

# Notice of Exemption

# Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk  
County of: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific:

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

**Exempt Status: (check one):**


- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Lead Agency  
Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

Signature:  \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency      Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

**ORDINANCE NO. 901-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
REPEALING AND REPLACING ARTICLE 49 (SHORT TERM RENTALS) OF CHAPTER 4 OF  
TITLE 9 OF THE PACIFICA MUNICIPAL CODE RELATING TO THE REGULATION AND  
PERMITTING OF SHORT-TERM RENTALS AND ESTABLISHING FINES AND PENALTIES  
FOR VIOLATIONS; AMENDING PACIFICA MUNICIPAL CODE SECTION 9-4.2904  
(EXEMPTED SIGNS); AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (FILE NO. 2025-001)**

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**WHEREAS**, on June 24, 2024, August 26, 2024, September 9, 2024, and December 5, 2024, the City Council of the City of Pacifica considered and provided input on ordinance revisions to the City's Short-Term Rental Ordinance enacted on February 27, 2023; and

**WHEREAS**, since enactment of the Short-Term Ordinance, residents have commented to the City Council about impacts of Short-term Rentals, including the loss of parking, excessive noise, disruptions to the community, loss of neighborhood integrity and other deleterious impacts; and

**WHEREAS**, the City Council has also received public comments relating to the sale of residential property in Pacifica for the singular purpose of using the property as a Short-term Rental, which can negatively impact the community by reducing housing units available for long-term residential use; and

**WHEREAS**, Short-term Rentals can provide benefits to the community by providing economical options for transient lodging as well as income generating opportunities for property owners in Pacifica; and

**WHEREAS**, it is in the public interest to minimize the adverse impact of Short-term Rental activity on the health and safety of residents and visitors and to ensure such activity is conducted in a manner that preserves existing housing, communities and neighborhood integrity; and

**WHEREAS**, the California State Legislature has declared that housing is statewide concern; and

**WHEREAS**, preservation of existing housing is an integral component of the City of Pacifica Housing Element; and

**WHEREAS**, the stock of naturally affordable housing that comes from multi-family complexes is being impacted by Short-term Rentals, reducing affordable housing; and

**WHEREAS**, regulations that balance the benefits to the community from Short-Term Rentals and address the negative impacts from Short-term Rentals are important to provide assurances to the community and long-term stability to Short-term Rental operators and guests; and

**WHEREAS**, the Planning Commission of the City of Pacifica held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-157-25 (File No. 2025-001) on January 21, 2025, and adopted Resolution No. 2025-001 by a vote of 6-0 initiating and

recommending the City Council adoption of Text Amendment TA-157-25 (File No. 2025-001); and

**WHEREAS**, the City Council held a duly noticed public hearing on the proposed ordinance on February 24, 2025, provided additional direction to the City Manager on revisions to the draft Ordinance, and adjourned the meeting to a future date to continue deliberations; and

**WHEREAS**, the City Council continued deliberations on April 14, 2025, at a duly noticed public hearing, provided final direction to the City Manager for revisions to the draft Ordinance, and directed the City Manager to refer the revisions back to the Planning Commission for review and recommendation; and

**WHEREAS**, on June 16, 2025, the Planning Commission held a duly noticed public hearing on the proposed amendments contained in Text Amendment TA-157-25 (File No. 2025-001), and adopted Resolution No. 2025-006 by a vote of 6-0 initiating and recommending City Council adoption of Text Amendment TA-157-25 (File No. 2025-001), with additions recommended by the Planning Commission; and

**WHEREAS**, the City Council held a duly noticed public hearing on the proposed ordinance on July 14, 2025, and introduced Ordinance No. 901-C.S. on the same day; and

**NOW, THEREFORE**, the City Council of the City of Pacifica does ordain as follows:

**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**Section 2. Amendment.** Article 49, "Short-term Rentals" of Chapter 4, "Zoning" within Title 9, "Planning and Zoning" is repealed and replaced in its entirety to read as follows:

"Sec. 9-4.4900. Purpose and intent.

The purpose of this article is to establish regulations governing the Short-term Rental of residential property within the City of Pacifica in order to ensure the health, safety, and welfare of the residents of the City of Pacifica, and to allow for the short-term rental of single-family and multi-family dwelling units for less than thirty (30) consecutive days, while still preserving the residential character of neighborhoods, and preventing Short-term Rental activities from becoming a nuisance or a threat to public health, safety or welfare.

Sec. 9-4.4901. Definitions.

For the purposes of this article, unless otherwise apparent from the context, the following words and phrases are defined as set forth below:

- (a) "Administrator" means the Assistant City Manager or designee.
- (b) "Advertising platform" means a marketplace in whatever form or format which facilitates Short-term Rentals through advertising, matchmaking, or any other means, using any medium of facilitation, and from which the operator of the platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.
- (c) "Condominium" or "Condominiums" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment house, office, or store.

