



Because life is good.



June 6, 2022

Sent via email

San Bernardino County Board of Supervisors
San Bernardino County Planning Commission
385 N. Arrowhead Avenue
San Bernardino, California 92415
COB@sbcounty.gov
PlanningCommissionComments@lus.sbcounty.gov

Re: Comments on Proposed Short-Term Rental Ordinance, San Bernardino County General Plan, and Draft Housing Element

Dear San Bernardino County Board of Supervisors and Planning Commission:

We are writing to ask that San Bernardino County (“County”) temporarily pause the issuance of new short-term rental (“STR”) permits to allow study and consideration of the impacts of STRs on communities, housing, and the environment so that appropriate policies and regulations can be adopted. More specifically, we ask that the County (1) conduct an environmental review of the Proposed Short-Term Rental Ordinance (“Proposed STR Ordinance”) consistent with the County’s obligations under the California Environmental Quality Act (“CEQA”); (2) prepare and circulate a supplemental environmental impact report (“EIR”) for the County’s General Plan reflecting the significant changes in circumstances wrought by the explosion of STRs over the past two years; (3) adopt a Housing Element that does not inappropriately count STRs towards the County’s housing allocation and goals, and complies with state housing law; and (4) acknowledge the housing displacement and harm to unincorporated communities of allowing the operation of so many investor-owned STRs, and bring the policies of the Proposed STR Ordinance into better balance and consistency with the Housing Element and General Plan to serve the needs of the community.

A. Background on the Morongo Basin Conservation Association and the Center for Biological Diversity

The Morongo Basin Conservation Association (“MBCA”) is a community-based non-profit that has dedicated 53 years to preserving the economic and environmental welfare of the Morongo Basin located in East Desert Region of San Bernardino County.

The Center for Biological Diversity (“Center”) is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center and its members have worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in San Bernardino County.

B. The Proposed Short-Term Rental Ordinance is A Project Requiring CEQA Review.

As explained in further detail below, the Proposed STR Ordinance¹ is a project requiring environmental review under CEQA. CEQA is California’s landmark environmental law, and was enacted to “take all action necessary to protect . . . [and] enhance the environmental quality of the state” and should be “interpreted . . . to afford the fullest possible protection to the environment within the reasonable scope of the statutory language...” (Pub. Res. Code § 21001(a); Cal. Code Regs. 14 § 15003(f).) One of the goals of CEQA is to require “assessment of environmental consequences where government has the power through its regulatory powers to eliminate or mitigate one or more adverse environmental consequences” of proposed projects. (*Friends of Westwood v. City of L.A.* (1987) 191 Cal.App.3d 259, 266-267.)

CEQA applies to any “project” that meets two elements. First, the “project” is a discretionary activity directly undertaken by a public agency or supported in whole or in part by the public agency. (Pub. Res. Code § 21080(a); 14 Cal. Code Regs § 15002(d).) Second, it is an activity that may cause a direct or reasonably foreseeable indirect physical change to the environment. (Pub. Res. Code § 21065; 14 Cal. Code Regs § 15378.)

The definition of “project” also extends to any public agency action that will not have an *immediate* effect on the environment, but still has the *potential* to result in a reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065; 14 Cal Code Regs § 15378(a); *Union of Med. Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1187; *Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372, 381-382.) Public Resources Code section 21080(a) also provides that a project includes activities like a zoning ordinance.

¹ The Proposed STR Ordinance is the proposal to amend Title 8 of the San Bernardino County Code to add and amend various regulations in order to provide clarification and updates to Chapter 84.28 related to Short-Term Residential Rentals.

The Proposed STR Ordinance meets each of these elements.

First, the Proposed STR Ordinance is a discretionary activity/decision of a public agency. Under CEQA, a “discretionary” decision is one in “which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, [or] regulations.” (14 Cal. Code Regs. § 15357.) Courts apply a “functional” test to determine whether an action is discretionary, focusing on whether “the agency has the authority to shape or condition the project in ways that are responsive to environmental concerns.” (*Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, 302.)

Here, there is no requirement or ministerial duty that the Board or Planning Commission adopt the Proposed STR Ordinance. Instead, the Board and Planning Commission are considering whether to approve some version of the ordinance after an administrative process and deliberation. And even if the Proposed STR Ordinance somehow qualified as “hybrid” between a ministerial and discretionary decision, CEQA would still apply. (See *Friends of Westwood*, 191 Cal.App.3d 259, 271 [CEQA extends “to hybrid projects of a mixed ministerial-discretionary character; doubt whether a project is ministerial or discretionary should be resolved in favor of the latter characterization.”].)

Second, the Proposed STR Ordinance may result in a reasonably foreseeable indirect change to the environment. While the Proposed STR Ordinance in and of itself may not have an immediate effect on the environment, there is abundant evidence in letters, testimony, data, and evidence submitted to the County demonstrating the significant impact of STRs on communities and the environment. As outlined below in further detail, the construction and operation of STRs authorized by the ordinance have resulted and/or will result in increased noise and traffic, as well as increased greenhouse gas emissions and air pollution from thousands of people driving to them from communities many miles away. Construction and operation of STRs have also resulted in the destruction and disturbance of habitat for rare and/or endangered plants and wildlife. Construction and operation of STRs has caused impacts by improperly maintained or inadequately regulated septic tanks, including impacts to washes, water quality, and groundwater. There are also risks and impacts associated with construction and operation of STRs in flood zones, and lack of planning for access/egress/emergency routes and warning systems.

CEQA requires preparation of an environmental impact report or “EIR” whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (*Quail Botanical Gardens Found., Inc. v City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of “B” St. v City of Hayward* (1980) 106 Cal.App.3d 988, 1002.) An agency may avoid preparing an EIR only if there is *no substantial evidence* in the record that the agency action may have a significant effect on the environment. (*Parker Shattuck Neighbors v Berkeley City Council* (2013) 222 Cal.4th 768, 785.)²

² And even then, a negative declaration must be prepared. (Pub. Res. Code § 21080(c)(1); 14 Cal. Code Regs. §§15063(b)(2), 15064(f)(3).)

