



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT D**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
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April 6, 2017

Michael Schaller, Senior Planner  
San Mateo County Planning and Building Department  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063

**Re: San Mateo County (PLN2015-00453) – Short-term Rental Ordinance**

Dear Mr. Schaller,

We have reviewed San Mateo County's March 22, 2017 staff report to the Planning Commission for Planning Case Number PLN2015-00453 (San Mateo County Planning and Building Department) regarding the proposed ordinance for short-term rentals which includes amendments to San Mateo County's Local Coastal Program's (LCP) Land Use Plan and Implementation Plan. As you know, prior to implementation of the proposed ordinance in the coastal zone, the LCP amendments must be certified by the Coastal Commission. Thank you for coordinating with us as you drafted this ordinance. This letter serves to provide you with additional comments, discussed below.

A productive teleconference meeting between County and Commission staff was conducted on August 18, 2016. At that time, County staff confirmed that they consulted Santa Cruz County's Commission-approved short-term rental ordinance for guidance, that they had conducted public outreach, they provided Commission staff with a better understanding of certain elements proposed for the ordinance, such as the County's signage requirement, and discussed remaining Commission staff comments in detail. I provided a follow-up summary of our comments to Joe La Clair via e-mail on September 19, 2016. The draft ordinance approved by the Planning Commission on March 22, 2017 for the most part adequately addresses and reflects our comments. However, we would like to provide the following additional comments below for your consideration prior to approval of the ordinance by the Board of Supervisors.

In the March 22, 2017 staff report, County staff recommends that the Planning Commission review the status and implementation of the ordinance one year after final adoption and certification to determine its effectiveness. However, the method for monitoring and evaluating the effectiveness of the ordinance is not specifically described. As raised by public commenters, an increase in short-term rentals within existing residential neighborhoods could lead to an increase in the intensity of land use and subsequent coastal resource impacts. We recommend that the County determine how the effectiveness of the ordinance will be monitored and evaluated prior to implementation and include a proposed monitoring plan as part of the ordinance. We respectfully recommend that the Planning Department consider tracking items

Michael Schaller

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such as the number of short-term rental permits issued, any violations and complaints, changes in water usage, evidence of traffic or parking impacts, and impacts to housing stock. If future results of the monitoring plan indicate an increase in the intensity of land use and possible impacts to coastal resources, a Coastal Development Permit (CDP) should be required for any short-term rental permit issued in the Coastal Zone. We suggest that the County also evaluate the need for a threshold for this use or cap on short-term rental permits operating at any one time, based on monitoring results.

In our earlier comments to you we asked that the County “consider modifying the LCP to incorporate the concept of short-term rentals as a visitor-serving use.” In response to this comment, the County included short-term rentals in the definition of visitor-serving facilities in LCP Policy 11.1. We appreciate your consideration in addressing this recommendation however; as presented, there isn’t an adequate analysis of the potential implications from including short-term rentals within the current LCP definition of “visitor-serving facilities.” The LCP defines “visitor-serving facilities” as “public and private developments that are *exclusively* [emphasis added] available to the general public...” Short-term rentals as incorporated in the ordinance would not be exclusively available to the general public because they are also set aside for residential use for part of the year. As further detailed in the staff report, short-term rentals are either occupied by the owner year round (in the case of private room rental) or only exclusively offered to visitors 180 days of the year (due to permit limitations). Therefore, including this use within the visitor-serving facilities definition, presents a conflict with the meaning of this definition. Further, inclusion of this use within this definition could also have implications on other LCP requirements such as water and sewer allocations which reserve allocations for priority uses (including visitor serving uses). The visitor-serving definition could possibly be expanded to include short-term rentals in a separate section within which the uniqueness of this use can be described along with how short-term rentals differ from other described visitor-serving uses. We recommend, alternatively, that you not include short-term rentals within this definition until you have the opportunity to more fully evaluate the ramifications of adding this use to the definition of “visitor-serving facilities” in the LCP.

