TO: Zoe Zepp, AICP, Associate Planner, x6408
Anna Quenga, AICP, Principal Planner
Erik Lundquist, AICP - Director of Housing & Community Development
Kate Daniels, Planning Commissioner
Melissa McDougal, Administrative Secretary HCD
PC Hearing Comments

FROM: President C.S. Noel, Carmel Valley Association C.S. Noel
STR Task Force Chair John Heyl, CVA

IN RE: Pending Approval of 114 Story Rd. Administrative Permit PLN220134

Carmel Valley Association objects to the issuance of open ended administrative permits for Short Term Rentals (STRs) until such time as the EIR for the revised STR Ordinance is certified and/or the revised Ordinance is adopted by the BOS. This application should be sent to the Planning Commission for further consideration because it:

1. underscores the continued and growing need for a global comprehensive assessment of the County's unchecked STR approvals on available housing stock for our families and workforce

2. fails to consider the project's negative impacts on the unique character of Carmel Valley's residential neighborhoods

3. fails to address additional adverse environmental impacts on the unincorporated areas of the County, including the cumulative impacts of STRs.

Detailed considerations follow:

1. This application, along with the modified Operating Plan and Conditions, requests the expanded use of the property from residential to visitor accommodation for up to 8 adults a night and 7 cars total, “4 cars may park at the top of the driveway and 3 cars may park on the flatten area of the property near the entrance gate”. This is a substantial change from a residential, single family residence and creates increased environmental impacts to noise and traffic beyond that allowed in Zoning LDR/1-D-S-

RAZ. Visitor accommodation units should not be permitted in residential neighborhoods without environmental review. Title 21.64.280 was adopted in 1997 without extensive environmental review, if any. The environmental assessment for the adoption of zoning ordinance should be reviewed.

2. There is no cumulative impact assessment. The finding that CEQA is categorically exempt is not supported by the evidence. Unusual circumstances exist. HCD indicated in Dec, 2021, that there were over 600 STRs in the County. More recent statistics show over 300 paying TOT in Carmel Valley Master Plan and Carmel Use Plan areas. There are several other applications pending for additional administrative permits based on the Title 21 Regulations that have never had CEQA review. There is no attempt to assess potential cumulative impacts; this permit will make the 5th short term rental in the vicinity of the project out of 75 homes on this and adjoining streets—a figure of 6% of the residences; this means that, with approval of this permit for this unique neighborhood, the proposed cap on commercial short term rentals recommended in the draft new ordinances will have already been reached. Granicus Host Compliance Address Identifier map (attached) shows these listings—most non-compliant due to renting for less than 7 days—and that information is corroborated with Monterey County Tax Collectors record of TOT paying operators in the 93924 zip code updated Dec, 2022. This property currently has a listing allowing rentals for 3 nights in conflict with the conditions of this permit. The application and department reviews are vacant of any consideration of these issues. How will the neighbors be protected from continued shorter than allowable short terms rentals of this property once permitted?

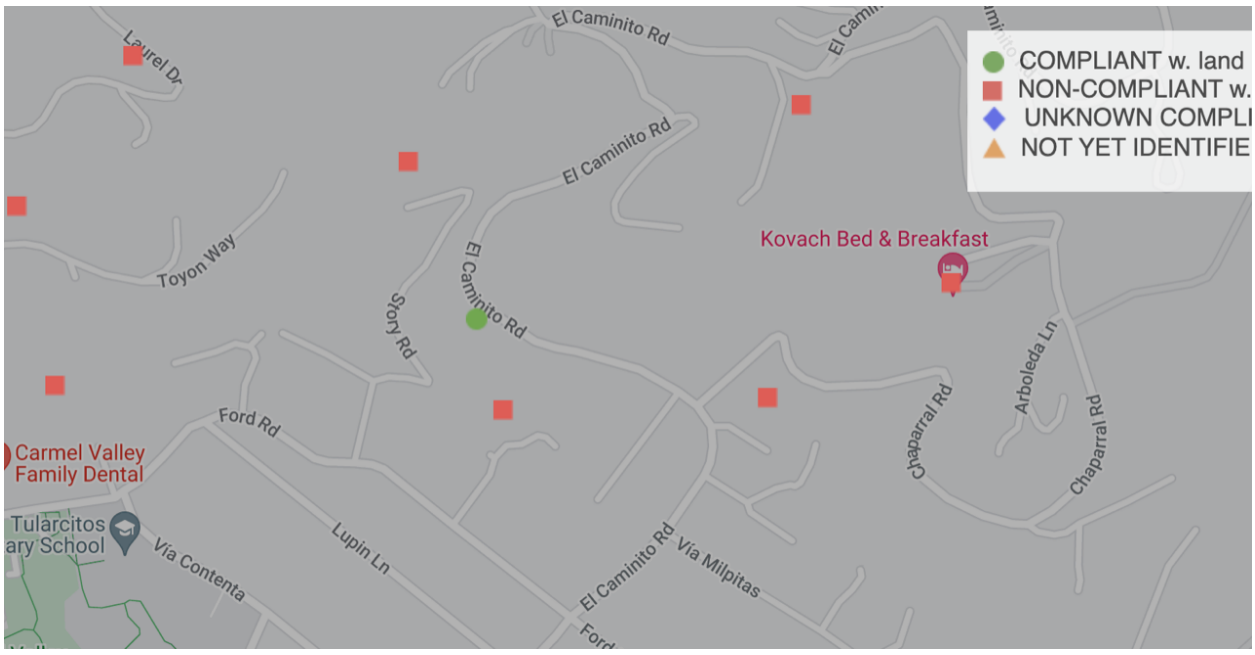
3. Impact on Affordable Housing in Monterey County: This application, along with the cumulative applications in the surrounding communities, provides no consideration of the impact to the residential housing stock. The lack of affordable housing for workforce and full-time residents in Monterey County is a current and immediate threat to the public health, safety and welfare, a threat that will be intensified by the loss of residential units through the issuance of permits for short term rental use of residential property as is proposed here. For this reason alone, the application should be forwarded to the Planning Commission for further consideration.