Unfortunately, the County has taken the irrational and inconsistent position that (1) STRs are in fact causing environmental impacts, as well as contributing to the housing shortage, but (2) no environmental review under CEQA is appropriate. For instance, the County's own draft ordinance states:

Tourism has increased dramatically during the COVID-19 pandemic in the mountain and desert regions of the County, **resulting in a surge of new short-term residential rental listings and extraordinary short-term occupancy rates** in unincorporated areas of these regions. The increase in short-term residential rentals has further increased the housing shortage for long-term occupancy demands in the mountain and desert regions of the County. **Further, with the high increase in short-term occupancy rates, the County has received a record high number of complaints associated with the behavior of short-term residential rental guests, ranging from such things as noise, parties, events, over-occupancy and parking issues.** Limited public resources are severely taxed by the proliferation of illegal short-term residential rental units, which **impacts the health and safety** of the surrounding communities where that illicit activity occurs. Conditions have worsened so quickly for these communities that immediate action is urgently needed.³ (Emphasis added.)

A County staff presentation observes that “[s]econd homes and cabins in mountain and desert communities that used to be vacant much of the time are now occupied by a steady stream of short-term renters **who negatively impact local communities.**”⁴ (Emphasis added.) Even the text of the Proposed STR Ordinance acknowledges environmental impacts of STRs by purporting to regulate them; for instance, it tacitly acknowledges increased traffic impacts by including parking standards, noise impacts by regulating “loud and disturbing noise” (section 84.28.070(j)), fireplaces and attendant wildfire risk (section 84.28.070(k)), and impacts on wildlife associated with animal proof trash containers (section 84.28.070(k)(4)(1)).

Nonetheless, the County concluded that the Proposed STR Ordinance is “not subject to review” under CEQA because it would not result in a direct or reasonably foreseeable indirect physical change in the environment.⁵ The County provides no support for this claim. The County further asserts the ordinance would “minimize and reduce” environmental impacts, but does not support this assertion.⁶

³ San Bernardino County Urgency Ordinance No. 4408 (June 23, 2021), available at <https://sanbernardino.legistar.com/View.ashx?M=F&ID=9524356&GUID=A9ADBF85-AD2B-4A7A-B9EC-D11B074C9113>.

⁴ San Bernardino County, PowerPoint Presentation (June 22, 2021), available at <https://sanbernardino.legistar.com/View.ashx?M=F&ID=9506371&GUID=DC2AC824-53C5-4BBF-9EA7-081DA06CCB4F>.

⁵ Urgency Ordinance No. 4408 (June 23, 2021), available at <https://sanbernardino.legistar.com/View.ashx?M=F&ID=9524356&GUID=A9ADBF85-AD2B-4A7A-B9EC-D11B074C9113>.

⁶ Report/Recommendation to the Board of Supervisors of the County of San Bernardino and Record of Action (June 22, 2021), available at <https://sanbernardino.legistar.com/View.ashx?M=F&ID=9548575&GUID=27A7903F-7B08-4A19-8A1D-15FB8288BDF5>.

The County instead claims that the Proposed STR Ordinance is simply an update to an existing ordinance and thus does not add any new environmental impacts and would instead decrease environmental effects.⁷ Yet, by its own terms, the Proposed STR Ordinance *expands* the universe of properties that may be converted into de facto hotels and/or commercial establishments by stating that the ordinance applies to condominiums and accessory dwelling units. More specifically, the new section 84.28.030(c) defines “dwelling unit” to include “any building” that contains living facilities, including, but not limited to “single family dwelling units, condominiums, accessory dwelling units, guesthouses, or any other accessory residential structure considered a dwelling unit.”⁸ A County staff report also states that the Proposed STR Ordinance is being amended “to provide clarification that a condominium unit is eligible for an STR permit”⁹

The Proposed STR Ordinance further has the potential to result in an increase in the number of illegal rentals as well as violations of existing health, safety, and noise standards by *reducing* the enforceability of the existing ordinance. The Proposed STR Ordinance removes section 84.28.080(a)(3), which previously allowed for remedies and enforcement provided in other portions of the County code or other laws. Under these revisions, community members who are bearing the brunt of environmental impacts caused by STRs will have fewer avenues to ensure even enforcement of existing standards.

The Proposed STR Ordinance also waters down enforceability by removing an existing provision allowing for suspension of an operating permit for multiple properties (See section 84.28.100(d).) In addition, the Proposed STR Ordinance waters down existing standards regarding animal proof trash containers (section 84.28.070(k)(4)(1)).

The Proposed STR Ordinance is a project under CEQA and has the potential to cause direct and indirect environmental effects. As such, a proper CEQA review is required.

C. An Increase in the Number of Short-Term Rentals Has the Potential to Cause Significant Environmental Effects.

As noted above, the County’s own reports document a litany of serious environmental impacts caused by the construction and/or operation of STRs, including increased traffic, noise, habitat destruction, groundwater and water quality impacts, and disturbance of community members as well as wildlife. As the County is aware, these and other environmental impacts have been raised to the County in comments and testimony on the Proposed STR Ordinance, Draft Housing Element, and other administrative processes.¹⁰ This evidence qualifies as “substantial evidence” that the Proposed STR Ordinance has the potential to cause a significant

⁷ See San Bernardino County Staff Report at p. 3 claiming the “common sense” exception applies and the ordinance would “decrease environmental effects associated with STRs” (Available at <http://www.sbcounty.gov/uploads/LUS/PC/LUSPCStaffReportAmendmentSTRs.pdf>)

⁸ Heidi Duron, *Interoffice Memo re Development Code Amend Various Regulations to Chapter 84.28 Related to Short-Term Residential Rentals* (March 3, 2022), available at http://www.sbcounty.gov/uploads/LUS/PC/Memo_PC_STR3322.pdf

⁹ San Bernardino County Land Use Services Department, *Planning Commission Staff Report* (February 3, 2022), available at <http://www.sbcounty.gov/uploads/LUS/PC/LUSPCStaffReportAmendmentSTRs.pdf>

¹⁰ *Id.*

effect on the environment. (See Pub. Res. Code §§ 21080(e) and 21082.2 [substantial evidence may include facts, reasonable assumptions predicated on facts, and expert opinions supported by facts].) There is additional evidence that the increased operation and construction of STRs will harm the environment, as documented below.