Under the proposed ordinance, the Community Development Director will have exclusive authority to approve short-term rental permits. The proposed ordinance states that documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff’s deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation. A requirement that the Coastal Commission be notified upon the issuance of a short-term rental permit is not reflected in the proposed ordinance. We maintain and re-submit our recommendation, as conveyed to you previously, that the ordinance require the County provide public notice, including notice to the Coastal Commission as part of the County’s approval process consistent with Local Coastal Program (LCP) Section 6328.11.1 (appealable development) and Section 6328.11.2 (non-appealable development). This noticing would be consistent with what was approved for the County of Santa Cruz’s ordinance. Since the County is not currently requiring a CDP for issuance of these permits, it is important that the County notify the Coastal Commission, interested parties, and residents and property owners within 100 feet of the subject parcel to support proper enforcement of short-term permits and monitoring of

Michael Schaller  
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potential impacts. (See the notice requirements of Coastal Act regulation Section 13568(b), Title 14, California Code of Regulations.) Notice of the proposed action should be provided no less than ten calendar days before issuance of the permit.

Lastly, some of the data presented suggests that there may be short-term rentals currently in non-residential districts. For example, Attachment F to the staff report includes a map of the Princeton area that appears to show short-term rental listings located within the Waterfront District (W/DR/CD). As this ordinance only allows for short-term rentals in single and multiple family residential districts, we recommend the County enforce the prohibition of short-term rentals in other districts.

Please feel free to contact me if you have questions regarding our comments. I can be reached by telephone at (415) 904-5292 or via e-mail at [renee.ananda@coastal.ca.gov](mailto:renee.ananda@coastal.ca.gov).

Sincerely,



Renée Ananda  
Coastal Program Analyst  
North Central Coast District



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT E**

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** March 22, 2017

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of (1) amendments to the San Mateo County Zoning Regulations (Chapter 6 – Single-Family Residential District, Chapter 8 – Multi-Family Residential District, and Chapter 22 – General Provisions and Exceptions); (2) an amendment to the San Mateo County Local Coastal Program (Chapter 11 – Recreation/Visitor-Serving Facilities Component), and certification of a Mitigated Negative Declaration to add “Short-Term Rentals” as an accessory use in specified locations of the Coastal Zone, subject to a short-term rental permit, in the unincorporated Coastal Zone of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2016-00453 (San Mateo County Planning and Building Department)

**PROPOSAL**

The Planning and Building Department is proposing an ordinance amending the San Mateo County Zoning Regulations (Chapters 6 and 8 of the San Mateo County Ordinance Code) to add “Short-Term Rentals” (STRs) as an accessory use in Single- and Multi-Family Zoning Districts within the Coastal Zone, subject to the issuance of a Short-Term Rental permit. Additionally, staff is proposing to amend Chapter 22 of the Zoning Regulations (General Provisions and Exceptions) to establish a process for issuance of said permits and performance criteria for same. At the present time, short-term rentals (less than 30 consecutive days) are not a permitted use within the County’s Residential zoning districts.

Also, to ensure consistency with the County’s Local Coastal Program, the definition of “Visitor Serving Facilities” contained in Chapter 11 (*Recreation/Visitor-Serving Facilities Component*) will be amended to include “Short-Term Rentals in Residential Zoning Districts” as a listed use.

The proposed regulations will allow STRs in all Coastside zoning districts that allow stand-alone residential uses and would require: (1) a permitting/registration process; and (2) payment of Transient Occupancy Tax (TOT) to the County. The proposed regulations would also impose penalties for operating without a permit or operating in

violation of the specified standards. The proposed regulations also place a limit on the number of guests (over 12 years old) allowed in a vacation rental unit at any one time, a limit of 180 nights per year (for non-owner occupied residences) and a requirement for off-street parking.

Currently, the County has a permitting process and related operational requirements for hotels, motels, and bed and breakfast operations. As discussed above, STRs in San Mateo County are not explicitly permitted in residential zoning districts. Consequently, there are no existing operational permits or standards to regulate them. The County is aware, however, of a growing trend in the region toward using residential properties for these purposes. The County, therefore, is proposing this amendment to establish a set of regulations for STRs to ensure that the impacts of such uses are controlled, while allowing short-term rentals in order to provide a range of visitor-serving overnight opportunities in the County's coastal areas.