4. Categorical exemption of environmental review is not warranted with the stated increases to the use of the property and the attendant increases in environmental impacts. The current Title 21.64.280 code has never been subject to CEQA review, in spite of clear impacts on neighborhoods with each permitted use. The County has yet to defend Section F of the Title, which states: “No Adverse Impact. The Board of Supervisors finds that the adoption of this ordinance has the effect of regulating a previously illegal use; however, the use permitted pursuant to this ordinance, as regulated, will not constitute a substantial adverse physical change to the environment or any substantive change in the intensity of use of existing single family dwellings.”

5. The property is zoned for low density residential with design review. The proposed changes create a land use more consistent with Commercial Visitor Accommodation / Professional Offices zoning and is also in conflict with the Carmel Valley Master Plan notwithstanding Title 21.64.280. The relevant CVMP section (CV-1.15) states:"b. Visitor accommodation projects must be designed so that they respect the privacy and rural residential character of adjoining properties…[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."

6. On November 7, the Planning Commission received an overview of the General Plan Elements update work plan over the coming year and a half. The November 7th presentation to the Planning Commission provided a summary of the policy framework through an equity lens that drives the General Plan Elements update. The story told by the data of Housing in unincorporated County of Monterey will serve to fulfill the mandate to identify sites and zoning designations that can accommodate a Regional Housing Needs Assessment (RHNA) of 3,326 housing units distributed across four Income levels (1,070 Very Low, 700 Low, 420 Moderate, and 1,136 Above Moderate). Each permitted STR operator and issuance of new administrative permits should add one additional unit to the RHNA requirements. As noted above, the lack of affordable housing for workforce and full-time residents in Monterey County will be intensified by the loss of residential units by the issuance of permits for short-term rental use of residential property as is proposed here.

We respectfully request that this and all pending applications be considered by the Planning Commission due to the important planning and zoning and affordable housing issues that present here and with STRs in general.
<u>Attachment 1:</u> Granicus Map showing 7 STR's on El Camanito and adjoining streets. All registered with Tax Collector as paying TOT. Three properties nearby on Laurel.



<u>Attachment 2</u>: List of TOT operators in 93924 zip code from Monterey County Tax Collector's Office as of Dec 1, 2022

To view, access the Googlesheet CLICK HERE and Click on Tab for 93924 zip code)

Summary: Total 108 TOT operators in 93924 zip code
19 new operators between April and December, 2022

<u>Attachment 3:</u> Current AirBnb property summary from Granicus showing rental period of 2 days (bottom of image)

Listing URL	https://www.vrbo.com/1789569
Listing Status	Active
Host Compliance Listing ID	hma321.1789569.2351078
Listing Title	LX16 Valley View Above The Wineries With Hot Tub
Property type	House
Room type	Entire home/apt
Listing Info Last Captured	Jan 15, 2023
Screenshot Last Captured	Oct 23, 2022
Price	$815.76/night
Cleaning Fee	$650

Information Provided on Listing

Contact Name	Zorka Ward
Latitude, Longitude	36.487446, -121.730656
Minimum Stay (# of Nights)	2

LAW OFFICE
RICHARD H. ROSENTHAL

P.O. BOX 1021, CARMEL VALLEY, CA 93924
(831) 625-5193
FAX (831) 625-0470

499.23.02.21.LTRPCLOOMIS

21 February, 2023

Chairperson Monsalve
Monterey County Planning Commission Via Email
Salinas, California

Re: Loomis PLN220134-Agenda Item 3

Chairperson Monsalve and Members of the Commission

Save Our Peninsula (SOP) objects to the issuance of open ended administrative permits for Short Term Rentals (STRs) based upon CEQA categorical exemptions until such time as the EIR for the revised STR Ordinance is certified and the revised Ordinance is adopted by the BOS. Because of the need for a global assessment of STR approvals on available housing stock, impacts to the character of residential neighborhoods and environmental impacts associated therewith, including noise, traffic, and health issues on the unincorporated areas of the County, this hearing should be continued until such time as an Initial Study is undertaken on the Loomis Application to consider potential significant impacts (addressed below) and mitigation measures if warranted. In the alternative, if the Commission contemplates issuing a permit, SOP suggests the permit for a fixed period of time with a sunset provision no later than 9 months after the adoption of the new STR Ordinance.

The policy of state is to encourage creation of new housing because of the housing supply and affordability crisis. See *Government Code Section* 65589.5 a-1 and 2. The County's policy of permitting STR's without time duration during the assessment and approval of the new Ordinance is contrary to intent of state law because it is taking residential property off of the rental market. These actions create a current and immediate threat to the public health and safety by eliminating available housing. This impact is compounded by the fact that HCD estimated that there were over 600 advertised STRs in the unincorporated County, each one eliminating a rental opportunity for citizens of unincorporated Monterey County. The County's approval of STRs and permitting the 600 advertised units to continue will have to be addressed in the Housing Element update, mandating approximately 3,326 units pursuant to the most recent Reginal Housing Needs Assessment (RHNA). Arguably each STR permit issued and the 600 advertised STRs will add to the County's RHNA assessment mandate. There is no discussion of this issue in the staff report. The County is taking away and limiting the residential housing stock when the state is doing everything to encourage more residential housing. There is also evidence that the issuance of open ended administrative permits provides incentives for realtors to list and investors to purchase residential housing and turn them into STRs thereby even further reducing available rental housing stock. Numerous web sites are offering residential housing for

sale as investment vehicles for STRs. See Mashvisor.com. Furthermore, The property is zoned for low density residential with design review. The proposed use changes to visitor accommodation is in conflict with the Carmel Valley Master Plan. CVMP calls for the following: CV-1.15 b. Visitor accommodation projects must be designed so that they respect the privacy and rural residential character of adjoining properties.