1. The Proposed STR Ordinance and STRs Have the Potential to Increase Wildfire Risk.

Fire is a natural and necessary ecological process for many different ecosystems within the region; however, increased human-caused ignitions and the expansion of flammable non-native grasses have led to increased fire activity in the area, which is harmful to numerous biological resources and people.

According to a report from Governor Gavin Newsom's Office, construction of more homes in the wildland-urban interface is one of the main factors that "magnify the wildfire threat and place substantially more people and property at risk than ever before" (Governor Newsom's Strike Force 2019). Syphard et al. (2019) found that housing and human infrastructure in fire-prone wildlands are the main drivers of fire ignitions and structure loss. This is not new information; scientists have been reporting it for many years in scientific, peer-reviewed journals, and firefighters have observed it.

As outlined in the Center's recent report, *Built to Burn*¹¹, increasing development in high fire-risk wildlands is putting more people in harm's way and contributing to a dramatic increase in costs associated with fire suppression and damages. Next 10 and UC Berkeley's recent report, *Rebuilding for a Resilient Recovery: Planning in California's Wildland Urban Interface*¹², likewise found that state and local land use policies are increasing the economic and human cost of wildfire by encouraging rebuilding in the high risk-wildland urban interface instead of focusing development away from fire-prone areas. Sprawl developments with low/intermediate densities extending into habitats that are prone to fire have led to more frequent wildfires caused by human ignitions, like power lines, arson, improperly disposed cigarette butts, debris burning, fireworks, campfires, or sparks from cars or equipment (Keeley et al. 1999; Keeley and Fotheringham 2003; Syphard et al. 2007; Syphard et al. 2012; Bistinas et al. 2013; Balch et al. 2017; Keeley and Syphard 2018; Radeloff et al. 2018; Syphard et al. 2019). Human-caused fires account for 95-97% of all fires in Southern California's Mediterranean habitats (Syphard et al. 2007; Balch et al. 2017). In some Southern California counties, Keeley and Syphard (2018) found that human ignitions were responsible for 98-100% of fires between 1919-2016. Leapfrog developments in high fire-prone areas have the highest predicted fire risk (Syphard et al. 2013), and multiple studies indicate that developments with low/intermediate-density clusters surrounded by fire-dependent vegetation (*i.e.*, grasslands, chaparral, scrub) in areas with a

¹¹ Tiffany Yap, et al, *Built to Burn: California's Wildlands Developments Are Playing With Fire* (Feb. 2021), available at <https://www.biologicaldiversity.org/programs/urban/pdfs/Built-to-Burn-California-Wildfire-Report-Center-Biological-Diversity.pdf>.

¹² Next 10 and UC Berkeley, *Rebuilding for a Resilient Recovery: Planning in California's Wildland Urban Interface* (June 2021), available at <https://www.next10.org/sites/default/files/2021-06/Next10-Rebuilding-Resilient-Final.pdf>.

history of fires have the highest chances of burning (Syphard et al. 2012; Bistinas et al. 2013; Syphard et al. 2013; Syphard et al. 2019).

The Proposed STR Ordinance has the potential to result in the construction of houses operated as hotels, infrastructure, and roads in high fire-prone areas that have burned in the past and will inevitably burn again. The County must properly analyze and disclose the evidence demonstrating that such development in high fire-prone wildlands may increase wildfire risk, disclose how STRs have the potential to contribute to wildfire risk, and consider alternatives and mitigation measures.

Power lines and electrical equipment are a significant source of human-caused ignitions (Keeley and Syphard 2018). The 2017 Thomas Fire, 2017 Tubbs Fire, 2018 Camp Fire, and 2018 Woolsey Fire were found to have been caused by electrical transmission lines and electrical equipment, and the 2019 Kincade Fire is suspected to have been caused by power lines as well. Placing STRs in high fire-prone areas would only increase the potential likelihood of these ignition sources, as has been documented in multiple scientific studies (Keeley et al. 1999; Keeley and Fotheringham 2003; Syphard et al. 2007; Syphard et al. 2012; Bistinas et al. 2013; Balch et al. 2017; Keeley and Syphard 2018; Radeloff et al. 2018; Syphard et al. 2019).

Although public utilities companies (*i.e.*, PG&E and Southern California Edison) are altering operations in the form of Public Safety Power Shutoffs and blackouts during extreme weather conditions (Callahan et al. 2019; Krishnakumar et al. 2019; Fry et al. 2019a), wildfires can still spark and spread quickly towards homes, as evidenced by the wildfires in Moraga (Hernández et al. 2019) and Saddleridge/Sylmar (Fry et al. 2019b). And the power outages themselves disproportionately burden our most vulnerable communities, including the elderly, poor, and disabled (Chabria and Luna 2019), and can cause traffic jams and collisions (CBS San Francisco 2019). Michael Wara, Director of the Climate and Energy Policy Program and a senior research scholar at the Stanford Woods Institute for the Environment, estimated that PG&E's power outage in Northern and Central California could have an economic impact of \$2.5 billion in losses, with most of the burden on businesses (Callahan et al. 2019).

We understand that currently the County does not even have regulations or policies in place to ensure that guests at existing STRs will be alerted in the event of a wildfire near an existing STR. Scott Tuttle—a San Bernardino County Fire Department Chief—remarked at a Homestead Valley Communities Council meeting on May 16, 2022 that there is no automatic alert system available to guests at STRs. This means that in the event of a fast-moving wildfire, guests of STRs may have little or no notice to evacuate, and thus may fail to evacuate at the appropriate time. A failure to evacuate at the appropriate time would likely unnecessarily endanger first responders and firefighters.