### **RECOMMENDATION**

That the Planning Commission recommend that the Board of Supervisors:

1. Adopt the attached amendments to the San Mateo County Zoning Regulations (Chapters 6, 8 and 22 of the County Ordinance Code) to add "Short-Term Rentals" as an allowed use in specified locations of the Coastal Zone, subject to a short-term rental permit, and
2. Adopt the attached amendment to the San Mateo County Local Coastal Program to add "Short-Term Rentals in Residential Zoning Districts" as a listed use under the definition of "Visitor Serving Facilities."

### **BACKGROUND**

Report Prepared By: Michael Schaller, Senior Planner, Telephone 650/363-1849

Applicant: San Mateo County

Location: All portions of San Mateo County that are within the officially designated "Coastal Zone" (as established by the California Coastal Commission) and that are zoned for Single-Family and Multi-Family residential use.

Environmental Evaluation: Initial Study and Negative Declaration issued, with a public review period of December 21, 2016 to January 10, 2017. Staff received comments on the document, which will be addressed below.

Current Rental Market: In an effort to better understand the nature of the current Short Term Rental Market on the Coastsides, the Planning Department has contracted with Host Compliance, a company that specializes in monitoring short-term rental activity and assists local governments with monitoring and compliance of short-term rental

regulations. Host Compliance monitors the major short-term rental web sites on a weekly basis and, under contract to the County, has provided the Planning Department with a snapshot of the current rental activity in the County. Below is a synopsis of the rental activity for the last 12 months for communities of the Mid-Coast.

### El Granada

There are 33 rental listings in El Granada, of which nine are listed as “Private Room.” A random sampling of listings under the “Private Room” category tends to support the notion that a property owner or manager lives on-site. Of the 33 listings in El Granada, 18 showed no activity during the data gathering period. Nine were rented out for less than ten times for an average stay of 2-3 nights per rental. At the upper end of the scale, there were six units that rented out on average, 23 times during the data gathering period. Again, the average stay is approximately 2 nights per rental.

### Miramar

There are 11 rental listings in Miramar, all of which are listed as “entire home/ apartment.” Of the 11 listings in Miramar, none have shown any activity during the data gathering period.

### Montara

There are 20 rental listings in Montara, of which three are listed as “Private Room.” Of the 20 listings in Montara, five showed no activity during the data gathering period. Ten were rented out for less than ten times for an average stay of 2-3 nights per rental. At the upper end of the scale, there were five units that rented out on average 38 times during the data gathering period. The average stay is approximately 1-2 nights per rental.

### Moss Beach

There are 41 rental listings in Moss Beach, of which five are listed as “Private Room.” Of the 41 listings in Moss Beach, 19 showed no activity during the data gathering period. Nineteen were rented out for less than ten times for an average stay of 2-3 nights per rental. At the upper end of the scale, there were four units that rented out on average 24 times during the data gathering period. Again, the average stay is approximately 2 nights per rental.

### Princeton

There are 15 rental listings in Princeton, of which three are listed as “Private Room. Of the 15 listings in Princeton, six showed no activity during the data gathering period. Five were rented out for less than ten times for an average stay of 2-3 nights per rental. At the upper end of the scale, there were four units that rented out on average 25 times

during the data gathering period. Again, the average stay is approximately 2 nights per rental.

Attachment F provides a detailed breakdown of the data as well as maps showing the general location of the rental listings in order to provide the reader with a sense of the geographic distribution of the current rental market.