- "Condominium" may include, in addition, a separate interest in any other portion of such real property.
- (d) "Events" mean weddings, conferences, retreats, commercial events, loud or disruptive gatherings of any kind, parties or any other similar gatherings which have the potential to cause traffic, parking, noise, or other impacts to the neighborhood.
  - (e) "Legally Permitted Bedroom" means the number of bedrooms that are officially approved for occupancy within a dwelling unit, as reflected in the building permit records of the City of Pacifica.
  - (f) "Multi-family development" means a building, or portion thereof, used and designed as a residence for two (2) or more families living independently of each other and doing their own cooking in such building. Multifamily includes a duplex, triplex, and attached units (inclusive of attached single-family dwellings), apartment houses, apartment hotels, and flats, but not including automobile courts, motels, hotels, or boardinghouses.
  - (g) "Natural person" means a living human being.
  - (h) "Noise Monitor" means a noise detecting alarm sensor device with a call-assist feature that is located on the exterior of the rental property or other noise detecting device/sensor with features that do not have a camera, record conversations, nor store any personal data. The Noise Monitor shall have the capability of detecting noise at levels established by the operator in order to comply with the regulations found in the Pacifica Municipal Code. A Noise Monitor is not a Type I or II Sound Level Meter (SLM).
  - (i) "Operate" means the operation of a Short-term Rental, and includes the acts of establishing, offering, maintaining, or listing for rent a Short-term Rental with an Advertising platform.
  - (j) "Operator" means the Natural Person who has applied for a Short-term Rental Permit or has been issued a Short-term Rental Permit by the City.
  - (k) "Person" means natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, or other entity.
  - (l) "Permit" or "Short-term Rental Permit" means a permit issued by the City pursuant to this Article to allow the use of a single Short-term Rental on a single Site.
  - (m) "Primary residence" means a residence where a Person resides, full-time, for more than six months out of the year. Primary residence shall not include an accessory dwelling unit or a Junior accessory dwelling unit.
  - (n) "Quiet Hours" means the period between 10 p.m. and 7 a.m.
  - (o) "Rental" means the occupancy or use of a dwelling unit property, in exchange for any form of rent that may be valued in money, including cash, credit, goods, labor, or property, regardless of whether such rent is actually received.
  - (p) "Responsible party" shall mean a Natural Person, over the age of eighteen (18), who shall be responsible for ensuring compliance with all applicable provisions of the Pacifica Municipal Code by all Short-term Renters and visitors of a Site being used for a Short-term Rental, twenty-four (24) hours per day, seven (7) days per week.
  - (q) "Single-family dwelling unit" means a building designed for, or used to house, not more than one family, including all necessary employees of such family. Single-family-attached homes are not included in this definition.
  - (r) "Site" shall mean the assessor's parcel upon which the Short-term Rental is located.

- (s) "Short-term Rental" means the use of a dwelling unit, or portion of it, for a Rental of less than thirty (30) consecutive days. A "Short-term Rental" can be either Unhosted or Hosted.
  - i. "Hosted Short-term Rental" means a Short-term Rental use where a resident, who is the operator and acting as a host, occupies one or more bedrooms in a dwelling unit while other areas of the dwelling unit or main residence on the Site are rented for the purpose of transient overnight lodging.
  - ii. "Unhosted Short-term Rental" means a Short-term Rental use where no Operator is present on the Site during the course of the Rental.
- (t) "Short-term Rental Permit cap" means the maximum number of Short-term Rental permits that may be issued at any given time by the City.
- (u) "Short-term Renter" or "Guest" means a person who exercises occupancy or is entitled to occupancy by reason of a booking transaction, concession, permit, right of access, contract, license, or other agreement for a period of less than 30 consecutive days, counting portions of days as full days in a Short-term Rental.
- (v) "Visitor" means a person who is not entitled to occupancy by reason of a booking transaction, concession, permit, right of access, contract, license, or other agreement related to a Short-term rental.

In the event of a conflict between the words and phrases defined in this article and the words and phrases defined Title 9 "Planning and Zoning, Chapter 4 "Zoning", Article 2 "Definitions", the definitions in this article shall prevail.

Sec. 9-4.4902. Permits required for Short-term Rentals – Permit Cap.

