

Justification for ENV-2019-7375-CE

Article 19, Section 15301, Class 1 of the State's CEQA Guidelines applies to projects that consist of "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." The proposed Vacation Rentals Ordinance (Project) allows for qualifying non-primary residences to be allowed to be rented as short-term rentals. The proposed Project does not expressly authorize any new development, and the vast majority of Vacation Rental activity will occur in structures that are already built. Due to included restrictions and prohibitions in the proposed ordinance, such as Accessory Dwelling Units being prohibited for Vacation Rental use, one can reasonably expect that Vacation Rentals will largely operate out of existing units.

While short-term rentals represent a more transient use of participating units than traditional full or part time residential occupation, the underlying use and activities permitted to occur in the units remains the same. The CEQA Guidelines cite multiple examples of situations where the Class 1 exemption could be properly used. Included as an example is the use of a single-family residence as a small day-care facility. This example is directly comparable to the Vacation Rentals Ordinance which allows for certain non-primary residences to be listed as short-term rentals. Because the proposed Project primarily involves the permitting of existing private structures, and only requires a negligible expansion of existing uses, the Class 1 exemption is appropriate for the proposed Project.