Even with proper evacuation plans in place (which is unclear here), a public safety or evacuation plan may not be enough to safeguard people, homes, and STRs from fires. Having warning systems and evacuation routes in place is important for fire preparedness and fire safety, but these are not guaranteed to function when a fire occurs. And wildfires may ignite with little or no notice, and, as mentioned previously, in severe weather conditions, wind-driven fires can spread quickly—they can cover 10,000 hectares in one to two days as embers are blown ahead of

the fires and towards adjacent fuels (e.g., flammable vegetation, structures) (Syphard et al. 2011). This occurred in the Camp Fire in Butte County, which spread at a rate of 80 hectares a minute (about one football field per second) at its fastest, and in its first 14 hours burned over 8,000 hectares (Sabalow et al. 2018). In these types of emergencies warning systems can be slow and ineffective at reaching all residents in harm's way, and planned evacuation routes may not be sufficient. These issues were observed during the Camp Fire, which led to at least 85 deaths and 13,000 burned homes (Sabalow et al. 2018), as well as in the Tubbs Fire in Sonoma County and Thomas Fire in Santa Barbara County and Ventura County, which led to more than 40 deaths and almost \$12 billion in property damage (Lundstrom et al. 2017; St. John 2017). Again, the lack of County oversight on this issue has the potential to lead to STR guests being unable to evacuate in a timely manner, endangering first responders who would likely need to assist in ensuring proper evacuation.

2. The Proposed STR Ordinance and STRs Have the Potential to Increase Traffic and Undermine California's Climate Goals.

As noted in numerous comment letters and the County's own reports, STRs are resulting in an increase in traffic and consequently in vehicle miles travelled ("VMT"). Moreover, as has been brought to the County's attention by community members, there have been significant traffic increases on previously private and unimproved roads. STR guests often travel via automobile from outside the region, generating significant VMT. In addition, the lack of affordable housing requires people who are employed in the mountain or desert communities to endure multi-hour commutes to get to their jobs, and/or has resulted the displacement of existing residents with lower-income residents particularly impacted. These commutes—which result in severe personal hardship—also increase traffic and VMT, undermining the state's climate goals. The County must fully analyze and disclose the traffic, VMT, and greenhouse gas ("GHG") impacts of the Proposed STR Ordinance and of the operation of STRs.

The County's failure to do this is a critical omission, given the central importance of reducing VMT in achieving the state's climate goals. As the California Supreme Court has observed: "the Scoping Plan . . . assumes continued growth and depends on *increased efficiency* and conservation in land use and transportation from all Californians." (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 220.) More recently, the Fourth District Court of Appeal strongly affirmed the importance of reducing VMT in order to meet the state's GHG reduction targets, as described in the California Air Resources Board ("CARB") Scoping Plan. The Court explained:

[T]he 2017 CARB Scoping Plan . . . is the state's blueprint for meeting GHG emission reduction targets. (*Center for Biological Diversity, supra*, 62 Cal.4th at p. 220.) The Scoping Plan recognizes that in the past, "development patterns have led to sprawling suburban neighborhoods, a vast highway system, growth in automobile ownership, and under-prioritization of infrastructure for public transit and active transportation." The Scoping Plan states, "VMT reductions are necessary to achieve the 2030 target and must be part of any strategy evaluated in this Plan." (*Italics added.*) The Scoping Plan emphasizes that "California must reduce demand for driving" and "lower-VMT future development patterns are essential to achieving public health, equity, economic, and conservation goals."

“Local land use decisions play a particularly critical role in reducing GHG emissions associated with the transportation sector

“While the State can do more to accelerate and incentivize these local decisions, local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under [Sen. Bill No. 32.] Through developing the Scoping Plan, CARB staff is more convinced than ever that, in addition to achieving GHG reductions from cleaner fuels and vehicles, California must also reduce VMT.” (Italics added.)

VMT reduction is an integral part of California’s strategy to reach 2030 and 2050 GHG emission reduction targets.

(*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 543-44.)

The 11th annual California Green Innovation Index, which tracks the state’s annual progress in reducing GHG emissions found in 2019 that

[G]iven that transportation is by far the largest-emitting sector—and with most of the emissions coming from on-road light-duty passenger vehicles—the current upward trajectory of VMT and surface transportation GHG emissions [in California] cannot continue if the state is to meet its climate goals.

(Next 10 2019 at p. 31.)¹³ As the Office of Planning and Research’s (“OPR”) Technical Advisory On Evaluating Transportation Impacts In CEQA states, meeting statewide targets for GHG reductions “will require substantial reductions in existing VMT per capita to curb greenhouse gases.” (OPR 2018, p. 9; see also CARB 2017, p. 75 [Scoping Plan stating that “VMT reductions are necessary to achieve the 2030 [GHG emissions] target.”].) To that end, OPR suggests that new land use projects achieve a 15% reduction of per capita VMT as compared to existing development. (OPR 2018 at p. 12 [“[A]chieving 15 percent lower per capita (residential) or per employee (office) VMT than existing development is both generally achievable and is supported by evidence that connects this level of reduction to the State’s emissions goals.”].

It is not clear that the County has conducted any analysis on how STRs or the Proposed STR Ordinance have the potential to increase traffic or VMT, and whether they undermine the state’s climate goals. The Proposed STR Ordinance should be withdrawn and the County should implement a pause on new STR permits until the County undergoes a public process studying these issues, as required by CEQA.

¹³ As of 2011, The transportation sector was the largest single contributor to California GHG emissions, accounting for 37% of all emissions; passenger vehicles accounted for almost three quarters of this total. (PPIC 2011.)