- (a) The Short-term Rental of residential dwelling units is a prohibited use in every zoning district in the City, with the exception of permitted Short-term Rentals approved pursuant to the requirements of this article.
- (b) Subject to the requirements of this article, including the Short-term Rental Permit cap, Short-term Rentals are allowed as accessory uses to residential dwelling units in all zoning districts where residential dwelling units are allowed as a permitted or conditional use.
- (c) Permit Cap. The Short-term Rental Permit cap shall be one hundred fifty (150) Short-term Rental Permits at any given time. The Administrator shall not approve any applications for Short-term Rental Permits once the Administrator has determined that the Short-term Rental Permit cap has been reached.
- (d) The Administrator shall create a waiting list where the number of Short-term Rental applicants exceeds the total number of available Short-term Rental Permits. Pursuant to Section 9-4.4904(g) of this article, Short-term Rental applications for qualifying properties on the wait list shall be processed in the order applications were received.

Sec. 9-4.4903. Standards applicable to Short-term Rental Sites.

The following standards shall apply to any Site offered as a Short-term Rental. No Short-term Rental Permit shall be issued if the Site is not compliant with the following:

- (a) In accordance with Section 9-4.453(a)(6) and 9-4.454(a)(6), no Person may Operate a Short-term Rental in any accessory dwelling unit or junior accessory dwelling unit.
- (b) No Person shall Operate or allow a Short-term Rental in any location not approved for use as a permanent dwelling unit (received Certificate of Occupancy or equivalent final inspection), including, but not limited to, any vehicle, trailer, tent, storage shed or garage;
- (c) Each Operator Operating a Short-term Rental shall have their Primary Residence at the Site of the Short-term Rental. To prove Primary Residency, the Operator must provide at least three forms of documentation to the Administrator evidencing that the Site of the Short-term Rental is their Primary Residence for more than six months of the year. A State or Federally issued identification card must be one of the documents provided, and others may include, but are not limited to, proof of homeowner's tax exemption, voter registration card or certificate, or proof of vehicle registration.
- (d) An Operator shall Operate only one Short-term Rental at any given time;
- (e) For a single-family residential unit or a residential condominium dwelling unit, one Short-term Rental may Operate as an accessory use on the Site; and
- (f) For a Multi-family development, only Hosted Short-term Rentals may be Operated as an accessory use to an individual unit within the Multi-family development.

Sec. 9-4.4904. - Short-term Rental Permit required.

Subject to those requirements in Section 9-4.4903 and subject to the Short-term Rental Permit cap specified in Section 9-4.4902, a Short-term Rental Permit along with a Short-Term Rental Permit number may be approved and issued by the Administrator, provided that the Administrator determines the applicant has met the following requirements:

- (a) Application. Any Person seeking to Operate a Short-term Rental must complete an application on a form provided by the City, accompanied with the fees established by resolution of the City Council. The application form will include, at a minimum, the following information:
  - i. Name and contact information of the Operator;
  - ii. All adults for whom the property is a permanent residence shall be listed;
  - iii. The name and contact information of the authorized Responsible Party. Any change in the Responsible Party's address or telephone number shall be promptly furnished to the City within 48 hours of such change;
  - iv. Site plan showing location, dimensions, and use of all existing buildings on the Site, and on-Site parking;
  - v. Floor plan showing the use of all rooms per the California Building Code, and identifying Legally Permitted Bedrooms Rooms, rooms and doors to be used for the Short-term Rental;
  - vi. If the Operator is not the property owner, the property owner's written consent to the Short-term Rental use;
  - vii. The Operator shall provide documentation required by section 9-4.4903(c) that the Site is the Operator's Primary Residence;

- viii. Identification of whether the Short-term Rental shall be a Hosted or Unhosted Short-term Rental or combination of both, and the estimated number of nights per year the Short-term Rental will be rented;
  - ix. Advertising platform(s) used by the Operator to advertise the Short-term Rental;
  - x. Proof that the Operator has installed a Noise Monitor on the exterior of the Short-term Rental in a location to ensure that accurate noise levels can be taken by the Noise Monitor;
  - xi. Proof of insurance or insurance certificate for the Site.
  - xii. The permit application and any associated business licenses shall include an affidavit signed by the owner under penalty of perjury stating that all the information in the application is correct and that the owner maintains full responsibility that the Short-term Rental shall be advertised, rented, operated, and maintained in compliance with this article and all other relevant municipal codes. Failure to sign the affidavit shall be grounds for denial of a Short-term Rental Permit.
- (b) The permit application shall be accompanied by an application fee in an amount established by City Council resolution. Applications for a Short-term Rental Permit shall not be deemed complete until all information required by this article is provided and the Short-term Rental application fee, as set by City Council resolution, is paid to the City.
  - (c) The permit application shall be accompanied by a signed safety declaration, under penalty of perjury, in a form prepared by the Administrator, to be kept in the property file at the City, self-certifying that the Short-term Rental is in a safe and habitable condition and contains working smoke detector(s), carbon monoxide detector(s), and fire extinguishers have been installed and maintained consistent with the requirements of and in compliance with the California Fire Code, as adopted by the City in Title 4, Chapter 3, Article 1 of this Code and the California Building Code, International Property Maintenance Code and Residential Code, as adopted by the City in Title 8 of this Code.
  - (d) Inspection of Short-term Rentals. For Short-term Rentals, the City shall conduct a life, safety and health inspection of the proposed Short-term Rental unit, prior to issuing a Short-term Rental Permit.
    - (i) A life, safety, and health inspection shall include verification of the number of Legally Permitted Bedrooms, the presence and operation of working smoke detector(s), carbon monoxide detector(s), fire extinguishers, pools/spas, and lighted ingress/egress. The City shall also verify that no space has been converted into a bedroom or living space without permits required by the California Building Code, International Property Maintenance Code and Residential Code, as adopted by the City in Title 8, or any other provision of this Code.
    - (ii) The permit application shall be accompanied by a separate STR inspection fee in an amount established by City Council resolution.
  - (e) Consent to Inspection and Production of Records. For all Short-term Rentals, the permit application shall be accompanied by a consent to inspection in a form prepared by the Administrator, which shall be signed by the Operator and if the Operator is not the owner of the Site, the owner of the Site consenting to (i) physical inspection(s) by city staff, contractors, or representatives for the purpose of verifying compliance with this article during regular business hours (7:30 a.m. to 5:30 p.m.) upon forty-eight (48) hours' notice and (ii) that if said inspection is deemed necessary by the Administrator because of complaints received by the

