

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



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Prepared November 30, 2018 for December 12, 2018 Hearing

To: Commissioners and Interested Persons

From: Jeannine Manna, District Manager
Patrick Foster, Coastal Planner

**Subject: De Minimis Amendment Determination for City of Pacifica LCP Amendment
Number LCP-2-PAC-18-0075-2 (Short Term Rentals)**

City of Pacifica's Proposed Amendment

The City of Pacifica is proposing to amend the Local Coastal Program (LCP) Implementation Plan (IP) to add Article 49 to Chapter 4 of Title 9 of the IP in order to implement zoning regulations for short-term rentals (STRs). The amendment would allow for the short term rental of single-family and multi-family dwelling units for less than 30 consecutive days. STRs would be allowed in all residential areas of the City, subject to restrictions. Accessory dwelling units and any location not approved for use as a permanent dwelling unit are excluded from short-term rental use. The proposed amendment establishes a new short-term rental permit to be required in order to operate an STR. Persons operating an STR must also obtain a business license and pay a transient occupancy tax. See Exhibit 1 for the proposed amendment text.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis". In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on December 22, 2018).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The amendment applies only to standards for use, does not allow for any new uses, and does not modify existing provisions in the LCP applicable to new physical development or alterations to existing physical development. Short term rentals would remain subject to existing coastal development permit (CDP) and other discretionary permit standards. As such, the amendment does not change the kind, location, intensity, or density of land use in the Coastal Zone. Accordingly, the amendment would not interfere with existing public access to the coast or existing land suitable for recreational use because the changes only allow for the use of STRs within existing dwelling units in residential zoning districts. Similarly, the amendment does not have the potential to affect land resources, including environmentally sensitive habitat areas, because it does not provide for ground-disturbing physical development of such areas, and regulation of physical development would remain in place with the CDP procedures in Section 9-4.4303 of Pacifica's certified IP. Thus, the proposed amendment will not adversely affect coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.
- 2. Provision of public notice:** On August 28, 2017, Pacifica's City Council held a study session to receive a report outlining the issues associated with short-term rentals, discuss regulatory approaches, and provide direction to staff. The City published public notice of the the Planning Commission's April 16, 2018 public hearing on the proposed amendment in the Pacifica Tribune on April 4, 2018. Public input was heard and the Commission moved to adopt the resolution and recommended approval to the City Council. Finally, the City published public notice of the City Council's May 29, 2018 public hearing on the amendment in the Pacifica Tribune on May 16, 2018. Staff reports, meeting minutes, proof of newspaper publication of notice, and speaker cards from the aforementioned public hearings are included as Exhibits in the City's amendment submittal received by the Commission on October 5, 2018, and therefore, the 21-day noticing requirement has been satisfied.
- 3. No change in use of land or allowable use of property:** No change in use is proposed by this amendment.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The City found the proposed amendment is exempted

from environmental review under CEQA. (Cal. Code of Regs., tit. 14, § 15061(b)(3).) This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its December 12, 2018 meeting in Newport Beach. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Patrick Foster at the North Central Coast District Office in San Francisco. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by December 7, 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on November 21, 2018. It amends the IP only and the 60-day action deadline is January 21, 2018. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until January 21, 2018 to take a final action on this LCP amendment.

Exhibit

Exhibit 1: Proposed Amendment Text (Resolution/Ordinance)