



Public Draft Environmental
Impact Report for the

Monterey County Vacation Rental Ordinances Project

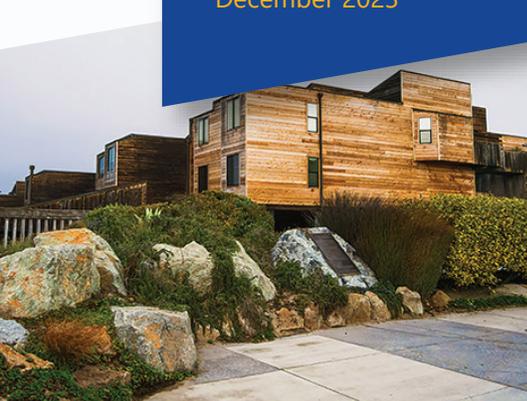
State Clearinghouse No. 2022080643

Prepared for:



County of Monterey

December 2023



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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
<p>noise would increase noticeably if it increases at all. Therefore, implementing the project would not generate a substantial increase in traffic noise.</p>			
Population and Housing			
<p>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.</p>	<p>Less than Significant Impact</p>	<p>No mitigation is required.</p>	<p>N/A</p>
<p>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.</p>	<p>Less than Significant Impact</p>	<p>No mitigation is required.</p>	<p>N/A</p>
Transportation			
<p>Impact 4.10-1: Conflict or Be Inconsistent with CEQA Guidelines pertaining to VMT 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>	<p>No Significance Conclusion</p>	<p>No mitigation is required.</p>	<p>N/A</p>

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 location 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:

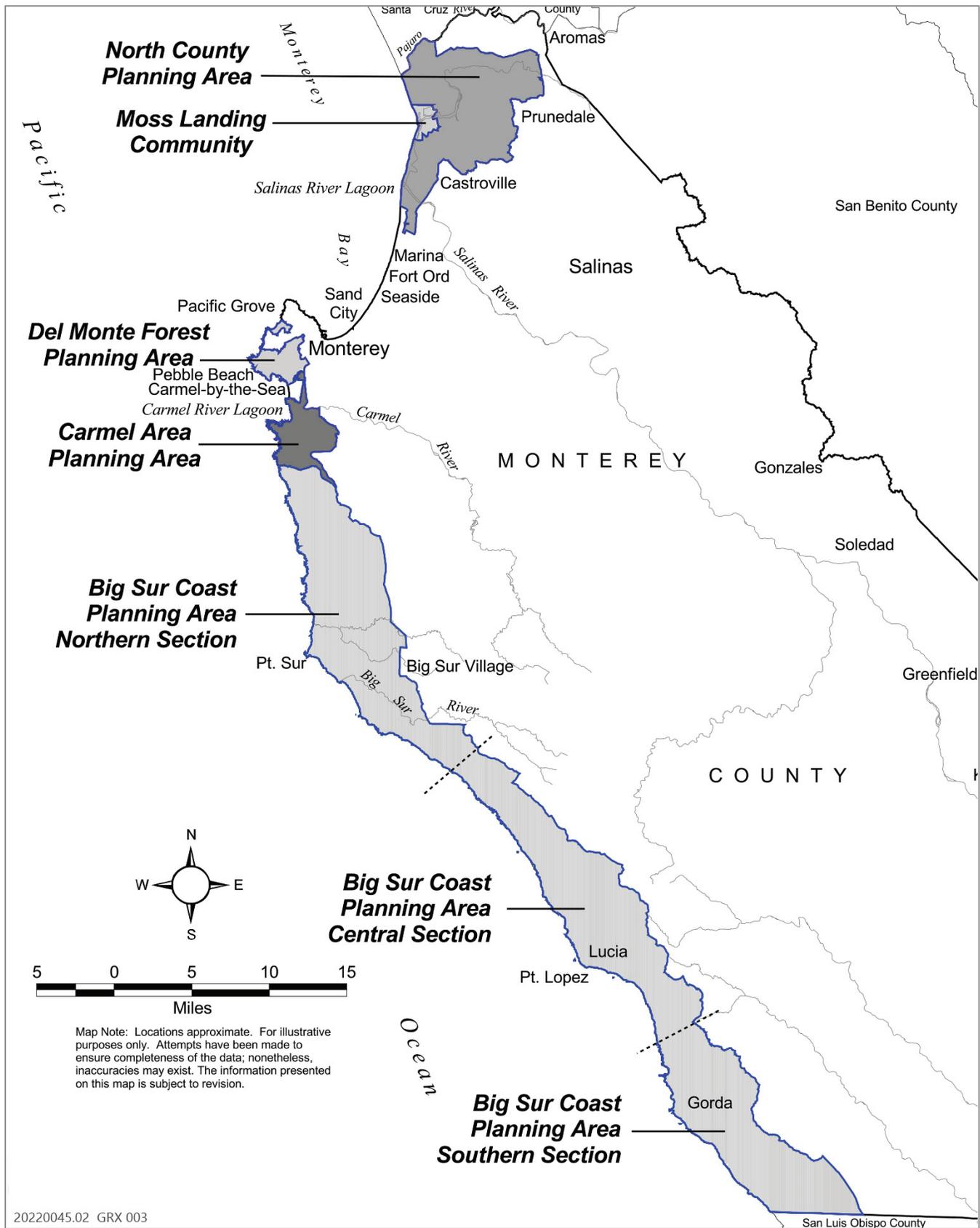
- A. Monterey County General Plan (2010, inland, and 1982, coastal),
- B. Monterey County Code and Coastal Implementation Plan,
- C. Monterey County's LCP, and
- D. US Census Bureau.