City of non-compliance, the Operator will produce records demonstrating compliance with all provisions of this article within seven (7) calendar days of the request.

- (f) Compliance with the Municipal Code. No Short-term Rental Permit shall be issued if there are any unresolved or outstanding building, electrical, plumbing, fire, health, housing, police, or planning violations or enforcement actions issued by the City or other enforcement agency, including but not limited to, any administrative citations, notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices related to the Site.
- (g) Compliance with Operation Requirements. No Short-term Rental Permit shall be issued if the Site has had two or more violations of this article within twelve months prior to application submittal. No Short-term Rental Permit shall be issued if the Operator has had a Short-term Rental Permit revoked within twelve months of the application date by the City of Pacifica.
- (h) Waitlist. The Administrator will maintain a waiting list when the number of Short-term Rental applicants exceeds the Short-term Rental Permit cap identified in Section 9-4.4902. The Administrator will continually maintain the Short-term Rental Permit cap inventory as Permits are not renewed or revoked. Persons wishing to be placed on the waitlist shall submit a waitlist application on a form provided by the City accompanied by the completed Short-term Rental Permit application required by Section 9-4.4904(a). A nonrefundable waitlist application fee in an amount established by resolution of the City Council shall be remitted with the application. Short-term Rental applications for qualifying properties on the waitlist will be processed bi-annually between October 31 and November 30 of each year and between April 30 and May 31 of each year based on the date of receipt of the application, starting with the oldest date. The Administrator, in their discretion, may require an Applicant placed on the waitlist to provide updated information at the time a Short-Term Rental Permit becomes available, in accordance with requirements in place at the time the application is being considered.
- (i) Appeals of Determination of Administrator. Any decision of an Administrator relating to an application or the waitlist may be appealed within ten (10) days of the decision of the Administrator to an administrative hearing officer, pursuant to the process specified in section 9-4.4908(d).
- (j) All Operators and their respective Sites, authorized by the City for the Operation of a Short-term Rental pursuant to this article, shall be listed on a registry created by the City and updated periodically by the City. The City shall publish the registry on the City's website, and a copy shall be sent electronically to any Person or Hosting Platform upon request.

Sec. 9-4.4905. Operation Requirements.

A Short-term Rental must comply with the following operation requirements at all times that the Short-term Rental Permit is issued:

- (a) Permit required. The Short-term Rental must be operated under a valid Short-term Rental Permit issued by the City in accordance with Section 9-4.4904;
- (b) The Operator shall, during the term of the Short-term Rental Permit, promptly inform the Administrator regarding any changes to the information provided in the

application, including contact information and Advertising platform(s) used by the Operator to advertise the Short-term Rental;