3. The Proposed STR Ordinance and STRs Have the Potential to Generate Increased Air Pollution and Public Health Impacts.

By increasing traffic and VMT, the Proposed STR Ordinance and associated STRs have the potential to generate increased air pollution and associated public health impacts. Air quality is a significant environmental and public health concern as unhealthy, polluted air contributes to many diseases and mortality rates. In the U.S., government estimates indicate that between 10-12 percent of total health costs can be attributed to air pollution. (VCAQR 2003) Many plants and trees, including agricultural crops, are injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests, to direct mortality. (VCAQR) Wildlife is also impacted by air pollution as the plants and trees that comprise their habitats are weakened or killed. Aquatic species and habitats are impacted by air pollution through the formation of acid rain that raises the pH level in oceans, rivers and lakes. (EPA 2016) Greenhouse gases, such as the air pollutant carbon dioxide which is released by fossil fuel combustion, contribute directly to human-induced climate change. (EPA 2016) In this feedback loop, poor air quality that contributed to climate change will in turn worsen the impacts of climate change and attendant air pollution problems. (BAAQMD 2016)

Some of the nation's most polluted counties are in Southern California with San Bernardino County continually topping the list. (ALA) Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as these areas are more affordable. (BAAQMD 2016) Pollution sources include transportation, industry and manufacturing, construction, the importation and movement of goods, and energy development. Transportation presents one of the most significant sources of pollution in urban areas, where large segments of the population are constantly exposed to roads and traffic. (BAAQMD 2016)

Although there are many different types of air pollution, Ozone, Fine Particulate Matter and Toxic Air Contaminants are of greatest concern in urban areas, particularly in Southern California. These three air pollutants have been linked to an increased incidence and risk of cancer, birth defects, low birth weights and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke and heart attack. (Laurent 2016; ALA 2016) Ozone, also commonly referred to as smog, is created by the atmospheric mixing of gases resulting from fossil fuel combustion and other volatile organic compounds and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2016) Fine Particulate Matter is generally found in urban areas as a result of vehicle exhaust emissions, and these microscopic particles are what contribute to visible air pollution. These tiny particulates are dangerous because they are small enough to escape our body's natural defenses and enter the blood stream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. (VCAQR 2003) Fine Particulate Matter can also result from ash caused by forest fires, which will continue to impact those living in the urban-wildland interface and increasingly beyond as climate change exacerbates the risk of forest fires. (BAAQMD 2016) Toxic Air Contaminants are released from vehicle fuels, especially diesel, which accounts for over 50% of the cancer risk from TACs. (BAAQMD 2016)

Increased traffic associated with the Proposed STR Ordinance and STRs have the potential to increase air pollution and public health impacts. And as mentioned above, community members have already informed the County that there have been significant increases in dust—which impairs air quality—generated by substantial traffic increases on unimproved roads due to the construction and/or operation of STRs. Local property owners who may have a road easement running through their property designed for one residence now have many times the amount of traffic due to the operation of STRs along the same unimproved road. A lack of adequate traffic planning and adequate traffic lights, stop, signs, and turn lanes has also led to unsafe conditions and increases in traffic. San Bernardino County data on air pollution shows that the median air quality index is higher than any other county in the region.¹⁴ The County has an obligation under CEQA to analyze how the Proposed STR Ordinance and STRs may generate increased traffic, air pollution and associated public health impacts.

4. The Proposed STR Ordinance and STRs Have the Potential to Harm Biological Resources.

There is ample evidence already before the County that the conversion of so much existing housing into STRs—as well as the construction and proliferation of so many more additional STRs—has the potential to significantly impact biological resources. Impacts include the destruction of wildlife habitat for species listed or provisionally listed under the state and federal endangered species acts such as the Mojave desert tortoise and western Joshua tree. CEQA requires a “mandatory finding of significance” if there is substantial evidence in the record that a project or program may cause a “wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species . . .” (Guidelines § 15065a)(1).) This means that “a project is deemed to have a significant impact on the environment as a matter of law if it reduces the habitat of a species, or reduces the number or range of an endangered, rare, or threatened species. . . .” (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 792 fn. 12 [citing *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1273–1274].) CEQA also requires consideration of cumulative impacts; while constructing or operating one individual STR may not have a significant impact on biological resources or other environmental values, the construction and operation of hundreds or thousands of STRs could easily have severe and permanent impacts.

Strong evidence exists that further development and associated roads, utilities, and human activity will lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal’s behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Mitsch and Wilson 1996; Trombulak and Frissell 2000; van der Ree et al. 2011; Brehme et al. 2013; Haddad et al. 2015; Marsh and Jaeger 2015; Ceia-Hasse et al. 2018). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in southern California (Ernest et al. 2014; Riley et al. 2014; Vickers et al. 2015), increase local extinction risk in amphibians and reptiles (Cushman 2006; Brehme et al. 2018), cause high levels of avoidance behavior and

¹⁴ See San Bernardino County, *Air Quality*, available at <https://indicators.sbcounty.gov/environment/air-quality/>.

mortality in birds and insects (Benítez-López et al. 2010; Loss et al. 2014; Kantola et al. 2019), and alter pollinator behavior and degrade habitats (Trombulak and Frissell 2000; Goverde et al. 2002; Aguilar et al. 2008). Habitat fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al. 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al. 2019). In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Heller and Zavaleta 2009; Cushman et al. 2013; Krosby et al. 2018). Loss of wildlife connectivity and habitat decreases biodiversity and degrades ecosystems.

