental uses, which by definition may be rented at a greater frequency and duration than Limited Vacation Rentals and have the potential to have impacts different in character, density, and intensity than residential uses, remove long-term housing from the market, or pose hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses, therefore, may be allowed, where applicable, only with a discretionary use permit, Vacation Rental Operation License and business license. The ordinance recognizes that unique neighborhoods with existing developments were established with the intent of managed short-term rentals, such as Monterey Dunes Colony; such developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a Vacation Rental Operation License and business license. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

Ordinance amending Title 20 re: Vacation Rentals

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E. This Ordinance establishes the requirement for a Coastal Development Permit for Commercial Vacation Rental activities to provide for business fairness and to enable evaluation of the impacts of such activities, in recognition that Commercial Vacation Rentals may have similar land use impacts as other recreational/visitor-serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor-serving uses.

F. Because the nature and extent of short term rentals have been transformed in the last several years due to the advent of on-line platforms for short term rentals, this Ordinance intends to establish short term rental regulations for Limited Vacation Rentals and Commercial Vacation Rentals. Accordingly, this ordinance intends to add Section 20.64.290 to the Monterey County Code to establish regulations for Vacation Rentals.

G. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial defined time period during which an unpermitted Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the Effective Date of the Ordinance and the Owner is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 20.64.290 of the Monterey County Code.

H. [Reserve for CEQA finding]

SECTION 2. Section 20.06.196 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Commercial Vacation Rental means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

SECTION 3. Section 20.06.738 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Limited Vacation Rental means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

SECTION 4. Section 20.06.935 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Residential Property means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

SECTION 5. Section 20.06.985 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Ordinance amending Title 20 re: Vacation Rentals

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Rooming or boarding means shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for not more than two (2) persons for the purpose of work, school, research, medical care, or employment that requires a person's physical presence in the County, or other similar non recreational activity. Rooming or boarding does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single occupancy housing.

SECTION 6. Section 20.06.990 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

Roominghouse or boardinghouse means a facility other than a hotel where lodging with or without meals for three or more persons is provided for compensation shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for three (3) or more persons for the purpose of work, school, research, medical care, or employment that requires a person's physical presence in the County, or other similar non recreational activity. Roominghouse and boardinghouse does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single occupancy housing.

SECTION 7. Section 20.06.1305 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

Transient means temporary limited duration for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days.

SECTION 8. Section 20.06.1345 is added to the Monterey County Code [DEFINITIONS] to read as follows:

Vacation Rental means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. Vacation Rental includes Commercial Vacation Rentals and Limited Vacation Rentals. Vacation Rental does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

SECTION 9. Subdivision S is added to Section 20.70.120 of the Monterey County Code [COASTAL DEVELOPMENT PERMITS – EXEMPTIONS FROM COASTAL DEVELOPMENT PERMITS] to read as follows:

Ordinance amending Title 20 re: Vacation Rentals

Draft 12.04.2023

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S. Limited Vacation Rentals, pursuant to Section 20.64.290, are exempt in the following zoning districts: High Density Residential (HDR(CZ)); Medium Density Residential (MDR(CZ)); Low Density Residential (LDR(CZ)); Rural Density Residential (RDR(CZ)); Watershed and Scenic Conservation (WSC(CZ)); Coastal General Commercial (CGC(CZ)); Moss Landing Commercial (MLC(CZ)); Visitor-Serving Commercial (VSC(CZ)); Coastal Agriculture Preserve (CAP(CZ)); and Agricultural Conservation (AG(CZ)).

SECTION 10. Section 20.10.050(DD) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

DD. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 11. Section 20.12.050(DD) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

DD. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 12. Section 20.14.050(FF) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

FF. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 13. Section 20.16.050(VV) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

VV. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 14. Section 20.17.050(PP) is added to the Monterey County Code [WATERSHED AND SCENIC CONSERVATION DISTRICT] to read as follows:

PP. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 15. Section 20.18.060(QQ) is added to the Monterey County Code [COASTAL GENERAL COMMERCIAL] to read as follows:

QQ. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 16. Section 20.20.060(W) is added to the Monterey County Code [MOSS LANDING COMMERCIAL DISTRICT] to read as follows:

W. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 17. Section 20.22.060(BB) is added to the Monterey County Code [VISITOR-SERVING COMMERCIAL DISTRICT] to read as follows:

Ordinance amending Title 20 re: Vacation Rentals

This document is a draft and subject to change.

BB. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 18. Section 20.30.050(EE) is added to the Monterey County Code [COASTAL AGRICULTURE PRESERVE] to read as follows:

EE. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 19. Section 20.32.050(II) is added to the Monterey County Code [AGRICULTURAL CONSERVATION] to read as follows:

II. Commercial Vacation Rentals, pursuant to Section 20.64.290 (ZA);

SECTION 20. Section 20.64.290 is added to the Monterey County Code [REGULATIONS FOR VACATION RENTALS] to read as follows:

Section 20.64.290 – Regulations for Vacation Rentals

Sub-sections:

- A. Definitions**
- B. Purpose**
- C. Applicability**
- D. Regulations for Limited Vacation Rentals**
- E. Regulations for Commercial Vacation Rentals**
- F. Phasing Out Unpermitted Operations**
- G. Exemptions**
- H. Application Process for Commercial Vacation Regulations**
- I. Grounds for Suspension or Revocation**
- J. Enforcement**

A. Definitions

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Section:

1. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

2. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the

Ordinance amending Title 20 re: Vacation Rentals

Draft 12.04.2023

dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

3. “Effective Date” means the date on which Ordinance No. _____ adding this Section 20.64.290 to the Monterey County Code took effect.

4. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

5. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

B. Purpose

It is the purpose of this Section to:

1. Preserve and enhance the residential character of the zoning districts established in Title 20 and the sense of security and safety in stable neighborhoods of residential properties.

2. Provide opportunity for visitors to access public areas of the County through Vacation Rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare.

3. Establish regulations that provide opportunity for homeowners and residents to participate in the sharing economy by offering Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable, with a Vacation Rental Operation License and a business license. Limited Vacation Rental uses would be established in existing Residential Properties by an Owner or Operator for the duration and frequency of the transient use controlled by this Ordinance. As such, Limited Vacation Rentals would not involve a risk of environmental impacts and are exempt from the requirement for a Coastal Development Permit pursuant to Section 20.70.120.S of the Monterey County Code.

5. Establish regulations to address Commercial Vacation Rental uses that have the potential to impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazard to public health, safety, and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with a Coastal Development Permit granted pursuant to this Section, a Vacation Rental Operation License, and a business license.

C. Applicability

This Section applies in the unincorporated coastal zone of the County of Monterey.

D. Regulations for Limited Vacation Rentals

1. Limited Vacation Rentals are allowed and exempt from a Coastal Development Permit pursuant to 20.70.120(S), in the following zoning districts, subject to the requirements of this Section 20.64.290:

- a. High Density Residential (HDR(CZ));
- b. Medium Density Residential (MDR(CZ));
- c. Low Density Residential (LDR(CZ));
- d. Rural Density Residential (RDR(CZ));
- e. Watershed and Scenic Conservation (WSC(CZ));
- f. Coastal General Commercial (CGC(CZ));
- g. Moss Landing Commercial (MLC(CZ));
- h. Visitor-Serving Commercial (VSC(CZ));
- i. Coastal Agriculture Preserve (CAP(CZ)); and
- j. Agricultural Conservation (AC(CZ)).

Limited Vacation Rentals are prohibited in any other zoning district.

2. Limited Vacation Rentals shall be considered a residential use, similar in character, density, and intensity to residential use.

3. Limited Vacation Rentals shall be allowed only in a single-family dwelling.

4. Limited Vacation Rentals are prohibited in all of the following: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; and in dwellings which are subject to a recorded covenant, agreement, deed restriction or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.

5. Limited Vacation Rentals shall be allowed only in legally permitted residential structures. Limited Vacation Rentals are prohibited in structures intended for temporary occupancy.

6. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as the County may have adopted, at the time the building was constructed.

7. The Owner or Operator shall obtain a Vacation Rental Operation License for all Limited Vacation Rental activities pursuant to Chapter 7.120 of the Monterey County Code before commencing the Limited Vacation Rental use and must keep the Vacation Rental Operation License in good standing throughout the Limited Vacation Rental use.

8. The Owner or Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Limited Vacation Rental use and must keep a valid business license throughout the Limited Vacation Rental use.

9. The Owner or Operator shall register the Limited Vacation Rental with the Monterey County Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Limited Vacation Rental:

a. Only one (1) Limited Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record, except in the development types and zoning districts specified below. This limit shall apply to single family dwellings, and only one (1) Limited Vacation Rental shall be allowed per dwelling.

i. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. In these types of developments, one (1) Limited Vacation Rental shall be allowed per individually owned residential unit.

ii. This provision does not apply to Coastal General Commercial (CGC(CZ)); Moss Landing Commercial (MLC(CZ)); Visitor-Serving Commercial (VSC(CZ)) zoning districts. These districts shall be allowed more than one (1) Limited Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

b. The dwelling shall not be rented as a Limited Vacation Rental more than three (3) times per 12-month period, with each such rental not to exceed 14 consecutive calendar days.

11. In Coastal Agriculture Preserve (CAP(CZ)) and Agriculture Conservation (AC(CZ)) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

12. The Limited Vacation Rental shall meet either the water quality requirements or bottled water with notification and advisory sign requirements for Limited Vacation Rentals set forth in Chapter 7.120 of the Monterey County Code. The drinking water is presumed to meet water quality standards if the Owner or Operator provides evidence that the Limited Vacation Rental is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. If the Limited Vacation Rental is found to be part of an unpermitted water system or if the Limited Vacation Rental results in the need for a permit for a water system, the Owner shall obtain the required coastal development permit(s) as required by the applicable zoning district and a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited Vacation Rental use and must keep the Water System Permit in good standing throughout the Limited Vacation Rental use.

13. Except as provided in this Section, Limited Vacation Rentals are prohibited in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates, or other entitlements required by County regulation.

14. The use of a Residential Property for a Limited Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Limited Vacation Rental Operator must meet the requirements related to conditions, covenants, or other restrictions on real property set forth in Chapter 7.120 of the Monterey County Code.

E. Regulations for Commercial Vacation Rentals

1. Commercial Vacation Rentals are allowed with a Coastal Development Permit in the following zoning districts, subject to the requirements of this Section 20.64.290:

- a. High Density Residential (HDR(CZ));
- b. Medium Density Residential (MDR(CZ));
- c. Low Density Residential (LDR(CZ));
- d. Rural Density Residential (RDR(CZ));
- e. Watershed and Scenic Conservation (WSC(CZ));
- f. Coastal General Commercial (CGC(CZ));
- g. Moss Landing Commercial (MLC(CZ));
- h. Visitor-serving Commercial (VSC(CZ));
- i. Coastal Agriculture Preserve (CAP(CZ)); and

- j. Agricultural Conservation (AC(CZ)).
Commercial Vacation Rentals are prohibited in any other zoning district.

2. Commercial Vacation Rentals Prohibited or Limited in Certain Areas.
Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed six (6) percent of the total single family residential dwelling unit count, calculated not more than ninety (90) days prior to the Effective Date of this ordinance, and/or the policies of their respective Land Use Plan:

- a. Big Sur Coast Land Use Plan Area as follows:
 - i. Commercial Vacation Rentals are prohibited within the Big Sur Coast Land Use Plan area.
- b. Carmel Area Land Use Plan Area as follows:
 - i. Commercial Vacation Rentals are prohibited in LDR(CZ) zoning districts within the Carmel Areal Land Use Plan area. Commercial Vacation Rentals within the allowable zoning districts in the plan area shall be subject to the specific visitor-serving facilities policies in section 4.4.3.D of the Land Use Plan.
 - ii. A total of 176 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the Carmel Area Land Use Plan area, excluding LDR(CZ) zoning districts.
- c. North County Coastal Land Use Plan Area as follows:
 - i. A total of 235 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the North County Coastal Land Use Plan area.
- d. Del Monte Forest Land Use Plan Area as follows:
 - i. A total of 86 maximum Coastal Development Permits shall be issued at any given time for Commercial Vacation Rental uses within the Del Monte Forest Land Use Plan area.

3. Commercial Vacation Rentals shall be allowed, with a Coastal Development Permit, only in legally permitted residential structures and only in single-family dwellings.

4. Commercial Vacation Rentals are prohibited in all of the following structures: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; structures intended for temporary occupancy; and in dwellings subject to a recorded covenant, agreement, deed restriction, or other recorded document limiting the use of the dwelling, including, but not limited to, affordable housing units that are subject to affordability restrictions.

5. Commercial Vacation Rentals shall be allowed only in legally permitted residential structures. Commercial Vacation Rentals are prohibited in structures intended for temporary occupancy.

6. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as the County may have adopted, at the time the building was constructed.

7. Commercial Vacation Rentals in Coastal Agriculture Preserve (CAP(CZ)) and Agricultural Conservation (AG(CZ)) zoning districts shall have a Property Manager or Owner or Operator concurrently reside on the property while the Commercial Vacation Rental is rented if an agricultural operation is active on the property.

8. Commercial Vacation Rentals require a Coastal Development Permit. The application for a Coastal Development Permit, and for amendments and extensions thereof, shall be processed in accordance with Chapter 20.70 of the Monterey County Code. In addition to the notice requirements for a Coastal Development Permit pursuant to Chapter 20.84, notice shall be provided to any applicable homeowners' association. A Commercial Vacation Rental that is not accessible directly from a public road, shall be provide notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental use and shall include the application reference number, location of the Vacation Rental, name and contract information for the owner/applicant, and procedures and contact information for the County. Notwithstanding the foregoing, the grounds and procedures for suspension and revocation of a Coastal Development Permit granted under this Section shall be as set forth in this Section.

9. The Operator shall obtain a Vacation Rental Operation License for all Commercial Vacation Rental activities pursuant to Chapter 7.120 of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep the Vacation Rental Operation License in good standing throughout the Commercial Vacation Rental use.

10. The Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep a valid business license throughout the Commercial Vacation Rental use.

11. The Operator shall register the Commercial Vacation Rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

12. To qualify as a Commercial Vacation Rental:

a. Only one (1) Commercial Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record. This limit shall apply to single family dwellings, and only one (1) Commercial Vacation Rental shall be allowed per dwelling.

b. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. These developments shall be allowed more than one (1) Commercial Vacation Rental.

c. This provision does not apply to zoning districts such as Light Commercial (LC), Heavy Commercial (HC), and Visitor-serving/Professional Office (VO) zoning districts. These districts shall be allowed more than one (1) Commercial Vacation Rental.

d. A Commercial Vacation Rental that is not accessible directly from a public road is subject to Monterey County Code Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads. Upon making an application with the County for Vacation Rental use, the owner/applicant shall be required to mail notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental Use and shall include the application reference number, location of the vacation rental, name and contact information for the owner/applicant; and procedures and contact information for the County.

e. If the Commercial Vacation Rental is found to be part of an unpermitted water system or if the Commercial Vacation Rental results in the need for a permit for a water system, the Owner shall obtain the required coastal development permit(s) as required by the applicable zoning district and a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Commercial Vacation Rental use and must keep the Water System Permit in good standing throughout the Commercial Vacation Rental use.

f. The source of water that serves a Commercial Vacation Rental shall in accordance with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Water Standards meet bacteriological and acute primary drinking water standards. The Owner shall demonstrate that the

source of water meets bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, before the permit application is deemed complete. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet these standards if the Commercial Vacation Rental provides evidence that it is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. When the water quality does not meet bacteriological and/or acute primary drinking water standards, the Operator shall provide bottled water in tamper-resistant containers to the Occupants for drinking and cooking purposes, include written notification in the rental contract, and post appropriate advisory signs at each sink in the unit.

g. If the Commercial Vacation Rental is served by a water system that is subject to notification requirements, the Operator shall provide the notification in the rental contract and post notification within the unit in a prominent place within six (6) feet of the front door of the unit.

h. A Commercial Vacation Rental that is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. Any component noted to be in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval of the Coastal Development Permit for a Commercial Vacation Rental.

i. If the Commercial Vacation Rental is served by an OWTS, the Commercial Vacation Rental must meet the on-site wastewater requirements set forth in Chapter 7.120 of the Monterey County Code.

j. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. Notice of emergency service limitations shall be included in rental contracts and posted within the unit in a prominent place within six (6) feet of the front door of the unit. The notice shall identify the average response time for emergency services to reach the subject property and describe onsite fire protection systems (such as fire breaks, alarms and/or water storage tanks) available.

k. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Monterey County Code Section 20.58.040, Regulations for Parking, or the applicable parking regulations at the time the dwelling was built.

l. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.41, Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

m. Each Coastal Development Permit issued pursuant to this Section shall have, as a condition of the permit, a requirement that the Owner indemnify, defend, and hold harmless the County of Monterey and its officers, agents, and employees from actions or claims of any description brought on account of approval of the permit and from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

13. Required Findings. To grant a Coastal Development Permit for a Commercial Vacation Rental, the Appropriate Authority must find, based on substantial evidence, that the Commercial Vacation Rental complies with all findings required for a Coastal Development Permit pursuant to Section 20.70.050.B and complies with all requirements of this Section 20.64.290 of the Monterey County Code.

14. Except as provided in this Section, Commercial Vacation Rentals shall be prohibited in the unincorporated areas of Monterey County unless all permits, licenses, certificates, and any other entitlement required by County regulation are secured and maintained in good standing.

15. The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Applicant/Owner for the Coastal Development Permit for the Commercial Vacation Rental shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Commercial Vacation Rental is not in violation of those conditions, covenants, or other restrictions. The Applicant/Owner shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement would be applicable at the initial submittal of a Vacation Rental Operations License, and every seven years if renewed.

F. Phasing Out Unpermitted Operations

1. To provide time for Owners and Operators of Vacation Rentals that were unpermitted prior to the Effective Date to bring the Vacation Rental into compliance with this Section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this Section, an Owner and/or Operator who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date of these regulations.

a. For Vacation Rental uses, the Owner or Operator:

i. Has thirty (30) days from the Effective Date to register with the Monterey County Housing and Community Development Department and file an Intent to Apply form.

ii. Has three (3) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates, or other entitlements required by County regulation.

iii. May establish a Vacation Rental as “prior operating” by providing written evidence to the satisfaction of the Monterey County Housing and Community Development Department Planning Services that it was operating as a Vacation Rental and completed at least one (1) contract in each three (3) of the five (5) years preceding the Effective Date, and can provide evidence of a reservation for a Vacation Rental unit entered into prior to the Effective Date.

iv. Must provide a copy of a Transient Occupancy Registration Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner or Operator will be allowed to continue to operate as a Vacation Rental for up to six (6) months from the Effective Date, or until County takes action on the Owner’s or Operator’s application for all required permits, licenses, and entitlements made pursuant to this Section and Section 7.02.060 and Chapter 7.120 of the Monterey County Code, whichever is later, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare.

vi. If after 180 days from the Effective Date the County denies any of the required permits, licenses, and entitlements, the Vacation Rental must cease within 30 days of receiving written notice from the

County of such denial, unless County requires earlier termination of the Vacation Rental use due to a risk to the public health, safety and welfare.

2. Unpermitted vacation rental operations that are not allowed pursuant to this Title 20.64.290 are not eligible to the phase out terms outlined in this Section and must cease operations within 30 days of the Effective Date.

3. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation during the Phasing Out period if the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

G. Exemption

The regulations set forth in this Chapter, including the need to apply for a Vacation Rental Operation License and business license, do not apply to unique neighborhoods with existing developments that were established with the intent of managed short-term rentals; such developments are exempt from Chapter 7.120 and Sections 20.64.290. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

H. Application Process for Commercial Vacation Rentals

1. All applications for a Coastal Development Permit for a Commercial Vacation Rental shall be filed with the Housing and Community Development Department on the form and in the manner prescribed by the Housing and Community Development Director or his or her designee. In all cases, the application shall contain, without limitation, the following documentation:

a. All information required on the application form, including, but not limited to, the name and signed consent of the Owner of the real property which is the subject of the application and, if an agent represents the Owner, an authorization of the agent signed by the Owner.

b. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The Applicant/Owner shall provide proof of approval from any applicable Homeowner's Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

c. If the applicant is not the Owner, applicant shall provide evidence, in the form of a lease agreement or other agreement between the applicant and the Owner of the real property which is the subject of the application, that the applicant has control of the property for the proposed permit period. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to apply for the Coastal Development Permit and utilize the property for the proposed Commercial Vacation Rental activity.

d. Property Manager contact information, including name, address, telephone number and e-mail address.

e. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Chief of Planning Director or his or her designee, including, but not limited to, site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways and on-site parking areas; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental.

f. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, to ensure the property is safe and habitable for its intended use, including, but not limited to, verification of adequate egress from sleeping quarters and common areas; and installation of accessible fire extinguishers, fire alarms, and a carbon monoxide alarm on each level.

g. Evidence that the property receives solid waste service for garbage and recyclables collection.

h. Evidence that the source of water that serves the proposed Commercial Vacation Rental in accordance with Monterey County Code Chapter 15.04, California Plumbing Code and Federal Safe Drinking Standards that meets bacteriological and acute primary drinking water standards. Evidence may include proof, such as a water bill, that the property receives potable water service from a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections, or a water quality analysis of a sample collected prior to any on-site water treatment system or device in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. When the water quality does not meet bacteriological and/or acute primary drinking water standards, the Operator shall provide a copy of the rental contract that specifies bottled water in tamper-resistant containers will be provided to the Occupants for drinking and cooking purposes, and a copy of the advisory sign to be posted at each sink in the unit.

i. If the Commercial Vacation Rental is served by a water system subject to notification requirements, the Operator shall include written notification in the rental contract and provide a copy of the notification to be posted within the unit in a prominent place within six (6) feet of the front door of the unit.

j. If the Commercial Vacation Rental is served by an on-site wastewater treatment system ("OWTS," also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP, the applicant must provide evidence that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

k. Copy of OWTS informational signs pursuant to Chapter 7.120 of the Monterey County Code, if applicable.

l. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

m. Such other information as the Monterey County Housing and Community Development Director or his or her designee shall require to evaluate the application.

2. **Time Limits.** All Coastal Development Permits issued for Commercial Vacation Rentals shall be subject to the following time limits on the use authorized by the Coastal Development Permit:

a. The initial Coastal Development Permit shall be issued for a term of no more than seven (7) years.

b. The Owner may apply to extend the Coastal Development Permit prior to the expiration date of the Coastal Development Permit pursuant to Section 20.70.110. The extension application shall be made at least thirty (30) days prior to the expiration of the Coastal Development Permit at the end of each such seven-year term. The Coastal Development Permit shall be extended by the Appropriate Authority by seven years upon each renewal, if the Appropriate Authority finds that the operation is in good standing, accordingly to the criteria set forth in Section I.3.

c. The Owner shall maintain a valid Vacation Rental Operation License pursuant to Chapter 7.120 of the Monterey County Code and a valid business license pursuant to Section 7.02.060(C) of the Monterey County Code throughout the permitted term of the Commercial Vacation Rental use.

d. The purpose of the seven (7) year term limit is to provide adequate ongoing review of the Commercial Vacation Rental to ensure that the use continues to meet the standards of this section.

I. Grounds for Suspension or Revocation

1. Where one or more of the conditions of a Coastal Development Permit have not been, or are not being complied with, or when a Coastal Development Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the Applicant, the Appropriate Authority may revoke or modify the Coastal Development Permit following public hearing pursuant to Chapter 20.84 of this Title.

2. Grounds for suspension or revocation may include, but are not limited to, more than (2) two substantiated violations of the terms and conditions of the Coastal Development Permit and/or Vacation Rental Operation License issued pursuant to Monterey County Code Chapter 7.120 in a twelve- (12-) month period. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

3. The Vacation Rental operation shall be considered not in good standing, according to the criteria set forth below.

- a. Commercial Vacation Rentals with more than two (2) substantiated violations of this Section or Chapter 7.120 of the Monterey County Code shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, administrative hearing officer, or hearing body, or by stipulated agreement.
- b. Commercial Vacation Rentals that do not have a valid Vacation Rental Operation License pursuant to Chapter 7.120 of the Monterey County Code shall be considered not in good standing.
- c. Commercial Vacation Rentals that do not have a valid business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code throughout the Commercial Vacation Rental use, shall be considered not in good standing.
- d. Commercial Vacation Rentals that have not paid their Transient Occupancy Tax pursuant to Chapter 5.40 of the Monterey County Code, shall be considered not in good standing.

- e. Commercial Vacation Rentals that violate the regulations set forth in Chapters 18.14 and 18.15 of the Monterey County Code shall be considered not in good standing.
- f. Commercial Vacation Rentals that do not meet bacteriological and acute primary drinking water standards, as demonstrated by a comprehensive water quality analysis, pursuant to Monterey County Code Chapters 15.04 and 15.08 and California Code of Regulations Titles 17 and 22 shall be considered not in good standing, except when the Operator has elected to provide bottled water in tamper-resistant containers to the Occupants for drinking and cooking purposes, and includes written notification in the rental contract and appropriate advisory signs are posted at each sink in the unit.
- g. Commercial Vacation Rentals that have an on-site wastewater treatment system ("OWTS," also referred to as a septic system) that is not in good working order and functioning properly, as demonstrated by a performance evaluation of the OWTS completed by a qualified professional, pursuant to Monterey County Code Chapter 15.20 and County LAMP, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department shall be considered not in good standing.
- h. If a Water System Permit is required, Commercial Vacation Rentals that do not have a Coastal Development Permit and Water System Permit that is in good standing shall be considered not in good standing.
- i. Commercial Vacation Rentals that have not completed at least one (1) contract in each of four (4) of the preceding seven (7) years will be considered inactive and not in good standing.
- j. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.