The law regarding categorical exemptions is quite clear. Categorical exemptions are the exception rather than the rule because it terminates any further environmental review of the proposed project. *Guidelines*: 15300.2 (b) (c). They should be narrowly construed and will not be expanded beyond its terms. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App. 4th 931. Short term vacation rentals for remuneration are exactly a project where an exemption should not be applied because of the unusual circumstances surrounding the impacts associated therewith as noted in the previous sentence and below and the cumulative impacts associated therewith.

Whether a particular project presents circumstances that are unusual for projects in an exempt class is an essentially factual inquiry. As noted in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal 1086, 1114-1115 the court stated: " the factual inquiry is " 'founded "on the application of the fact-finding tribunal's experience with the mainsprings of human conduct." ' " (*citation*.) Accordingly, as to this question, the agency serves as "the finder of fact" (*citation*), and a reviewing court should apply the traditional substantial evidence standard that section 21168.5 incorporates. (citation.) Under that relatively deferential standard of review, the reviewing court's " 'role' " in considering the evidence differs from the agency's. (" 'Agencies must weigh the evidence and determine "which way the scales tip," while courts conducting [traditional] substantial evidence … review generally do not.' " (*emphasis added.*) Instead, reviewing courts, after resolving all evidentiary conflicts in the agency's favor and indulging in all legitimate and reasonable inferences to uphold the agency's finding, must affirm that finding if there is any substantial evidence, contradicted or contradicted, to support it. (citation) [reviewing court's "task is not to weigh conflicting evidence and determine who has the better argument" or whether "an opposite conclusion would have been equally or more reasonable"].) The take away from the Supreme Court's ruling is that the agency must be the fact finder and weigh the evidence to determine which way the scales tip. There has been no fact finding inquiry by HCD that I am aware of.

In addition, cumulative impacts are potentially significant. By way of example, this application permits up to 8 adults a night along with a maximum of 12 persons for any event or gathering and up to 7 cars parked on the property. Recent STR Administrative Permit approvals, PLN200102-103 Village Road, Carmel Valley, allowed up to 10 adults and 10 cars per night (see Attachment 2 Complaint letter and picture of driveway); PLN220014-41 Laurel Dr. permits up to 10 adults a night and up to 15 people for events and special gatherings. The combination of the three permits adds at least 28 adults per night and 20 cars to Carmel Valley Village. There's no attempt to assess cumulative impacts of this permit request with those recently approved,

pending or the short term rental housing advertised for Carmel Valley. The County's position is that a STR permit is similar in use to a Single Family residence. It's not. The numbers above say as much. It's permitting a Visitor Accommodation unit in a residential neighborhood. This is born out with the complaints received by HCD that STR's are used as party houses, generating noise, traffic and untold grief to their neighbors with little to no enforcement from HCD. See Attachment 3. Former Congressman William Monning spoke of his family's grief from a neighboring STR during the zoom call regarding the NOP for the Revised Ordinance EIR.

SOP sent a 16 January 2023 letter to Planning Director Spencer outlining its concern with the issuance of an Administrative Permit for an STR based upon a categorical exemption. Based upon the letter, Director Spencer scheduled the instant hearing. A copy of letter is attached hereto as Attachment 1.

After the letter to Director Spencer, SOP received documents from the County pursuant to a Public Records Request. The documents received are pertinent to the consideration whether there are unusual circumstances, potentially significant environmental impacts, and cumulative impacts negating the use of Categorical Exemption.

SOP will summarize the pertinent documents and what role they play in setting aside the use of Categorical Exemption in this case. SOP will then address the comments in the staff report and comments submitted by the Monterey County Vacation Rental Association (MCVRA)

DOCUMENTS RECEIVED FROM PUBLIC RECORDS REQUEST

1. October 31, 2016: Voss to Baretti: Attachment 4.
"3. HD strongest interest would likely be "are nuisances, such as noise, making it difficult for neighbors to enjoy respite in their home. We could develop text to expand on this or otherwise enumerate the health effects that have been linked to "neighborhood noise" in the literature (cardio-vascular symptoms, joint and bone disease, headache, sleep disturbance, cognitive impairment in children, hypertension, etc.".. This issue is of concern in the EIR for the revised Ordinance. See Attachment 7, p.I-27.

This is a major potential impact because STRs are referred to as party houses. One only has to review the letter from homeowners impacted by STRs to see that they are experiencing potential health impacts. Attachment 3

2. June 5, 2016: Chapman to Baretti: Traffic Generation for Lodging and Residential Facilities: Attachment 5. No data available for Short Term Rental Trip Rates. This is being studied in EIR for revised Ordinance. Attachment 7, p.1-33.

3. April 1, 2016: Novo, Director to Jacqueline Onciano: Attachment 6: .."I do not think that we have a substantial supply of housing that could or should converted to short term rental in Big

Sur. The needs of the community and accommodating employee housing needs should come first. A detailed and thoughtful analysis of what housing stock is needed for that component of the of the need should be completed...´ I do believe that short term rentals should be accommodated in some areas of the county, so I am not against them as a land use, but they need to carefully planned to be supplemental to basic housing needs."

This concern has been ignored. No consideration is given to reduction in housing inventory with each new administrative permit issued notwithstanding the State is requiring the County to lay out how they anticipate implementing their RHNA of 3326 units. This issue is being studied in the EIR for the revised Ordinance. Attachment 7, p. 1-25, 1-29.

4. August 22, 2022 Revised Initial Study for the Monterey County Vacation Rental Ordinances Project. Attachment 7, pgs. 1-4 and 5, 1-25, 1-27. 1-29, 1-33, 1-41 and 42. Pages 1-41 and 42 discuss the potential significant impacts of the project with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Substantial adverse effects on human beings from potential increased air emissions, transportation and noise levels is discussed at I-42.