Edge effects of development in and adjacent to open space will likely impact key, wide-ranging predators, such as mountain lions and bobcats (Crooks 2002; Riley et al. 2006; Delaney et al. 2010; Lee et al. 2012; Smith et al. 2015; Vickers et al. 2015; Smith et al. 2017; Wang et al. 2017), as well as smaller species with poor dispersal abilities, such as song birds, small mammals, and herpetofauna (Cushman 2006; Slabbekoorn and Ripmeester 2008; Benítez-López et al. 2010; Kociolek et al. 2011). Limiting movement and dispersal can affect species' ability to find food, shelter, mates, and refugia after disturbances like fires or floods. Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. Negative edge effects from human activity, such as traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency, have been found to be biologically significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute 2003)

In addition, riparian ecosystems have long been recognized as biodiversity hotspots performing important ecological functions in a transition zone between freshwater systems and upland habitats. Many species that rely on these aquatic habitats also rely on the adjacent upland habitats (e.g., riparian areas along streams, and grassland habitat adjacent to wetlands). In fact, 60% of amphibian species, 16% of reptiles, 34% of birds and 12% of mammals in the Pacific Coast ecoregion depend on riparian-stream systems for survival (Kelsey and West 1998). Many other species, including mountain lions and bobcats, often use riparian areas and natural ridgelines as migration corridors or foraging habitat (Dickson et al, 2005; Hilty & Merenlender, 2004; Jennings & Lewison, 2013; Jennings & Zeller, 2017). Additionally, fish rely on healthy upland areas to influence suitable spawning habitat (Lohse et al. 2008), and agricultural encroachment on these habitats and over-aggressive removal of riparian areas have been identified as a major driver of declines in freshwater and anadromous fish (e.g., Stillwater Sciences 2002; Lohse et al. 2008; Moyle et al. 2011).

It is estimated that 90-95% of historic riparian habitat in the state has been lost (Bowler 1989; Riparian Habitat Joint Venture 2009). Using 2002 land cover data from CalFire, the Riparian Habitat Joint Venture estimated that riparian vegetation makes up less than 0.5% of California's total land area at about 360,000 acres (Riparian Habitat Joint Venture 2004). This is alarming because riparian habitats perform a number of biological and physical functions that benefit wildlife, plants, and humans, and loss of what little is left will have severe, harmful

impacts on special-status species, overall biodiversity, and ecosystem function. California cannot afford to lose more riparian corridors.

The County must analyze how the construction and operation of STRs have the potential to impact the resources discussed above. For instance, the construction and operation of STRs can cause “edge effects” and degrade the quality of adjacent wildlife habitat. Late night parties—which many residents have documented routinely occur in STRs—can also disturb nocturnal wildlife, and the improper disposal of trash can interfere with the natural behavior of wildlife. In addition, increased traffic on existing roads the development of new roads degrades and severs wildlife corridors, as documented in the studies cited above.

The County has an obligation to protect species that are listed or provisionally listed under the California Endangered Species Act (“CESA”), including the Mojave desert tortoise and western Joshua tree. Under CESA, the County may not approve projects or programs that could jeopardize the continued existence of listed or provisionally listed species or result in destruction of essential habitat (Cal. Fish & Game Code § 2053(a) and the County must require that appropriate mitigation measures be implemented for projects that could destroy habitat (Cal. Fish & Game Code § 2054). The County has not shown that it has properly considered these requirements in advancing the Proposed STR Ordinance or allowing the operation of STRs.

Indeed, the Proposed STR Ordinance as well as the construction and operation of STRs have the potential to harm the western Joshua tree. The County is located within the range of the western Joshua tree South population (YUBR South). The geographic area in which YUBR South is situated is comprised of 3.7 million acres, with just over 50% in private ownership, 48% federally owned, and just under 2% state, county and local owned (USFWS 2018). The USFWS (2018) estimates that 3,255,088 acres of this area was suitable for Joshua trees based on soils and other habitat factors. However, Joshua trees actually occupy only a fraction of this area, as they have a patchy and disjunct distribution, and large areas of former habitat have been lost to development or agricultural conversion.

Increasing development, climate change, increasing drought and wildfires, invasive species that adversely affect fire dynamics, and other threats have led to ongoing reductions in western Joshua trees and western Joshua tree habitat range wide.¹⁵ Protecting western Joshua trees and their habitat from continued destruction and habitat loss is therefore of utmost importance to the persistence of the species in California. However, within the County, western Joshua tree habitat is shrinking at an alarming rate due to increasing development. Western Joshua trees are being destroyed to make way for more STRs, often without proper permitting or authorization. While pre-construction inspection procedures were previously required, they were halted in 2016 even though they are still required by codes. Other plants are legally protected that are routinely ignored. In addition to potentially violating CESA and other laws, such activities qualify as a significant impact under CEQA and requires appropriate environmental analysis and mitigation.

¹⁵ See <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=175218&inline>

D. The County Must Prepare a Supplemental EIR for the General Plan and Housing Element.

CEQA requires that a subsequent or supplemental EIR be prepared when either (1) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report or (2) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (Pub. Res. Code § 21166.)

Here, the EIR for the General Plan and Housing Element was finalized in August 2020 and certified in October 2020 (with many incorporated studies occurring years before then), less than six months after the commencement of the COVID-19 pandemic. Since then, there have been dramatic and unexpected increases in tourism and the operation and/or construction of STRs in the mountain and desert regions of the County. As noted above, the County has acknowledged this increase in its own staff reports.¹⁶ Another report by the County states:

The recent increase in permitting and occupancy of STRs in mountain and desert communities during the COVID-19 pandemic has given rise to increasing complaints from full-time residents of these communities. The complaints are not limited to occasional nuisance noise or inconvenience to residents. **The proliferation of STRs has impacted the ability of local residents and workers to find housing.** The increased number of STR units, combined with the increased popularity of private home rentals has fundamentally impacted multiple neighborhoods to the point that residents feel overwhelmed.¹⁷ (Emphasis added.)

Likewise, letters from County residents have documented a dramatic increase in STRs over the last two years and associated impacts on communities and the environment. The May 2022 Housing Element Technical Report states that in Yucca Valley:

There are not many long-term rentals anymore; they have mostly been converted to short-term. Existing long-term rentals are priced high. People take properties off market and convert to short-term rentals. A weekend stay in a short-term rental costs as much as people in the area would pay for a month of housing.¹⁸

The Technical Report further states, “In mountain area and High Desert area, there is an influx of vacation home rentals flooding the market. **Long term rentals are gone.** Need to limit the number of short-term rentals.” (*Id.* at 1-22; emphasis added.)