4. If a Coastal Development Permit has revoked because the Commercial Vacation Rental is found not to be in good standing, an Owner desiring a Commercial Vacation Rental must apply for a new Coastal Development Permit for the Commercial Vacation Rental use, and will be required to demonstrate, in addition to any other applicable requirements, that the reasons for revoking the Coastal Development Permit have been addressed.

J. Enforcement

The remedies provided by this Section are cumulative and in addition to any other remedies available in law or in equity.

1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Section. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Section may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six (6) months or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

2. Any condition caused or allowed to exist in violation of any of the provisions of this Section shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of the Monterey County Code, and any other action authorized by law.

3. Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Section may be subject to injunctive relief, disgorgement and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorneys fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the Vacation Rental activity or persons related thereto, or associated with, the violation of this Section.

4. For violations of this Section, a Building and/or Health Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A civil penalty not exceeding one-hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

b. A civil penalty not exceeding two-hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one (1) year; and

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c. A civil penalty not exceeding three-hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of the same ordinance within one (1) year.

5. Each and every day during any portion of which any violation of this Section is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Section.

SECTION 21. SEVERABILITY. If any Section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each Section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more Sections, subsections sentences, clauses, or phrases are declared invalid.

SECTION 22. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption by the County if certified by the California Coastal Commission or thereafter upon certification by the California Coastal Commission.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH

Ordinance amending Title 20 re: Vacation Rentals

Draft 12.04.2023

This document is a draft and subject to change.

Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Assistant County Counsel

DRAFT

Ordinance amending Title 20 re: Vacation Rentals

Draft 12.04.2023

DRAFT 12.04.2023
ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 21 (NON-COASTAL ZONING) OF THE MONTEREY COUNTY
CODE RELATING TO VACATION RENTALS.**

County Counsel Summary
[forthcoming]

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. This ordinance is intended to provide regulations, standards, and circumstances under which Vacation Rentals may be allowed in certain residential unincorporated areas of Monterey County.

C. The intent of this ordinance is to distinguish between Commercial Vacation Rentals and Limited Vacation Rentals, such that Commercial Vacation Rentals require a discretionary land use entitlement while Limited Vacation Rentals are defined in a manner to be similar in character, density, and intensity to residential use, are not anticipated to remove long-term housing from the market, and therefore are allowed uses, where applicable, with a Vacation Rental Operation License and business license.

D. Regulation of Vacation Rentals is necessary because Commercial Vacation Rental uses, which by definition may be rented at a greater frequency and duration than Limited Vacation Rentals, have the potential to have impacts different in character, density, and intensity than residential uses, could remove long-term housing from the market, or pose hazards to public health, safety and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with an approved Use Permit, Vacation Rental Operation License and business license. This ordinance recognizes that some unique neighborhoods with existing developments were established with the intent of managed short-term rentals, such as Monterey Dunes Colony; such developments are exempt from the regulations set forth in this Ordinance, including the need to apply for a Vacation Rental Operation License and business license. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

E. This Ordinance establishes the requirement for a Use Permit for Commercial Vacation Rental activities to provide for business fairness and to enable evaluation of the impacts

of such activities, in recognition that Commercial Vacation Rentals may have similar land use impacts as other recreational/visitor-serving uses such as hotels, motels, and bed and breakfast facilities and deserve similar evaluation as such visitor-serving uses.

F. Because the nature and extent of short term rentals have been transformed in the last several years due to the advent of on-line platforms for short term rentals, it is necessary to update the County's short term rental regulations which were last adopted in 1997. Accordingly, this Ordinance intends to replace Section 21.64.280, regulations for transient use of residential property for remuneration, with Section 21.64.290 for applications for Vacation Rentals after the effective date of this ordinance.

G. To allow for a reasonable amortization of investment for existing Vacation Rental operations, this Ordinance provides an initial defined time period during which an unpermitted Vacation Rental may continue to operate, provided the Vacation Rental activity was established prior to the Effective Date of the Ordinance and the Owner is pursuing all necessary County permits, licenses, and entitlements pursuant to Section 21.64.290 of the Monterey County Code. This Ordinance also provides that a use for which an Administrative Permit was previously granted under Section 21.64.280 shall become a legal nonconforming use.

H. [Reserve for CEQA finding]

SECTION 2. Section 21.06.193 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Commercial Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for more than three (3) times per 12-month period. “Commercial Vacation Rental” also includes a Residential Property rented as a Vacation Rental three (3) or fewer times per 12-month period, if any of the three Vacation Rentals exceed a duration of 14 consecutive calendar days.

SECTION 3. Section 21.06.735 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Limited Vacation Rental” means a Residential Property rented as a Vacation Rental by the Owner or Operator for not more than three (3) times per 12-month period, with each such rental not to exceed fourteen (14) consecutive calendar days in duration.

SECTION 4. Section 21.06.986 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Residential Property” means improved property, used or occupied, or intended to be used or occupied, for residential purposes.

SECTION 5. Section 21.06.987 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Rooming or boarding” means shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for not more than two (2) persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non recreational activity. Rooming or boarding does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single-occupancy housing.

SECTION 6. Section 21.06.990 is amended in the Monterey County Code to read as follows:

“Roominghouse or boardinghouse” means ~~a facility other than a hotel where lodging with or without meals for three or more persons is provided for compensation~~ shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate housing needs for three (3) or more persons for the purpose of work, school, research, medical care, or employment that requires a person’s physical presence in the County, or other similar non recreational activity. Roominghouse or boardinghouse does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast facilities, inns, Vacation Rentals, labor camps, or single-occupancy housing.

SECTION 7. Section 21.06.1307 is amended in the Monterey County Code [DEFINITIONS] to read as follows:

“Transient” means temporary limited duration for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days.

SECTION 8. Section 21.06.1347 is added to the Monterey County Code [DEFINITIONS] to read as follows:

“Vacation Rental” means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for a period of thirty (30) consecutive calendar days or fewer, counting portions of calendar days as full days. “Vacation Rental” includes Commercial Vacation Rentals and Limited Vacation Rentals. “Vacation Rental” does not include a bed and breakfast facility, hotel, motel, hostel, inn, roominghouse, boardinghouse, rooming or boarding.

SECTION 9. Section 21.10.030(S) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

- S. Limited Vacation Rentals, pursuant to Section 21.64.290;

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SECTION 10. Section 21.10.050(AA) is added to the Monterey County Code [HIGH DENSITY RESIDENTIAL DISTRICT] to read as follows:

AA. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 11. Section 21.12.030(R) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 12. Section 21.12.050(Y) is added to the Monterey County Code [MEDIUM DENSITY RESIDENTIAL DISTRICT] to read as follows:

Y. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 13. Section 21.14.030(U) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

U. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 14. Section 21.14.050(E) is added to the Monterey County Code [LOW DENSITY RESIDENTIAL DISTRICT] to read as follows:

EE. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 15. Section 21.16.030(W) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

W. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 16. Section 21.16.050(RR) is added to the Monterey County Code [RURAL DENSITY RESIDENTIAL DISTRICT] to read as follows:

RR. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 17. Section 21.18.040(E) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 18. Section 21.18.060(HH) is added to the Monterey County Code [LIGHT COMMERCIAL DISTRICT] to read as follows:

HH. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

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SECTION 19. Section 21.20.040(E) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

E. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 20. Section 21.20.060(OO) is added to the Monterey County Code [HEAVY COMMERCIAL DISTRICT] to read as follows:

OO. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 21. Section 21.22.040(D) is added to the Monterey County Code [VISITOR-SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

D. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 22. Section 21.22.060(X) is added to the Monterey County Code [VISITOR-SERVING/PROFESSIONAL OFFICE DISTRICT] to read as follows:

X. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 23. Section 21.30.030(R) is added to the Monterey County Code [FARMLAND] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 24. Section 21.30.050(JJ) is added to the Monterey County Code [FARMLAND] to read as follows:

JJ. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 25. Section 21.32.030(R) is added to the Monterey County Code [RURAL GRAZING] to read as follows:

R. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 26. Section 21.32.050(KK) is added to the Monterey County Code [RURAL GRAZING] to read as follows:

KK. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 27. Section 21.34.030(Q) is added to the Monterey County Code [PERMANENT GRAZING] to read as follows:

Q. Limited Vacation Rentals, pursuant to Section 21.64.290;

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SECTION 28. Section 21.34.050(II) is added to the Monterey County Code [PERMANENT GRAZING] to read as follows:

II. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 29. Section 21.36.030(V) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

V. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 30. Section 21.36.050(JJ) is added to the Monterey County Code [RESOURCE CONSERVATION DISTRICT] to read as follows:

JJ. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 31. Section 21.48.030(6) is added to the Monterey County Code [LIMITED AGRICULTURAL DISTRICT] to read as follows:

6. Limited Vacation Rentals, pursuant to Section 21.64.290;

SECTION 32. Section 21.48.040(5) is added to the Monterey County Code [LIMITED AGRICULTURAL DISTRICT] to read as follows:

5. Commercial Vacation Rentals, pursuant to Section 21.64.290 (ZA);

SECTION 33. Subdivision H is added to Section 21.64.280 of the Monterey County Code [SPECIAL REGULATIONS – Administrative permits for transient use of residential property for remuneration] to read as follows:

H. Inoperative Date of Section: This Section 21.64.280 shall become inoperative as of the date the ordinance adding Section 21.64.290 to the Monterey County Code takes effect. Thereafter, all applications for transient use of residential property for remuneration shall be governed by Section 21.64.290. All administrative permits issued under Section 21.64.280 prior to the effective date of Section 21.64.290 shall be considered legal nonconforming.

SECTION 34. Section 21.64.290 is added to the Monterey County Code [REGULATIONS FOR VACATION RENTALS] to read as follows:

Section 21.64.290 – Regulations for Vacation Rentals

Sub-sections:

- A. Definitions**
- B. Purpose**
- C. Applicability**
- D. Regulations for Limited Vacation Rentals**

Ordinance amending Title 21 re: Vacation Rentals
Draft 12.04.2023

This document is a draft and subject to change.

- E. Regulations for Commercial Vacation Rentals**
- F. Phasing Out Unpermitted Operations**
- G. Exemptions**
- H. Application Process for Commercial Vacation Rentals**
- I. Grounds for Suspension or Revocation**
- J. Enforcement**

A. Definitions

Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning in this Section:

1. “Advertised Rental Rate” means the advertised nightly rate multiplied by the minimum number of nights required to rent the dwelling or part of the dwelling. The Advertised Rental Rate shall not include deposits or ancillary fees.

2. “Bedroom” means any room in the conditioned (heated) area of a dwelling unit which is: 1) seventy (70) square feet or greater in size; 2) has an exterior door or window for egress meeting health and safety code standards at the time the dwelling was constructed; and 3) has a closing door that separates the room from other areas of the dwelling. The following shall not be considered a bedroom: Any interior room that must be passed through to access another bedroom; a hallway; bathroom; kitchen; living room; dining room; family room; breakfast nook; pantry; laundry room; or closet/dressing room opening off a bedroom.

3. “Effective Date” means the date on which Ordinance No. _____ adding this Section 21.64.290 to the Monterey County Code took effect.

4. “Operator” means a person who operates the Vacation Rental and, if not the Owner, who has the legal permission of Owner to operate the Vacation Rental on the subject real property.

5. “Owner” means the person or persons who hold fee title to the real property which houses the Vacation Rental.

B. Purpose

It is the purpose of this Section to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of residential properties.

2. Provide opportunity for visitors to access public areas of the County through Vacation Rental opportunities, benefiting the local economy while preserving the housing supply and quality of life, and protecting public health, safety, and general welfare.

3. Establish regulations that provide opportunity for homeowners and residents to offer Vacation Rentals for visitors that have the potential to provide financial benefits to offset the high cost of living in Monterey County.

4. Establish that Limited Vacation Rental uses are similar in character, density, and intensity to residential use, are not anticipated to convert long-term housing out of the market, and therefore are allowed uses, where applicable, with a Vacation Rental Operation License and a business license. Limited Vacation Rental uses would be established in existing Residential Properties by an Owner or Operator for the duration and frequency of the transient use controlled by this Ordinance. As such, Limited Vacation Rentals would not involve a risk of environmental impacts and are exempt from the requirement for a Use Permit.

5. Establish regulations to address the potential Commercial Vacation Rental uses that have the potential impact the character, density, and intensity of residential uses, convert long-term housing out of the market, or pose hazards to public health, safety, and general welfare in areas known to have infrastructure limitations. Commercial Vacation Rental uses therefore may be allowed, where applicable, only with a Use Permit granted pursuant to this Section, a Vacation Rental Operation License, and a business license.

C. Applicability

1. This Section applies in the unincorporated inland areas of the County of Monterey.

2. This Section does not apply to transient use of residential property for remuneration which was authorized under Section 21.64.280 prior to the Effective Date. Any applications for “transient use of residential property for remuneration” or Vacation Rentals on which County renders a decision after the Effective Date shall be subject to this Section governing Vacation Rentals and not governed by Section 21.64.280. Amendments to administrative permits granted under Section 21.64.280 shall be subject to this Section.

D. Regulations for Limited Vacation Rentals

1. Limited Vacation Rentals are allowed in in the following zoning districts, subject to the requirements of this Section 21.64.290:
- a. High Density Residential (HDR);
 - b. Medium Density Residential (MDR);
 - c. Low Density Residential (LDR);

- d. Rural Density Residential (RDR);
 - e. Light Commercial (LC);
 - f. Heavy Commercial (HC);
 - g. Visitor-serving/Professional Office (VO);
 - h. Farmland (F);
 - i. Rural Grazing (RG);
 - j. Permanent Grazing (PG);
 - k. Resource Conservation (RC);
 - l. Limited Agricultural District (“A” District);
 - m. Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except industrial and public/quasi-public land use designations within the CP districts; and
 - n. Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except industrial and public/quasi-public land use designations within the SP district.
Limited Vacation Rentals are prohibited in any other zoning district.
2. Limited Vacation Rentals shall be considered a residential use, similar in character, density, and intensity to residential use.
3. Limited Vacation Rentals shall be allowed only in a single-family dwelling.
4. Limited Vacation Rentals are prohibited in all of the following: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; and in dwellings which are subject to a recorded covenant, agreement, deed restriction or other recorded document limiting the use of the dwelling, including but not limited to affordable housing units that are subject to affordability restrictions.
5. Limited Vacation Rentals shall be allowed only in legally permitted residential structures. Limited Vacation Rentals are prohibited in structures intended for temporary occupancy.
6. Limited Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as the County may have adopted, at the time the building was constructed.
7. The Owner or Operator shall obtain a Vacation Rental Operation License for all Limited Vacation Rental activities pursuant to Chapter 7.120 of the Monterey County Code before commencing the Limited Vacation Rental use and must keep the Vacation Rental Operation License in good standing throughout the Limited Vacation Rental use.

8. The Owner or Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Limited Vacation Rental use and must keep a valid business license throughout the Limited Vacation Rental use.

9. The Owner or Operator shall register the Limited Vacation Rental with the Monterey County Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

10. To qualify as a Limited Vacation Rental:

a. Only one (1) Limited Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record, except in the development types and zoning districts specific below. This limit shall apply to single family dwellings and only one (1) Limited Vacation Rental shall be allowed per dwelling.

i. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. In these types of developments, one (1) Limited Vacation Rental shall be allowed per individually owned residential unit.

ii. This provision does not apply to Light Commercial (LC), Heavy Commercial (HC), and Visitor-Serving/Professional Office (VO) zoning districts. These districts shall be allowed more than one (1) Limited Vacation Rental per legal lot of record and shall not exceed the number of residential units per legal lot of record.

b. The dwelling shall be not rented as a Limited Vacation Rental more than three (3) times per 12-month period, with each such rental not to exceed 14 consecutive calendar days.

11. In Farmland (F), Rural Grazing (RG), Permanent Grazing (PG) and Limited Agricultural District (“A” District) zoning districts, a Property Manager or Owner or Operator shall concurrently reside on the property while the Limited Vacation Rental is rented if an agricultural operation is active on the property.

12. The Limited Vacation Rental must meet either the water quality requirements or bottled water with notification and advisory sign requirements for Limited Vacation Rentals set forth in Chapter 7.120 of the Monterey County Code. The drinking water is presumed to meet water quality standards if the Owner or Operator provides evidence that the Limited Vacation Rental is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more

service connections. If the Limited Vacation Rental is found to be part of an unpermitted water system or if the Limited Vacation Rental results in the need for a permit for a water system, the Owner shall obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Limited Vacation Rental use and must keep the Water System Permit in good standing throughout the Limited Vacation Rental use.

13. Except as provided in this Section, Limited Vacation Rentals shall not be allowed in the unincorporated areas of Monterey County without first securing and maintaining in good standing all permits, licenses, certificates or other entitlements required by County regulation.

14. The use of a Residential Property for a Limited Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Limited Vacation Rental Operator must meet the requirements related to conditions, covenants, or other restrictions on real property set forth in Chapter 7.120 of the Monterey County Code.

E. Regulations for Commercial Vacation Rentals

1. Commercial Vacation Rentals are allowed with a Use Permit in the following zoning districts, subject to the requirements of this Section 21.64.290:

- a. High Density Residential (HDR);
- b. Medium Density Residential (MDR);
- c. Low Density Residential (LDR);
- d. Rural Density Residential (RDR);
- e. Light Commercial (LC);
- f. Heavy Commercial (HC);
- g. Visitor-serving/Professional Office (VO);
- h. Farmland (F);
- i. Rural Grazing (RG);
- j. Permanent Grazing (PG);
- k. Resource Conservation (RC);
- l. Limited Agricultural District (“A” District);
- m. Community Plan (CP), subject to Section 21.39.030.B (Regulations for Community Plan Zoning Districts or “CP” Districts” – Uses Allowed) except industrial and public/quasi-public land use designations within the CP districts; and
- n. Specific Plan (SP), subject to Section 21.41.030.B (Regulations for Specific Plan Zoning Districts or “SP” Districts – Uses Allowed) except industrial and public/quasi-public land use designations within the SP district.

Commercial Vacation Rentals shall be prohibited in any other zoning district.

2. Commercial Vacation Rentals Prohibited or Limited in Certain Areas. Commercial Vacation Rentals are subject to the following additional limitations based on a maximum allowable limit of permitted Commercial Vacation Rentals not to exceed six (6) percent of the total single family residential dwelling unit count, calculated not more than ninety (90) days prior to the Effective Date, and/or the policies of their respective Area or Master Plan:

a. Central Salinas Valley Area Plan as follows:

i. A total of 98 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Central Salinas Valley Area Plan area.

b. Agricultural and Winery Corridor Plan as follows: TBD.

c. Cachagua Area Plan as follows:

i. A total of 30 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Cachagua Area Plan area.

d. Carmel Valley Master Plan as follows:

i. A total of 302 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Carmel Valley Master Plan area.

e. Toro Area Plan as follows:

i. A total of 259 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Toro Area Plan area.

f. Fort Ord Master Plan as follows:

i. A total of 60 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Fort Ord Master Plan area.

g. Greater Monterey Peninsula Area Plan as follows:

i. A total of 232 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Monterey Peninsula Area Plan area.

- h. North County Inland Area Plan as follows:
 - i. A total of 339 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within North County Inland Area Plan area.
 - i. South County Area Plan as follows:
 - i. A total of 78 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the South County Area Plan area.
 - j. Greater Salinas Area Plan as follows:
 - i. A total of 120 maximum Use Permits shall be issued at any given time for Commercial Vacation Rental uses within the Greater Salinas Area Plan area.
3. Commercial Vacation Rentals shall be allowed, with a Use Permit, only in legally permitted residential structures and only in single-family dwellings.
 4. Commercial Vacation Rentals shall be prohibited in all of the following structures: duplex dwellings; multiple-family dwellings; accessory dwelling units; guesthouses; structures intended for temporary occupancy; and in dwellings subject to a recorded covenant, agreement, deed restriction, or other recorded document limiting the use of the dwelling, including but not limited to, affordable housing units that are subject to affordability restrictions.
 5. Commercial Vacation Rentals shall be allowed only in legally permitted residential structures. Commercial Vacation Rentals are prohibited in structures intended for temporary occupancy.
 6. Commercial Vacation Rentals shall conform with applicable state building and fire codes, with such modifications as County may have adopted, at the time the building was constructed.
 7. Commercial Vacation Rentals in Farmland (F), Rural Grazing (RG), Permanent Grazing (PG), and Limited Agricultural (A) zoning districts shall have a Property Manager or Owner or Operator concurrently reside on the property while the Commercial Vacation Rental is rented if an agricultural operation is active on the property.
 8. A Commercial Vacation Rental requires a Use Permit. The application for a Use Permit, and for amendments and extensions thereof, shall be processed in accordance with Chapter 21.74 of the Monterey County Code. In addition to the notice

requirements for a Use Permit pursuant to Chapter 21.78, notice shall be provided to any applicable homeowners' association. A Commercial Vacation Rental that is not accessible directly from a public road, shall be provide notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental use and shall include the application reference number, location of the Vacation Rental, name and contract information for the owner/applicant, and procedures and contact information for the County. Notwithstanding the foregoing, the grounds and procedures for suspension and revocation of a Use Permit granted under this Section shall be as set forth in this Section.

9. The Operator shall obtain a Vacation Rental Operation License for all Commercial Vacation Rental activities pursuant to Chapter 7.120 of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep the Vacation Rental Operation License in good standing throughout the Commercial Vacation Rental use.

10. The Operator shall obtain a business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code before commencing the Commercial Vacation Rental use and must keep a valid business license throughout the Commercial Vacation Rental use.

11. The Operator shall register the Commercial Vacation Rental with the Treasurer-Tax Collector and obtain a Transient Occupancy Registration Certificate in accordance with the provisions of Section 5.40.070 of the Monterey County Code.

12. To qualify as a Commercial Vacation Rental:

a. Only one (1) Commercial Vacation Rental shall be allowed per legal lot of record, regardless of the number of dwellings on the legal lot of record. This limit shall apply to single family dwellings and only one (1) Commercial Vacation Rental shall be allowed per dwelling.

b. This provision does not apply to other types of developments such as condominium complexes, townhome complexes, planned unit developments, or similar cluster residential subdivisions. These developments shall be allowed more than one (1) Commercial Vacation Rental.

c. This provision does not apply to zoning districts such as Light Commercial (LC), Heavy Commercial (HC), and Visitor-Serving/Professional Office (VO) zoning districts. These districts shall be allowed more than one (1) Commercial Vacation Rental and shall not exceed the number of residential units per legal lot of record.

d. A Commercial Vacation Rental that is not accessible directly from a public road is subject to Monterey County Code Chapter 16.80, Regulations

Relating to Applications Involving Use of Private Roads. Upon making an application with the County for Vacation Rental use, the owner/applicant shall be required to mail notice to all properties with ownership or access rights to the private road to inform them of the proposed Vacation Rental Use and shall include the application reference number, location of the vacation rental, name and contact information for the owner/applicant; and procedures and contact information for the County.

e. If the Commercial Vacation Rental is found to be part of an unpermitted water system or if the Commercial Vacation Rental results in the need for a permit for a water system, the Owner must obtain a Water System Permit pursuant to Monterey County Code Chapter 15.04 before commencing the Commercial Vacation Rental use and must keep the Water System Permit in good standing throughout the Commercial Vacation Rental use.

f. The source of water that serves a Commercial Vacation Rental in accordance with Monterey County Code Chapter 15.04 California Plumbing Code and Federal Safe Drinking Water Standards shall meet bacteriological and acute primary drinking water standards. The Owner shall demonstrate that the source of water meets bacteriological and acute primary drinking water standards, to the satisfaction of the Environmental Health Bureau of the Monterey County Health Department, before the permit application is deemed complete. Water quality testing may be required by the Environmental Health Bureau of the Monterey County Health Department if recent test results are not available. The drinking water is presumed to meet these standards if the Owner provides evidence that the Commercial Vacation Rental is served by a water system, as defined by California Health and Safety Code Section 116275, that has 200 or more service connections. When the water quality does not meet bacteriological and/or acute primary drinking water standards, the Operator shall provide bottled water in tamper-resistant containers to the Occupants for drinking and cooking purposes, include written notification in the rental contract, and post appropriate advisory signs at each sink in the unit.

g. If the Commercial Vacation Rental is served by a water system that is subject to notification requirements, the Operator shall provide the notification in the rental contract and post notification within the unit in a prominent place within six (6) feet of the front door of the unit.

h. A Commercial Vacation Rental that is served by an on-site wastewater treatment system (“OWTS,” also referred to as a septic system) in accordance with Monterey County Code Chapter 15.20 and County LAMP, shall demonstrate that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. Any component noted to be

in unacceptable condition, as documented by a performance evaluation conducted by a qualified professional, shall be repaired or replaced prior to County approval of the Use Permit for a Commercial Vacation Rental.

i. If the Commercial Vacation Rental is served by an on-site wastewater treatment system (“OWTS”, also referred to as a septic system), the Commercial Vacation Rental must meet the on-site wastewater requirements set forth in Chapter 7.120 of the Monterey County Code.

j. Commercial Vacation Rentals must demonstrate that response times for County emergency services for fire and emergency medical will be adequate. Notice of emergency service limitations shall be included in rental contracts and posted within the unit in a prominent place within six (6) feet of the front door. The notice shall identify the average response time for emergency services to reach the subject property and describe the onsite fire protection systems (such as fire breaks, alarms and/or water storage tanks) available.

k. Commercial Vacation Rentals shall provide parking as required for the dwelling type by Monterey County Code Section 21.58.040, Regulations for Parking, or the applicable parking regulations at the time the dwelling was built.

l. Commercial Vacation Rentals shall comply with Monterey County Code Chapter 10.41, Solid Waste Collection and Disposal, as periodically amended. All solid waste and recycling must be contained within appropriate receptacles with lids. Waste receptacles must be stored out of sight unless in conformity with neighborhood standards.

m. Each Use Permit issued pursuant to this Section shall have, as a condition of the permit, a requirement that the Owner indemnify, defend, and hold harmless the County of Monterey and its officers, agents, and employees from actions or claims of any description brought on account of approval of the permit and from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities under said permit. This requirement shall remain operative and in effect notwithstanding any proceeding or litigation which may result in invalidation or rescission of the permit.