RESPONSE TO STAFF RESPORT

1. Page 2: 25 short term rentals. This number is wrong and doesn't take into account un-permitted operators . Attached to the CVA Memo issued by its president and chair of the CVA task force on Short Term Rentals, is a print-out from the County Tax Collector reflecting 109 STR operators in the 93924 who are paying TOT to the County Tax Collector. Many of these operators are unpermitted. In addition, there is a map attached to the CVA memo that depicts STRs in the vicinity of Story Rd.

2. Page 4: The idea that the noise ordinance is going to quell the activities of STRs is somewhat disingenuous. The Grand Jury questioned the County on it in 2021 and the community is unaware of any additional enforcement. See Attachments 2, 3.

3. Page 4: Potential social and economic impacts of short term rentals are not required to be addressed in CEQA. However potential significant impacts from these issues are being addressed in the EIR for the revised Ordinance, Attachment 7, pgs. 1-4 and 5, 1-25, 1-27. 1-29, 1-33, 1-41 and 42. Furthermore, the law is pretty clear on this point. See *Citizens Assoc v. County of Inyo* (1980) 172 Cal App 3rd 151, 169-170. Economic or social changes may be used to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the

physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as the basis for determining that the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect." (Cal. Admin. Code, tit. 14, § 15064, subd. (f).) In this case, issuing administrative permits reducing available housing stock is a clear and present danger to the availability of affordable housing for workforce and full time residents of Monterey County creating a current and immediate threat to the public health, safety and welfare.

RESPONSE TO SHAUN M. MURPHY

1. Pg. 2: Is a STR a project under CEQA. HCD made the determination to provide a categorical exemption to the application and applied a Section 15301 exemption. This action brings it under the CEQA purview. The Staff Report, page 2, indicates the Commission may weigh the facts and circumstances of the case and may also designate reasonable conditions. This is a discretionary action taken under CEQA when considering potential significant impacts.

2. Page 3: Health and Safety Code 1596.78. My reading of the statute permits up to 8 children. There is no comparison between a day care center with 8 children and a party house with up to 8 adults, 7 cars, and up to 12 persons for any event or gathering. The day care center operates during the day. Any traffic or noise would occur during the day. The party house operates at night creating traffic and disturbances to neighbors. See Attachment 2 and 3. Secondly, day care centers are tightly regulated by the State. Lastly, notwithstanding the day care's categorical exempt status, the exceptions found at 15300.2 would still applicable as they are in the instant matter.

3. Page 3: Cumulative impacts. One of the exceptions found in 15302. 2 (b).

4. Page 4: Board's finding regarding no significant impact when it adopted Title 21.64.280 specifically referring to section (f). Not only is Section f is inconsistent with sections 3-5 but if flies in the face of the Carmel Valley Master Plan 1.15 (b), and zoning statutes for single family residences that do not list STRs as permitted uses. More important is the fact that Section (f) cannot waive CEQA compliance.

The application has to satisfy the mandates of CEQA. Waiving environmental review in inconsistent with the facts or the law.

Sincerely,

LAW OFFICE OF RICHARD H. ROSENTHAL

BY:_____/S/_____
RICHARD H. ROSENTHAL

Cc: Erik Lundquist,
Enclosures as noted

ATTACHMENTS

1. 1/16/23 email to Craig Spencer and attachments: Re Loomis

2. Complaint letter and picture of driveway at 103 Village Dr

3. Complaint letters from neighbors of STRs

4. October 16, 2016 Voss to Baretti- Health issues

5. June 5, 2016 Chapmen to Baretti-Traffic

6. April 1, 2016 Novo to Baretti-Loss of housing stock

7. August 22, ,2022 Revised Initial Study for Monterey County Rental Ordinances Project. Selected pages.

ATTACHMENT 1

LAW OFFICE
RICHARD H. ROSENTHAL

P.O. BOX 1021, CARMEL VALLEY, CA 93924
(831) 625-5193
FAX (831) 625-0470

499.23.01.16.LTRLOOMIS

16 January, 2023

Mr. Craig Spencer
Chief of Planning
1441 Schilling Pl., South, 2nd Floor
Salinas, California 93901

Via Email

Re: Objection to Administrative Permit: 114 Story Rd. PLN220134

Dear Mr. Spencer or who it may concern:

~~Save Our Peninsula (SOP) objects to the issuance of open ended administrative permits for Short~~ Term Rentals (STRs) until such time as the EIR for the revised STR Ordinance is certified and the revised Ordinance is adopted by the BOS. Because of the need for a global assessment of STR approvals on available housing stock, impacts to the character of residential neighborhoods and environmental impacts on the unincorporated areas of the County this application should be sent to the Planning Commission for further consideration.

The approval of each open ended STR administrative permit takes one residential housing unit off the rental housing market in perpetuity making affordable housing more limited and expensive for the citizens of the County. These actions create a current and immediate threat to the public health and safety by eliminating available housing. This impact is compounded by the fact that HCD estimated that there were over 600 advertised STRs in the unincorporated County, each one eliminating a rental opportunity for citizens of unincorporated Monterey County. The County's approval of STRs and permitting the 600 advertised units to continue will have to be addressed in the Housing Element update, that mandates approximately 3,326 units pursuant to the most recent Reginal Housing Needs Assessment (RHNA). Arguably each STR permit issued and the 600 advertised STRs will add to the County's RHNA assessment mandate. There is no discussion of this issue in the staff report.

Administrative permits for STRs are being approved pursuant to categorical exemptions. No environmental assessment undertaken. No cumulative impacts associated with other approved STR permits or the 600 advertised units noted above. Changing the residential character of neighborhoods to visitor accommodation is not considered. Categorical exemptions are inappropriate when special circumstances (loss of rental housing and changing character of residential neighborhoods) and cumulative impacts (increased noise and traffic from increase in people and cars) are present. Reliance on Title 21 is inappropriate because the adoption took place in 1997 subject to limited environmental review.