Project Chronology:

<u>Date</u>	<u>Action</u>
August 11, 2015	- Introductory Pescadero Municipal Advisory Council (PMAC) Workshop. Received initial feedback from the audience on what should or should not be included in a potential ordinance to regulate STRs.
August 26, 2015	- Introductory Midcoast Community Council (MCCC) Workshop. Received initial feedback from the audience on what should or should not be included in a potential ordinance to regulate STRs.
March 8, 2016	- Follow-up workshop with the MCCC to go over the initial draft of the Ordinance and solicit feedback.
April 19, 2016	- Follow-up workshop with the PMAC to go over the initial draft of the Ordinance and solicit feedback.
December 21, 2016	- Initial Study and Negative Declaration issued for public comment.
March 22, 2016	- Planning Commission hearing.

**DISCUSSION**

A. KEY ISSUES

1. Conformance with the County General Plan

The proposed ordinance will create a new use (subject to the issuance of a permit) within the Coastal Zone’s Single- and Multi-Family Residential Districts. The use of existing or future residential dwellings for short-term rental is functionally similar to use of the same dwelling as a long-term rental. Whether the occupancy is short- or long-term, the use remains residential. In addition, the proposed ordinance imposes limits on the level of short-term rental activity and performance standards to ensure the use is similar to other residential uses. As such, allowing short-term rental of

dwelling units within areas of the Coastside that are already designated for residential use will not materially conflict with the General Plan's land use policies and there is no evidence to suggest that such use will conflict with other policies within the General Plan.

2. Conformance with the Local Coastal Program

a. Locating and Planning New Development Component

Policy 1.2 – *Definition of Development*. This policy defines “development” as:

“On land, in or under water, the placement or erection of any solid material or structure; .... [or] change in the density or intensity of use of land.”

The California Coastal Commission has determined that the use of existing or future residences as STRs represents a change in the intensity of use and of access to the shoreline. The proposed regulations will limit the amount of time that homes can be rented for such purposes, and place controls on how they are operated, so that they will not increase the intensity of use beyond normal residential use.

b. Recreation/Visitor-Serving Facilities Component

Policy 11.1 - *Definition of Visitor-Serving Facilities*. Staff has consulted with California Coastal Commission staff in the course of developing these proposed regulatory actions. The Coastal Commission staff has requested, and Planning staff concurs, that the definition of “Visitor-Serving Facilities” be amended as follows (new language in bold and italics):

Define visitor-serving facilities as public and private developments that are exclusively available to the general public and provide necessary, basic visitor support services such as lodging, food, water, restroom and automobile services. Visitor-serving facilities include, but are not limited to, hotels, motels, hostels, ***short-term rentals in residential zoning districts***, campgrounds, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.

This requested change reflects the nature and importance of STRs in achieving greater Coastal access for the residents of California. The opportunity to rent residences within California's coastal communities represents one way in which California residents and visitors can more readily enjoy the coast. In some instances, residential vacation rentals may provide a better option than hotel or motel rooms for large families or groups of individuals. In general, vacation rentals increase the range of options available to coastal visitors, including in residential areas along or near the immediate shoreline where there are no other significant commercial overnight opportunities in the unincorporated County.

In this context, permitting STRs in the Coastal Zone would advance the Coastal Act's objectives of enhancing access to coastal resources and recreational opportunities. The proposed amendment will provide a regulatory structure for a category of use and development that is not currently regulated by the LCP. The proposed rules are not a prohibition or a ban and are not structured to reduce the utility of STRs for lower cost users (e.g., the rules do not include a required minimum length of stay). Rather, establishing STRs as a use subject to a discretionary permit in all residential zoning districts protects coastal access and recreation opportunities and is consistent with the LCP's prioritization of visitor-serving uses.

## B. ENVIRONMENTAL REVIEW

An Initial Study and Negative Declaration were issued for this proposed set of amendments, with a public review period of December 21, 2016 to January 10, 2017. During the public review period, the County received the following comments:

### Comments received from Casey Schaufler (Attachment D)

***Comment: Short term rental is documented to be associated with illegal build-out and remodeling. This is done without the benefit of design review. Design review is the only mechanism available to the community to avoid degradation of the local aesthetic quality.***

***Staff's Response:*** The commenter does not provide specific locations where such illegal build-out and remodeling has occurred, thus, staff has no way to confirm this blanket statement. In general, the County has regulatory processes in place to respond to unpermitted construction. Specifically, the County issues stop work notices for unpermitted construction/remodeling of residences throughout the unincorporated County area on a regular basis. There is insufficient data to

conclude that such unpermitted buildout or remodeling occurs frequently or to determine when such instances are expressly for STR use.