13. Required Findings. To grant a Use Permit for a Commercial Vacation Rental, the Appropriate Authority must find, based on substantial evidence, that the Commercial Vacation Rental complies with all findings required for a Use Permit pursuant to Chapter 21.74 and complies with all requirements of this Section 21.64.290.

14. Except as provided in this Section, Commercial Vacation Rentals shall be prohibited in the unincorporated areas of Monterey County unless all permits, licenses,

certificates, and any other entitlement required by County regulation are secured and maintained in good standing.

15. The use of a Residential Property for a Commercial Vacation Rental shall not violate any applicable conditions, covenants, or other restrictions on real property. The Applicant/Owner for the Use Permit for the Commercial Vacation Rental shall research any conditions, covenants, or other restrictions to which the property is subject and verify that to their knowledge that operating the Commercial Vacation Rental is not in violation of those conditions, covenants, or other restrictions. The Applicant/Owner shall also provide proof of approval from any applicable Homeowners' Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use. This requirement would be applicable at the initial submittal of a Vacation Rental Operations License, and every seven years if renewed.

F. Phasing Out Unpermitted Operations

1. To provide time for the Owner or Operator of a Vacation Rental that was unpermitted prior to the Effective Date to bring the Vacation Rental into compliance with this Section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this Section, an Owner and/or Operator who can demonstrate that Vacation Rental use was established and operating on the subject property prior to the Effective Date may continue the operation for a limited period of time following the Effective Date.

a. For Vacation Rental uses, the Owner or Operator:

i. Has thirty (30) days from the Effective Date to register with the Monterey County Housing and Community Development Department and file an Intent to Apply form.

ii. Has three (3) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates, or other entitlements required by County regulation.

iii. May establish a Vacation Rental as "prior operating" by providing written evidence to the satisfaction of the Monterey County Housing and Community Development Department Planning Services that it was operating as a Vacation Rental and completed at least one (1) contract in each three (3) of the five (5) years preceding the adoption and Effective Date, and can provide evidence of a reservation for a Vacation Rental unit entered into prior to the adoption and Effective Date.

iv. Must provide a current copy of Transient Occupancy Registration Certificate issued by the County.

v. If the above requirements (i) through (iv) are met, the Owner or Operator will be allowed to continue to operate as a Vacation Rental for up to six (6) months from the Effective Date, or until County takes action on the Owner's or Operator's application for all required permits, licenses, and entitlements made pursuant to this Section and Section 7.02.060 and Chapter 7.120 of the Monterey County Code, whichever is later, unless County requires earlier termination of the Vacation Rental use due to a risk to public health, safety and welfare.

vi. If after 180 days from the Effective Date the County denies any of the required permits, licenses, and entitlements, the Vacation Rental must cease within 30 days of receiving written notice from the County of such denial, unless County requires earlier termination of the Vacation Rental use due to a risk to the public health, safety and welfare

2. Unpermitted vacation rental operations that are not allowed pursuant to this Title 21.64.290 are not eligible to the phase out terms outlined in this Section and must cease operations within 30 days of the Effective Date.

3. Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation, during the Phasing Out period if the Vacation Rental creates an immediate or imminent threat to life, public health, or safety.

G. Exemptions

The regulations set forth in this Chapter, including the need to apply for a Vacation Rental Operation License and business license, do not apply to unique neighborhoods with existing developments that were established with the intent of managed short-term rentals; such developments are exempt from Chapter 7.120 and Sections 21.64.290. The existing permitted Vacation Rental must operate according to the regulations and conditions approved through the original permit.

H. Application Process for Commercial Vacation Rentals

1. All applications for a Use Permit for a Commercial Vacation Rental shall be filed with the Monterey County Housing and Community Development Department on the form and in the manner prescribed by the Housing and Community Development Director or his or her designee. In all cases, the application shall contain, without limitation, the following documentation:

a. All information required on the application form, including but not limited to, the name and signed consent of the Owner of the real property, which is the subject of the application and, if an agent represents the Owner, an authorization of the agent signed by the Owner.

b. The Applicant/Owner shall research and verify that Vacation Rental use of the residential unit does not violate any applicable recorded conditions, covenants, and restrictions (CC&Rs) or other applicable recorded restrictions on the real property proposed for the Vacation Rental use. The Applicant/Owner shall provide proof of approval from any applicable Homeowner's Association or other entity that has authority to enforce any applicable conditions, covenants, or other restrictions on real property for the Vacation Rental Use.

c. If the applicant is not the Owner, the applicant shall provide evidence, in the form of a lease agreement or other agreement between the applicant and the Owner of the real property which is the subject of the application, that the applicant has control of the property for the proposed permit period. If the applicant is not the Owner, the applicant shall provide written authorization from the Owner authorizing the applicant to apply for the Use Permit and utilize the property for the proposed Commercial Vacation Rental activity.

d. Property Manager contact information including name, address, telephone number and e-mail address.

e. Plans drawn to scale and labeled, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, including but not limited to: site plans illustrating locations and dimensions of all property lines, rights-of-way, vehicular easements, edge of pavement, driveways, on-site parking areas and all structures; and floor plans showing all rooms, including windows and doors, with clear designation of which bedrooms are intended for rental.

f. An inspection report that provides and verifies information, in the form and manner required by the Monterey County Housing and Community Development Director or his or her designee, to ensure the property is safe and habitable for its intended use, including but not limited to: verification of adequate egress from sleeping quarters and common areas; and installation of accessible fire extinguishers, fire alarms, and a carbon monoxide alarm on each level.

g. Evidence that the property receives solid waste service for garbage and recyclables collection.

h. Evidence that the source of water that serves the proposed Commercial Vacation Rental meets bacteriological and acute primary drinking water standards. Evidence may include proof, such as a water bill, that the property receives potable water service from a water system, as defined by

California Health and Safety Code Section 116275, that has 200 or more service connections, or a water quality analysis of a sample collected prior to any on-site water treatment system or device in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department. When the water quality does not meet bacteriological and/or acute primary drinking water standards, the Operator shall provide a copy of the rental contract that specifies bottled water in tamper-resistant containers will be provided to the Occupants for drinking and cooking purposes, and a copy of the advisory sign to be posted at each sink in the unit.

i. If the Commercial Vacation Rental is served by a water system subject to notification requirements, the Operator shall include written notification in the rental contract and provide a copy of the notification to be posted within the unit in a prominent place within six (6) feet of the front door of the unit.

j. If the Commercial Vacation Rental is served by an on-site wastewater treatment system (“OWTS,” also referred to as a septic system), the applicant must provide evidence that the system is in good working order and functioning properly by providing a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department.

k. Copy of OWTS informational signs pursuant to Chapter 7.120 of the Monterey County Code, if applicable.

l. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

m. Such other information as the Monterey County Housing and Community Development Director or his or her designee shall require to evaluate the application.

2. Time Limits. All Use Permits issued for Commercial Vacation Rentals shall be subject to the following time limits on the use authorized by the Use Permit:

a. The initial Use Permit shall be issued for a term of no more than seven (7) years.

b. The Owner may apply to extend the Use Permit prior to the expiration date of the Use Permit pursuant to Section 21.74.110. The extension application shall be made at least thirty (30) days prior to the expiration of the Use Permit at the end of each such seven-year term. The Use Permit shall be extended by the Appropriate Authority by seven years upon each renewal, if the Appropriate Authority finds that the operation is in good standing, according to the criteria set forth in Section I.3.

c. The Owner shall maintain a valid Vacation Rental Operation License pursuant to Chapter 7.120 of the Monterey County Code and a valid business license pursuant to Section 7.02.060(C) of the Monterey County Code throughout the permitted term of the Commercial Vacation Rental use.

d. The purpose of the seven (7) year term limit is to provide adequate ongoing review of the Commercial Vacation Rental to ensure that the use continues to meet the standards of this section.

I. Grounds for Suspension or Revocation

1. Where one or more of the conditions of a Use Permit have not been, or are not being, complied with, or when a Use Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Use Permit following public hearing pursuant to Chapter 21.78 of this Title.

2. Grounds for suspension or revocation may include, but are not limited to, more than two (2) substantiated violations of the terms and conditions of the Use Permit and/or Vacation Rental Operation License issued pursuant to Monterey County Code Chapter 7.120 in a twelve- (12-) month period. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.

3. The Vacation Rental operation shall be considered not in good standing, according to the criteria set forth below.

- a. Commercial Vacation Rentals with more than two (2) substantiated violations of this Section or Chapter 7.120 of the Monterey County Code shall be considered not in good standing. A substantiated violation means a determination of a violation by a court, administrative hearing officer or hearing body, or by stipulated agreement.
- b. Commercial Vacation Rentals that do not have a valid Vacation Rental Operation License pursuant to Chapter 7.120 of the Monterey County Code shall be considered not in good standing.
- c. Commercial Vacation Rentals that do not have a valid business license from the County pursuant to Section 7.02.060(C) of the Monterey County Code throughout the Commercial Vacation Rental use shall be considered not in good standing.

- d. Commercial Vacation Rentals that have not paid their Transient Occupancy Tax pursuant to Chapter 5.40 of the Monterey County Code shall be considered not in good standing.
 - e. Commercial Vacation Rentals that violate the regulations set forth in Chapters 18.14 and 18.15 of the Monterey County Code shall be considered not in good standing.
 - i. Commercial Vacation Rentals that do not meet bacteriological and acute primary drinking water standards, as demonstrated by a comprehensive water quality analysis pursuant to Monterey County Code Chapters 15.04 and 15.08 and California Code of Regulations Titles 17 and 22 shall be considered not in good standing, except when the Operator has elected to provide bottled water in tamper-resistant containers to the Occupants for drinking and cooking purposes, and includes written notification in the rental contract and appropriate advisory signs are posted at each sink in the unit.
 - f. Commercial Vacation Rentals that have an on-site wastewater treatment system (“OWTS,” also referred to as a septic system) that is not in good working order and functioning properly, as demonstrated by a performance evaluation of the OWTS completed by a qualified professional, in the form and manner required by the Environmental Health Bureau of the Monterey County Health Department, shall be considered not in good standing.
 - g. If a water system permit is required, Commercial Vacation Rentals that do not have a water system permit that is in good standing shall be considered not in good standing.
 - h. Commercial Vacation Rentals that have not completed at least one (1) contract in each of four (4) of the preceding seven (7) years will be considered inactive and not in good standing.
 - i. In addition to the above criteria, a County decision-maker has authority to determine that a Commercial or Limited Vacation Rental is not in good standing if the decision-maker finds, based on substantial evidence following a hearing before the decision-maker, that the Owner or Operator has violated federal or state law or County regulation in the operation of the Vacation Rental.
4. If a Use Permit has been revoked because the Commercial Vacation Rental is found not to be in good standing, an Owner desiring a Commercial Vacation Rental must apply for a new Use Permit for the Commercial Vacation Rental use and will be required to demonstrate, in addition to any other applicable requirements, that the reasons for revoking the Use Permit have been addressed.

J. Enforcement

The remedies provided by this Section are cumulative and in addition to any other remedies available in law or in equity.

1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Section. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Section may be charged with a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the Monterey County Jail for a period of not more than six (6) months, or by both such fine and imprisonment for each and every violation. No proof of knowledge, intent, or other mental state is required to establish a violation.

2. Any condition caused or allowed to exist in violation of any of the provisions of this Section shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action pursuant to Chapter 1.20 or cause of action for penalty pursuant to Chapter 1.22 of the Monterey County Code, and any other action authorized by law.

3. Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Section may be subject to injunctive relief, disgorgement, and payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorneys fees, and any other relief or remedy available in law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the Vacation Rental activity or persons related thereto, or associated with, the violation of this Section.

4. For violations of this Section, a Building and/or Health Enforcement Official may issue to a responsible person an administrative citation that imposes:

a. A civil penalty not exceeding one hundred and seventy-five percent (175%) of the Advertised Rental Rate per day, or part thereof, or one thousand dollars (\$1,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a first violation;

b. A civil penalty not exceeding two hundred and seventy-five percent (275%) of the Advertised Rental Rate per day, or part thereof, or two thousand, five hundred dollars (\$2,500.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a second violation of the same ordinance within one (1) year; and

This document is a draft and subject to change.

c. A civil penalty not exceeding three hundred and seventy-five percent (375%) of the Advertised Rental Rate per day, or part thereof, or five thousand dollars (\$5,000.00) per day, or part thereof, for Vacation Rentals without an Advertised Rental Rate, for a third violation of the same ordinance within one (1) year.

5. Each and every day during any portion of which any violation of this Section is committed or permitted and or continues to exist without remedy by the responsible person shall be deemed a separate and distinct offense and violation for purposes of determining the total amount of administrative penalties pursuant to this Section.

SECTION 35. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, or phrases are declared invalid.

SECTION 36. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

Ordinance amending Title 21 re: Vacation Rentals
Draft 12.04.2023

This document is a draft and subject to change.

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Assistant County Counsel

DRAFT

Appendix C

Socioeconomic Analysis

MEMORANDUM

To: Ascent Environmental, Inc.
Monterey County

From: Amy Lapin, Kate O’Beirne, and Salita Thao

Subject: Monterey County Vacation Rental Ordinance
Socioeconomic Analysis; EPS #232073

Date: December 5, 2023

The Economics of Land Use



Introduction

Economic & Planning Systems, Inc. (EPS) was retained to conduct a socioeconomic conditions analysis (Study) in support of Ascent Environmental, Inc. (Ascent) in their preparation of an Environmental Impact Report (EIR) examining the impacts of Monterey County’s (County) proposed draft regulations for vacation rentals within the unincorporated areas of the County. The County’s proposed draft regulations consist of three draft ordinances amending the Monterey County Code (MCC) for the purpose of establishing regulations, standards, and circumstances under which vacation rentals may be allowed.

This Study was prepared to answer the following key questions related to proposed ordinance restrictions for vacation rentals (also referred to as vacation rentals) in the County:

- Based on existing conditions in the County, what trends have emerged related to the housing market (including vacation rentals) in the unincorporated County by Planning Area?
- What is the estimated impact of the proposed ordinance restrictions regarding vacation rentals on the ownership and rental housing supply and average cost in the unincorporated County housing market by Planning Area?

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*Oakland
Sacramento
Denver
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In addition, this Study was prepared to assist in answering related questions outlined in the Project Initial Study under the California Environmental Quality Act (CEQA) for inclusion in the EIR. The questions included whether the proposed regulations would induce substantial unplanned population growth in an area or displace substantial residents or housing.

Study Overview

This Study includes an evaluation of demographic, socioeconomic, and residential real estate trends in the unincorporated areas of the County to the extent data was available. The purpose of this evaluation is to develop an understanding of the dynamics of socioeconomic and residential market trends, including vacation rental trends, to address the key questions described previously.

This memorandum comprises the following key analytic elements:

- **Demographic and Socioeconomic Profile.** Identifies trends in population and households, age, and household income by Planning Area.
- **Residential Market Profile.** Examines the housing inventory and residential market trends by Planning Area.
- **Economic Profile.** Reflects trends in the labor force, jobs, and resident-worker commuting patterns by Planning Area.
- **Vacation Rental Market Profile.** Examines the inventory and market trends of vacation rentals by Planning Area.

In addition, this Study includes research regarding two key topics: the estimated impacts of vacation rentals on housing supply and pricing, and case studies of vacation rental regulations implemented in two peer jurisdictions in California.

Supporting data tables underlying the findings and figures presented herein are included in appendices at the end of this memorandum.

Study Approach and Data Limitations

This Study relies on publicly available data sources (e.g., 2010 and 2021 U.S. Census American Community Survey) and subscription-based data (e.g., AirDNA, a web-based platform that compiles information sourced from Airbnb, VRBO, and HomeAway listings) to document and evaluate trends in the unincorporated County, relative to the County as a whole (e.g., inclusive of incorporated cities), and the State of California.

Data is organized by Planning Areas defined by the County, which represent unincorporated County areas, excluding incorporated cities in the County to the extent possible.¹ Initial County-defined Planning Areas, which were used in previous environmental analyses, were amended by the County for this Study to align with U.S. Census Tract boundaries for demographic and socioeconomic data evaluation purposes. See **Map 1** for Planning Area boundaries aligned with 2010 U.S. Census Tracts and **Map 2** for Planning Area boundaries aligned with 2020 U.S. Census Tracts (consistent with 2021 U.S. Census data). See **Table E-1** for a list of 2010 and 2020 Census Tracts by Planning Area.

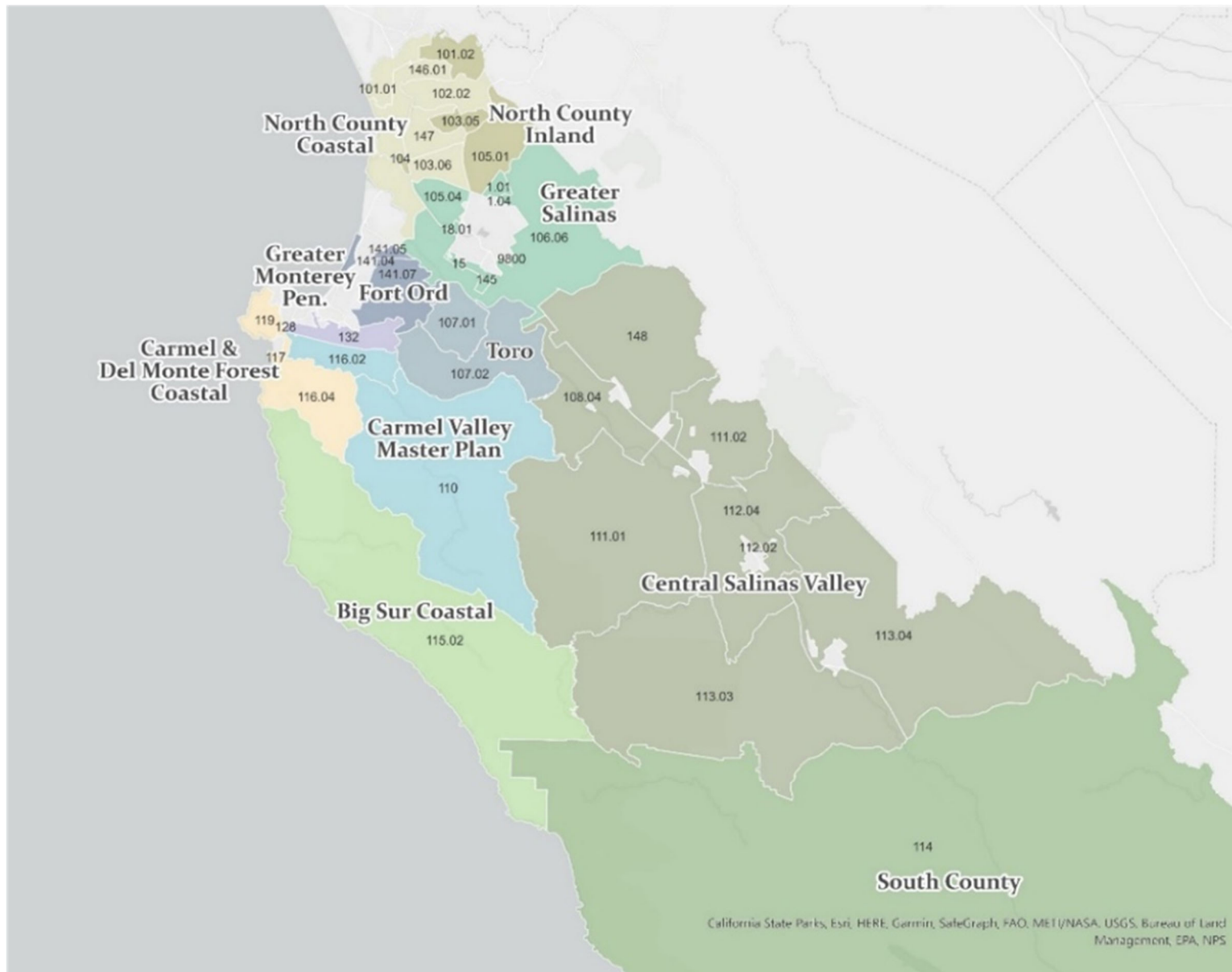
It should be noted that some Census Tract boundaries include a slight overlap with incorporated city boundaries.² Thus, some of the Census data presented in this Study does not strictly pertain to the unincorporated County. In contrast, EPS obtained vacation rental data by Planning Area from AirDNA in the unincorporated County only.

The findings contained in this Study rely on descriptive statistics and EPS's evaluation of socioeconomic and residential market trends, as well as expertise regarding broader real estate trends and does not employ complex statistical methods, such as regression analysis, to draw conclusions about relationships between two or more variables.

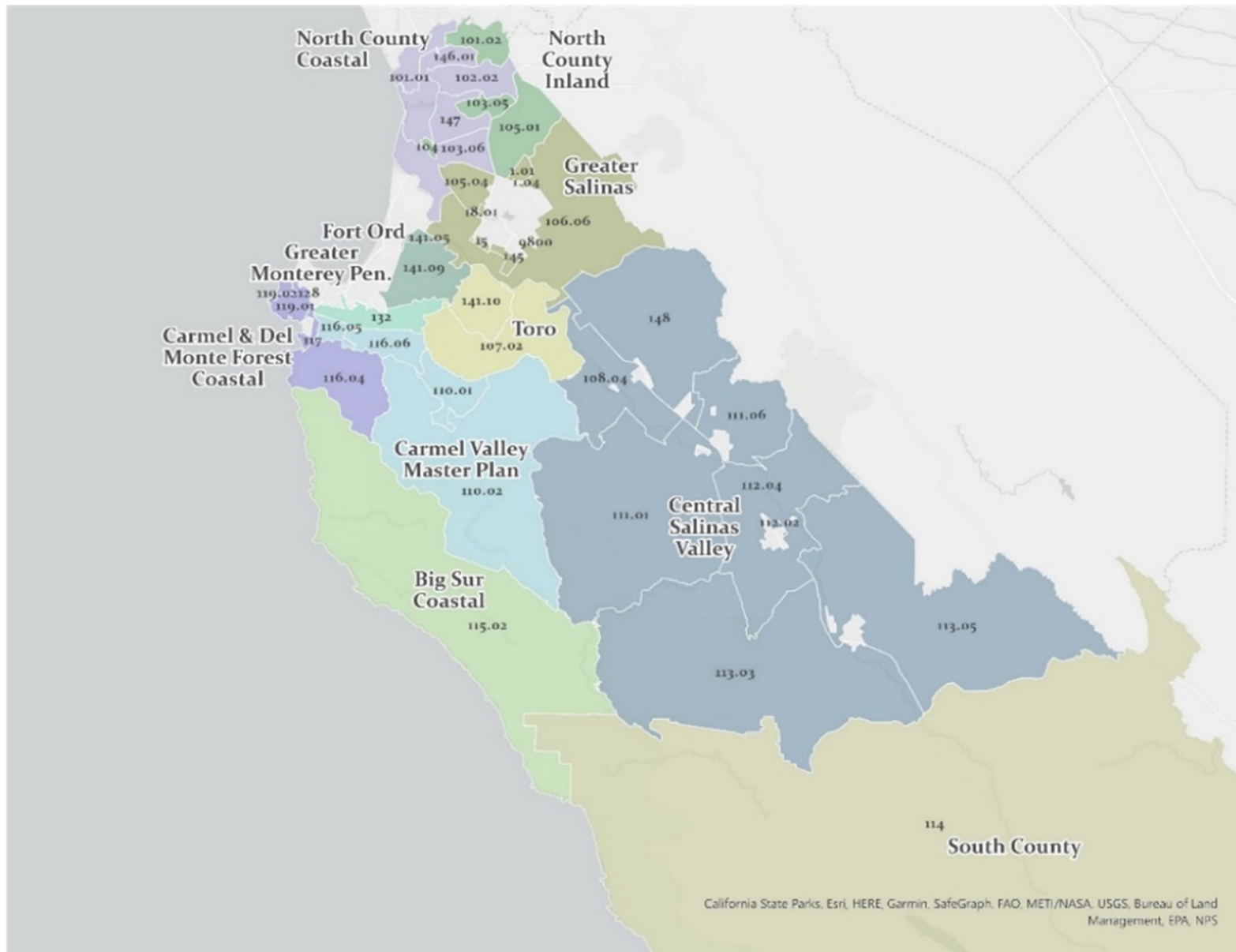
¹ Please note that some of the Census Tract boundaries overlap with incorporated city boundaries, where most of the Census Tract covers the unincorporated County with a small portion overlapping an unincorporated city. This overlapping boundary issue applies to the Planning Areas of Carmel & Del Monte Forest Coastal (Census Tract 128); Central Salinas Valley (Census Tracts 111.01, 111.03, 111.04, 111.05, 112.02, 113.05, and 113.06); and Greater Salinas (Census Tracts 1.04, 15, 105.04, and 145).