Cumulative impacts are potentially significant. By way of example, this application permits up to 8 adults a night along with a maximum of 12 persons for any event or gathering and up to 7 cars parked on the property. A recent STR Administrative Permit approval, PLN200102-103 Village Road, Carmel Valley, allowed up to 10 adults and 10 cars per night. The combination of the two permits adds 22 adults per night and 20 cars to Carmel Valley Village. There's no attempt to assess cumulative impacts of this permit request with those recently approved, pending or the short term rental housing advertised for Carmel Valley.

In addition, issuing open ended administrative permits provides incentives for investors to purchase residential housing and turn them into STRs thereby reducing available rental housing stock. Numerous web sites are offering residential housing for sale as investment vehicles for STRs. See Mashvisor.com

For the reasons stated above, this matter should be sent to the Planning Commission for consideration. If a permit is issued it should be for a specified period of time, not to exceed the adoption of the revised STP Ordinance.

I will briefly address certain site specific issues below:

1. The Application along with the modified Operating Plan requests the expanded use of the property from residential to visitor accommodation for up to 8 adults a night along with a maximum of 12 persons for any event or gathering and up to 7 cars parked on the property. This is a substantial change from a residential single family residence creating increase environmental impacts to noise and traffic. These impacts were not discussed in the Staff Report. Visitor accommodation units should not be permitted in residential neighborhoods without environmental review. Title 21, 21.64.280 was adopted in 1997 without extensive environmental review, if any. The environmental assessment for the adoption of the STR zoning ordinance should be reviewed.

2. The Application along with the modified Operating Plan indicates that the property will be rented out for no less than a 7 night stay. However, the property is being offered for four (4) and two (2) nights. I have attached copies of the listings. This brings up the issue how these permits will be enforced. HCD is woefully understaffed to enforce the conditions of approval.

3. There is no cumulative impact assessment. Finding 4 (c), CEQA (Exempt) is not supported by the evidence. Unusual circumstances exist. HCD has indicated there are 600 unpermitted STRs in unincorporated Monterey County. There are numerous applications pending for administrative permits that were not considered when issuing the categorical exemption. There is no attempt to assess potential cumulative impacts with this permit in the vicinity of the project or the greater area of the valley. For instance, how many STRs are on the street or within a reasonable distance from 114 Story Rd. Maps are available depicting locations of STRs in the Village. A categorical exemption is not warranted with the stated increases to the use of the property and the attendant increases in environmental impacts. See recent case of

SAINT IGNATIUS NEIGHBORHOOD ASSOCIATION,v. CITY AND COUNTY OF SAN FRANCISCO (2022). This is a high school football field lighting project that was set aside because the categorical exemptions did not apply when there are potential significant increases in impacts associated with the project not withstanding no change in the underlying facility. In that case, the football field was not changing its footprint but the impacts from the lighting could be significant. In the instant case, it is the permitted uses, 8 adults, gatherings up to 12 and 7 cars parked on the property.

4. The property is zoned for low density residential with design review. The proposed use changes to visitor accommodation is in conflict with the Carmel Valley Master Plan. CVMP calls for the following: CV-1.15 b. Visitor accommodation projects must be designed so that they respect the privacy and rural residential character of adjoining properties.

5. This property has been rented out as early as July 20, 2017. The property started to pay TOT in or around June of 2022. The application is unclear whether back TOT taxes have been paid or if there is an accounting of such sum. In any event, the citizens of Monterey County are entitled to that money if it has not been paid.

The application should be forwarded to the Planning Commission to consider important planning issues at issue here and STRs in general.

Sincerely,

LAW OFFICE OF RICHARD H. ROSENTHAL

BY:_____/S/_____
RICHARD H. ROSENTHAL

Cc: Erik Lundquist, Zoe Zepp, Armida Estrada
Enclosures as noted

ATTACHMENTS

ATTACHMENT 2

Mr. Erik Lundquist, Director of Housing & Community Development
LundquistE@co.monterey.ca.us
& Ms. Fionna Jensen, Housing & Community Development
Associate Planner
JensenF1@co.monterey.ca.us
County of Monterey Housing & Community Development
1441 Schilling Place. South, 2nd Floor
Salinas, CA 93901

Sept 16, 2022

Dear Mr. Lundquist and Ms. Jensen,

The Carmel Valley Association has received several recent complaints about vacation rental operations at 103 Village Lane, Carmel Valley Village, CA.

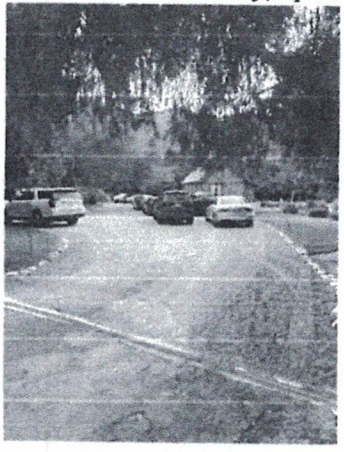
It is commendable that the business pays TOT regularly, and has complied with HCD's permitting requests, particularly in the area of septic improvements and in lowering the number of potential tenants for a rental.

We understand that an administrative permit is pending approval. Nonetheless, we would like to point out how this property may not be being operated according to existing code Title 21.64.28, Regulations.

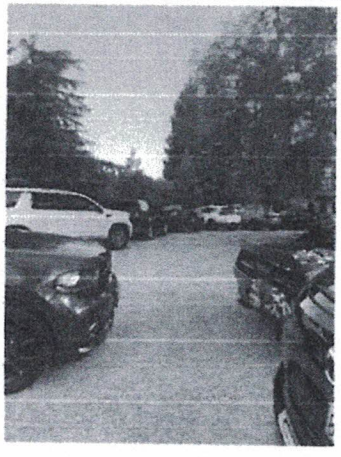
The following activities reported to us may not be in compliance with code:

1. The property is often rented for less than 7 days, as a quick review of Host Compliance shows.

2. The owner's local representative allows many more than 10 people to gather regularly, often with loud music and activity into the night. The two photos below show the progression from two cars arriving at 2:00 PM last Friday, up to 9 cars by 6:00 PM, and an estimated 15 cars before dark.