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).

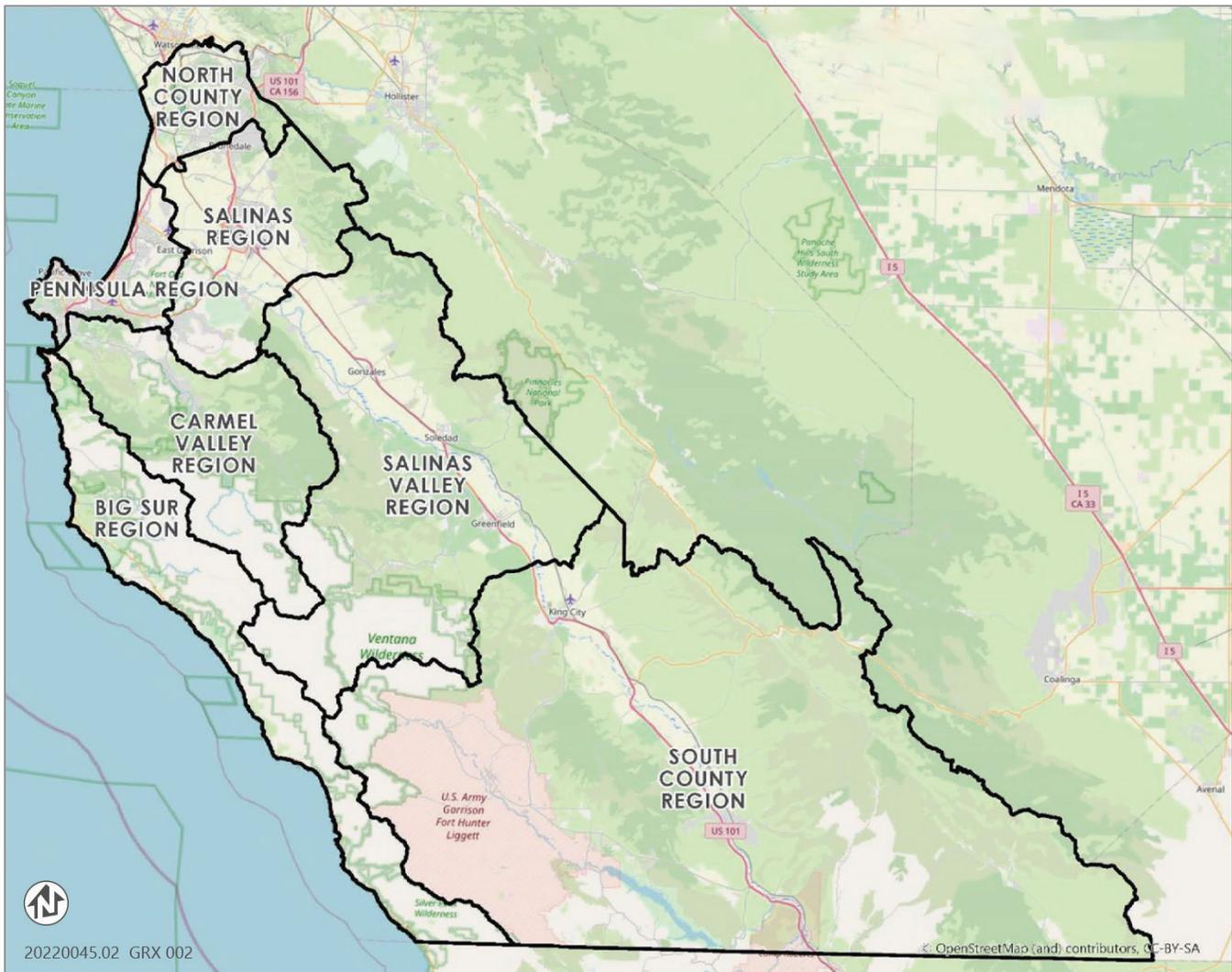
The EOP provides strategies for managing evacuations that exceed the day-to-day capabilities of the various public safety agencies in Monterey County. As dictated by the County's EOP, the local law enforcement agency is charged with the responsibility of evacuation in response to a major event threatening 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:

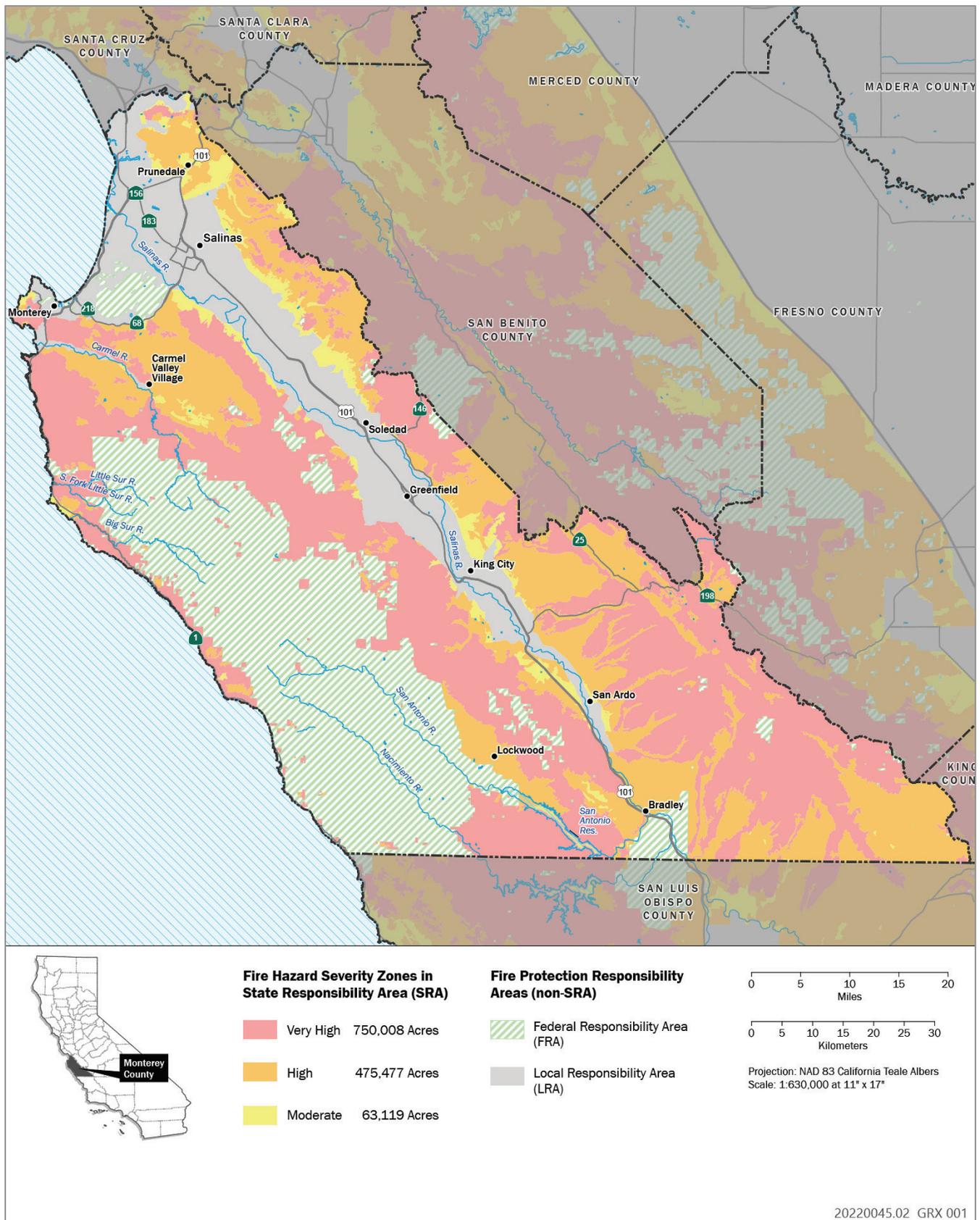
- ▶ US Forest Service - Los Padres National Forest
- ▶ National Park Service - Pinnacles National Park
- ▶ US Department of Defense - Fort Hunter Liggett, Defense Language Institute, and Presidio of Monterey
- ▶ US Bureau of Land Management - various lands
- ▶ California National Guard - Camp Roberts

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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