- (c) The Operator shall, at all times while the Site is being used as a Short-term Rental, maintain a Responsible Party that can be reached via telephone twenty-four (24) hours a day, seven (7) days a week, to respond to complaints regarding the use of the Short-term Rental. The Operator can be identified as the Responsible Party. The Responsible Party shall be a local contact person who shall meet all of the following requirements: 1) be available 24 hours per day and seven days a week when the Short-term Rental is in Operation and 2) be accessible and able to respond in person at the Short-term Rental within a reasonable time of 30 minutes to any complaint regarding condition, operation, or conduct of occupants of the dwelling and 3) be responsive to take remedial action necessary to resolve any violation of the requirements of this article;
- (d) The Operator must provide the following materials electronically to any Short-term Renters before arrival and make available printed materials at the Site for the guest with the following information:
  - i. A diagram of exits, fire extinguisher locations, and fire and police contact numbers;
  - ii. The Short-term Rental Operator's contact information;
  - iii. The Responsible Party's contact information;
  - iv. Information on the maximum allowed number of occupants, parking capacity and location of parking spaces, noise regulations, disclosure that the property is equipped with a noise monitoring device, quiet hours, and trash, composting, and recycling disposal requirements including collection time and date and instructions on collection and use of the collection containers;
  - v. The City's noise regulations (Chapter 10 of Title 5 of this Code); and
  - vi. The City's Social Host Liability Ordinance (Chapter 28 of Title 5 of this Code);
- (e) The Operator shall include the City-issued Short-term Rental Permit number in any Advertising platform or any other advertisement appearing in any newspaper, magazine, brochure, television trade paper, internet website, etc., that promotes the availability or existence of a Short-term Rental on the Site. The Short-term Rental Permit number must also be prominently and legibly included in the first line of the property description text in any advertisement in the following format: "City of Pacifica Short-term Rental Permit No. #####";
- (f) Each Short-term Rental Site shall be identified with a single, weatherproof exterior sign, not more than two (2) square feet in total area, posted either at the front of the Site and visible from the right-of-way for single family dwellings, or on the door if it is a hosted Multi-family dwelling unit or condominium, indicating the Site is being utilized as a Short-term Rental. The sign shall include the Short-term Rental Permit number and a Quick Response (QR) code that is a minimum of 3-by-3 inches with the Operator's name and contact information and the Responsible Party's name and contact information, if different, and a link to the City's code enforcement website. The sign shall be in a form approved by the Administrator. At a minimum, the sign shall be posted while the Site is being utilized as a Short-term Rental;

- (g) A Short-term Rental shall not create pedestrian, automobile, or truck traffic detrimental to property in the vicinity or neighborhood parking impacts. The property address shall be clearly marked;
- (h) A Short-term Rental shall comply with all provisions of the Pacifica Municipal Code, including, but not limited to the City's noise regulations (Chapter 10 of Title 5 of this Code) and the Loud and Unruly Gatherings and Social Host Liability Ordinance (Chapter 28 of Title 5 of this Code), Garbage, Collection and Recycling (Chapter 5 of Title 6 of this Code), and the Building Regulations (Chapters 1-17 of Title 8 of this Code);
- (i) A Short-term Rental shall comply with all applicable state and local laws and orders, including any public health order;
- (j) Each Person Operating a Short-term Rental shall comply with the transient occupancy tax requirements set forth in Chapter 7 of Title 3 (Transient Occupancy Tax) of this Code, and shall obtain a Transient Occupancy Registration Certificate pursuant to Section 3.7-06 for the entire period of time the Site is used as a Short-term Rental;
- (k) Each Person Operating a Short-term Rental shall obtain a business license and pay the business license tax required pursuant to Chapter 1 of Title 3 (Business Licenses) of this Code for the entire period of time the Site is used as a Short-term Rental;
- (l) The Operator of a Hosted Short-term Rental must be on-Site between the hours of 11:00 p.m. and 6:00 a.m. when the Site is being utilized as a Short-term Rental;
- (m) Maximum overnight occupancy for all Short-term Rentals shall not exceed two (2) Short-term Renters per Legally Permitted Bedroom. Children under the age of six (6) shall not count towards these occupancy limits;
- (n) In addition to the maximum number of Short-term Renters allowed, the number of Visitors allowed at any time in a Short-term Rental shall not exceed one half of the maximum Short-term Renters allowed, and visitor hours are limited to 8:00 a.m. – 10:00 p.m.;
- (o) Short-term Renters shall not make any excessive or loud noise during Quiet Hours from 10:00 p.m. to 7:00 a.m. daily;
- (p) Use of all outdoor pools, spas and hot tubs shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.;
- (q) In addition to the noise standards identified in Chapter 10 of Title 5 and Chapter 28 of Title 5 of this Code, no radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier, or any machine, device or equipment that produces or reproduces any sound shall be used outside or be audible from the outside of any Short-term Rental. Any machine, device or equipment that amplifies music inside any Short-term Rental shall not be heard beyond the property line of the Short-term Rental at all times;