6:00PM: 9 cars



8:00 PM 15 +- cars

3. The operation appears to allow unsupervised special event-sized gatherings with up to 100 people attending. Apparently a Porsche Association held a large event there during car week. The property is often used as an annex for local wedding events, sometimes with rowdy behavior on the part of the guests. There is no representative of the owner present on the property, and as far as we can determine no requests filed for a special event permit.

These three substantive issues alone, once verified, merit a public hearing on this application.

CVA is in receipt of multiple incidences where low density residential standards around noise, parking, trash, and lighting are not upheld by the vacation rentals' tenants and, by extension, by the operators, whether permitted or not.

Because the Housing and Community Development Department does not currently have the resources to the allow for full time compliance personnel who might respond to an evening call about a vacation rental party that is here tonight and gone tomorrow, and because the county Sheriff's resource situation is similar, CVA would like to respectfully submit that, at least in the Carmel Valley Master Plan area, a moratorium be instituted for this permit application, and for any filed between now and whenever the draft new ordinances' are ready for a hearing at the Board of Supervisors.

I recommend emailing it to both Fionna and Erik, and also sending a second e-mail requesting confirmation of receipt of of your letter.

If you are willing to add a paragraph to request a public hearing based on these issues, and other questionable operating parameters of the property, it would be timely and great; according to the notice, "A public hearing may be required if any person so requests based on the identified substantive issues." Since CVA is not a person, and I'm not sure Noel is willing to take it that far, you'd be the best bet, unless someone at the elderly community is willing to. The other abutting neighbor who I spoke with is not willing to jeopardize hi relationship with the owner.

Thank you for your consideration.

Sincerely,

C.S. Noel, President
Carmel Valley Association
PO Box 157
Carmel Valley, CA 93924

Date: September 17,2022

To: Erik Lundquist, Director of Housing & Community Development
LundquistE@co.monterey.ca.us

Fionna Jensen, Housing & Community Development Associate Planner
JensenF1@co.monterey.ca.us

From: Priscilla Walton, President Emeritus, Carmel Valley Association
priswalton@sbcglobal.net

In RE: PLN200102, 103 Village Road APN #189-211-012-000

I am writing to protest the issuance of an Administrative permit to allow transient use of a residential property (single-family dwelling and guest house) as a short-term rental at 103 Village Lane Drive in the Carmel Valley. This is a highly inappropriate use of this property for the following reasons:

• It is on a private right of way of only three houses sharing a common entrance. The area is not designed for heavy in and out car use. It is not unusual to have as many as 17 cars parked on this property on a single night hampering entry and exit into the area by the other residents who live there;

• Large event-like parties are held on this property with considerable noise, drunkenness and inappropriate behavior spilling over to adjoining homes. This use poses a potential danger to the residents of the residential care facility for elderly patients with dementia, Alzheimer's, and memory problems. The location of a "party house" next door to this kind of facility has the potential for harming these residents since the behavior and noise emanating from the property is not compatible with a facility for the elderly; and

• The county does not have the resources, by its own admission, to respond to these complaints in a timely manner. Short term vacation rental complaints have a very low level of priority for the county and the local sheriff.

My own mother lived at this long-term care facility for more than a year. She received excellent care and consideration, and it was an ideal setting for her. She spent the last six months there in hospice care until her death. Thank goodness there was no party house there at that time. The very idea of an "ongoing party house" right across from a residential facility for the mentally impaired elderly is an affront. This is a residential neighborhood that, until the advent of the short-term vacation rental phenomenon, was

a perfect setting for those living there. Good long-term care homes for the elderly are in short supply in our community. This need should take priority over a short- term vacation rental use of a property owned by an individual who does not live in the Carmel Valley.

Approving this permit would not be in the community interest.

I would like to request a public hearing based on these issues, and other questionable operating parameters of the property. As you indicate in the Public Notice, "A public hearing may be required if any person so requests based on the identified substantive issues."

I strongly urge you to deny this permit.

Sincerely,

Pris Walton
118 White Oaks Lane
Carmel Valley, CA 93924

ATTACHMENT 3

To: Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; Hardgrave, Sarah x7876 <HardgraveS@co.monterey.ca.us>; Courtney, Colleen x7698 <CourtneyC@co.monterey.ca.us>; Lundquist, Erik <LundquistE@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>; Jeff Wood <jeff_wood07@comcast.net>; ClerkoftheBoard <cob@co.monterey.ca.us>
Cc: president <president@carmelvalleyassociation.org>
Subject: RE: Short-Term Rental at 32 Los Robles... IT STARTS AGAIN. Update #3, 7/9/2021

[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.]
And the photo evidence from this past weekend.
{Submitted 7/9/2021}

From:
Sent: Friday, July 9, 2021 11:17 AM
To: Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; district5@co.monterey.ca.us; Hardgrave, Sarah x7876 <HardgraveS@co.monterey.ca.us>; Courtney, Colleen x7698 <CourtneyC@co.monterey.ca.us>; Erik Lundquist <lundquiste@co.monterey.ca.us>; Melanie X5285 Beretti <berettim@co.monterey.ca.us>; Jeff Wood <jeff_wood07@comcast.net>; COB@co.monterey.ca.us
Cc: president <president@carmelvalleyassociation.org>
Subject: RE: Short-Term Rental at 32 Los Robles... IT STARTS AGAIN. Update #3, 7/9/2021

7/9/2021
To whom it may concern:
32 Los Robles Road in Carmel Valley continues on the path of being an illegal non-owner occupied short-term rental.
We are pleading with someone from the county to step up and enforce the ordinances that are in place. This is ridiculous. It's gone on too long.
We are unaware of any dispensary actions in this regard as the property continues to be rented on VRBO and facilitating large groups of out-of-town folks most every weekend.
Please help.