***Comment: The project directly impacts the land use of residential neighborhoods, allowing them to become uncontrolled and unregulated commercial hotel districts. I have dealt with heavily used short term rental properties and can attest that the impact is adverse. Under this ordinance, 263 Nevada Avenue, Moss Beach could become a 6 room hotel for half the year. That would be a major impact on the residential land use.***

*Staff's Response:* At the present time, the use of residences within the unincorporated County area as STRs is not permitted. However, such activity is occurring. The purpose of this ordinance is to regulate such uses to prevent undue impacts such as those referenced by the commenter. The proposed ordinance will place a limit on the number of nights per year that a residence can be rented and the number of persons who can occupy the residence. It includes a requirement for on-site parking, a local contact person, and restrictions on signage. It also includes a process for permit revocation and penalties. One of the goals of this ordinance is to prevent the County's Coastside neighborhoods from becoming similar to "hotel" districts.

Regarding 263 Nevada Avenue, Moss Beach, the County's building permit records indicate that the house was recently (2013) remodeled and has two bedrooms and an office over the garage. Under the proposed ordinance, the office would not count toward the maximum number of occupants because it is not a bedroom as defined by the Building Code. Accordingly, under the proposed ordinance, the maximum number of occupants (over 12 years old) in this structure would be limited to six persons (two per bedroom, plus two extra persons).

Comments received from Mary Larenas (Attachment E)

***Comment: Currently there are multiple VRBO (Vacation Rentals by Owner), AirB&B, short-term rentals in the surrounding vicinity of the (Fitzgerald) Marine Reserve. Residents have noticed increased numbers of violations at the Reserve such [as] increased numbers of fires on the beaches, people on the beach after hours, dogs being walked in the Cypress grove and on beaches, cars speeding through neighborhoods, and as these rental units often allow dogs, there appears to be more dog waste uncollected in the area.***

*Staff's Response:* While the activities that the commenter describes may be occurring, she provides no evidence that these activities are caused solely by people renting STRs in the area. The persons engaging in such activities could be Coastside residents from outside this neighborhood or from other parts of the greater Bay Area or from the very neighborhood surrounding and adjacent to the Fitzgerald Reserve.

***Comment: In addition, the proposed document does not address the issue of high priority location of short term rentals. Rules applying to areas with overabundance of rental units, which are areas of higher impact, need to be addressed separately.***

*Staff's Response:* An initial review of the existing STR listings does not indicate a clear pattern of concentration of rentals in any one area in the urban Midcoast. At this time, the Planning Department is not proposing a regulation to limit the density of STRs in a given area. However, the County has not implemented an ordinance of this nature before. Staff is recommending that the Planning Commission review the status and implementation of this ordinance one (1) year after final adoption (and certification by the Coastal Commission) to determine its effectiveness.

***Comment: Turning a residential neighborhood with families into a hotel, business district, will most certainly impact the safety of children, elderly, pets, even adults, and sense of community where one knows their neighbor and can rely on them for help. Vacationers are not community members, not neighbors, not friends, but individuals here for a good time only, then leave. My husband and I have personally witnessed vacation renter's cars speeding through the neighborhood, renter's dogs pooping and not being cleaned up, parties, illegal parking, throwing cigarette butts on the ground, and more.***

*Staff's Response:* As was discussed above, the purpose of this ordinance is to provide a level of control and regulation to prevent neighborhoods from turning into the equivalent of "hotel" districts, as suggested by the commenter. While it is speculative to conclude that occupants of an STR are more or less likely to engage in the behaviors described, the ordinance includes a number of performance standards designed to retain neighborhood character, including provisions addressing maximum occupancy, trash, and noise.