² Overlapping Census Tract boundaries with incorporated cities apply to the Planning Areas of Carmel & Del Monte Forest Coastal (Census Tract 128, which overlaps with the City of Monterey); Central Salinas Valley (Census Tracts 111.01, 111.03, 111.04, 111.05, 112.02, 113.05, and 113.06, which overlap with the cities of Soledad, Greenfield, and King City); and Greater Salinas (Census Tracts 1.04, 15, 105.04, and 145, which overlap with the City of Salinas).

Map 1. Monterey County Planning Areas and 2010 Census Tracts



Map 2. Monterey County Planning Areas and 2020 Census Tracts



Key Findings

The purpose of this Study is to assist in answering key questions posed by the County and Ascent, as described previously. Below are the questions and related high-level findings. Detailed information regarding these findings is provided later in this memorandum.

Key Question 1: Based on existing conditions in the County what trends have emerged related to the housing market (including vacation rentals) in the unincorporated County by Planning Area?

- **Between 2010 and 2021, a majority of population growth occurred in the incorporated cities in the County, while half of net new housing units occurred in the unincorporated County Planning Areas.** As of 2021, the unincorporated County contains about 132,400 residents and about 46,830 housing units. Over the last decade, population increased in the unincorporated area by about 8 percent, while total housing units in the unincorporated areas accounted for about 50 percent of total net new housing inventory in the County as a whole. See **Table A-1** and **Table B-1**.
- **Between 2010 and 2021, the unincorporated County added about 2,200 housing units equaling about 200 new units annually at an average annual growth rate slightly higher than the County as a whole and slightly below that of the State.** Over the last decade, the unincorporated County added 9,540 residents and about 2,200 housing units for an annual average of about 870 residents and 200 housing units.³ Housing supply growth was highest in the Central Salinas Valley, Fort Ord, North County Coastal, and Greater Salinas Planning Areas. Some Planning Areas experienced declines in housing supply, including Toro, North County Inland, Carmel & Del Monte Forest Coastal, and Greater Monterey Peninsula. These declines may be attributable to modifications to U.S. Census Tract boundaries between the two periods (2010 and 2021). See **Table A-1** and **Table B-1**.
- **Median housing values in the unincorporated County Planning Areas have historically been higher than the median values in the County as a whole and State and remain currently higher.** In 2010, the average of the median values in Census Tracts in the unincorporated County was \$687,000, about 20 percent higher than the median housing value in the County as a whole (\$566,000) and nearly 50 percent higher than the median housing value in the State (\$459,000). Over the last decade, the average

³ New residents in the unincorporated County are not necessarily aligned with new housing supply. Rather, new residents reflect growth in both existing and new housing in the entire unincorporated County.

of the median values in Census Tracts in the unincorporated County was about \$828,000, 39 percent higher than the median housing value in the County (\$596,000) and 44 percent higher than the median housing value in the State (\$573,000). All dollar values are nominal (not adjusted for inflation).

See **Table B-8**.

- **Housing values in the unincorporated County Planning Areas have increased at a much higher rate (21 percent) than the County as a whole (5 percent) but less than the increase experienced statewide (25 percent).** The average median housing value in the unincorporated County has increased by almost 21 percent since 2010 (2021 average median sales price is \$828,000) compared to the County's increase of only about 5 percent, but less than the State's overall increase of 25 percent. The largest value increases occurred in the less affordable and more tourism-based areas of the unincorporated County, which include Big Sur, Carmel & Del Monte Forest Coastal, Carmel Valley Master Plan, the Greater Monterey Peninsula, and also the former Fort Ord area, which is seeing a multitude of new residential development projects following the disposition of the former military base land. See **Table B-8**.
- **The housing supply in the unincorporated County has a higher percentage of single-family detached units relative to the County as a whole.** As of 2021, the unincorporated County's housing inventory is estimated to include about 73 percent single-family detached units and 20 percent multifamily units (with the remainder comprising Mobile Homes and other types of housing). This percentage breakdown has remained largely unchanged over the last decade. In comparison, the County as a whole (including incorporated cities) includes a smaller percentage of single-family detached units (63 percent) and larger share of multifamily units (32 percent). In addition, approximately 66 percent of households in the unincorporated County own their homes as of 2021, representing a slight decline in the percentage of owner-occupied units relative to 2010.
- **Between 2010 and 2021, most new households in the unincorporated County and County as a whole were renter-occupied.** Of the nearly 1,150 new households formed between 2010 and 2021 in the unincorporated County, a majority (about 61 percent) were renter-occupied households. In comparison, over 90 percent of new households formed between 2010 and 2021 in the County as a whole were renter-occupied. Given long-standing housing affordability challenges in the County, this trend is likely driven by both supply and demand factors. Jurisdictions and real estate developers in the County may be prioritizing more affordable housing opportunities through the creation of more rental units over owner-occupied housing. See **Table B-2** and **Table B-4**.

- **The Planning Areas with less affordable housing that are considered more tourism-based (Big Sur, Carmel & Del Monte Forest Coastal, Carmel Valley Master Plan, Greater Monterey Peninsula areas) have higher residential vacancy rates compared to the other Planning Areas largely because of the inventory of seasonal, recreational, or occasional-use housing units.** On average, the vacancy rate in the unincorporated County, at about 13 percent, is much higher than the County as a whole (9 percent) or the State as a whole (nearly 8 percent). See **Table B-5**.
- **Rental rates in the unincorporated County Planning Areas experienced a significant increase of 40 percent between 2010 and 2021, although the increase was less than the percentage increase in the County as a whole (53 percent) or the statewide percentage increase (48 percent).** That said, the average median monthly rental rate in the unincorporated County is more than \$1,900, which is 12 percent higher than the countywide median (\$1,718) and 14 percent higher than the State median (\$1,698). All dollars are presented in 2021\$. See **Table B-9**.
- **As of June 2023, the estimated number of vacation rental listings in the unincorporated County is approximately 830, an increase of 614 listings since 2015, although the current number of listings represents only 30 percent of total listings countywide.**⁴ Between 2015 and 2023, vacation rental listings in the unincorporated County increased from 217 listings to about 830 listings, representing an 18 percent increase in listings. Comparatively, there are about 2,860 vacation rental listings countywide as of June 2023, representing an increase of nearly 2,300 vacation rental listings and a growth of nearly 23 percent. See **Table D-1**.
- **The largest concentration of vacation rental listings and the largest growth in vacation rental listings in the unincorporated County are in the Planning Areas with higher costs of living including Carmel & Del Monte Forest Coastal and Carmel Valley Master Plan.** As of 2023, Carmel & Del Monte Forest Coastal and Carmel Valley Master Plan Planning Areas are home to 72 percent of all current vacation rental listings in unincorporated County with 48 percent of vacation rental inventory in Carmel & Del Monte Forest Coastal Planning Area and 24 percent in the Carmel Valley Master Plan Planning Area. In addition, 74 percent of the growth in vacation rental listings was concentrated in these Planning Areas. The Planning Areas with the next highest vacation rental inventory include North County Coastal (8 percent), Toro (6 percent), and Big Sur (4 percent). The remaining areas comprise only

⁴ AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g., Hotels, Tents, Yachts).

10 percent of the total vacation rental inventory. Currently, vacation rental listings in the unincorporated County account for about 30 percent of total vacation rental listings in the County as a whole, a decline from 39 percent in 2015. See **Table D-1**.

- **Current vacation rental listings comprise a small portion (about 1.3 percent) of the current housing supply in the unincorporated County.** With 831 active listings in unincorporated County (as of June 2023), vacation rentals represent 1.3 percent of total housing units in the unincorporated County (based on 2021 U.S. Census data) Active vacation rental listings in the County as a whole represent 2.0 percent of total housing units in the County (including incorporated cities). This finding is based on the assumption that vacation rental listings exclusively serve as vacation rentals, although the listing may serve as both a vacation rental and an owner's residence (e.g., the homeowner rents out a room or a separate unit) or may be serving as a vacation rental temporarily. See **Table D-1** and **Table B-1**.
- **The proportion of vacation rentals to total housing units in the Planning Areas with the largest share of vacation rentals is minimal.** In the Carmel & Del Monte Forest Coastal Planning Area the vacation rentals comprise 4.6 percent of total housing units in the Planning Area and vacation rentals in the Carmel Master Plan Planning Areas comprise 3 percent of total housing units in the Planning Area. Together vacation rentals in these Planning Areas account for 1 percent of housing units in unincorporated County Planning Areas and 0.3 percent of total housing units in the County as a whole.
- **Since 2015, average annual occupancy rates for vacation rentals, currently at about 55 percent occupancy, have increased for all but one unincorporated County Planning Area.** The Planning Areas with the highest occupancy rates as of 2023 were Big Sur, Fort Ord, and Greater Monterey Peninsula areas ranging between about 60 percent to 70 percent. Vacation rentals in the Greater Salinas Planning Area experienced a slight decline in occupancy, from 29 percent in 2015 to 27 percent in 2023. See **Table D-4**.
- **The average annual percentage increase in revenue earned from vacation rentals per listing is significantly higher than the average annual percentage increase in housing values or rental rates in the unincorporated County.** The estimated average annual revenue per active listing has increased almost 21 percent between 2015 and 2023 from an average annual revenue of almost \$25,000 to \$111,200 per listing, an increase of about \$86,000 (dollars are presented in nominal terms, i.e., not adjusted for inflation). Although there are different time frames (2015 to 2023 for vacation rental data compared to 2010 to 2021 for housing value data), the increase in average annual revenue per vacation rental listing is significantly higher than the average annual percentage increase in median home value within the Planning Areas

(1.7 percent) and the average annual percentage increase of rental rates of 3.1 percent. See **Table D-5, Table B-8, and Table B-9.**

Key Question 2: What is the estimated impact of the proposed ordinance restrictions regarding vacation rentals on the ownership and rental housing supply and average cost in the unincorporated County housing market by Planning Area?

- **Vacation rentals can have moderate to significant impacts on housing supply and pricing, especially in communities already facing affordability issues.** Generally, the available literature on vacation rentals' impact on the housing market has coalesced around two main conclusions. At the metropolitan level, the impact of vacation rentals on housing prices appears to be minimal when compared to other factors such as population growth, interest rates, and the strength of the regional economy. At a smaller scale, vacation rentals can have moderate to significant impacts on housing supply and prices, especially in communities already facing housing affordability issues.
- **Vacation rentals appear to have an impact on housing prices for both for-sale and rental properties, although the mechanism of impact is distinct for each type of housing and studies disagree on the magnitude of this impact.** Several studies conducted over the last 6 years in various jurisdictions with differing housing and vacation rental dynamics and differing analytical methodologies have found that a 1 percent increase in vacation rentals "in a local market" (studies reviewed various geographic units of analysis to define this market context, from ZIP codes to fixed-distance proximities ranging from 200 meters to 0.25 miles) can increase rental rates and housing prices anywhere from 0.02 percent (i.e., have a negligible impact) to between 4.0 to 4.9 percent.^{5 6 7} Vacation rentals may increase for-sale housing prices by allowing vacation rental investors to outbid purchasers who seek to occupy a unit full-time and by increasing neighborhood attractiveness (and property values) through higher maintenance standards. Vacation rentals primarily impact rental prices through the conversion of long-term rental units

⁵ Barron, K.; Kung, E; Proserpio, D. 2020. The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb. Study utilized ZIP codes as geography.

⁶ Koster, H.; van Ommeren, J.; Volkhasen, N. 2021. Short-term rentals and the housing market: Quasi-experimental evidence from Airbnb in Los Angeles. Study determines effect of listings within 200 meters of subject properties on housing prices.

⁷ Michael Baker International. 2017. Socioeconomic Impacts of Vacation Home Rentals in South Lake Tahoe.

to vacation rentals, decreasing the number of long-term rental units in an area and increasing competition and rents.

- **Based on a study conducted to support vacation rental regulations in Placer County, the prevalence of vacation rentals appears to have a negative impact on the availability and affordability of rental and for-sale housing, however, vacation rentals are just one factor among many influencing housing availability and affordability.** Coincident with vacation rental regulations adopted in Placer County, the County studied the vacation rental market and vacation rental impacts on the broader housing market.⁸ The study included a literature review of peer-reviewed academic articles and industry publications primarily focused on impacts within major tourist markets. The studies consistently revealed a negative impact between the prevalence of vacation rentals in a given housing market and the availability and affordability of both rental and for-sale housing in the market. However, the study also indicated that the impact of vacation rentals on housing prices was likely smaller than broader market forces such as low housing inventory, COVID-related remote work migration, and interest rates.
- **A countywide study conducted to support vacation rental regulations in Sonoma County found no relationship between the prevalence of vacation rentals and increased home prices.** To assist in writing a new vacation rental policy in Sonoma County, County Staff contracted with Dr. Robert Eyler, a Professor of Economics at Sonoma State University, to determine the impact of vacation rentals on the County's housing market. Dr. Eyler's study found little to no relationship between the prevalence of vacation rentals in the County and changes in home prices, although the study did note that it was only able to evaluate data at a countywide level and that there could be impacts on specific regions or market segments (i.e., at smaller geographic scales).

CEQA Questions: Would the project: a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

There is no evidence to suggest that the proposed ordinance restrictions for vacation rentals in the County would induce substantial unplanned population growth in the County. Similarly, there is no evidence to suggest that the Project would displace substantial numbers of existing people or housing. The Project

⁸ "Eastern County Short-Term Rental Economic Study (DRAFT)," prepared for Placer County by BAE Urban Economics, December 3, 2021.

does not propose new homes, businesses, or infrastructure. The Project's intent is to limit the number of homes that are used as vacation rentals to protect housing options and housing affordability for long-term residents.

Overall Conclusions

Residential housing markets are complex and influenced by many interconnected factors. For decades, California has faced a housing crisis that points to a root problem of limited housing supply. Indeed, several recent reports have estimated an undersupply of housing in the State that ranges from about 3 million to 4 million units. This undersupply represents the amount of housing that was needed over the last several decades to maintain housing costs in alignment with the rest of the country. Like many communities in the State, housing demand in the County has continued to outpace supply. This undersupply has increased housing costs, impacting affordability and disproportionately affecting the most vulnerable populations.

In addition to chronic undersupply, factors such as interest rates and the type and scope of employment opportunities, net population growth and the socioeconomic characteristics of residents and households, residential zoning regulations and the location and quality of available land, public health and environmental conditions, and the extent and quality of amenities inherent in a community, all impact the availability and affordability of housing. *Based on research reviewed for this Study, short term vacation rentals also likely play a role in influencing the availability and affordability of housing, in particular in areas where tourism plays a key role.*

Because of the complexity of the local housing market, it is difficult to predict the impact that the County's proposed vacation rental regulations will have on housing availability and affordability. However, limiting the number of vacation rentals in the unincorporated County may curb speculative investment activity, limiting the number of vacation rental conversions and preserving owner- and renter-occupied housing units for long-term use. Based on the housing and vacation rental trends in the County, vacation rental regulations in the unincorporated County, however, should be accompanied by similar regulations in the incorporated portions of the County as well as policies and incentives for increasing the County's overall housing supply.

Socioeconomic Profile Detailed Findings

Socioeconomic Trends

Population and Households

Population growth has outpaced household growth over the past decade in both the unincorporated County Planning Areas and the County as a whole. The majority of this growth occurred in the Central Salinas Valley and Greater Salinas Planning Areas. In some of the less affordable Planning Areas a loss in population and households occurred, including the Carmel & Del Monte Forest Coastal, Carmel Valley Master Plan, and Toro Planning Areas.⁹ The overall net growth potentially reflects residents moving within the County to more affordable areas. Overall household sizes (persons per household) increased slightly in both the unincorporated County Planning Areas, the County as a whole, and the State, consistent with the slight increases in their populations and households. See **Table A-1**.

Unincorporated County residents are becoming older. The unincorporated County Planning Areas and the County as a whole have aging populations increasing from an average of the median age of 38.3 years old up to 39.8 years old and from 32.8 years old up to 34.9 years old, respectively, aligning with statewide and national trends. The less affordable Planning Areas of Carmel & Del Monte Forest Coastal and Carmel Valley Master Plan and the Greater Monterey Peninsula reflect higher median ages than the generally more affordable Planning Areas. See **Table A-2**.

Median household income in the Planning Areas has not kept up with inflation over the past decade. Median household income in the unincorporated County Planning Areas declined by 2.8 percent between 2010 and 2021, from \$104,500 to \$101,500 (in 2021 dollars), compared to the 6 percent increases in the County as a whole and the State. The decrease for the unincorporated County and marginal increases in the County and State in household income suggest that resident wages did not keep up with the rate of inflation for the western United States over this period. See **Table A-3**.

⁹ The median home value and rents in these areas are higher than the median value or rent for the County as a whole, indicating that they are less affordable than other areas within the County.

Housing Market Trends

The housing supply in the unincorporated County has increased at a higher rate than the County as a whole, comprising more than half of the total growth in the County over the past 11 years. The unincorporated County's housing inventory comprises about 46,830 units as of 2021 following an estimated net increase of more than 2,100 housing units between 2010 and 2021. The Planning Area that experienced the most growth was the Central Salinas Valley area, adding over 900 units, followed by the Fort Ord area with almost 790 units. Some areas experienced overall declines in supply, including the Carmel & Del Monte Forest Coastal, Greater Monterey Peninsula, North County Inland, South County, and Toro Planning Areas. See **Table B-1**.

The unincorporated County's housing inventory is comprised primarily of single-family detached units built from the 1970s to 1990s. The unincorporated County's housing inventory is estimated to include 73 percent single-family detached units and 20 percent multifamily units (including attached single-family units). The supply allocation by type has remained relatively similar over the last decade; the only housing type that has experienced a decrease was multifamily with 2-4 units with a net decline of about 40 units. The residential type that experienced the largest amount of growth was the "Mobile Homes and Others" category with the addition of 615 units in the North County Coastal Area. More than 2,100 housing units have been added to the Planning Areas supply since 2010, comprising about 5 percent of the total housing inventory in unincorporated County. See **Table B-2** and **Table B-3**.

Most households in the unincorporated County are homeowners. According to the ACS as of 2021, approximately 66 percent of households in the unincorporated County own their homes, while the remaining 34 percent rent, as shown in **Table B-4**. The proportion of housing tenure has remained relatively consistent since 2010, with the percentage of renters increasing slightly from 33 percent to the current figure of 34 percent, following a similar trend in both the County as a whole and the State.

The Planning Areas that are less affordable and more tourism-based have higher residential vacancy rates largely because of the inventory of seasonal, recreational, or occasional-use housing units.

The unincorporated County's total residential vacancy rate has decreased slightly from around 14 percent to 13 percent between 2010 and 2021, following a similar pattern to the County as a whole and the State, which both experienced decreases in residential vacancy of approximately 1 percent during the same period. While residential vacancy rates appear fairly high (13 percent) the number of vacant units available to purchase or rent comprises only 2 percent of total housing units.

As of 2021 approximately half of the vacant supply comprises seasonal, recreational, or occasional-use housing units, with the bulk located in the Planning Areas that are less affordable and more tourism-based including Big Sur, Carmel & Del Monte Forest Coastal, Carmel Valley Master Plan, and the Greater Monterey Peninsula. Seasonal, recreational, or occasional use units as a percentage of total vacant units in the unincorporated County remained relatively steady at 54 percent from 2010 down to 51 percent in 2021. Vacant units in the County as a whole also comprise about 47 percent of seasonal, recreational, or occasional use housing units in 2021, an increase from 41 percent in 2010, with a similar increase within the State from 27 percent up to 33 percent over the same period. While there was a slight increase in seasonal, recreational, or occasional-use vacant units, there was a significant decrease in units categorized in the County as "vacant—current residence elsewhere" and a large decrease in "unoccupied sold units," which potentially reflects a decreasing trend of purchasing homes to use as second-home investment properties, whether rented out or for occasional personal use.¹⁰ These trends may also be attributed to the effects of the COVID-19 Pandemic, which resulted in a greater proportion of workers shifting to telework from home. See **Table B-5**, **Table B-6**, and **Table B-7**.

Seasonal, recreational, or occasional-use includes vacant units used or intended for use only in certain seasons or for weekends or other occasional use throughout the year. Seasonal units include those used for summer or winter sports or recreation, such as beach cottages and hunting cabins. Seasonal units also may include quarters for such workers as herders and loggers.

Current residence elsewhere includes survey respondents who occupied a household for less than 2 months and their primary residence is inside or outside that jurisdiction, just not that specific residential unit.

¹⁰ The ACS categorizes units that are occupied as a vacation rental at the time of their survey as Vacant—Current Residence Elsewhere.

Housing values in the unincorporated County Planning Areas have increased at a much higher rate than the County as a whole over the last decade. The median housing value in the unincorporated County has increased by almost 21 percent since 2010 (2021 median sales price is \$828,100) compared to the County's increase of only about 5 percent, but less than the State's overall increase of 25 percent. The largest value increases occurred in the less affordable and more tourism-based areas of Big Sur, Carmel & Del Monte Forest Coastal, Carmel Valley Master Plan, and the Greater Monterey Peninsula, and also the former Fort Ord area, which is seeing a multitude of new residential development projects following the disposition of the former military base land. See **Table B-8**.

Rental rates in the unincorporated County Planning Areas have not increased as much as the County as a whole over the last decade. Rental rates in the unincorporated County Planning Areas have increased by about 40 percent since 2010 (2021 average asking rent is \$1,920) compared to the County's as a whole increase of 53 percent. Rental rates in the incorporated areas of the County increased by an average of 54 percent. However, rents in the unincorporated Planning Areas are about 4 percent higher than those in the incorporated areas. See **Table B-9**.

Labor Force (Employed Residents) and Jobs by Industry

Both the unincorporated Planning Areas and the County have a net inflow of workers maintaining more jobs than employed residents (labor force). The unincorporated County Planning Areas have about 6 percent more jobs than the labor force as of 2020, though this difference has evened out slightly since 2010 when the Planning Areas had about 12 percent more jobs than employed residents. This was due to a higher net labor force increase of about 5,650 (13 percent) whereas jobs experienced a net increase of about 3,250 (6.5 percent). The unincorporated County experienced large decreases in Accommodation and Food Services jobs in the Carmel Master Plan Planning Area. The labor force within the unincorporated Planning Areas saw large increases in the industries of Construction, with growth spread out throughout all of the Planning Areas, and Health Care and Social Assistance with a large increase in both Central Salinas Valley and Greater Salinas Planning Areas. See **Table C-1** and **Table C-2**.

In comparison, the County as a whole shifted from a slight surplus of employed residents relative to jobs in 2010 to a slight surplus of jobs relative to employed residents by 2020. Between 2010 and 2020, the labor force increased by about 4,900 people with large increases in the Health Care and Social Assistance and Construction industries. Total jobs also increased by about 14,300 jobs, with large increases in the Health Care and Social Assistance and Construction industries of almost 9,000 jobs (and offsetting declines in other industries).

The unincorporated County Planning Areas labor force participation rate is 55.8 percent as of 2021, which is only 0.7 percentage points lower than the County as a whole (56.4 percent) and slightly lower than the State's rate of 59.3 percent. See **Table C-3**.

About 37 percent of employed County residents (inclusive of incorporated cities) travel outside of the County to work as of 2020, an increase from about 32 percent in 2010. Conversely, only 35 percent of jobs within the County (inclusive of incorporated cities) are filled by people living outside of the County in both 2010 and 2020.¹¹

The 5-percentage point increase of County resident workers changed the 2010 net inflow of 104 percent to a net outflow of 98 percent in the County an almost even breakdown of workers traveling into the County versus those traveling outside of the County for work. See **Table C-4**.

Labor force includes all residents of an area age 16 and older who are classified as both employed and unemployed. Conceptually, the labor force level is the number of people who are either working or actively looking for work.

Jobs refers to the number of job positions in a specified geography where a worker is employed with positive earnings. This includes part-time and full-time positions and reflects positions, not people.

¹¹ The entire County including incorporated cities. Please note that OnTheMap employment excludes uniformed military, self-employed workers, and informally employed workers.

Vacation Rental Detailed Findings

Inventory and Characteristics

Vacation rentals comprise a small portion of existing housing units (1.3 percent), although active listings increased by about 18 percent between 2015 to 2023. Active listings for vacation rentals in the unincorporated Monterey County Planning Areas increased by 614 units during this timeframe. Between 2015 and 2021, vacation rentals increased by almost 420 units compared to the addition of 1,577 housing units to the Planning Areas supply.¹² However, these additional vacation rentals comprise both existing and new housing units so this study is unable to determine the exact percentage of new housing units that are currently being used as vacation rentals. The bulk of the additional vacation rental inventory occurred in the Carmel & Del Monte Forest Coastal and the Carmel Valley Master Plan Planning Areas as shown in **Figure 1**.

In 2015 vacation rentals in the unincorporated Planning Areas accounted for only 0.5 percent of total housing units increasing to only 1.4 percent of total units as of 2021. See **Figure 2**.

As of 2023, about 50 percent of the vacation rental listings are located in the Carmel & Del Monte Forest Coastal Planning Area followed by the Carmel Valley Master Planning area with approximately 21 percent of total listings in the unincorporated County. The Carmel & Del Monte Forest Coastal Planning Area saw a decline in housing supply of less than 1 percent and Carmel Valley Master Planning Area saw minimal housing supply growth of less than 1 percent. Both areas saw large increases in active listings during the same period, followed by moderate increases in the North County Coastal and Toro Planning Areas. See **Table D-1, Table B-1, and Figure 3**.

¹² AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g., Hotels, Tents, Yachts).