From:
Sent: Monday, May 24, 2021 9:17 AM
To: Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; district5@co.monterey.ca.us; Hardgrave, Sarah x7876 <HardgraveS@co.monterey.ca.us>; Courtney, Colleen x7698 <CourtneyC@co.monterey.ca.us>; Erik Lundquist <lundquiste@co.monterey.ca.us>; Melanie X5285 Beretti <berettim@co.monterey.ca.us>; Jeff Wood <jeff_wood07@comcast.net>
Cc: president <president@carmelvalleyassociation.org>
Subject: RE: Short-Term Rental at 32 Los Robles... IT STARTS AGAIN. Update #2.

Greetings.

Attached are some pictures from this past weekend at the illegal non-owner occupied short-term rental at 32 Los Robles in Carmel Valley. Unbelievable.
We and our surrounding neighbors are desperate for someone from the county to put a stop to this lunacy. It is out of control.
The last photo is of the drone that they had in the air over our house. This has to end.
Please help us.

Sincerely,

From:
Sent: Monday, May 3, 2021 3:36 PM
To: Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; district5@co.monterey.ca.us
Cc: president <president@carmelvalleyassociation.org>
Subject: RE: Short-Term Rental at 32 Los Robles... IT STARTS AGAIN. Update #1.

Hello.
Same old story.
32 Los Robles in Carmel Valley continues to be rented as a short term rental in direct opposition to the county ordinance.
Attached are pictures from the weekends of April 24th and this past weekend, May 1st (actually 5 cars in the second picture, but they were behind the vegetation). These are not the owners vehicles and I confirmed with one of the renters that it was rented via VRBO.
The noise, traffic, littering, and trespassing have become increasingly annoying. Please help us put an end to this illicit activity.

Regards,

From:
Sent: Monday, April 12, 2021 3:20 PM
To: Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; district5@co.monterey.ca.us
Cc: president <president@carmelvalleyassociation.org>
Subject: RE: Short-Term Rental at 32 Los Robles... IT STARTS AGAIN

Greetings Mr. Dugan and Mr. Bowling.

It's with great disappointment and anguish that 32 Los Robles is once again being used as a non-owner occupied short-term rental. The last several weekends it has been occupied by out of town guests and we let it ago until this past weekend when the cars started rolling in. And the people. And the noise. And the trash. And the band. Yes, they had a band playing yesterday afternoon way over the county allowed 85db. I realize that 'noise' is an issue for the Sheriff's Department, but the band only underlines the reoccurring issue(s).

There were an average of 11-15 cars present at any given time over the weekend... all visiting.
I stopped a car leaving yesterday and confirmed that they had rented the property for the weekend and that the property owner was not present, as they did not know who the owner was.

To: Bowling, Joshua x5227 <BowlingJ@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; 100-District 5 (831) 647-7755 <district5@co.monterey.ca.us>; Hardgrave, Sarah x7876 <HardgraveS@co.monterey.ca.us>; Courtney, Colleen x7698 <CourtneyC@co.monterey.ca.us>; Lundquist, Erik <LundquistE@co.monterey.ca.us>; Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>; Jeff Wood <jeff_wood07@comcast.net>; ClerkoftheBoard <cob@co.monterey.ca.us>
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Cc: president <president@carmelvalleyassociation.org>
Subject: RE: Short-Term Rental at 32 Los Robles... IT STARTS AGAIN. Update #3, 7/9/2021

7/9/2021
To whom it may concern:
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Please help.

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Cc: president <president@carmelvalleyassociation.org>
Subject: RE: Short-Term Rental at 32 Los Robles... IT STARTS AGAIN. Update #2.

Greetings.

ATTACHMENT 4

From: Voss, Robert x4522
To: Beretti, Melanie x5285; Fowler, Nicole E. x4584
Cc: Hanni, Krista D. x4586
Subject: RE: Planning Commission 11/9 - Pre-Legistar STR Report Review
Date: Monday, October 31, 2016 10:29:52 AM
Attachments: image002.png

Melanie and Nichole,
I sent Krista these thoughts on Friday. I'm not sure if she had additional ideas (or even if she agreed with mine!), so these might not be "official" thoughts from the HD.

1) Removal of walkable housing stock near urban cores. Might reduce any trend toward creating a city design where people can live near their work. Pushes workers back toward car-based commute.
2) Neighborhood health/safety. Most of these potential (likely) complaints would be non-issues if oversight of STR tenants was done responsibly (ie. Volume of rent cycles is modest, owner on site to respond to complaints of loud parties, litter, parking, or other issues). Is there a way to mandate that neighbors have direct access to owners to lodge complaints? Avoid reliance on calling law enforcement for every issue. How would issues be tracked and "problem" properties be sanctioned? Could the owner be compelled to develop an "action plan" that could be shared with neighbors (who to contact with issues, how they will be dealt with, etc.) Have action plan tied to continuation of permit.
3) HD strongest interest would likely be "are nuisances, such as noise, making it difficult for neighbors to enjoy respite in their home." We could develop text to expand on this or otherwise enumerate the health effects that have been linked to "neighbor noise" in the literature (cardio-vascular symptoms, joint and bone disease, headache, sleep disturbance, cognitive impairment in children, hypertension, etc.). These issues could arise for any less-than-considerate neighbor, but maybe they could bolster the case for requiring a mechanism (such as in #2) to provide needed recourse in cases where problems are common and resolution not forthcoming.
4) Well/septic impacts if those resources are shared in a small community. Probably this one is already addressed by EH.