¹⁶ Ordinance 4408; <https://sanbernardino.legistar.com/View.ashx?M=F&ID=9524356&GUID=A9ADBF85-AD2B-4A7A-B9EC-D11B074C9113>

¹⁷ Report of Board of Supervisors; <https://sanbernardino.legistar.com/View.ashx?M=F&ID=9548575&GUID=27A7903F-7B08-4A19-8A1D-15FB8288BDF5>

¹⁸ San Bernardino Countywide Plan, Housing Element Technical Report (May 2022), available at http://www.sbcounty.gov/Uploads/LUS/HousingPlans/HousingElement_CWP_TechReport_Draft_2022_May_track_edchanges.pdf

Other sources confirm there has been a dramatic increase in the construction and/or operation of STRs. For instance, records on the installation of water meters from the Joshua Basin Water District (“Water District”) provide a rough estimate on the amount of new construction or major remodels in the region. Water District records show that between 2011 and 2019, there were only 76 new water meters or upgrades installed. Then in 2020, there were 63 total new meters (38 new meter purchases and 25 meter upgrades); in 2021, there were 129 total new meters (93 new meter purchases and 36 meter upgrades); and as of March 2022, there had already been 37 total new meters (33 meter purchases and 4 meter upgrades) in 2022. This means that the Water District averaged a mere 10 new meters from 2011 to 2019, but now averages approximately 100 new meters per a year, **a 900% increase**. Even with this massive increase, the Water District had to redistrict this year due to a 13% loss (2016 to 2020) in population, and this does not account for the great amount of displacement that occurred during 2021 and into 2022.

Likewise, as County records demonstrate, there has been a massive increase in the amount of STR permits in the mountain and desert regions of the County (roughly 4,800 new STR permits, and about 25-30 new STR permit application per a day), resulting in the loss of more than 20% of existing housing in the Morongo Basin to STRs, and even larger losses in the mountains.

This increase in the construction and operation of STRs was not foreseen or analyzed in the General Plan. The General Plan’s EIR projects that between 2016 and 2040, there would be an increase in 238 housing units and a growth of 827 persons in the Joshua Tree Community Planning Area (“CPA”), and only 52 housing units and 177 persons in the Morongo Valley CPA.¹⁹ The above figures suggest that these projections in the General Plan are a very significant underestimates. Indeed, the above figures confirm an unprecedented amount of construction of “houses” operated as STRs, while at the same time a decline in the number of actual homes available to long-term residents. This new information regarding the explosion in STRs could not have been known at the time the EIR was certified for the General Plan.

Moreover, as documented in this letter and in numerous letters to the County by community members, the construction and operation of new STRs has significant environmental effects. This new information qualifies as “substantial changes” regarding the circumstances under which the project (the General Plan) was undertaken, which require major revisions in the EIR. Such major revisions would include a discussion of the environmental impacts of STRs, including on traffic, air quality, GHGs, noise, biological resources, water quality, wastewater, and cumulative impacts. In addition, the County should study how the conversion of existing housing into STRs is leading to development in other areas, causing more environmental impacts.

¹⁹ See San Bernardino County General Plan EIR at 3-15, available at <https://countywideplan.com/resources/document-download/>.

E. The Proposed STR Ordinance is Inconsistent with the General Plan.

Every land use decision made by the County must be consistent with the policies in the County's General Plan. (See *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1562-1563.) A project is consistent with the General Plan "if it will further the plan's objectives and policies and not obstruct their attainment." (*Ideal Boat & Camper Storage v. County of Alameda* (2012) 208 Cal.App.4th 301, 311.) While cities and counties enjoy some deference in determining whether their actions are consistent with their general plans, overall consistency with general plan policies is not sufficient to excuse a project's inconsistency with plan standards that are specific and mandatory. (See *Families Unafraid to Uphold Rural etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-1342; 1 Kostka & Zischke, Practice Under the Cal. Env. Quality Act (2d ed. 2015) § 12.33].) In addition to the substantive requirement in the Government Code that land use decisions be consistent with the General Plan, CEQA imposes a separate requirement that an EIR disclose any inconsistencies between an applicable land use plan (e.g., general plan) and a project, ordinance, or program.

Here, it is not clear that the Proposed STR Ordinance is consistent with the General Plan and its policies. For instance, Policies LU-2.1, LU-2.2, and LU-2.3 require compatibility of new development with existing and planned uses and with the natural environment. There is substantial evidence that the operation of so many residential homes as de facto hotels—as is currently occurring and is authorized by County policies including the Proposed STR Ordinance—is grossly incompatible with existing uses. The County has heard from many residents that have witnessed their previously residential neighborhoods transition into de facto commercial zones due to the widespread conversion of existing housing into STRs. In addition, as discussed above, the construction and operations of so many STRs is causing significant harm to the natural environment, wildlife, and plants.

Moreover, much of the lands on which the County is allowing the operation and construction of STRs is zoned as single family residential or other residential zoning. The County has not explained how allowing for the conversion and operation of homes as de facto hotels is consistent with residential zoning. As such, the Proposed STR Ordinance is inconsistent with the General Plan, including Policy LU-2.4, which requires land use map consistency. Policy LU-2.7 also sets a goal of having a jobs/housing balance and reducing VMT. The current policies and those included in the Proposed STR Ordinance are creating a jobs/housing imbalance by displacing long-term residents and they either leave the area and deprive local businesses of potential workers, or forcing them into long commutes from more affordable areas far from their jobs. Likewise, the Countywide Vision on Housing provides that "we should protect against blight in our communities that might occur when existing housing . . . is purchased as rental investment property." There is significant evidence that existing housing is being purchased as STR investments, and undermining the ability of residents to obtain affordable housing, as well as degrading the sense of community, safety, and well-being for existing residents who moved into a residential zone with a reasonable expectation of living in a residential neighborhood. This is in opposition to the Housing Elements' goals of preserving existing housing.