Figure 1. Annual Vacation Rental Trends in Unincorporated Monterey County (2015-2023)

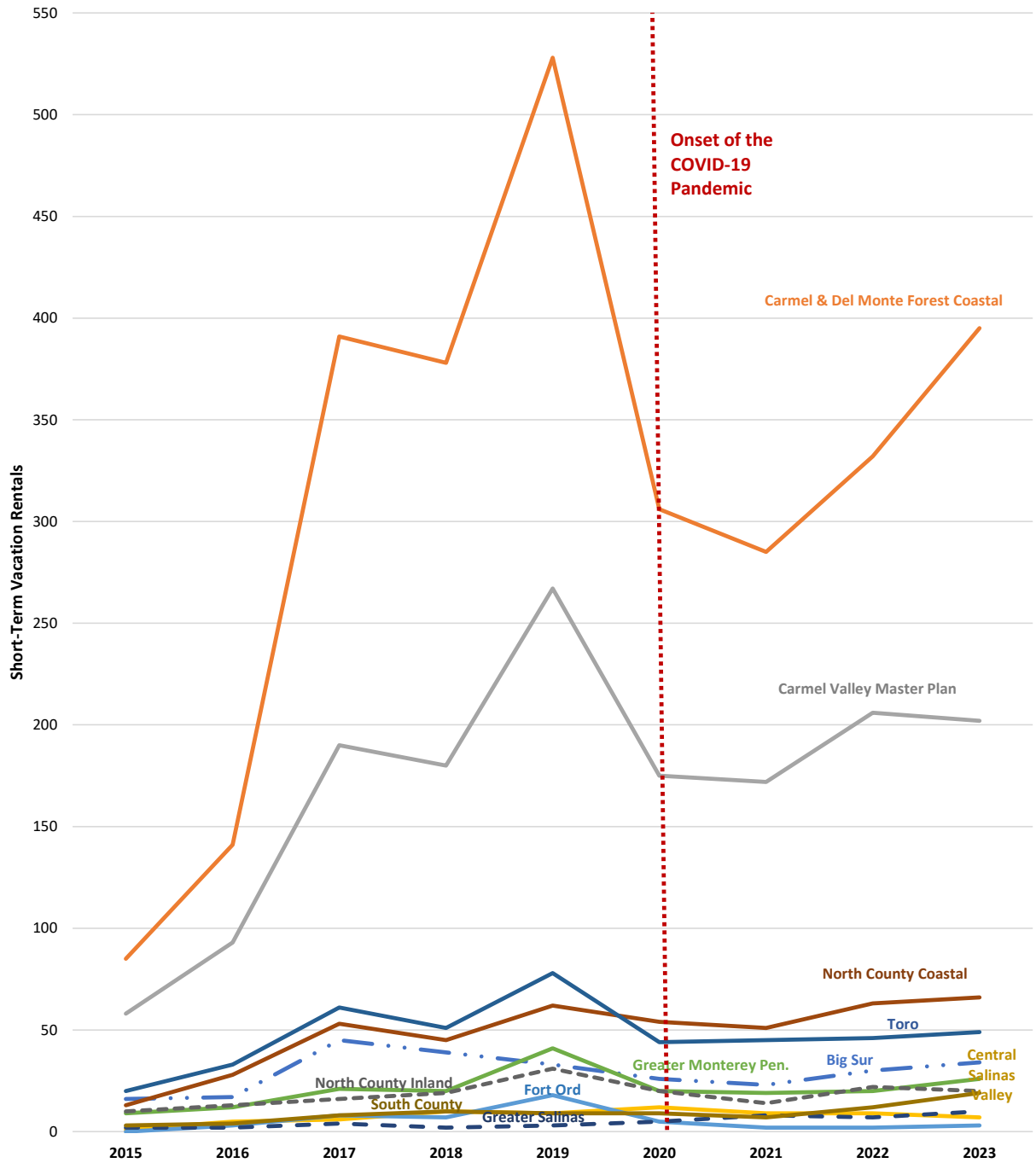


Figure 2. Vacation Rental Listings as a Percentage of Total Housing Units: Unincorporated County Planning Areas (2021)

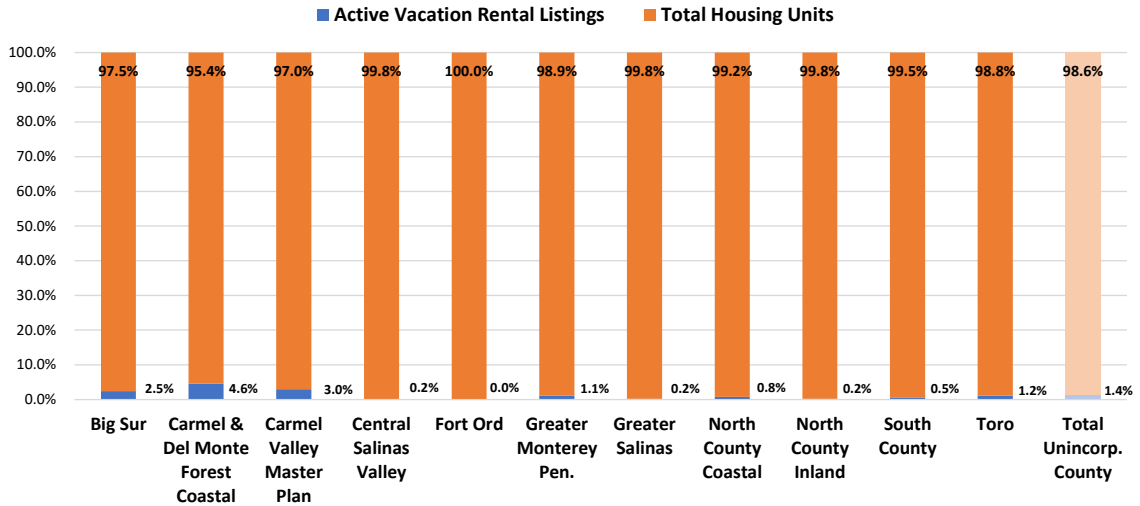
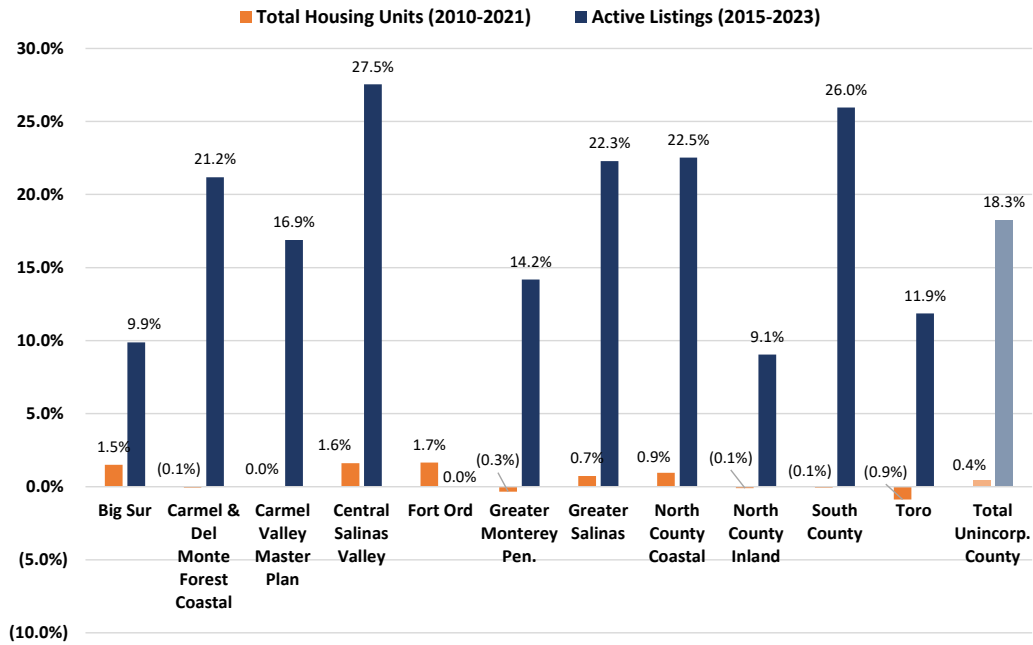


Figure 3. Average Annual Percentage Change in Housing Units (2010-2021) and Vacation Rental Active Listings (2015-2023) by Planning Area



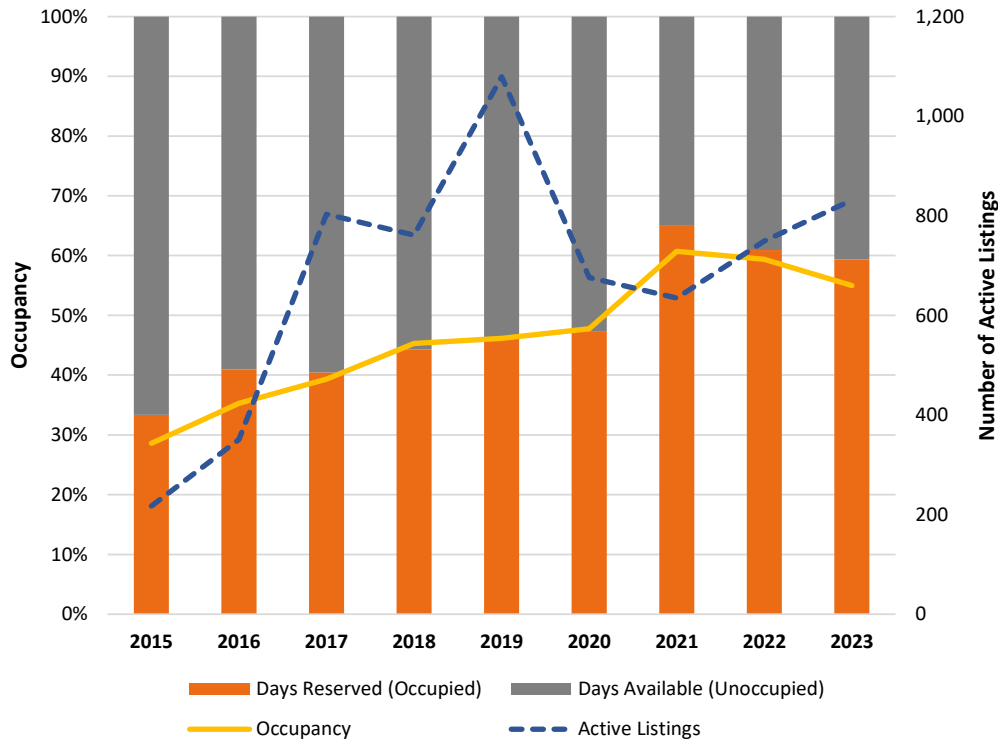
Performance Trends

Occupancy

The total annual days reserved in the Planning Areas increased by 580 percent, or an average annual increase of 27 percent, from approximately 20,500 days per year in 2015 up to almost 139,500 days per year as of 2023. Similar to the inventory of active listings, the Carmel & Del Monte Forest Coastal Planning Area accounted for almost half of the total annual days reserved (65,400 annual days), followed by Carmel Valley Master Planning Area (32,600 annuals days), and then the North County Coastal Area (13,300 annual days). The Carmel & Del Monte Forest Coastal Planning Area also saw the largest increase in overall residential vacancy in homes that are categorized as seasonal, recreational, or occasional use, indicating that this is a popular area for vacation rentals. The North County Coastal and Fort Ord areas experienced the highest proportion of occupancy growth, both increasing the number of days reserved by over 1,000 percent. See **Table D-2**.

The total number of days per year the active listings remained available increased by over 130 percent, or an average annual increase of 11 percent. Even with an increase in the number of days the listings remained available (i.e. unoccupied), the increase in the number of listings combined with the increase in the number of days the listings were reserved was substantial enough to create an increase in the average annual occupancy rate from 29 percent to 55 percent occupied between 2015 and 2023. See **Table D-3** and **Table D-4**. As of 2023, the Planning Areas with the highest rates of vacation rental occupancy were Big Sur, Fort Ord, and Greater Monterey Peninsula Planning Areas ranging between about 60 percent to 70 percent. See **Figure 4**.

Figure 4. Vacation Rental Active Listings and Occupancy: Unincorporated Planning Areas (2015-2023)



Revenue and Revenue Potential

The average annual growth percentage increase from the revenue earned from vacation rentals in the Planning Areas was significantly higher than the average annual growth rate increase in median housing value and rental rates. The estimated average annual revenue per active listing has increased almost 21 percent, or a total of 350 percent, between 2015 and 2023 from an average revenue of almost \$25,000 up to \$111,200 a total increase of \$87,000 per active listing.¹³ Although there are different time frames (2015 to 2023 compared to 2010 to 2021) the average annual 21 percent increase is significantly higher than the average annual increase in median home value within the Planning Areas of about 2 percent. Rents, however, increased at a bit of a higher average annual rate of 3 percent between 2010 and 2021.

¹³ AirDNA defines revenue as the total revenue earned during the reporting period and includes the advertised price from the time of booking as well as cleaning fees. This figure excludes costs incurred to own and operate the vacation rental.

The Planning Area with the highest annual revenue per active listing is Big Sur with an average of almost \$150,000 as of 2023, followed by the Central Salinas Valley at \$131,100. The Toro and North County Coastal Planning Areas experienced the largest average annual rate increases of about 30 percent for both, between 2015 and 2023. See **Table D-5**.

The total annual revenue potential estimates the maximum revenue the vacation rentals can achieve.¹⁴ The potential revenue per listing for the unincorporated Planning Areas as of 2023 is approximately \$186,000, a 146 percent increase, or an average annual increase of 12 percent, in value from 2015. The total revenue earned by the vacation rentals is about 60 percent of the total revenue potential as of 2023. The Planning Area with the highest revenue potential is the Central Salinas Valley, followed by Greater Monterey Peninsula, Big Sur, and Carmel & Del Monte Forest Coastal areas.

Case Study Research

Impact of Vacation Rentals on Housing Prices, Rents, and Supply

Since the founding of Airbnb and other online platforms for home sharing in 2008, dozens of studies have explored the impact of vacation rentals on housing affordability. Generally, the available literature has coalesced around two main conclusions: 1) At the metropolitan level, the impact of vacation rentals on housing prices is minimal when compared to other factors such as population growth, interest rates, and the strength of the regional economy; and 2) at a smaller-scale, vacation rentals can have moderate to significant impacts on housing supply and prices, especially in communities already facing housing affordability issues. ^{15 16 17}

In general, property owners will seek to convert a traditional, long-term rental unit to a vacation rental when the potential annual income from a vacation rental exceeds the potential annual income from a longer-term lease. However, several

¹⁴ The revenue potential is calculated by dividing the annual revenue earned per active listing by the number of days reserved to obtain an estimated daily revenue rate and applying that estimated daily revenue to the days each listing remained available plus the days reserved.

¹⁵ Barron, K.; Kung, E; Proserpio, D. 2020. The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb. Study utilized ZIP codes as geography.

¹⁶ Koster, H.; van Ommeren, J.; Volkhasen, N. 2021. Short-term rentals and the housing market: Quasi-experimental evidence from Airbnb in Los Angeles. Study determines effect of listings within 200 meters of subject properties on housing prices.

¹⁷ "Eastern County Short-Term Rental Economic Study (DRAFT)," prepared for Placer County by BAE Urban Economics, December 3, 2021.

other factors can influence this decision. Property owners may be wary of the restrictions imposed on properties occupied by long-term tenants, such as rent control and eviction protection. In addition, property owners themselves may use the property as a vacation home, in which case a long-term tenant would prevent this type of use. In tourist destinations where housing has long been dominated by second-home owners using houses as seasonal vacation homes, even a ban on vacation rentals may not increase the availability of long-term rentals. For example, a survey of second-home owners in the City of Pacific Grove revealed that less than 6 percent of owners would lease to a long-term tenant if vacation rentals were banned.¹⁸

Vacation rentals impact housing prices through a variety of interrelated mechanisms. In areas where housing is already limited, as is the case in many coastal and mountain resort communities, the removal of housing units from long-term occupancy increases competition for scarce housing, increasing prices. Although the literature has not defined a firm threshold for vacation rentals to affect housing prices through this mechanism, a study in Oregon proposed that this impact would be significant if vacation rentals compose more than 5 percent of the total housing stock of a community.¹⁹ In many communities with existing housing supply issues and high demand for vacation rentals, any loss of long-term housing stock is likely to increase competition for scarce housing units. In Los Angeles, for example, communities such as West Hollywood and Venice lost four times as many long-term housing units to vacation rental conversion as they gained through new construction from 2010 to 2015.²⁰

In addition, if operating a particular unit as a vacation rental is likely to generate more revenue than operating that unit as a traditional long-term rental unit, then vacation rental investors can outbid buyers who would seek to lease the unit long-term. A study in the City of Isle of Palms, South Carolina, found that vacation rentals sold for at least 9 percent higher than owner-occupied homes and 15 percent higher than long-term rental properties, controlling for common factors affecting housing prices, such as unit size, lot size, beachfront proximity, and the age of the unit.²¹

¹⁸ Morrison, V. 2020. Airbnbs & Coastal Access: Can The California Coastal Commission Reject Local Ordinances That Ban Short-Term Rentals? *UC Davis Law Review*, 53(4), 2041-2082.

¹⁹ Di Natale, S.; Lewis, R; Parker; R. 2018. Short-term rentals in small cities in Orgeon: Impacts and Regulations. *Land Use Policy*, 79 (407-423).

²⁰ Wachsmuth, D. and Weisler, A. 2018. *Environment and Planning A: Economy and Space* Vol. 50. Airbnb and the rent gap: Gentrification through the sharing economy.

²¹ Wyman, D.; Morthorpe, C.; and McLeod, B. 2022. *Current Issues in Tourism*, Vol 25. Airbnb and VRBO: the impact of short-term tourist rentals on residential property pricing.

In addition, vacation rentals can affect housing prices by increasing or decreasing the attractiveness of a particular neighborhood. Evidence from South Lake Tahoe shows that housing units in close proximity (less than 1/4-mile away) to a vacation rental unit sold for approximately four percent more than similar housing units not in close proximity to a vacation rental.²² The authors noted that vacation rentals, which compete for guests choosing between options primarily using listing pictures, had higher maintenance standards and “curb appeal” than other types of housing units, increasing the overall attractiveness of the neighborhood. In addition, the presence of a successful vacation rental within close proximity increased the likelihood that a similar housing unit could be converted to a profitable vacation rental, increasing its value. This latter theory is confirmed by evidence from New York City, where a 2020 study found that for every 10 percent increase in Airbnb listings in a given neighborhood, the revenue of all Airbnbs in that area per available night increased by 1.3 percent.²³

However, in South Lake Tahoe, homes further away from a vacation rental (greater than 1/4-mile) but still within the general vicinity experienced a loss in home value as the number of vacation rentals in their vicinity (within 1 mile) increased. At this distance, the negative impacts of vacation rentals dominated the price impact, such as traffic, pollution, and noise. Because much of the literature concerning vacation rental impacts is focused on impacts on housing affordability in housing-constrained communities, the negative impacts of vacation rentals on housing prices have not been widely studied.

Compliance with the California Coastal Commission

Given some of the unincorporated County Planning Areas are included in the Coastal Zone, additional research was conducted on vacation rental regulations and the California Coastal Commission.²⁴

The California Coastal Commission (CCC) reviews all coastal development to ensure compliance with communities' Local Coastal Plans (LCPs). According to the Coastal Act, the CCC's primary policy goals are to ensure public access to the coast, along with promoting low-cost, water-oriented, visitor-serving uses.

²² Michael Baker International. 2017. Socioeconomic Impacts of Vacation Home Rentals in South Lake Tahoe. Prepared for the City of South Lake Tahoe. June 5, 2017.

²³ Xie, K., Kwok, L.; and Yoonjoung Heo, C. 2020. Are Neighbors Friends or Foes? Assessing Airbnb Listings' Agglomeration Effect in New York City? *Cornell Hospitality Quarterly* Vol 61(2), 128-141.

²⁴ Planning Areas that fall in the Coastal Zone include North County Coastal, North County Inland, Fort Ord, Carmel & Del Monte Forest Coastal Big Sur, and South County.

In addition, the CCC is charged with protecting natural resources by ensuring that coastal development is concentrated in existing developed areas well served by public transit and other non-automobile options.

In addition to discrete development proposals, the CCC also reviews local land use plans and policies for compliance with the Coastal Act, deeming any change in the intensity of use or access to the shoreline to be “development” which must comply with the Coastal Act. Based on the CCC’s actions and a 2016 letter to Planning/Community Development Directors in the California Coastal Zone, the CCC considers vacation rentals to be a valuable visitor-serving use to increase public access to the coast. In *Greenfield v. Mandalay Shores Community Association*, the California Second District Court of Appeal held that ordinances and regulations that limit Short Term Rentals (STRs) are considered “development” under the Coastal Act.²⁵ However, this same court found that the act of using an existing residence as an STR without an accompanying change in land use regulations is not “development” under the Coastal Act.²⁶ Although neither of these decisions are binding in Monterey County, the California Court of Appeal decision is likely to be persuasive in the event a lawsuit regarding the CCC’s jurisdiction over Monterey County’s vacation rental ordinance is filed.²⁷

Based on the Coastal Act’s goals, the CCC has not supported total vacation rental bans, finding them inconsistent with the Coastal Act’s directive to provide recreational access opportunities to the coast. In addition, the CCC has not historically supported bans on vacation rentals in residential zones, noting that visitor-serving uses such as vacation rentals are a higher priority use than private residential uses in the coastal zone. Where limits on vacation rentals have been approved by the CCC, local ordinances did not reduce the number of vacation rentals operating in the coastal zone or the local jurisdiction presented evidence to the CCC showing the availability of non-vacation rental visitor accommodations in the area. However, two LCPs approved by the CCC for the City of Trinidad and Mendocino County, prohibited *new* non-owner occupied vacation rentals in residential zones, while providing exceptions for existing vacation rentals to continue operating as legal, non-conforming uses.

²⁵ *Greenfield v. Mandalay Shores Community Association*. 21 Cal.App.5th 896 (2018). In this case, a homeowners association attempted to adopt the regulation banning STRs, which the Court of Appeals ruled is power vested only in the local government and Coastal Commission.

²⁶ *Coastal Protection Alliance v. AirBNB, Inc.* (2023 WL 5695513, 9/5/23).

²⁷ Morrison, V. 2020. Airbnbs & Coastal Access: Can the California Coastal Commission Reject Local Ordinances That Ban on Short-Term Rentals. UC Davis Law Review 53, no. 4.

Examples of Vacation Rental Ordinances

This subsection of the report analyzes the ordinances of Placer County, California and Sonoma County, California.

Placer County, California

In February 2022, Placer County adopted a new vacation rental ordinance, capping the total number of vacation rentals in the County at 3,900.²⁸ This cap of 3,900 vacation rentals represents approximately 6.5 percent of the nearly 61,000 total housing units in the unincorporated County. Like Monterey County, Placer County is a major tourist destination, containing the northwestern shore of Lake Tahoe and several major ski resorts. However, the incidence of second home ownership and vacation home ownership is significantly higher in Placer County, as evidenced by its 27 percent vacancy rate, compared to 12 percent in Monterey County.

Placer County originally adopted a vacation rental ordinance in November 2019, which took effect on January 1, 2020 (the 2020 Ordinance). This ordinance regulated vacation rentals in the North Lake Tahoe region of East Placer County, defined as areas of the County above 5,000 feet in elevation. At the time this ordinance was adopted, there were 3,778 vacation rentals in the County, with 96 percent of these being located in the North Lake Tahoe basin.²⁹ The County's goal with this 2020 Ordinance was to address nuisance-related neighborhood issues with vacation rentals, including noise, trash, and parking. Before drafting and adopting the ordinance, the County created a vacation rental hotline for residents to file complaints regarding vacation rentals. Approximately two-thirds of the complaints received were noise and party-related, with parking and trash complaints making up 10 and 13 percent of the complaints, respectively.

Based on the complaints received through the hotline, as well as feedback from a community meeting, County staff drafted an ordinance designed to create enforcement and accountability for vacation rental -related nuisance issues. The 2020 ordinance did not make use of land use restrictions to control vacation rentals, as it allowed vacation rentals in all residential zones. Rather, the ordinance prescribed:

²⁸ The information presented on Placer County's STR ordinance is based on Board of Supervisor staff reports dated November 5, 2019 (Subject: Adoption of Article 9.42: Short-Term Vacation Rentals) and January 25, 2022 (Subject: Short-Term Rental Ordinance Updates).

²⁹ Not including hotels, motels, timeshares, and bed and breakfasts, which were not subject to the STR ordinance.

- **A registration/permit application** requiring vacation rental operators to provide a local contact person and detailed information about the unit, including number of bedrooms, maximum occupancy, off-street parking spaces, and proof of garbage service.
- **Operational standards** for parking, noise, garbage, and occupancy.
- **On-site parking**, or an alternative parking plan showing off-street parking spaces for visitors.
- **Occupancy limits** the number of people per bedroom to two people plus two additional persons, with minors 15 and under exempt from this limit.
- **Code Enforcement** is to be provided by County Community Development Code Compliance staff. A local contact person for each vacation rental would be required to physically respond to any complaints received, with unresolved complaints subject to fines payable by guests, and multiple citations resulting in suspension/termination of the vacation rental permit.