- (r) Each Operator shall install and maintain in continuous operation a Noise Monitor on the exterior of the Short-term Rental to ensure compliance with the City's noise regulations (Chapter 10 of Title 5 of this Code). The Operator shall retain a record of the Noise Monitor readings for a period of thirty (30) days after each Rental of the Short-term Rental;
- (s) The Short-term Rental must provide at least one off-street parking space per Legally Permitted Bedroom that is being utilized as a Short-term Rental, which shall be dedicated and available to Short-term Renters during the period of the Rental;
- (t) Short-term Rentals shall not be concurrently used for any commercial Event (such as a corporate retreat or conference), and shall not be used for any non-commercial Event that is likely to result in a violation of traffic, parking, noise, or other standards regulating the residential use and character of the neighborhood. Home occupations conducted by the primary resident compliant with the City's home occupation ordinance are allowed; provided that parking and all other requirements for both the Short-term Rental and the home occupation are met;
- (u) Short-term Rental use shall comply with trash and recycling requirements and scheduled solid waste pick-up days at least once per week. Trash and recycling containers shall be located to be readily accessible for servicing, but shall not be placed within the limits of any street, road, avenue, way, alley, public place, or any other places as to constitute a nuisance; and
- (v) Unhosted Short-Term Rentals. The following additional operation requirements shall apply only to Unhosted Short-term Rentals:
  - i. An Unhosted Short-term Rental shall be Operated no more than 60 nights per year, commencing on October 31<sup>st</sup> of each year and ending October 30<sup>th</sup> of each year.
  - ii. Minimum Stay. Unhosted Short-term Rentals shall have a minimum two consecutive night stay for Short-term Renters.
  - iii. Unhosted Short-term Rentals are prohibited in Multi-family development units.

Sec. 9-4.4906. Record Keeping.

The Operator shall retain records documenting the compliance with this article for a period of three years after any Short-term Rental, including, but not limited to, records indicating the history of all Short-term Rental reservations on the subject property from the Advertising platform or otherwise, records indicating the payment of any and all transient occupancy taxes, length of stay per reservation, and number of Persons per reservation. The Operator shall provide any such documentation to the City within thirty (30) days of the City's request. Notwithstanding the foregoing, readings from the Noise Monitor shall be retained for a period of thirty (30) days after the Rental of the Short-term Rental.

Sec. 9-4.4907. Permit term and renewal.

- (a) Term. A Short-term Rental Permit is valid for one year from the date of issuance until October 31<sup>st</sup> of each year, unless suspended or revoked by the Administrator prior to October 31<sup>st</sup>.
- (b) Renewal. The Short-term Rental Permittee may renew the permit annually by submitting a renewal application, in a form prepared by the Administrator, and applicable fee between October 1<sup>st</sup> and October 31<sup>st</sup> of each year, regardless of when the Short-term Rental permit was issued. If a renewal application and fee are not filed prior to the October 31<sup>st</sup> deadline, the Short-term Rental Permit shall expire automatically. Under such conditions, the Operator shall be required to apply for and obtain a new Short-term Rental Permit, subject to the requirements in effect at the time an application is submitted.
  - i. Renewal applications shall be reviewed for compliance with this article. If a Short-term Rental Operator is not in compliance with this article, the Short-term Rental shall not be renewed.
  - ii. Proof of Rental Nights. For any renewal, the Operator shall provide documentation of the number of nights the unit was rented during the prior year, including whether the unit was used as a Hosted Short-term Rental or an Unhosted Short-term Rental.

Sec. 9-4.4908. Permit Suspension and Revocation

- (a) Permit suspension. The Administrator may suspend a Short-term Rental Permit, at the Administrator's sole discretion, after making a determination that the Operator has violated any provisions of this article if the Administrator determines that the nature of the violation may be corrected within a reasonable period of time.
- (b) Permit revocation. The Administrator may revoke a Short-term Rental Permit, at the Administrator's sole discretion, after making a determination that the Operator has violated any of the provisions of this article or is operating the Short-term Rental in a manner that is detrimental to the public health, welfare or safety or constitutes a nuisance. A Short-term Rental Permit may also be revoked for the following reasons:
  - i. That the Short-term Rental Permit was obtained by misrepresentation, false statement, or fraud;
  - ii. That the Short-term Rental activity is being conducted in violation of local or state or federal law;
  - iii. That two violations of this article have occurred on the Site within the preceding twelve months;
  - iv. That the Short-term Rental is being operated in a manner that is detrimental to the public health, welfare or safety;

- v. That consent to an inspection has not been provided; or
  - vi. That records documenting the compliance with this article, including, but not limited to, records indicating the history of all Short-term Rental reservations on the Site from the Advertising Platform or otherwise, records indicating the payment of any and all transient occupancy taxes, length of stay per reservation, number of Persons per reservation and were not provided to the City within thirty (30) days of the City's request.
- (c) The Administrator shall provide the Short-term Rental Operator with written notice stating the supporting factual basis for the decision. The notice shall contain an advisement of the right to request an appeal before a hearing officer by filing a written appeal.
  - (d) Appeal to Hearing Officer. Suspension or revocation issued by the Administrator pursuant to paragraph (a) or (b) will be effective ten (10) days from the date appearing on the notice, unless a timely appeal is filed before such date along with the deposit of an appeal fee established by resolution of City Council. A hearing shall be scheduled before the hearing officer within thirty (30) days. The decision of the hearing officer shall be a final administrative order, with no further administrative right of appeal or reconsideration. The hearing officer may sustain a denial, suspension, or revocation, overrule a denial, suspension, or revocation, reduce a revocation to a suspension and/or reduce the length of a suspension.
  - (e) Reapplication. No application for a Short-term Rental Permit will be accepted within one year after a Short-term Rental Permit is revoked.

