

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



F11a

Prepared May 12, 2022 for May 13, 2022 Hearing

To: Commissioners and Interested Persons

From: Stephanie Rexing, North Central Coast District Manager
Peter Benham, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for F11a
San Mateo County Local Coastal Program Amendment No. 2-HMB-21-0078-2 (Short Term Rentals and Home Occupations)**

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. Specifically, staff no longer recommends that the Commission take an action on the merits of the proposed LCP amendment at the May 13, 2022 hearing, but rather that the Commission instead only take an action to extend the deadline for Commission action on the amendment. The staff report published on April 22, 2022, includes an alternative motion for extension of the deadline for Commission action on the LCP amendment request in the case it was necessary. Due to the issues raised by the public regarding the proposed LCP amendment, and the need to discuss and address these issues, staff is publishing this addendum to modify its recommendation to approve a time extension for the deadline to act on the LCPA. Thus, staff's recommended findings in the April 22, 2022 staff report, including the applicable motion, are replaced with the following findings:

Staff originally published a staff report and recommendation for the Commission to approve the LCP amendment with suggested modifications on April 22, 2022. In the time since that report was published, the Commission received a number of significant public comments raising concerns regarding the short-term rental (STR) portion of the LCP amendment. Those comments, as well as the City's response to them, can be found in the correspondence package for this item.

Although staff has been working closely with City staff in order to address potential coastal resource issues associated with the proposed STR provisions, the recent comments received raise concerns that suggest further consideration and discussion with the City is necessary. Specifically, commenters raise a series of concerns regarding the proposed LCP amendment, focusing on some of the more restrictive aspects of the proposed regulations (namely the primary residency requirement, 60-rental night limit for unhosted STRs, and maximum 8-person and 3-car requirement). Commenters also raise questions about the veracity of the data supporting the City's proposal, as well as the nature of the City's public outreach and engagement.

Given the nature of the new questions and concerns raised, Commission staff is not comfortable moving forward with the recommendation published on April 22, 2022 and feels that additional discussion and analysis with City staff on the various points raised are needed. Furthermore, staff's ultimate recommendation, and any subsequent Commission action on this amendment, needs to account for that analysis. Thus, staff recommends extending the deadline for Commission action to allow time for that effort to be completed.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment request is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on Implementation Plan (IP) only amendments within 60 working days, and combined Land Use Plan (LUP)/IP amendments within 90 working days. If Commission action is not taken within the applicable timeframe, then the amendment is deemed approved and certified by the Commission.

The subject LCP amendment was filed as complete on March 15, 2022, and includes IP changes only. Therefore the 60-working-day requirement applies and the 60th working day deadline for the Commission to take action is June 15, 2022. Thus, this amendment would have to be scheduled for action by the Commission's June 2022 hearing if it were to be decided in the applicable timeframe. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the time limit for Commission action for a period not to exceed one year. As discussed above, staff firmly believes that good cause for an extension exists in this case.

Although staff believes that this matter will be brought to hearing before such new deadline, and hopefully in the next few months, it has generally been the Commission's practice to extend such deadlines for a full year as provided by the Coastal Act to allow for flexibility in hearing scheduling (including to accommodate any requested or otherwise necessary postponements, continuances, etc.) and in terms of allotting scarce staff resources. Therefore, staff recommends that the Commission extend the deadline for Commission action on this proposed LCP amendment by one year.

Summary of the Staff Recommendation

Staff recommends that the Commission extend the deadline for Commission action on the proposed amendment by one year. Staff recommends a **YES** vote on the motion below. Passage of the motion will result in a new deadline for Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission extend the time limit to act on City of Half Moon Bay LCP Amendment Number LCP-2-HMB-21-0078-2 to June 15, 2023, and I recommend a yes vote.*