In July 2021, the County Board of Supervisors (BOS) adopted an urgency ordinance to establish a moratorium on the issuance of new vacation rental permits, with approximately 2,350 units permitted for that calendar year. The primary reasons cited for the moratorium were:

- The large influx of local and regional visitors as a result of the COVID-19 Pandemic (as international travel was greatly reduced), increasing the number of vacation rental-related neighborhood issues.
- The sharp increase in housing prices during COVID-19, attributed to remote workers purchasing homes in the Tahoe basin, potentially leading to a large increase in second-home ownership and thus vacation rentals.
- Concern that wealthy investors and individuals were purchasing properties with the express purpose of establishing a vacation rental in the Tahoe basin.

The County BOS directed staff to draft a new comprehensive ordinance during the moratorium to address both nuisance-related issues and housing affordability concerns, noting that several jurisdictions in the region, including the City of South Lake Tahoe and Douglas (Nevada) and El Dorado counties had recently adopted caps and other vacation rental limits in their areas.

In the process of drafting a revised ordinance, the County held several community meetings and administered a survey to targeted stakeholders, including residents of vacation rental -affected neighborhoods and vacation rental operators. Key issues in the survey included nuisance and safety-related neighborhood issues, the viability of hotels in the face of vacation rental competition, and the feasibility of workforce housing given the increase in home prices. In addition, the County studied the vacation rental market and vacation rental impacts on the broader

housing market.³⁰ The literature review in the study found a consistent negative relationship between the prevalence of vacation rentals in a given housing market and the affordability of both rental and for-sale housing in the market, although the impact of vacation rentals on housing prices was likely smaller than broader market forces such as low housing inventory, COVID-related remote work migration, and interest rates.

In addition, BAE's study showed that vacation rentals comprised 28 percent of the Tahoe Basin's housing units, a much higher figure than other comparable tourist-heavy jurisdictions such as El Dorado County, the City of South Lake Tahoe, and the City of Santa Cruz. Based on BAE's study, and the results of the survey, which showed nearly half of all respondents supported a cap on the total number of vacation rentals, the Board directed staff to prepare an ordinance that capped the total number of vacation rental permits at the existing number of vacation rentals, plus a small percentage of additional capacity to allow for non-permitted vacation rentals to come into compliance. In addition, the ordinance includes a requirement that vacation rentals be rented for a minimum of 30 nights per year and exempts primary resident homeowners who wish to rent out their property from the cap.

In order to address neighborhood nuisance issues caused by vacation rentals, the new ordinance also includes increased quiet hours, a prohibition on outdoor amplified sound, and an increase in the amount of fines for citations. Finally, the new ordinance also increases the frequency of fire inspections for vacation rentals and includes a ban on any outdoor fires, including gas fire pits and barbecues, during times of high fire danger.

Sonoma County, California

Sonoma County first adopted a vacation rental ordinance in 2016 for vacation rentals outside of the Coastal Zone.³¹ That ordinance established operational standards for vacation rentals including limits on occupancy, parking requirements, trash facilities, and noise. In addition, that ordinance established the Vacation Rental Exclusion Combining District (X Zone), which prohibited vacation rentals with high fire hazards or inadequate parking. In addition, the X Zone prohibited vacation rentals where the residential housing stock was to be preserved, where vacation rentals could be detrimental to neighborhood

³⁰ "Eastern County Short-Term Rental Economic Study (DRAFT)," prepared for Placer County by BAE Urban Economics, December 3, 2021.

³¹ The information presented on Sonoma County's STR ordinance is based on Board of Supervisor staff reports dated August 2, 2022 (Subject: Vacation Rental Ordinance and Establishment of Vacation Rental License Program) and Sonoma County Ordinance No. 6423, adopted April 23, 2023.

character, or where the BOS determined it is in the public interest to prohibit vacation rentals.

In August 2020, the County adopted an urgency ordinance that prohibited the issuance of new permits for whole-home vacation rentals, citing the rapid increase in the number of vacation rentals, from 1,335 in February 2018 to 1,904 by June 2020. The BOS also requested that County staff study the effect of vacation rentals on the existing housing market and the ability to shelter in place during the COVID-19 pandemic, also expressing concern that vacation rental conversions could limit housing stock for long-term residents and exacerbate housing unit losses experienced during the 2017 Sonoma Complex Fire, the 2019 Russian River Flood, and the 2019 Kincadee Fire. The Board also requested that staff address areas where high levels of vacation rental concentration could impact public health and safety or neighborhood character.

To assist in writing a new vacation rental policy, County Staff contracted with Dr. Robert Eyler, a Professor of Economics at Sonoma State University, to determine the impact of vacation rentals on the County's housing market. Dr. Eyler's study found little to no relationship between the prevalence of vacation rentals in the County and changes in home prices, although the study did note that it was only able to evaluate data at a countywide level and that there could be impacts to specific regions or market segments. Staff also reviewed complaints reported by residents regarding vacation rentals using the County's vacation Rental Complaint Form, and found that approximately 5 percent of all vacation rentals had been the subject of a complaint. However, the staff also found that the process for logging a complaint was overly complicated, and thus was likely underutilized by residents affected by vacation rentals.

Based on the BOS' direction that staff address high concentrations of vacation rentals potentially impacting neighborhood character, County staff proposed to the Planning Commission that in highly affected areas, vacation rental permits be limited to 10 percent of all housing units. However, based on outreach conducted through the County's General Plan Update Housing Advisory Committee after this 10 percent recommendation was presented to the Planning Commission, staff lowered the cap to 5 percent of housing units, and limited license holders to be persons rather than corporations. Because of the diversity of the built environment and housing density in Sonoma County, County staff requested that the BOS review annually specific areas to which a permit cap would apply, allowing flexibility and adaptation to new market conditions or neighborhood concerns. In August 2022 the BOS adopted Ordinance No. 6386, which allowed the County to apply the X Zone to specific areas and cap the number of vacation rentals in those areas at either 5 percent or 10 percent of the total number of housing units. In April 2023, the BOS adopted Ordinance 6423, defining more than a dozen new X-zoned areas which either prohibited new vacation rentals or limited the number of permitted vacation rentals at 5 or 10 percent of the total housing stock.



APPENDICES:

- Appendix A: Demographic and Socioeconomic Profile
- Appendix B: Residential Market Profile
- Appendix C: Economic Profile
- Appendix D: Short-Term Rental Market Profile
- Appendix E: Census Tracts by Planning Area



APPENDIX A:

Demographic and Socioeconomic Profile

Table A-1	Population and Household Trends by Planning Area	A-1
Table A-2	Average Median Age by Planning Area	A-2
Table A-3	Average Household Income Detail	A-3

**Table A-1
Monterey County
Vacation Rental Economic Analysis
Population and Household Trends by Planning Area (2010-2021)**

Item	Population					Households					Persons per Household			
	2010	2021	2010-2021 Change			2010	2021	2010-2021 Change			2010	2021	2010-2021 Change	
			Total	% Change	Avg. Annual %			Total	% Change	Avg. Annual %			Total	% Change
Planning Area														
Big Sur	1,944	2,060	116	6.0%	0.5%	458	709	251	54.8%	4.1%	4.2	2.9	(1.3)	(31.5%)
Carmel & Del Monte Forest Coastal [1]	9,817	9,540	(277)	(2.8%)	(0.3%)	4,723	4,092	(631)	(13.4%)	(1.3%)	2.1	2.3	0.3	12.7%
Carmel Valley Master Plan [2]	11,615	11,660	(411)	(3.5%)	0.0%	5,077	5,029	(109)	(2.1%)	(0.1%)	2.3	2.4	0.1	4.1%
Central Salinas Valley [3]	17,306	19,979	2,673	15.4%	1.3%	4,341	5,410	1,069	24.6%	2.0%	4.0	3.7	(0.3)	(7.3%)
Fort Ord [4]	10,778	12,497	1,719	15.9%	1.4%	3,579	4,175	596	16.7%	1.4%	3.0	2.9	(0.1)	(3.8%)
Greater Monterey Peninsula	3,861	4,062	201	5.2%	0.5%	1,667	1,548	(119)	(7.1%)	(0.7%)	2.3	2.6	0.3	13.3%
Greater Salinas	11,401	13,329	1,928	16.9%	1.4%	3,146	3,412	266	8.5%	0.7%	3.6	3.9	0.3	7.3%
North County Coastal	21,415	23,098	1,683	7.9%	0.7%	5,914	6,093	179	3.0%	0.3%	3.6	3.6	0.0	0.9%
North County Inland	20,180	21,822	1,642	8.1%	0.7%	5,968	5,907	(61)	(1.0%)	(0.1%)	3.4	3.6	0.2	5.6%
South County	3,069	4,428	1,359	44.3%	3.4%	1,138	1,193	55	4.8%	0.4%	2.7	3.7	1.0	37.6%
Toro [5]	11,495	9,943	(685)	(6.0%)	(1.3%)	4,139	3,731	(162)	(3.9%)	(0.9%)	2.7	2.4	(0.4)	(13.6%)
Total/Average of Planning Area	122,881	132,418	9,537	7.8%	0.7%	40,150	41,299	1,149	2.9%	0.3%	3.1	3.1	0.0	0.1%
Monterey County	407,435	438,953	31,518	7.7%	0.7%	124,963	129,977	5,014	4.0%	0.4%	3.1	3.4	0.2	7.7%
<i>Planning Areas as % of the County</i>	30.2%	30.2%	30.3%	-	-	32.1%	31.8%	22.9%	-	-	-	-	-	-
California	36,637,290	39,455,353	2,818,063	7.7%	0.7%	12,392,852	13,217,586	824,734	6.7%	0.6%	2.8	3.0	0.2	7.7%

Source: U.S. Census ACS 5 Year Tables DP05 and DP04; EPS.

- [1] In accordance with the decennial census adjustments, the Census Tracts within the Carmel & Del Monte Forest Coastal area experienced a reconfiguration between 2010 and 2021. In 2010, the region was demarcated by tracts 116.04, 117, and 119. In 2021 the 119 Census Tract was further subdivided into 119.01 and 119.02.
- [2] The Census Tracts within the Carmel Valley Master Plan experienced a reconfiguration between 2010 and 2021. In 2010, the region was demarcated by tracts 110 and 116.02. In 2021 the 110 Census Tract was further subdivided into 110.01 and 110.02, while the 116.02 Census Tract was split into 116.05 and 116.06.
- [3] The Census Tracts within the Central Salinas experienced a reconfiguration between 2010 and 2021. In 2010, the region was demarcated by tracts 108.04, 111.02, 112.02, 112.04, 113.03, 113.04, and 148. In 2021 the 111.01 Census Tract was further divided into 111.01 and 111.03, the 111.02 Census Tract was split into 111.04, 111.05, and 111.06, while the 113.04 Census Tract split into 113.05 and 113.06.
- [4] The Census Tracts within Fort Ord experienced a reconfiguration between 2010 and 2021. In 2010, the region was demarcated by tracts 141.05 and 141.07. In 2021 the 141.07 Census Tract was further subdivided into 141.09 and 141.08.
- [5] The Census Tracts within Toro experienced a reconfiguration between 2010 and 2021. In 2010, the region was demarcated by tracts 107.02 and 107.01. In 2021 the 107.01 Census Tract was relabeled as 141.1.

**Table A-2
Monterey County
Vacation Rental Economic Analysis
Average Median Age by Planning Area (2010-2021)**

Item	Average of the Median Age [1]		% Change in Avg. Median Age 2010 - 2021
	2010	2021	
Planning Area			
Big Sur	37.7	39.8	5.6%
Carmel & Del Monte Forest Coastal	59.8	57.9	(3.3%)
Carmel Valley Master Plan	52.9	60.9	15.1%
Central Salinas Valley	27.5	31.1	13.2%
Fort Ord	26.1	29.5	12.8%
Greater Monterey Peninsula	53.4	59.5	11.4%
Greater Salinas	31.6	34.7	9.8%
North County Coastal	32.8	34.1	4.0%
North County Inland	38.1	38.6	1.4%
South County	40.8	32.7	(19.9%)
Toro	44.0	45.8	4.0%
Weighted Average of the Median Age	38.3	39.8	4.0%
Monterey County	32.8	34.9	6.4%
California	34.9	37.0	6.0%

Source: American Community Survey 5-Year Estimates Table DP05; EPS.

[1] The Average of the Median Age represents the average value derived from the median ages of various planning areas.

Table A-3
Monterey County
Vacation Rental Economic Analysis
Average Household Income Detail (2010\$ and 2021\$)

Item	Average of the Median Household Income					
	2010			2021		% Change 2010 - 2021
	Total HHs	in 2010\$	in 2021\$ [1]	Total HHs	Total	
Planning Area						
Big Sur	458	\$73,750	\$95,852	709	\$71,058	(25.9%)
Carmel & Del Monte Forest Coastal	4,723	\$91,666	\$119,137	4,092	\$126,022	5.8%
Carmel Valley Master Plan	5,077	\$85,894	\$111,635	5,029	\$122,880	10.1%
Central Salinas Valley	4,341	\$57,643	\$74,918	5,410	\$54,959	(26.6%)
Fort Ord	3,579	\$66,874	\$86,915	4,175	\$85,518	(1.6%)
Greater Monterey Peninsula	1,667	\$120,711	\$156,886	1,548	\$169,844	8.3%
Greater Salinas	3,146	\$63,523	\$82,560	3,412	\$86,783	5.1%
North County Coastal	5,914	\$62,555	\$81,302	6,093	\$79,084	(2.7%)
North County Inland	5,968	\$78,076	\$101,474	5,907	\$97,023	(4.4%)
South County	1,138	\$68,553	\$89,097	1,193	\$78,555	(11.8%)
Toro	4,139	\$125,778	\$163,471	3,731	\$173,300	6.0%
Weighted Average of the Median HHs Income	40,150	\$80,397	\$104,491	41,299	\$101,520	(2.8%)
Monterey County	124,963	\$59,271	\$77,034	129,977	\$82,013	6.5%
California	12,392,852	\$60,883	\$79,129	13,217,586	\$84,097	6.3%

Source: American Community Survey 5-Year Estimates Table S1901 and Table DP04; BLS Consumer Price Index; EPS.

[1] The 2010 average median income figures were escalated to 2021 dollars using the BLS Consumer Price Index for All items in West urban, all urban consumers, not seasonally adjusted, Series ID I35CUUR0400SA0, CUUS0400SA0 of 30.0%.



APPENDIX B: Residential Market Profile

Table B-1	Total Housing Units	B-1
Table B-2	Units in Structure (3 pages)	B-2
Table B-3	Housing Units: Year Built	B-5
Table B-4	Households By Tenure	B-6
Table B-5	Total Residential Vacancy Rate	B-7
Table B-6	Vacant Housing Units by Usage Category (3 pages)	B-8
Table B-7	Vacant Housing Units—Current Residence Elsewhere (2 pages)	B-11
Table B-8	Median Home Value	B-13
Table B-9	Monterey County Median Rental Rate	B-14

**Table B-1
Monterey County
Vacation Rental Economic Analysis
Total Housing Units (2010-2021)**

Item	Total Housing Units					
	2010		2021		2010-2021 Change	
	Amount	% of Total	Amount	% of Total	Amount	% Change
Planning Area						
Big Sur	794	1.8%	935	2.0%	141	17.8%
Carmel & Del Monte Forest Coastal	6,267	14.0%	6,221	13.3%	(46)	(0.7%)
Carmel Valley Master Plan	5,774	12.9%	5,778	12.3%	4	0.1%
Central Salinas Valley	4,778	10.7%	5,697	12.2%	919	19.2%
Fort Ord	3,963	8.9%	4,750	10.1%	787	19.9%
Greater Monterey Peninsula	1,835	4.1%	1,767	3.8%	(68)	(3.7%)
Greater Salinas	3,235	7.2%	3,505	7.5%	270	8.3%
North County Coastal	5,824	13.0%	6,459	13.8%	635	10.9%
North County Inland	6,398	14.3%	6,326	13.5%	(72)	(1.1%)
South County	1,506	3.4%	1,495	3.2%	(11)	(0.7%)
Toro	4,292	9.6%	3,897	8.3%	(395)	(9.2%)
Total Housing Units	44,666	100.0%	46,830	100.0%	2,164	4.8%
Monterey County	138,833	-	143,094	-	4,261	3.1%
California	13,552,624	-	14,328,539	-	775,915	5.7%

Source: 2058 American Community Survey 5-Year Estimates Table DP04; EPS.

**Table B-2
Monterey County
Vacation Rental Economic Analysis
Units in Structure (2010 and 2021)**

Item	UNITS IN STRUCTURE											
	2010											
	Single Detached Units		Single Attached Units		2-4 Units		5+ Units		Mobile Homes & Others		Total Housing Units	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total
Planning Area												
Big Sur	709	2.1%	-	-	-	-	42	1.6%	43	1.9%	794	1.8%
Carmel & Del Monte Forest Coastal	5,505	16.1%	485	14.7%	145	6.3%	121	4.6%	11	0.5%	6,267	14.0%
Carmel Valley Master Plan	4,290	12.5%	509	15.4%	335	14.5%	523	20.0%	117	5.3%	5,774	12.9%
Central Salinas Valley	3,702	10.8%	77	2.3%	227	9.8%	486	18.6%	286	12.9%	4,778	10.7%
Fort Ord	1,422	4.2%	1,089	33.0%	657	28.5%	514	19.7%	281	12.7%	3,963	8.9%
Greater Monterey Peninsula	1,620	4.7%	162	4.9%	42	1.8%	-	-	11	0.5%	1,835	4.1%
Greater Salinas	2,543	7.4%	203	6.2%	99	4.3%	325	12.4%	65	2.9%	3,235	7.2%
North County Coastal	4,165	12.2%	445	13.5%	465	20.2%	264	10.1%	485	21.9%	5,824	13.0%
North County Inland	5,153	15.1%	168	5.1%	252	10.9%	315	12.1%	510	23.1%	6,398	14.3%
South County	973	2.8%	33	1.0%	75	3.3%	23	0.9%	402	18.2%	1,506	3.4%
Toro	4,157	12.1%	126	3.8%	9	0.4%	-	-	-	-	4,292	9.6%
Total	34,239	100.0%	3,297	100.0%	2,306	100.0%	2,613	100.0%	2,211	100.0%	44,666	100.0%
Monterey County	87,221	-	9,040	-	12,900	-	24,023	-	5,649	-	138,833	-
California	7,877,273	-	957,348	-	1,105,402	-	3,061,556	-	551,045	-	13,552,624	-

Source: American Community Survey 5-Year Estimates Table DP04; EPS.

**Table B-2
Monterey County
Vacation Rental Economic Analysis
Units in Structure (2010 and 2021)**

Item	UNITS IN STRUCTURE											
	2021											
	Single Detached Units		Single Attached Units		2-4 Units		5+ Units		Mobile Homes & Others		Total Housing Units	
	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total
Planning Area												
Big Sur	658	1.9%	87	2.3%	56	2.5%	40	1.3%	94	2.9%	935	2.0%
Carmel & Del Monte Forest Coastal	5,487	16.0%	436	11.5%	179	7.9%	59	1.9%	60	1.8%	6,221	13.3%
Carmel Valley Master Plan	4,136	12.0%	562	14.8%	233	10.3%	596	19.2%	251	7.6%	5,778	12.3%
Central Salinas Valley	3,963	11.5%	196	5.2%	209	9.2%	814	26.2%	515	15.6%	5,697	12.2%
Fort Ord	1,699	4.9%	1,226	32.4%	1,060	46.7%	561	18.1%	204	6.2%	4,750	10.1%
Greater Monterey Peninsula	1,560	4.5%	144	3.8%	32	1.4%	31	1.0%	-	-	1,767	3.8%
Greater Salinas	2,588	7.5%	325	8.6%	28	1.2%	425	13.7%	139	4.2%	3,505	7.5%
North County Coastal	4,498	13.1%	388	10.3%	347	15.3%	126	4.1%	1,100	33.4%	6,459	13.8%
North County Inland	5,053	14.7%	278	7.3%	76	3.3%	445	14.3%	474	14.4%	6,326	13.5%
South County	1,031	3.0%	22	0.6%	9	0.4%	11	0.4%	422	12.8%	1,495	3.2%
Toro	3,698	10.8%	121	3.2%	40	1.8%	-	-	38	1.2%	3,897	8.3%
Total	34,371	100.0%	3,785	100.0%	2,269	100.0%	3,108	100.0%	3,297	100.0%	46,830	100.0%
Monterey County	90,101	-	8,956	-	12,792	-	24,748	-	6,497	-	143,094	-
California	8,248,814	-	1,031,608	-	1,118,266	-	3,398,322	-	531,529	-	14,328,539	-

Source: American Community Survey 5-Year Estimates Table DP04; EPS.

**Table B-2
Monterey County
Vacation Rental Economic Analysis
Units in Structure (2010 and 2021)**

Item	UNITS IN STRUCTURE											
	Change 2010-2021											
	Single Detached Units		Single Attached Units		2-4 Units		5+ Units		Mobile Homes & Others		Total Housing Units	
	Total	% Change	Total	% of Total	Total	% of Total	Total	% of Total	Total	% of Total	Total	% Change
Planning Area												
Big Sur	(51)	(7.2%)	87	-	56	-	(2)	(4.8%)	51	118.6%	141	17.8%
Carmel & Del Monte Forest Coastal	(18)	(0.3%)	(49)	(10.1%)	34	23.4%	(62)	(51.2%)	49	445.5%	(46)	(0.7%)
Carmel Valley Master Plan	(154)	(3.6%)	53	10.4%	(102)	(30.4%)	73	14.0%	134	114.5%	4	0.1%
Central Salinas Valley	261	7.1%	119	154.5%	(18)	(7.9%)	328	67.5%	229	80.1%	919	19.2%
Fort Ord	277	19.5%	137	12.6%	403	61.3%	47	9.1%	(77)	(27.4%)	787	19.9%
Greater Monterey Peninsula	(60)	(3.7%)	(18)	(11.1%)	(10)	(23.8%)	31	-	(11)	(100.0%)	(68)	(3.7%)
Greater Salinas	45	1.8%	122	60.1%	(71)	(71.7%)	100	30.8%	74	113.8%	270	8.3%
North County Coastal	333	8.0%	(57)	(12.8%)	(118)	(25.4%)	(138)	(52.3%)	615	126.8%	635	10.9%
North County Inland	(100)	(1.9%)	110	65.5%	(176)	(69.8%)	130	41.3%	(36)	(7.1%)	(72)	(1.1%)
South County	58	6.0%	(11)	(33.3%)	(66)	(88.0%)	(12)	(52.2%)	20	5.0%	(11)	(0.7%)
Toro	(459)	(11.0%)	(5)	(4.0%)	31	344.4%	-	-	38	-	(395)	(9.2%)
Total	132	0.4%	488	14.8%	(37)	(1.6%)	495	18.9%	1,086	49.1%	2,164	4.8%
Monterey County	2,880	3.3%	(84)	(0.9%)	(108)	(0.8%)	725	3.0%	848	15.0%	4,261	3.1%
California	371,541	4.7%	74,260	7.8%	12,864	1.2%	336,766	11.0%	(19,516)	(3.5%)	775,915	5.7%

Source: American Community Survey 5-Year Estimates Table DP04; EPS.

Table B-3
Monterey County
Vacation Rental Economic Analysis
Housing Units: Year Built (2021)

Item	Housing Units	HOUSING UNITS: YEAR BUILT							
		1939 or earlier		1940-1969		1970-1999		2000 or Later	
		Amount	% of Total	Amount	% of Total	Amount	% of Total	Amount	% of Total
Planning Area									
Big Sur	935	118	12.6%	234	25.0%	452	48.3%	131	14.0%
Carmel & Del Monte Forest Coastal	6,221	637	10.2%	3,160	50.8%	1,901	30.6%	523	8.4%
Carmel Valley Master Plan	5,778	215	3.7%	2,436	42.2%	2,758	47.7%	170	2.9%
Central Salinas Valley	5,697	202	3.5%	916	16.1%	3,422	60.1%	556	9.8%
Fort Ord	4,750	76	1.6%	1,363	28.7%	1,543	32.5%	1,768	37.2%
Greater Monterey Peninsula	1,767	33	1.9%	470	26.6%	890	50.4%	374	21.2%
Greater Salinas	3,505	117	3.3%	908	25.9%	1,655	47.2%	-	0.0%
North County Coastal	6,459	150	2.3%	1,929	29.9%	3,342	51.7%	618	9.6%
North County Inland	6,326	141	2.2%	2,121	33.5%	3,592	56.8%	-	0.0%
South County	1,495	196	13.1%	327	21.9%	624	41.7%	348	23.3%
Toro	3,897	39	1.0%	848	21.8%	2,699	69.3%	275	7.1%
Total Housing Units	46,830	1,924	4.1%	14,712	31.4%	22,878	48.9%	4,763	10.2%
Monterey County	143,094	10,094	7.1%	50,608	35.4%	64,272	44.9%	18,120	12.7%
California	14,328,539	1,287,956	9.0%	4,560,724	31.8%	6,186,493	43.2%	2,293,366	16.0%

Source: 2058 American Community Survey 5-Year Estimates Table DP04; EPS.