Sec. 9-4.4909. Violations and enforcement.

- (a) The City may issue a notice of violation or administrative citation for any violation of this article, to any occupant, invitee, renter, lessee, owner of the property, Operator, Responsible Party, managing agency or agent, and/or Advertising platform for a violation of any provision of this article or other provisions of the Code pursuant to Title 1 of this Code.
- (b) Each and every day, or portion thereof, that a violation of this article and/or Code exists constitutes a separate and distinct violation for which a notice of violation or administrative citation may be issued by the City. Such notice of violation or administrative citation shall be issued, notice given, and any appeals heard in the manner and by the process described in Title 1 of this Code.
- (c) A violation of any provision of this article, or failing to comply with any mandatory requirement hereof, shall constitute a misdemeanor. The fine amount for each violation shall be one thousand dollars (\$1,000.00). Notwithstanding the preceding sentence or any other section of this article, a violation of this article may, in the discretion of the enforcement officer be charged and prosecuted as an infraction. In addition, the City may enforce this article by any means permitted by law, including, but not limited to, those penalty provisions set forth in Title 1 of this Code.

- (d) Pursuant to Government Code Section 36900(d), for infractions that pose a threat to public health or safety, the fine shall be, at a minimum, one thousand five hundred dollars (\$1,500.00) for an initial violation of this chapter, three thousand dollars (\$3,000.00) for a second violation of the same provision within one (1) year, and five thousand dollars (\$5,000.00) for each subsequent violation of the same provision within one (1) year. Operation of a Short-term Rental without a permit or violations of the any of the provisions of this article shall be deemed to pose a threat to public health or safety.
- i. For fines imposed under this subsection, the Administrator may grant a hardship waiver to reduce the amount of the fine upon a showing by the Short-term Rental permittee that the Short-term Rental permittee has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party. No such waiver shall be granted for subsequent violations.
  - ii. The fines set forth in this subsection shall not apply to a first-time offense of failure to register or pay a business license fee.
- (e) Revocation. In addition to the fines and penalties imposed by this section, upon a second violation of this article within a twelve (12) consecutive month period, the Administrator shall revoke the Short-term Rental Permit.
- (f) Cost Recovery. The City's costs to enforce this section are the responsibility of the Operator. The costs may be recovered pursuant to Chapter 2 of Title 1 of this Code, Government Code Section 38773 et seq. and any other legal method.
- (g) Administrative Subpoenas. The city manager, or designee, shall have the authority to request the city attorney to subpoena witnesses to compel their attendance and testimony at hearings and to require the production of books, papers, records or other relevant items regarding Short-term Rental listings located in the City, including, but not limited to, the names of the Persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay, to determine whether the Short-term Rental listings comply with this article. Any subpoena issued pursuant to this Section shall not require the production of information sooner than thirty (30) days from the date of service. A Person, Advertising platform, or Short-term Rental operator that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period.
- (h) Any Aggrieved Resident of the City may invoke violations of this article as a basis for a private action for injunctive relief to prevent or remedy a public nuisance violation. For purposes of this subsection, "Aggrieved Resident" is defined as any individual who resides or owns property with 300 feet of the subject Short-term Rental and has personally experienced disruption, nuisance, or harm due to a violation of this Chapter. No action may be brought under this subdivision unless and until the prospective plaintiff has given the City and the prospective defendant(s) at least 30 days written notice of the alleged public nuisance and the City has failed to initiate proceedings within that period, or after initiation, has failed

to diligently prosecute. The prevailing party in any such action shall be entitled to recover reasonable costs and attorney's fees.

Sec. 9-4.4910. Administrative Regulations. The Administrator is authorized to promulgate any policies or procedures necessary to implement and enforce this article, including, but not limited to administering the waitlist set forth in Section 9-4.4904(h) and a process for accepting and prioritizing applications received after the Short-term Rental permit cap set forth in Section 9-4.4902 is reached.

Sec.9-4.4911 Advertising Platform Responsibilities. Advertising platforms shall be responsible for the following:

- (a) Subject to applicable laws, Advertising platforms shall disclose to the City on a regular basis each Short-term Rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.
- (b) Advertising platforms shall not complete any booking transaction for any Short-term Rental unless it is listed on the City's registry created under section 9-4.4904(j), at the time the Advertising Platform receives a fee for the booking transaction.
- (c) Safe Harbor. An Advertising platform operating exclusively on the Internet, which operates in compliance with subsections (a) and (b) above, shall be presumed to be in compliance with this Article, except that the Advertising Platform remains responsible for compliance with the administrative subpoena provisions of this Article.
- (d) The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

Sec. 9-4.4912 Application of Ordinance to Issued Short-term Rental Permits.