These were my thoughts. I'm not sure what's appropriate to put in the document vs. hold for public comment. I'll discuss with Krista when she gets back tomorrow and we'll check in with you. Sorry to take you down to the wire here.
Thanks,
Rob

Robert Voss, MS
Epidemiologist: Planning Evaluation and Policy Unit,
Monterey County Health Department
1270 Natividad Road
Salinas, CA 93906
phone: 831.755.4522
vossr@co.monterey.ca.us
www.mtyhd.org/PEP

ATTACHMENT 5

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director
John Guertin, Acting Deputy Director

Daniel Dobrilovic, Acting Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
www.co.monterey.ca.us/rma

MEMORANDUM

Date: June 5, 2015

To: Melanie Beretti, Special Programs Manager

From: Ryan D. Chapman, P.E., Traffic Engineer

Subject: Traffic Generation Estimates for Lodging and Residential Facilities

---

This memo summarizes the available information used in the analysis of traffic generation for various residential and lodging land uses. The attached table compares the various uses and the associated descriptions, trip generation rates, and correlations associated with the uses. The data in the table comes from the Institute of Transportation Engineers (ITE) Trip Generation book.

Since ITE does not have a data collection program, the data that is published is submitted by private parties. ITE publishes the majority of the data received and if a large enough data set exists, provides a basic statistical analysis of the data including a best fit equation, standard deviation, and r-squared values. Overall, the data that is provided is representative of national averages for the land use being evaluated.

In some cases, ITE does not have a land use that corresponds to the use that is being proposed. When this occurs, there are some secondary references that can be consulted. The most common of these are trip generation studies that were conducted by the San Diego Association of Governments (SANDAG) and published in the San Diego Municipal Code Trip Generation Manual.

My review of ITE references and other sources indicates that there is no data available relating to short term rental trip rates. A review of the approaches taken by two other agencies found that San Luis Obispo County requires that the short term rental does not produce daily trip traffic higher than the residential use would and all parking must be accommodated on site. While Sonoma County regulates the number of vehicles allowed at each rental.

Please let me know if any additional information is needed.

ATTACHMENT 6

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY – PLANNING

MEMORANDUM

Date: April 1, 2016

To: Jacqueline Onciano

From: Mike Novo, Director MN

Subject: **Short Term Rentals in Big Sur**

As it stands today, we have a large need for housing in Big Sur, and a very small supply. The situation in Big Sur, where much of the acreage is in public ownership, under conservation easement, or undevelopable due to our policies, means that housing supply will be constrained in the future as well.

The need for housing includes affordable housing for employees that work in the area and housing needs for the community, so that a nucleus of residents can remain to represent the community and work or volunteer in the local businesses and governmental functions. Housing needs for the community includes long time residents, artists who provide to the galleries in the area, and an available supply so that the children of residents have a place to live as they get older and establish their own households.

Short term, or vacation, rentals are nothing new. They have been in existence for many, many years. There are heavily used tourist areas (e.g., Sea Ranch, Tahoe, and Yosemite) where whole communities of second homes and vacation homes are the rule, and housing for residents is the exception. With the relatively new tools being used on the web for short term rentals, the pressure on housing stock to convert to short term rental use is great in areas such as Big Sur and we should ensure that housing for the community does not become the exception.

From what I know so far, I believe that there likely is not enough housing stock for the needs of just the community and for employee needs. While not all employees will want to live in the community, we should plan to try to accommodate the needs of those that want to live near their jobs. That creates a safer environment for travelers on Highway 1 by reducing the need to commute long distances from outside Big Sur. It also helps to have a core nucleus of residents who stay and are invested in the community and meets our goal of reducing greenhouse gas emissions.

As such, I do not think that we have a substantial supply of housing that could or should be converted to short term rentals in Big Sur. The needs of the community and accommodating employee housing needs should come first. A detailed and thoughtful analysis of what housing stock is needed for that component of the need should be completed. If, from that effort, you determine that a certain amount of housing could be available for short term rentals, then perhaps that could be a cap incorporated into the LCP. But from the numbers I have seen and the conversations we have had with the community to date, that type of capacity does not appear to exist, so please try to find a scientific way to determine the housing needs for the community and then determine whether short term rentals should be allowed.

I do believe that short term rentals should be accommodated in some areas of the county, so I am not against them as a land use, but they need to be carefully planned to be supplemental to basic housing stock needs. In addition, incentivizing what we want for this land use will help to bring properties into compliance with the regulations. If the process is too expensive, or the regulations too onerous, illegal short term rentals will result. An option should be discussed with the Board of Supervisors to subsidize the permit costs, if that is what is needed, and have a certain amount of the Transient Occupancy Tax identified, by ordinance, to fund that subsidy. Establishing a simple and affordable process can lead to ensuring that we have good regulations, which would lead to good oversight by the County and well managed areas where short term rentals are located.

ATTACHMENT 7

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

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.

☐ Aesthetics	☒ Agriculture and Forest Resources	☒ Air Quality
☐ Biological Resources	☐ Cultural Resources	☒ Energy
☐ Geology / Soils	☒ Greenhouse Gas Emissions	☐ Hazards / Hazardous Materials
☒ Hydrology / Water Quality	☒ Land Use / Planning	☐ Mineral Resources
☒ Noise	☒ Population / Housing	☐ Public Services
☐ Recreation	☒ Transportation	☒ Tribal Cultural Resources
☒ Utilities / Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance
	☐ None	☐ 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 — Printed Name

Director of Housing & Community Development — Title

County of Monterey — Agency

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?	☒	☐	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐☐	☐	☐	☒☒
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?	☐	☐	☒	☐

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.

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?	☐	☐	☐	☒
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?	☒	☐	☐	☐

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.

1.14 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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☒☒	☐	☐☐	☐

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.

1.17 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?	☒	☐	☐	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☒	☐	☐	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

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.

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?	☐	☐	☐	☒
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.)	☒	☐	☐	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

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.