We also understand that the County has opened lands zoned as “Resource Conservation” to STR development without environmental review or analysis to ensure consistency with existing policies. Resource Conservation lands are ecologically unique, generally very isolated, and often surrounded by federal lands. Opening these lands to STR development has the potential to result in unpermitted and unmanaged activities on federal lands, including commercial activities such as horseback riding, offroad vehicle use, illegal trail building, and advertised but unpermitted access to federal lands. Such impacts place an additional burden on agencies with already limited resources such as the Bureau of Land Management. The County has not shown that such changes are consistent with the General Plan or CEQA, and must conduct a thorough environmental review of the impacts of such changes in policy.

The General Plan also provides in Policy LU-2.13 that “[w]e enforce appropriate operation standards, maintenance standards, and permitting procedures for the establishment and maintenance of short-term private home rentals in the unincorporated areas.” There is substantial evidence before the County submitted by community members that such standards are not being adequately enforced by the County. As such, the County is not complying with this policy.

The County has also made no effort to consider the impacts of the Proposed STR Ordinance or STRs on conservation plans or adjacent public lands, such as Joshua Tree National Park, Sand to Snow National Monument, conservancy preserves, as well as on Tribal lands. The County must ensure consistency with applicable land use and conservation plans and resources, and should coordinate with appropriate state, federal, and Tribal agencies in doing so.

The County’s actions and omissions concerning STRs—including the Proposed STR Ordinance—are not consistent with the General Plan. As such, the County is violating the State Planning and Zoning Law.

F. The Draft Housing Element Update Does Not Comply with State Housing Law.

The Housing Element is a critical component of the County’s General Plan, and must include certain elements in order to be in compliance with state law. The purpose of the Housing Element is to ensure that cities and counties recognize their responsibilities in contributing to the attainment of state housing goals, including housing affordable to low and moderate income households. (See *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 609 [“*San Franciscans*”], citing Gov. Code, §§ 65581, subd. (a), 65580, subd. (c).) The Housing Element must include “[a]n assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs,” including an inventory of land suitable for residential development, as well as a program “to implement the policies and achieve the goals and objectives of the housing element.” (Gov. Code, § 65583, subds. (a), (c); see *San Franciscans*, 26 Cal.App.5th at 609-610.) Moreover, the Housing Element must identify actions that will be taken to make sites available to accommodate the local government’s share of the regional housing needs, and zone adequate numbers of sites to accommodate the regional housing burden. (*Id.* at 610.)

Unfortunately, it is not clear that the County's Draft Housing Element ("Draft Housing Element") meets these standards and requirements. The Draft Housing Element appears to count STRs towards meeting the regional housing needs assessment ("RHNA"), when in fact STRs do nothing to meet regional housing needs—they generally provide short-term lodging for tourists, much like hotels. Instead, the Draft Housing Element promises that as part of some future program ("Program 4"), the County will evaluate the impacts of STRs and "ensure that no short-term rentals are counted toward the County's RHNA allocation." (Draft Housing Element at 3-23.) The County has an obligation *now* under both state housing law and CEQA to evaluate the impacts of STRs, and ensure that it does not count STRs towards its RHNA. The County must also ensure that STRs or policies surrounding STRs do not result in the conversion of too many existing homes into STRs, and thereby undermine the County's housing goals or ability to meet its RHNA.

The Draft Housing Element elsewhere acknowledges that STRs have the effect of *removing* actual housing from the market and rendering actual housing less affordable: "The prevalence of short-term rental housing, particularly in tourism areas, may constrict the availability of rental housing and increases rental prices even after County amendments in 2019. This can create an issue where lower income residents and employees lack access to affordable housing." (Table 2-33.) This statement is correct, and underscores the need for a legally adequate housing element that only considers actual long-term housing as housing, not STRs, which are lodging. Unfortunately, the Draft Housing Element appears to fail in this regard.

Moreover, as discussed above, current and proposed STR regulations are essentially a proactive policy encouraging neighborhood clearance by investors, which is contributing to the displacement and removal of vulnerable populations from their housing so the housing can be converted into profit making ventures. The Board has had opportunities to place a ~~moratorium~~ pause??? or caps on new STRs given the widespread evidence of impacts and displacement, but appears to have decided outside of public view not to discuss such a moratorium of caps. This has led to essentially an "underground policy" leading to more significant impacts on the communities affected.

The Draft Housing Element does offer to conduct a "study" on "to determine the current and projected impact of short-term rentals on the housing supply throughout the unincorporated county and on the motel/hotel businesses in the Mountain and Desert regions" (Table 2-33.) We agree that further study is needed, but such study should be conducted *concurrently* with the Housing Element process in order to inform and guide the policies within the housing element. The Housing Element's obligation to inventory adequate sites for housing would also be better served with more localized knowledge on the Community Plan scale as opposed to the diluted Countywide scale, as recommended in previous County planning documents like the prior Housing Element.

In the meantime, the further conversion of housing to STRs and attendant *loss* of such housing to existing residents is unacceptable, and is also inconsistent with the General Plan, CEQA, and State Housing Law. Notably, the surrounding cities of Yucca Valley, and 29 Palms have both set limits of 10% STRs of single family residences and 500 STR permits, respectively, in order to preserve their housing, while allowing extra income opportunities for their residents.

G. Conclusion

Clearly much work remains to be done to ensure that STRs are permitted and regulated in a manner that does not harm existing communities or the environment. We urge the imposition of a temporary “pause” in the issuance of new STR permits to allow study and consideration so that policies can be adopted and regulations enacted that balance the needs of the community and environment with the interests of STR owners.

Please do not hesitate to reach out to us using the email addresses below if you would like to discuss these issues with us.

Sincerely,



J.P. Rose
Senior Attorney
Center for Biological Diversity
jrose@biologicaldiversity.org



Steve Bardwell, President

Morongo Basin Cnservation Associaaiton
info@mbconservation.org

CC:

housing@doj.ca.gov

housingelements@hcd.ca.gov

Melinda.Coy@hcd.ca.gov

BoardMeetingComments@cob.sbcounty.gov

Dawn.Rowe@bos.sbcounty.gov

Erik.DeKok@opr.ca.gov

Sydney.Bennet@hcd.ca.gov

reid.miller@hcd.ca.gov

APR@hcd.ca.gov

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