Table B-4
Monterey County
Vacation Rental Economic Analysis
Households By Tenure (2010 and 2021)

Item	HOUSEHOLDS BY TENURE													
	2010					2021					2010-2021 Change			
	Renter Occupied		Owner-Occupied			Renter Occupied		Owner-Occupied			Renter Occupied		Owner-Occupied	
	Total	% of Total Households	Total	% of Total Households	Total Households	Total	% of Total Households	Total	% of Total Households	Total Households	Total	% Change	Total	% Change
Planning Area														
Big Sur	173	37.8%	285	62.2%	458	433	61.1%	276	38.9%	709	260	150.3%	(9)	(3.2%)
Carmel & Del Monte Forest Coastal	742	15.7%	3,981	84.3%	4,723	703	17.2%	3,389	82.8%	4,092	(39)	(5.3%)	(592)	(14.9%)
Carmel Valley Master Plan	1,554	30.6%	3,523	69.4%	5,077	1,204	23.9%	3,825	76.1%	5,029	(350)	(22.5%)	302	8.6%
Central Salinas Valley	1,573	36.2%	2,768	63.8%	4,341	2,330	43.1%	3,080	56.9%	5,410	757	48.1%	312	11.3%
Fort Ord	3,172	88.6%	407	11.4%	3,579	3,313	79.4%	862	20.6%	4,175	141	4.4%	455	111.8%
Greater Monterey Peninsula	222	13.3%	1,445	86.7%	1,667	169	10.9%	1,379	89.1%	1,548	(53)	(23.9%)	(66)	(4.6%)
Greater Salinas	1,182	37.6%	1,964	62.4%	3,146	1,188	34.8%	2,224	65.2%	3,412	6	0.5%	260	13.2%
North County Coastal	2,272	38.4%	3,642	61.6%	5,914	2,224	36.5%	3,869	63.5%	6,093	(48)	(2.1%)	227	6.2%
North County Inland	1,558	26.1%	4,410	73.9%	5,968	1,463	24.8%	4,444	75.2%	5,907	(95)	(6.1%)	34	0.8%
South County	462	40.6%	676	59.4%	1,138	448	37.6%	745	62.4%	1,193	(14)	(3.0%)	69	10.2%
Toro	354	8.6%	3,785	91.4%	4,139	495	13.3%	3,236	86.7%	3,731	141	39.8%	(549)	(14.5%)
Total Households	13,264	33.0%	26,886	67.0%	40,150	13,970	33.8%	27,329	66.2%	41,299	706	5.3%	443	1.6%
Monterey County	58,232	46.6%	66,731	53.4%	124,963	62,795	48.3%	67,182	51.7%	129,977	4,563	7.8%	451	0.7%
California	5,280,802	42.6%	7,112,050	57.4%	12,392,852	5,882,339	44.5%	7,335,247	55.5%	13,217,586	601,537	11.4%	223,197	3.1%

Source: 2019 American Community Survey 5-Year Estimates Table DP04; EPS.

**Table B-5
Monterey County
Vacation Rental Economic Analysis
Total Residential Vacancy Rate (2010-2021)**

Item	Total Residential Vacancy Rate		
	2010	2021	% Change 2010-2021
Planning Area			
Big Sur	42.3%	24.2%	(18.1%)
Carmel & Del Monte Forest Coastal	23.2%	34.0%	10.8%
Carmel Valley Master Plan	11.9%	12.0%	0.1%
Central Salinas Valley	10.8%	3.6%	(7.2%)
Fort Ord	8.8%	12.2%	3.4%
Greater Monterey Peninsula	9.2%	12.4%	3.2%
Greater Salinas	2.2%	2.6%	0.5%
North County Coastal	11.5%	7.7%	(3.9%)
North County Inland	7.2%	6.4%	(0.8%)
South County	24.4%	20.2%	(4.2%)
Toro	3.9%	5.3%	1.4%
Average Vacancy Rate	14.1%	12.8%	(1.4%)
Monterey County	10.0%	9.2%	(0.8%)
California	8.6%	7.8%	(0.8%)

Source: American Community Survey 5-Year Estimates Tables B25004 and Tables DP04; EPS.

Table B-6
Monterey County
Vacation Rental Economic Analysis
Vacant Housing Units by Usage Category (2010-2021)

Item	2010 VACANT HOUSING UNITS															
	For Rent		Unoccupied Rentals		For Sale		Unoccupied Sold Units		Seasonal, Recreational, or Occasional Use		For Migrant Workers		Other		Total Vacant	
	Units	% of Total	Units	% of Total	Units	% of Total	Units	% of Total	Units	% of Total	Units	% of Total	Total	% of Total	Total	% of Total
Planning Area																
Big Sur	-	-	-	-	-	-	-	-	267	9.3%	15	27.8%	54	6.5%	336	6.4%
Carmel & Del Monte Forest Coastal	73	13.0%	45	23.8%	-	-	36	13.5%	1,327	46.4%	-	-	63	7.6%	1,544	29.2%
Carmel Valley Master Plan	-	-	-	-	72	13.7%	-	-	506	17.7%	39	72.2%	80	9.7%	697	13.2%
Central Salinas Valley	51	9.1%	34	18.0%	149	28.3%	25	9.4%	107	3.7%	-	-	141	17.1%	507	9.6%
Fort Ord	197	35.1%	60	31.7%	-	-	25	9.4%	68	2.4%	-	-	34	4.1%	384	7.3%
Greater Monterey Peninsula	-	-	-	-	94	17.9%	30	11.2%	15	0.5%	-	-	29	3.5%	168	3.2%
Greater Salinas	25	4.5%	-	-	50	9.5%	-	-	-	-	-	-	14	1.7%	89	1.7%
North County Coastal	53	9.4%	33	17.5%	58	11.0%	34	12.7%	233	8.1%	-	-	194	23.5%	605	11.5%
North County Inland	95	16.9%	9	4.8%	47	8.9%	53	19.9%	111	3.9%	-	-	115	13.9%	430	8.1%
South County	51	9.1%	8	4.2%	35	6.7%	14	5.2%	195	6.8%	-	-	65	7.9%	368	7.0%
Toro	16	2.9%	-	-	21	4.0%	50	18.7%	30	1.0%	-	-	36	4.4%	153	2.9%
Total Vacant Units	561	100.0%	189	100.0%	526	100.0%	267	100.0%	2,859	100.0%	54	100.0%	825	100.0%	5,281	100.0%
Monterey County	2,863	-	609	-	1,648	-	581	-	5,702	-	109	-	2,358	-	13,870	-
California	283,159	-	59,974	-	162,557	-	48,344	-	316,734	-	2,706	-	286,298	-	1,159,772	-

Source: American Community Survey 5-Year Estimates Tables B25004; EPS.

Table B-6
Monterey County
Vacation Rental Economic Analysis
Vacant Housing Units by Usage Category (2010-2021)

Item	2021 VACANT HOUSING UNITS															
	For Rent		Unoccupied Rentals		For Sale		Unoccupied Sold Units		Seasonal, Recreational, or Occasional Use		For Migrant Workers		Other		Total Vacant	
	Units	% of Total	Units	% of Total	Units	% of Total	Units	% of Total	Units	% of Total	Units	% of Total	Total	% of Total	Total	% of Total
Planning Area																
Big Sur	17	2.5%	-	-	5	1.6%	-	-	176	6.3%	-	-	28	2.1%	226	4.2%
Carmel & Del Monte Forest Coastal	86	12.5%	23	46.0%	107	35.0%	150	62.5%	1,560	56.0%	-	-	203	15.6%	2,129	39.3%
Carmel Valley Master Plan	106	15.4%	-	-	41	13.4%	-	-	456	16.4%	-	-	146	11.2%	749	13.8%
Central Salinas Valley	-	-	9	18.0%	8	2.6%	-	-	77	2.8%	8	16.7%	76	5.8%	178	3.3%
Fort Ord	261	37.9%	18	36.0%	38	12.4%	-	-	43	1.5%	40	83.3%	175	13.4%	575	10.6%
Greater Monterey Peninsula	-	-	-	-	-	-	-	-	152	5.5%	-	-	67	5.1%	219	4.0%
Greater Salinas	37	5.4%	-	-	-	-	-	-	17	0.6%	-	-	39	3.0%	93	1.7%
North County Coastal	58	8.4%	-	-	-	-	9	3.8%	115	4.1%	-	-	184	14.1%	366	6.8%
North County Inland	49	7.1%	-	-	50	16.3%	72	30.0%	55	2.0%	-	-	193	14.8%	419	7.7%
South County	75	10.9%	-	-	31	10.1%	9	3.8%	81	2.9%	-	-	106	8.1%	302	5.6%
Toro	-	-	-	-	26	8.5%	-	-	53	1.9%	-	-	87	6.7%	166	3.1%
Total Vacant Units	689	100.0%	50	100.0%	306	100.0%	240	100.0%	2,785	100.0%	48	100.0%	1,304	100.0%	5,422	100.0%
Monterey County	2,092	-	334	-	617	-	470	-	6,203	-	68	-	3,333	-	13,117	-
California	240,840	-	53,537	-	73,319	-	54,970	-	370,908	-	2,992	-	314,387	-	1,110,953	-

Source: American Community Survey 5-Year Estimates Tables B25004; EPS.

Table B-6
Monterey County
Vacation Rental Economic Analysis
Vacant Housing Units by Usage Category (2010-2021)

Item	2010-2021 VACANT HOUSING UNITS CHANGE															
	For Rent		Unoccupied Rentals		For Sale		Unoccupied Sold Units		Seasonal, Recreational, or Occasional Use		For Migrant Workers		Other		Total Vacant	
	Units	% Change	Units	% Change	Units	% Change	Units	% Change	Units	% Change	Units	% Change	Total	% Change	Total	% Change
Planning Area																
Big Sur	17	100.0%	-	-	5	-	-	-	(91)	(34.1%)	(15)	(100.0%)	(26)	(48.1%)	(110)	(32.7%)
Carmel & Del Monte Forest Coastal	13	17.8%	(22)	(48.9%)	107	-	114	316.7%	233	17.6%	-	-	140	222.2%	585	37.9%
Carmel Valley Master Plan	106	-	-	-	(31)	(43.1%)	-	-	(50)	(9.9%)	(39)	(100.0%)	66	82.5%	52	7.5%
Central Salinas Valley	(51)	(100.0%)	(25)	(73.5%)	(141)	(94.6%)	(25)	(100.0%)	(30)	(28.0%)	8	-	(65)	(46.1%)	(329)	(64.9%)
Fort Ord	64	32.5%	(42)	(70.0%)	38	-	(25)	(100.0%)	(25)	(36.8%)	40	-	141	414.7%	191	49.7%
Greater Monterey Peninsula	-	-	-	-	(94)	(100.0%)	(30)	(100.0%)	137	913.3%	-	-	38	131.0%	51	30.4%
Greater Salinas	12	48.0%	-	-	(50)	(100.0%)	-	-	17	-	-	-	25	178.6%	4	4.5%
North County Coastal	5	9.4%	(33)	(100.0%)	(58)	(100.0%)	(25)	(73.5%)	(118)	(50.6%)	-	-	(10)	(5.2%)	(239)	(39.5%)
North County Inland	(46)	(48.4%)	(9)	(100.0%)	3	6.4%	19	35.8%	(56)	(50.5%)	-	-	78	67.8%	(11)	(2.6%)
South County	24	47.1%	(8)	(100.0%)	(4)	(11.4%)	(5)	(35.7%)	(114)	(58.5%)	-	-	41	63.1%	(66)	(17.9%)
Toro	(16)	(100.0%)	-	-	5	23.8%	(50)	(100.0%)	23	76.7%	-	-	51	141.7%	13	8.5%
Total Vacant Units	128	22.8%	(139)	(82.1%)	(220)	(41.8%)	(27)	(10.1%)	(74)	(2.6%)	(6)	(100.0%)	479	58.1%	141	(1.7%)
Monterey County	(771)	(26.9%)	(275)	(45.2%)	(1,031)	(62.6%)	(111)	(19.1%)	501	8.8%	(41)	(37.6%)	975	41.3%	(753)	(5.4%)
California	(42,319)	(14.9%)	(6,437)	(10.7%)	(89,238)	(54.9%)	6,626	13.7%	54,174	17.1%	286	10.6%	28,089	9.8%	(48,819)	(4.2%)

Source: American Community Survey 5-Year Estimates Tables B25004; EPS.

Table B-7
Monterey County
Vacation Rental Economic Analysis
Vacant Housing Units - Current Residence Elsewhere (2010 and 2021)

Item	VACANT HOUSING UNITS					
	2010					
	Vacant - Current Residence Elsewhere [1]		Vacant - All Other		Total	
	Units	% of Total	Units	% of Total	Units	% of Total
Planning Area						
Big Sur	30	4.2%	306	6.7%	336	6.4%
Carmel & Del Monte Forest Coastal	209	28.9%	1,335	29.3%	1,544	29.2%
Carmel Valley Master Plan	151	20.9%	546	12.0%	697	13.2%
Central Salinas Valley	28	3.9%	479	10.5%	507	9.6%
Fort Ord	68	9.4%	316	6.9%	384	7.3%
Greater Monterey Peninsula	-	-	168	3.7%	168	3.2%
Greater Salinas	14	1.9%	75	1.6%	89	1.7%
North County Coastal	149	20.6%	456	10.0%	605	11.5%
North County Inland	31	4.3%	399	8.8%	430	8.1%
South County	14	1.9%	354	7.8%	368	7.0%
Toro	28	3.9%	125	2.7%	153	2.9%
Total Vacant Units	722	100.0%	4,559	100.0%	5,281	100.0%
Monterey County	1,525	-	12,345	-	13,870	-
California	89,187	-	1,070,585	-	1,159,772	-

Source: American Community Survey 5-Year Estimates Tables B25005; EPS.

[1] Current residence elsewhere includes survey respondents who occupied a household for fewer than 2 months and their primary residence is inside or outside that jurisdiction, just not that specific residential unit.

Table B-7
Monterey County
Vacation Rental Economic Analysis
Vacant Housing Units - Current Residence Elsewhere (2010 and 2021)

Item	VACANT HOUSING UNITS									
	2021						2010-2021 Change			
	Vacant - Current Residence Elsewhere [1]		Vacant - All Other		Total		Vacant - Current Residence Elsewhere [1]		Vacant - All Other	
	Units	% of Total	Units	% Change	Units	% Change	Units	% Change	Units	% Change
Planning Area										
Big Sur	-	-	226	4.3%	226	4.1%	(30)	(100.0%)	(80)	(26.1%)
Carmel & Del Monte Forest Coastal	192	71.4%	1,937	36.8%	2,129	38.5%	(17)	(8.1%)	602	45.1%
Carmel Valley Master Plan	15	5.6%	734	13.9%	749	13.5%	(136)	(90.1%)	188	34.4%
Central Salinas Valley	3	1.1%	284	5.4%	287	5.2%	(25)	(89.3%)	(195)	(40.7%)
Fort Ord	-	-	575	10.9%	575	10.4%	(68)	(100.0%)	259	82.0%
Greater Monterey Peninsula	-	-	219	4.2%	219	4.0%	-	-	51	30.4%
Greater Salinas	-	-	93	1.8%	93	1.7%	(14)	(100.0%)	18	24.0%
North County Coastal	-	-	366	7.0%	366	6.6%	(149)	(100.0%)	(90)	(19.7%)
North County Inland	19	7.1%	400	7.6%	419	7.6%	(12)	(38.7%)	1	0.3%
South County	11	4.1%	291	5.5%	302	5.5%	(3)	(21.4%)	(63)	(17.8%)
Toro	29	10.8%	137	2.6%	166	3.0%	1	3.6%	12	9.6%
Total Vacant Units	269	100.0%	5,262	100.0%	5,531	100.0%	(453)	(62.7%)	703	15.4%
Monterey County	523	-	12,594	-	13,117	-	(1,002)	(65.7%)	249	2.0%
California	60,518	-	1,050,435	-	1,110,953	-	(28,669)	(32.1%)	(20,150)	(1.9%)

Source: American Community Survey 5-Year Estimates Tables B25005; EPS.

[1] Current residence elsewhere includes survey respondents who occupied a household for fewer than 2 months and their primary residence is inside or outside that jurisdiction, just not that specific residential unit.

**Table B-8
Monterey County
Vacation Rental Economic Analysis
Median Home Value (2010\$ and 2021\$)**

Item	Average of the Median Home Value		
	2010	2021	% Change 2010-2021
Planning Area			
Big Sur	\$1,000,000	\$1,375,000	37.5%
Carmel & Del Monte Forest Coastal	\$898,567	\$1,218,533	35.6%
Carmel Valley Master Plan	\$968,800	\$1,163,625	20.1%
Central Salinas Valley	\$381,325	\$400,875	5.1%
Fort Ord	\$515,150	\$710,225	37.9%
Greater Monterey Peninsula	\$983,100	\$1,238,100	25.9%
Greater Salinas	\$457,200	\$495,367	8.3%
North County Coastal	\$459,640	\$563,120	22.5%
North County Inland	\$582,700	\$640,300	9.9%
South County	\$479,800	\$443,700	(7.5%)
Toro	\$830,667	\$860,167	3.6%
Average of the Median Home Value	\$686,995	\$828,092	20.5%
Monterey County	\$566,300	\$596,400	5.3%
California	\$458,500	\$573,200	25.0%

Source: American Community Survey 5-Year Estimates Tables DP04; EPS.

**Table B-9
Monterey County
Vacation Rental Economic Analysis
Monterey County Median Rental Rate (2010\$ and 2021\$)**

Item	Average of the Median Rental Rate		
	2010	2021	2010-2021 % Change
Planning Area			
Big Sur	\$1,063	\$1,090	2.5%
Carmel & Del Monte Forest Coastal	\$1,988	\$3,266	64.2%
Carmel Valley Master Plan	\$1,509	\$1,740	15.3%
Central Salinas Valley	\$901	\$1,266	40.4%
Fort Ord	\$1,458	\$2,157	48.0%
Greater Monterey Peninsula [1]	\$2,000	\$2,805	40.3%
Greater Salinas	\$1,238	\$1,374	11.0%
North County Coastal	\$1,137	\$1,526	34.2%
North County Inland	\$1,164	\$1,855	59.4%
South County	\$866	\$1,074	24.0%
Toro	\$1,901	\$3,004	58.1%
Average of the Median Rental Rate	\$1,384	\$1,923	39.0%
Monterey County	\$1,123	\$1,718	53.0%
California	\$1,147	\$1,698	48.0%

Source: American Community Survey 5-Year Estimates Table DP04; EPS.

[1] The top rent category from the 2010 5-Year ACS was \$2,000 or more. Data in this row for 2010 reflects that value.



APPENDIX C: Economic Profile

Table C-1	Total Jobs by Industry Comparison Summary (3 pages)	C-1
Table C-2	Employed Residents by Industry Summary (3 pages).....	C-4
Table C-3	Employment Status for Population 16+	C-7
Table C-4	Commuting Patterns Summary	C-8

**Table C-1
Monterey County
Vacation Rental Economic Analysis
Total Jobs by Industry Comparison Summary (2010-2020)**

Item	Total Planning Areas					
	2010		2020		2010-2020	
	Total	%	Total	%	Total Growth	% Growth
Industries						
Agriculture, Forestry, Fishing and Hunting	17,860	35.9%	19,741	37.2%	1,881	10.5%
Mining, Quarrying, and Oil and Gas Extraction	159	0.3%	53	0.1%	(106)	(66.7%)
Utilities	184	0.4%	250	0.5%	66	35.9%
Construction	1,935	3.9%	3,087	5.8%	1,152	59.5%
Manufacturing	2,314	4.6%	1,824	3.4%	(490)	(21.2%)
Wholesale Trade	1,979	4.0%	2,466	4.7%	487	24.6%
Retail Trade	2,172	4.4%	2,077	3.9%	(95)	(4.4%)
Transportation and Warehousing	1,262	2.5%	1,635	3.1%	373	29.6%
Information	823	1.7%	224	0.4%	(599)	(72.8%)
Finance and Insurance	559	1.1%	455	0.9%	(104)	(18.6%)
Real Estate and Rental and Leasing	563	1.1%	544	1.0%	(19)	(3.4%)
Professional, Scientific, and Technical Services	2,070	4.2%	1,836	3.5%	(234)	(11.3%)
Management of Companies and Enterprises	306	0.6%	1,013	1.9%	707	231.0%
Administration & Support, Waste Management and Remediation	1,470	3.0%	1,809	3.4%	339	23.1%
Educational Services	3,975	8.0%	3,554	6.7%	(421)	(10.6%)
Health Care and Social Assistance	1,847	3.7%	2,986	5.6%	1,139	61.7%
Arts, Entertainment, and Recreation	1,118	2.2%	1,073	2.0%	(45)	(4.0%)
Accommodation and Food Services	6,698	13.5%	5,052	9.5%	(1,646)	(24.6%)
Other Services (excluding Public Administration)	1,988	4.0%	1,342	2.5%	(646)	(32.5%)
Public Administration	483	1.0%	1,992	3.8%	1,509	312.4%
Total Jobs	49,765	100.0%	53,013	100.0%	3,248	6.5%

Source: United States Census Bureau OnTheMap; EPS.

**Table C-1
Monterey County
Vacation Rental Economic Analysis
Total Jobs by Industry Comparison Summary (2010-2020)**

Item	Monterey County					
	2010		2020		2010-2020	
	Total	%	Total	%	Total Growth	% Growth
Industries						
Agriculture, Forestry, Fishing and Hunting	21,485	14.8%	22,129	13.9%	644	3.0%
Mining, Quarrying, and Oil and Gas Extraction	195	0.1%	136	0.1%	(59)	(30.3%)
Utilities	650	0.4%	878	0.6%	228	35.1%
Construction	5,027	3.5%	8,764	5.5%	3,737	74.3%
Manufacturing	7,396	5.1%	7,749	4.9%	353	4.8%
Wholesale Trade	5,030	3.5%	5,606	3.5%	576	11.5%
Retail Trade	14,372	9.9%	14,851	9.3%	479	3.3%
Transportation and Warehousing	3,240	2.2%	4,107	2.6%	867	26.8%
Information	2,145	1.5%	1,946	1.2%	(199)	(9.3%)
Finance and Insurance	2,964	2.0%	2,795	1.8%	(169)	(5.7%)
Real Estate and Rental and Leasing	1,818	1.3%	2,114	1.3%	296	16.3%
Professional, Scientific, and Technical Services	6,102	4.2%	6,946	4.4%	844	13.8%
Management of Companies and Enterprises	1,820	1.3%	1,977	1.2%	157	8.6%
Administration & Support, Waste Management and Remediation	6,296	4.3%	8,015	5.0%	1,719	27.3%
Educational Services	14,005	9.7%	16,325	10.3%	2,320	16.6%
Health Care and Social Assistance	15,440	10.7%	20,670	13.0%	5,230	33.9%
Arts, Entertainment, and Recreation	2,492	1.7%	2,604	1.6%	112	4.5%
Accommodation and Food Services	16,452	11.4%	16,407	10.3%	(45)	(0.3%)
Other Services (excluding Public Administration)	7,447	5.1%	4,873	3.1%	(2,574)	(34.6%)
Public Administration	10,389	7.2%	10,135	6.4%	(254)	(2.4%)
Total Jobs	144,765	100.0%	159,027	100.0%	14,262	9.9%

Source: United States Census Bureau OnTheMap; EPS.

**Table C-1
Monterey County
Vacation Rental Economic Analysis
Total Jobs by Industry Comparison Summary (2010-2020)**

Item	California					
	2010		2020		2010-2020	
	Total	%	Total	%	Total Growth	% Growth
Industries						
Agriculture, Forestry, Fishing and Hunting	330,859	2.3%	341,769	2.1%	10,910	3.3%
Mining, Quarrying, and Oil and Gas Extraction	23,435	0.2%	18,594	0.1%	(4,841)	(20.7%)
Utilities	107,492	0.7%	110,195	0.7%	2,703	2.5%
Construction	547,489	3.8%	887,201	5.4%	339,712	62.0%
Manufacturing	1,266,681	8.8%	1,266,739	7.7%	58	0.0%
Wholesale Trade	645,365	4.5%	646,724	3.9%	1,359	0.2%
Retail Trade	1,463,773	10.1%	1,482,431	9.0%	18,658	1.3%
Transportation and Warehousing	442,162	3.1%	675,912	4.1%	233,750	52.9%
Information	501,146	3.5%	690,992	4.2%	189,846	37.9%
Finance and Insurance	523,703	3.6%	535,448	3.3%	11,745	2.2%
Real Estate and Rental and Leasing	252,046	1.7%	288,685	1.8%	36,639	14.5%
Professional, Scientific, and Technical Services	1,029,809	7.1%	1,304,614	8.0%	274,805	26.7%
Management of Companies and Enterprises	211,840	1.5%	268,421	1.6%	56,581	26.7%
Administration & Support, Waste Management and Remediation	844,044	5.8%	1,012,710	6.2%	168,666	20.0%
Educational Services	1,430,129	9.9%	1,469,913	9.0%	39,784	2.8%
Health Care and Social Assistance	1,671,730	11.6%	2,587,432	15.8%	915,702	54.8%
Arts, Entertainment, and Recreation	311,500	2.2%	300,727	1.8%	(10,773)	(3.5%)
Accommodation and Food Services	1,278,506	8.8%	1,294,058	7.9%	15,552	1.2%
Other Services (excluding Public Administration)	805,883	5.6%	462,046	2.8%	(343,837)	(42.7%)
Public Administration	783,705	5.4%	740,069	4.5%	(43,636)	(5.6%)
Total Jobs	14,471,297	100.0%	16,384,680	100.0%	1,913,383	13.2%

Source: United States Census Bureau OnTheMap; EPS.