- (a) Areas outside the Coastal Zone. Upon the Effective Date of this Ordinance, the following provisions of this Ordinance shall be immediately applicable to all Short-term Rentals in areas outside the Coastal Zone: Sections 9-4.4900, 9-4.4901, 9-4.4902, 9-4.4903(a) and (b), 9-4.4904, 9-4.4905(a) through (k), 9-4.4906, 9-4.4907, 9-4.4908, 9-4.4909, 9-4.4910 and 9-4.4911. All other provisions of this Ordinance (Sections 9-4.4903(c) through (f) and 9-4.4905(l) through (v)) shall not apply to Short-term Rentals that have been issued a Short-term Rental Permit prior to the Effective Date of this Ordinance until that Short-term Rental Permit is renewed, terminated, or revoked.
- (b) Areas within the Coastal Zone: The Ordinance must be certified by the California Coastal Commission prior to enforcement in any areas of the Coastal Zone. Upon certification by the California Coastal Commission of an amendment to the City's local coastal program relating to the adoption of this Ordinance:

- i. The following provisions of this Ordinance shall be immediately applicable to all Short-term Rentals in areas within the Coastal Zone: Sections 9-4.4900, 9-4.4901, 9-4.4902, 9-4.4903(a) and (b), 9-4.4904, 9-4.4905(a) through (k), 9-4.4906, 9-4.4907, 9-4.4908, 9-4.4909, 9-4.4910 and 9-4.4911.
- ii. The following provisions of this Ordinance shall not apply to Short-term Rentals that have been issued a Short-term Rental Permit prior to the date of Coastal Commission Certification until the Short-term Rental Permit is renewed, terminated or revoked: Sections 9-4.4903(c) through (f), 9-4.4905(l) through (v)."

**Section 3. Amendment.** Article 29 of Chapter 4 of Title 9 is amended by adding subsection (t) to Section 9-4.2904, "Exempted signs" which shall be read as follows (with additions noted in underline):

"Sec. 9-4.2904. - Exempted signs.

...

(t) Short-Term Rental signs required pursuant to, and in compliance with, Section 9-4.4905(f) "Operation Requirements" are exempt from the permit requirements and provisions of this Article."

All other subsections within Section 9-4.2904 shall remain unchanged.

**Section 4. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.), including without limitation under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment. The revised ordinance will continue to allow a maximum of 150 Short-term rentals in the City, the same number as the existing ordinance and will primarily establish operational requirements for existing short-term rentals that are designed to address community concerns and ensure responsible Short-term rental operations. The revisions to the ordinance also do not involve any physical changes to the environment or the construction of new facilities or infrastructure.

Additionally, the Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15301(Class 1-Existing Facilities) as the Ordinance makes amendments to the City's current short-term rental permitting program for existing residential dwelling units. The Ordinance involves negligible or no expansion of existing or former use. The text amendment would make amendments to the existing Short-term Rental STR Ordinance to, among other things, revise provisions related to Short-term rental operation and enforcement actions for non-compliance. The exceptions to the exception in CEQA Guidelines section 15300.2(a)-(f) do not apply to the draft Ordinance. The City Clerk shall file a Notice of Exemption with the San Mateo County Clerk.

**Section 5. Severability.** If any section, subsection, sentence, clause, or phase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases be declared unconstitutional.

**Section 6. Publication.** The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

**Section 7. Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. For areas within the Coastal Zone, this Ordinance shall not become effective until the California Coastal Commission certifies an amendment to the City's local coastal program pursuant to Section 30514 of the Public Resources Code as set forth in Section 2 of this Ordinance.

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**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on the 11<sup>th</sup> day of August, 2025, by the following vote:


**AYES**, Councilmembers: *Beckmeyer, Bier, Botes, Espinosa, Wright.*

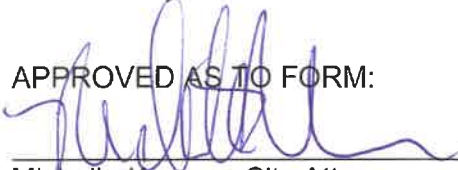
**NOES**, Councilmembers: *n/a*

**ABSENT**, Councilmembers: *n/a*

**ABSTAIN**, Councilmembers: *n/a*

  
\_\_\_\_\_  
Sue Beckmeyer, Mayor

ATTEST:  
  
\_\_\_\_\_  
Sarah Coffey, City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Michelle Kenyon, City Attorney