**Table C-2
Monterey County
Vacation Rental Economic Analysis
Employed Residents by Industry Summary (2010 and 2020)**

Item	Planning Areas					
	2010		2020		2010-2020	
	Total	%	Total	%	Total Growth	% Growth
Industries						
Agriculture, Forestry, Fishing and Hunting	6,152	13.9%	6,464	12.9%	312	5.1%
Mining, Quarrying, and Oil and Gas Extraction	79	0.2%	64	0.1%	(15)	(19.0%)
Utilities	246	0.6%	339	0.7%	93	37.8%
Construction	1,835	4.1%	3,182	6.4%	1,347	73.4%
Manufacturing	2,509	5.7%	2,723	5.5%	214	8.5%
Wholesale Trade	1,900	4.3%	1,960	3.9%	60	3.2%
Retail Trade	4,337	9.8%	4,442	8.9%	105	2.4%
Transportation and Warehousing	1,004	2.3%	1,309	2.6%	305	30.4%
Information	704	1.6%	638	1.3%	(66)	(9.4%)
Finance and Insurance	920	2.1%	903	1.8%	(17)	(1.8%)
Real Estate and Rental and Leasing	535	1.2%	692	1.4%	157	29.3%
Professional, Scientific, and Technical Services	2,051	4.6%	2,465	4.9%	414	20.2%
Management of Companies and Enterprises	567	1.3%	615	1.2%	48	8.5%
Administration & Support, Waste Management and Remediation	1,857	4.2%	2,388	4.8%	531	28.6%
Educational Services	4,716	10.6%	5,641	11.3%	925	19.6%
Health Care and Social Assistance	4,634	10.5%	6,128	12.3%	1,494	32.2%
Arts, Entertainment, and Recreation	771	1.7%	857	1.7%	86	11.2%
Accommodation and Food Services	4,509	10.2%	4,593	9.2%	84	1.9%
Other Services (excluding Public Administration)	2,034	4.6%	1,519	3.0%	(515)	(25.3%)
Public Administration	2,922	6.6%	3,011	6.0%	89	3.0%
Total Labor Force [1]	44,282	100.0%	49,933	100.0%	5,651	12.8%

Source: United States Census Bureau OnTheMap; EPS.

[1] Labor force represents the employed residents of Monterey County.

**Table C-2
Monterey County
Vacation Rental Economic Analysis
Employed Residents by Industry Summary (2010 and 2020)**

Item	Monterey County					
	2010		2020		2010-2020	
	Total	%	Total	%	Total Growth	% Growth
Industries						
Agriculture, Forestry, Fishing and Hunting	38,047	25.2%	37,262	23.9%	(785)	(2.1%)
Mining, Quarrying, and Oil and Gas Extraction	171	0.1%	67	0.0%	(104)	(60.8%)
Utilities	529	0.4%	1,266	0.8%	737	139.3%
Construction	4,203	2.8%	6,576	4.2%	2,373	56.5%
Manufacturing	5,631	3.7%	4,251	2.7%	(1,380)	(24.5%)
Wholesale Trade	4,424	2.9%	5,290	3.4%	866	19.6%
Retail Trade	11,749	7.8%	12,888	8.3%	1,139	9.7%
Transportation and Warehousing	2,818	1.9%	2,871	1.8%	53	1.9%
Information	1,731	1.1%	941	0.6%	(790)	(45.6%)
Finance and Insurance	2,464	1.6%	2,120	1.4%	(344)	(14.0%)
Real Estate and Rental and Leasing	1,713	1.1%	1,741	1.1%	28	1.6%
Professional, Scientific, and Technical Services	5,126	3.4%	5,119	3.3%	(7)	(0.1%)
Management of Companies and Enterprises	1,517	1.0%	1,590	1.0%	73	4.8%
Administration & Support, Waste Management and Remediation	4,953	3.3%	6,653	4.3%	1,700	34.3%
Educational Services	13,985	9.3%	15,725	10.1%	1,740	12.4%
Health Care and Social Assistance	14,318	9.5%	17,650	11.3%	3,332	23.3%
Arts, Entertainment, and Recreation	2,323	1.5%	2,416	1.5%	93	4.0%
Accommodation and Food Services	17,121	11.3%	16,303	10.5%	(818)	(4.8%)
Other Services (excluding Public Administration)	7,475	5.0%	4,605	3.0%	(2,870)	(38.4%)
Public Administration	10,706	7.1%	10,557	6.8%	(149)	(1.4%)
Total Labor Force [1]	151,004	100.0%	155,891	100.0%	4,887	3.2%

Source: United States Census Bureau OnTheMap; EPS.

[1] Labor force represents the employed residents of Monterey County.

**Table C-2
Monterey County
Vacation Rental Economic Analysis
Employed Residents by Industry Summary (2010 and 2020)**

Item	California					
	2010		2020		2010-2020	
	Total	%	Total	%	Total Growth	% Growth
Industries						
Agriculture, Forestry, Fishing and Hunting	335,710	2.3%	350,744	2.1%	15,034	4.5%
Mining, Quarrying, and Oil and Gas Extraction	22,941	0.2%	18,111	0.1%	(4,830)	(21.1%)
Utilities	107,698	0.7%	110,895	0.7%	3,197	3.0%
Construction	544,770	3.8%	887,385	5.4%	342,615	62.9%
Manufacturing	1,265,746	8.8%	1,270,570	7.7%	4,824	0.4%
Wholesale Trade	645,329	4.5%	648,400	3.9%	3,071	0.5%
Retail Trade	1,461,055	10.1%	1,481,581	9.0%	20,526	1.4%
Transportation and Warehousing	440,802	3.0%	680,151	4.1%	239,349	54.3%
Information	503,264	3.5%	701,128	4.3%	197,864	39.3%
Finance and Insurance	523,109	3.6%	536,008	3.3%	12,899	2.5%
Real Estate and Rental and Leasing	251,869	1.7%	289,650	1.8%	37,781	15.0%
Professional, Scientific, and Technical Services	1,030,431	7.1%	1,309,677	8.0%	279,246	27.1%
Management of Companies and Enterprises	211,905	1.5%	269,214	1.6%	57,309	27.0%
Administration & Support, Waste Management and Remediation	842,370	5.8%	1,015,972	6.2%	173,602	20.6%
Educational Services	1,430,376	9.9%	1,471,881	9.0%	41,505	2.9%
Health Care and Social Assistance	1,670,022	11.5%	2,591,139	15.8%	921,117	55.2%
Arts, Entertainment, and Recreation	311,634	2.2%	301,254	1.8%	(10,380)	(3.3%)
Accommodation and Food Services	1,272,026	8.8%	1,290,319	7.9%	18,293	1.4%
Other Services (excluding Public Administration)	806,961	5.6%	462,540	2.8%	(344,421)	(42.7%)
Public Administration	784,651	5.4%	742,101	4.5%	(42,550)	(5.4%)
Total Labor Force [1]	14,462,669	100.0%	16,428,720	100.0%	1,966,051	13.6%

Source: United States Census Bureau OnTheMap; EPS.

[1] Labor force represents the employed residents of Monterey County.

Table C-3
Monterey County
Vacation Rental Economic Analysis
Employment Status for Population 16+ (2010 and 2021)

Item	Employment Rate			Unemployment Rate		
	2010	2021	% Change	2010	2021	% Change
Planning Area						
Big Sur	71.5%	64.5%	(7.0%)	1.5%	2.1%	0.7%
Carmel & Del Monte Forest Coastal	42.3%	39.9%	(2.5%)	4.5%	2.1%	(2.4%)
Carmel Valley Master Plan	53.0%	47.1%	(5.9%)	4.4%	2.9%	(1.4%)
Central Salinas Valley	63.3%	60.9%	(2.4%)	8.9%	1.6%	(7.3%)
Fort Ord	56.6%	60.8%	4.2%	6.6%	4.3%	(2.2%)
Greater Monterey Peninsula	55.2%	47.9%	(7.3%)	2.2%	7.2%	5.0%
Greater Salinas	58.4%	58.1%	(0.3%)	7.5%	3.0%	(4.5%)
North County Coastal	59.2%	59.2%	(0.1%)	8.9%	5.2%	(3.7%)
North County Inland	57.8%	56.8%	(1.0%)	6.9%	4.6%	(2.3%)
South County	60.9%	46.7%	(14.2%)	4.9%	6.4%	1.5%
Toro	61.5%	62.1%	0.7%	1.9%	2.0%	0.1%
Total	57.3%	55.8%	(1.6%)	6.2%	3.7%	(2.6%)
Monterey County	56.7%	56.4%	(0.3%)	6.4%	3.3%	(3.2%)
California	58.5%	59.3%	0.8%	5.8%	4.1%	(1.6%)

Source: American Community Survey 5-Year Estimates Table DP03; EPS.

Table C-4
Monterey County
Vacation Rental Economic Analysis
Commuting Patterns Summary (2020)

Item	2010						2020					
	Planning Areas		Monterey County		California		Planning Areas		Monterey County		California	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Commuting Patterns												
County Labor Force Efficiency												
Residents both Living and Employed in the Study Area	4,347	9.8%	98,363	67.9%	14,363,255	99.3%	5,263	10.2%	100,912	63.5%	16,240,772	99.1%
Residents Living in the Study Area but Employed Outside (Outflow)	39,935	90.2%	46,402	32.1%	108,042	0.7%	46,129	89.8%	58,115	36.5%	143,908	0.9%
Subtotal Resident Workers	44,282	100.0%	144,765	100.0%	14,471,297	100.0%	51,392	100.0%	159,027	100.0%	16,384,680	100.0%
County Employment Efficiency [1]												
Residents both Living and Employed in the Study Area	4,347	8.7%	98,363	65.1%	14,363,255	99.3%	5,263	9.6%	100,912	64.7%	16,240,772	98.9%
Workers Employed in the Study Area but Living Outside	45,418	91.3%	52,641	34.9%	99,414	0.7%	49,368	90.4%	54,979	35.3%	187,948	1.1%
Total Employment in Area (Inflow)	49,765	100.0%	151,004	100.0%	14,462,669	100.0%	54,631	100.0%	155,891	100.0%	16,428,720	100.0%
Total Inflow/Outflow Ratio [2]	112%		104%		100%		106%		98%		100%	

Source: U.S. Census OnTheMap 2020; EPS.

[1] OnTheMap employment excludes Uniformed Military, Self-Employed Workers, and Informally Employed Workers.

[2] The inflow/outflow ratio is the percentage of residents living in the specified area that travel outside of that area for work compared to the Total employment for that specified area. A ratio below 100% indicates that the area experiences a net outflow of workers; a ratio above 100% indicates that the area experiences a net inflow of workers.



APPENDIX D: Short-Term Rental Market Profile

Table D-1	Active Listing Trend Summary by Planning Area	D-1
Table D-2	Total Annual Reservation Days Available Summary by Planning Area	D-2
Table D-3	Total Annual Available Days Summary by Planning Area	D-3
Table D-4	Average Annual Occupancy Rate Trend Summary by Planning Area	D-4
Table D-5	Total Annual Revenue per Active Listing Summary by Planning Area	D-5
Table D-6	Total Annual Revenue Potential per Active Listing Summary by Planning Area	D-6

**Table D-1
Monterey County
Vacation Rental Economic Analysis
Active Listing Trend Summary by Planning Area (2015-2023)**

Item	Active Listings [1]									Change 2015-2023	
	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total	Avg. Annual %
Planning Area											
Big Sur	16	17	45	39	33	26	23	30	34	18	9.9%
Carmel & Del Monte Forest Coastal	85	141	391	378	528	306	285	332	395	310	21.2%
Carmel Valley Master Plan	58	93	190	180	267	175	172	206	202	144	16.9%
Central Salinas Valley	1	5	6	10	9	12	9	9	7	6	27.5%
Fort Ord	0	3	8	7	18	5	2	2	3	3	-
Greater Monterey Pen.	9	12	21	20	41	20	19	20	26	17	14.2%
Greater Salinas	2	2	4	2	3	5	8	7	10	8	22.3%
North County Coastal	13	28	53	45	62	54	51	63	66	53	22.5%
North County Inland	10	13	16	19	31	20	14	22	20	10	9.1%
South County	3	4	8	10	9	9	7	12	19	16	26.0%
Toro	20	33	61	51	78	44	45	46	49	29	11.9%
Total/Average	217	351	803	761	1,079	676	635	749	831	614	18.3%
Monterey County	564	1,014	2,300	2,919	3,377	3,347	2,971	2,546	2,862	2,298	22.5%
<i>Planning Areas as % of Total County</i>	38.5%	34.6%	34.9%	26.1%	32.0%	20.2%	21.4%	29.4%	29.0%	-	-

Source: AirDNA; EPS.

[1] AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g. Hotels, Tents, Yachts).

Table D-2
Monterey County
Vacation Rental Economic Analysis
Total Annual Reservation Days Available Summary by Planning Area (2015-2023)

Item	Total Annual Days Reserved [1]									Change 2015-2023	
	2015	2016	2017	2018	2019	2020	2021	2022	2023 [2]	Total	Avg. Annual %
Planning Area											
Big Sur	1,974	1,917	3,187	5,387	5,359	4,371	5,011	6,063	6,959	4,985	17.1%
Carmel & Del Monte Forest Coastal	8,533	20,640	38,388	56,075	57,807	44,779	55,291	60,205	65,412	56,879	29.0%
Carmel Valley Master Plan	5,785	12,260	19,883	27,257	32,845	26,937	33,945	31,853	32,590	26,805	24.1%
Central Salinas Valley	114	357	463	887	1,120	1,777	1,869	1,728	1,205	1,091	34.3%
Fort Ord	45	406	1,030	1,734	2,777	1,048	24	576	539	494	36.4%
Greater Monterey Pen.	729	1,355	2,124	2,858	3,956	3,046	4,105	4,226	4,478	3,749	25.5%
Greater Salinas	282	337	531	558	496	1,046	1,254	710	766	484	13.3%
North County Coastal	1,123	2,902	4,972	6,149	8,758	9,467	12,095	13,778	13,296	12,173	36.2%
North County Inland	530	1,516	2,585	2,638	3,225	2,352	2,553	2,775	2,907	2,377	23.7%
South County	279	386	723	1,393	695	1,226	1,669	2,027	2,450	2,171	31.2%
Toro	1,122	3,829	5,525	7,220	9,646	6,118	8,169	8,350	8,873	7,751	29.5%
Total	20,516	45,905	79,411	112,156	126,684	102,167	125,985	132,291	139,475	118,959	27.1%

Source: AirDNA; EPS.

[1] AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g. Hotels, Tents, Yachts).

[2] AirDNA data for 2023 excludes August through December; 2023 includes August 2022 through July 2023 to help estimate a full year.

**Table D-3
Monterey County
Vacation Rental Economic Analysis
Total Annual Available Days Summary by Planning Area (2015-2023)**

Item	Total Days the Listing Remained Available per Year [1]									Change 2015-2023	
	2015	2016	2017	2018	2019	2020	2021	2022	2023 [2]	Total	Avg. Annual %
Planning Area											
Big Sur	2,752	3,144	5,767	6,279	5,455	3,009	2,120	3,088	3,105	353	1.5%
Carmel & Del Monte Forest Coastal	15,070	22,628	52,274	69,439	73,086	52,049	28,877	35,023	40,084	25,014	13.0%
Carmel Valley Master Plan	10,708	18,093	30,134	33,694	35,772	30,702	20,085	26,861	27,674	16,966	12.6%
Central Salinas Valley	368	998	1,131	1,760	1,683	1,675	1,190	1,225	1,366	998	17.8%
Fort Ord	93	581	859	1,554	1,847	1,385	208	199	337	244	17.5%
Greater Monterey Pen.	1,675	2,566	2,781	4,386	6,345	3,564	2,079	2,161	2,996	1,321	7.5%
Greater Salinas	448	364	516	598	610	759	673	754	1,320	872	14.5%
North County Coastal	2,339	5,759	7,235	6,962	8,896	7,462	4,144	5,698	7,235	4,896	15.2%
North County Inland	1,858	3,136	3,949	4,830	4,807	3,701	1,883	2,448	2,490	632	3.7%
South County	724	1,149	1,396	1,857	2,011	1,620	1,069	1,817	2,645	1,921	17.6%
Toro	4,964	7,849	10,856	9,700	8,879	8,074	5,258	5,679	6,248	1,284	2.9%
Total	40,999	66,267	116,898	141,059	149,391	114,000	67,586	84,953	95,500	54,501	11.1%

Source: AirDNA; EPS.

[1] AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g. Hotels, Tents, Yachts).

[2] AirDNA data for 2023 excludes August through December; 2023 includes August 2022 through July 2023 to help estimate a full year.

**Table D-4
Monterey County
Vacation Rental Economic Analysis
Average Annual Occupancy Rate Trend Summary by Planning Area (2015-2023)**

Item	Average Annual Occupancy Rate [1]									Change 2015-2023	
	2015	2016	2017	2018	2019	2020	2021	2022	2023 [2]	Total	Avg. Annual %
Planning Area											
Big Sur	41.8%	37.9%	35.6%	46.2%	49.6%	59.2%	70.3%	66.3%	69.1%	27.4%	6.5%
Carmel & Del Monte Forest Coastal	29.8%	45.2%	43.7%	43.3%	41.7%	43.1%	64.9%	57.7%	57.7%	27.9%	8.6%
Carmel Valley Master Plan	32.4%	40.3%	38.8%	44.2%	47.5%	46.2%	62.4%	53.7%	53.1%	20.7%	6.4%
Central Salinas Valley	21.2%	26.0%	18.3%	51.7%	51.0%	50.5%	65.2%	67.5%	58.4%	37.2%	13.5%
Fort Ord	32.6%	41.1%	59.9%	52.7%	60.1%	45.8%	15.7%	76.9%	66.4%	33.8%	9.3%
Greater Monterey Pen.	30.3%	34.6%	43.3%	39.5%	38.4%	46.1%	66.4%	66.2%	59.9%	29.6%	8.9%
Greater Salinas	29.1%	48.1%	53.8%	52.3%	41.5%	48.5%	69.9%	36.8%	26.9%	(2.2%)	(1.0%)
North County Coastal	27.5%	27.2%	29.6%	39.2%	53.3%	59.9%	70.7%	58.6%	49.7%	22.2%	7.7%
North County Inland	23.3%	30.9%	42.0%	43.0%	46.2%	39.8%	61.9%	58.1%	56.8%	33.5%	11.8%
South County	27.8%	25.1%	34.1%	42.9%	25.7%	43.1%	61.0%	52.7%	48.1%	20.3%	7.1%
Toro	18.4%	32.0%	33.6%	43.2%	52.7%	43.2%	59.3%	58.6%	58.6%	40.2%	15.6%
Average	28.6%	35.3%	39.3%	45.3%	46.1%	47.8%	60.7%	59.4%	55.0%	26.4%	8.5%

Source: AirDNA; EPS.

[1] AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g. Hotels, Tents, Yachts).

[2] AirDNA data for 2023 excludes August through December; 2023 includes August 2022 through July 2023 to help estimate a full year.

**Table D-5
Monterey County
Vacation Rental Economic Analysis
Total Annual Revenue per Active Listing Summary by Planning Area (2015-2023)**

Item	Total Annual Revenue per Active Listing [1] [2]									Change 2015-2023	
	2015	2016	2017	2018	2019	2020	2021	2022	2023 [3]	Total	Avg. Annual %
Planning Area											
Big Sur	\$44,207	\$45,236	\$26,669	\$76,364	\$106,249	\$125,201	\$179,551	\$155,831	\$149,588	\$105,380	16.5%
Carmel & Del Monte Forest Coastal	\$31,294	\$47,236	\$42,061	\$80,382	\$68,371	\$92,992	\$136,384	\$129,669	\$126,697	\$95,403	19.1%
Carmel Valley Master Plan	\$19,327	\$30,329	\$30,780	\$51,007	\$48,010	\$67,900	\$102,438	\$84,428	\$88,511	\$69,184	20.9%
Central Salinas Valley	\$23,604	\$17,008	\$53,085	\$26,792	\$32,002	\$76,222	\$122,787	\$126,740	\$131,146	\$107,542	23.9%
Fort Ord	\$0	\$9,685	\$19,924	\$23,637	\$26,040	\$47,098	\$4,191	\$174,809	\$105,898	\$105,898	-
Greater Monterey Pen.	\$22,146	\$33,683	\$39,055	\$56,248	\$45,040	\$64,545	\$135,414	\$147,361	\$130,829	\$108,684	24.9%
Greater Salinas	\$14,014	\$29,660	\$18,069	\$32,151	\$18,505	\$18,485	\$17,295	\$10,620	\$10,818	(\$3,196)	(3.2%)
North County Coastal	\$14,390	\$25,082	\$30,978	\$57,885	\$61,217	\$101,165	\$150,829	\$123,838	\$114,382	\$99,993	29.6%
North County Inland	\$7,689	\$12,568	\$15,927	\$22,416	\$18,697	\$20,708	\$44,967	\$25,839	\$29,423	\$21,734	18.3%
South County	\$29,091	\$21,554	\$26,434	\$56,699	\$35,445	\$68,577	\$135,138	\$81,796	\$66,892	\$37,801	11.0%
Toro	\$13,307	\$31,531	\$23,713	\$51,311	\$55,603	\$71,308	\$120,576	\$96,530	\$106,166	\$92,859	29.6%
Weighted Average	\$24,685	\$36,524	\$35,391	\$66,204	\$59,420	\$82,483	\$124,625	\$111,377	\$111,151	\$86,467	20.7%

Source: AirDNA; EPS.

[1] AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g. Hotels, Tents, Yachts).

[2] Total annual revenue per listing is calculated by taking the total annual revenue for each Planning Area divided by number of active listings by year by Planning Area.

[3] AirDNA data for 2023 excludes August through December; 2023 includes August 2022 through July 2023 to help estimate a full year.

Table D-6
Monterey County
Vacation Rental Economic Analysis
Total Annual Revenue Potential per Active Listing Summary by Planning Area (2015-2023)

Item	Total Annual Potential Revenue per Active Listing [1] [2]									Change 2015-2023	
	2015	2016	2017	2018	2019	2020	2021	2022	2023 [3]	Total	Avg. Annual %
Planning Area											
Big Sur	\$105,837	\$119,427	\$74,926	\$165,373	\$214,402	\$211,390	\$255,514	\$235,199	\$216,331	\$110,494	9.3%
Carmel & Del Monte Forest Coastal	\$91,212	\$100,606	\$100,207	\$183,042	\$158,073	\$205,420	\$210,336	\$207,226	\$206,216	\$115,004	10.7%
Carmel Valley Master Plan	\$58,145	\$75,705	\$78,372	\$115,039	\$100,986	\$145,622	\$163,582	\$156,962	\$165,665	\$107,519	14.0%
Central Salinas Valley	\$94,323	\$67,208	\$154,236	\$93,504	\$98,226	\$143,774	\$215,467	\$224,109	\$291,038	\$196,716	15.1%
Fort Ord	-	\$23,544	\$32,544	\$44,844	\$44,053	\$119,841	\$39,907	\$231,456	\$160,969	-	-
Greater Monterey Pen.	\$73,029	\$97,469	\$90,191	\$142,569	\$117,280	\$140,066	\$203,995	\$222,716	\$218,360	\$145,331	14.7%
Greater Salinas	\$33,528	\$61,696	\$35,989	\$64,670	\$42,111	\$32,648	\$26,498	\$22,482	\$32,695	(\$833)	(0.3%)
North County Coastal	\$46,227	\$74,706	\$72,542	\$122,532	\$122,128	\$175,737	\$199,117	\$168,838	\$168,155	\$121,928	17.5%
North County Inland	\$39,029	\$56,165	\$48,847	\$64,742	\$47,173	\$57,398	\$79,397	\$50,592	\$56,383	\$17,354	4.7%
South County	\$104,582	\$85,711	\$77,473	\$132,285	\$138,004	\$159,193	\$221,694	\$155,119	\$139,107	\$34,526	3.6%
Toro	\$72,090	\$95,856	\$70,322	\$120,315	\$106,557	\$165,512	\$194,283	\$160,843	\$180,902	\$108,812	12.2%
Weighted Average	\$75,504	\$89,128	\$87,426	\$150,827	\$132,253	\$175,267	\$191,538	\$181,964	\$185,960	\$110,456	11.9%

Source: AirDNA; EPS.

[1] AirDNA data represents all active listings pulled from AirBnB, VRBO, and HomeAway as of June for each respective year. Excludes property types that are not included in the County's housing stock (e.g. Hotels, Tents, Yachts).

[2] Revenue potential is based on the estimated actual revenue per listing plus the estimated revenue per listing multiplied by remaining days available divided by total active listings.

[3] AirDNA data for 2023 excludes August through December; 2023 includes August 2022 through July 2023 to help estimate a full year.

APPENDIX E:

Census Tracts by Planning Area

Table E-1	Census Tracts by Planning Area (2 pages)	E-1
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Table E-1
Monterey County
Vacation Rental Economic Analysis
Census Tracts by Planning Area (2010 and 2021)

Item	Census Tracts	
	2010	2021
Big Sur Coastal	115.02	115.02
Carmel & Del Monte Forest Coastal	116.04	116.04
	117	117
	119	119.01
	-	119.02
Carmel Valley Master Plan	110	110.01
	-	110.02
	116.02	116.05
	-	116.06
Central Salinas Valley	108.04	108.04
	112.04	112.04
	113.03	113.03
	148	148
Fort Ord	141.05	141.05
	141.07	141.09
	-	141.08

Source: U.S. Census; EPS.

Table E-1
Monterey County
Vacation Rental Economic Analysis
Census Tracts by Planning Area (2010 and 2021)

Item	Census Tracts	
	2010	2021
Greater Monterey Pen.	132	132
Greater Salinas	1.01	1.01
	18.01	18.01
	106.06	106.06
	9800	9800
North County Coastal	101.01	101.01
	102.02	102.02
	103.06	103.06
	146.01	146.01
	147	147
North County Inland	101.02	101.02
	103.05	103.05
	104	104
	105.01	105.01
South County	114	114
Toro	107.01	141.1
	107.02	107.02

Source: U.S. Census; EPS.