***Comment: With no restrictions on number of units and number of nights, [it] is very likely the aesthetics of a neighborhood will be impacted.***

*Staff's Response:* The proposed ordinance includes a limit of 180 nights per calendar year, when the owner is not present. An analysis of the rental activity for STR's in the Mid-Coast area (Attachment F) shows that the majority of STR's currently advertising are rented out on average less than 20 nights per year. Almost half of the residences that are advertising as STR's show no rental activity at all during the last 12 months. The proposed ordinance does not authorize structural or design changes to residences. Such changes are subject to a separate permitting process and the County's Design Review regulations. As evaluated in the Negative Declaration, the aesthetic character of residential neighborhoods will not be modified by the nature of the occupants of the residential units.

***Comment: It is well-documented that short term rentals are associated with illegal build-out and remodeling, often done without the benefit of design review.***

*Staff's Response:* The commenter provided no documentation or specific examples to support this claim. While unpermitted remodeling of residences occurs Countywide, there is no data from which to draw a direct correlation that unpermitted remodeling is undertaken to any significant extent for the purpose of making a residence a short-term rental. In addition, the County will continue to employ its existing regulatory processes to address unpermitted construction, regardless of the reason for such activity.

***Comment: Given [that] the County supports building of small secondary units which will possibly become short-term rentals this means additional cars and an increase in traffic in the area. The project directly impacts the land use of residential neighborhoods, allowing them to become uncontrolled and unregulated commercial hotel districts.***

*Staff's Response:* Second dwelling units have been allowed by State law for over 20 years. The County has adopted a local Ordinance which implements the state law. The proposed Short Term Rental Ordinance includes language that specifically prohibits owners from using second dwelling units as STRs (see Section 6401.3.2(d)).

***Comment: Every time a unit is used then vacated, sheets must be washed, unit[s] must be cleaned. If as [an] example, one vacation rental has ten different parties staying with two or more individuals at each stay, the amount of water used for the laundry alone far exceeds that of a residential home.***

*Staff's Response:* This comment is predicated upon the notion that the average STR is rented out for a substantial amount of the year. As discussed above, the majority of advertised residences were rented out less than 20 nights during the last year. It would be speculative to conclude that STRs consume more water than a traditional residential use.

***Comment: Consider light pollution. If a considerate neighbor is leaving lights on that have an adverse environmental impact at night, you can speak to them. If lights belong to [a] vacation renter this is not so easy. Light pollution in the form of cars coming back to [a] rental unit late at night is very different from cars returning to residential homes.***

*Staff's Response:* There is no evidence that occupants of STRs engage in travel patterns or light use that differs in any significant way from typical Coastal Zone residents. In addition, the ordinance requires that each short-term rental owner

designate a local contact person that is available to respond to such concerns at all times that the short-term rental is occupied by tenants.

C. REVIEWING AGENCIES

California Coastal Commission  
County Counsel

**ATTACHMENTS**

- A. Recommendation
- B. Draft Ordinance amending Chapter 6 (Single-Family Residential District), Chapter 8 (Multi-Family Residential District), and Chapter 22 (General Provisions and Exceptions) of the County Zoning Ordinance to add “Short-Term Rentals” as an accessory use in specified locations of the Coastal Zone, subject to a short-term rental permit.
- C. Draft Ordinance amending Chapter 11 (Recreation/Visitor-Serving Facilities Component) of the County Local Coastal Program to add “Short-Term Rentals in Residential Zoning Districts” as a listed use under the definition of “Visitor Serving Facilities”.
- D. Comment letter from Casey Schaufler
- E. Comment letter from Mary Larenas
- F. Short Term Rental Data for the Midcoast (source: Host Compliance)

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County of San Mateo  
Planning and Building Department

**PLANNING COMMISSION RECOMMENDATIONS**

Permit or Project File Number: PLN 2016-00453

Hearing Date: March 22, 2017

Prepared By: Michael Schaller  
Senior Planner

For Adoption By: Planning Commission

**PLANNING COMMISSION RECOMMENDATIONS**

Regarding the Negative Declaration

The Planning Commission recommends that the Board of Supervisors:

1. Certify the Negative Declaration for this project (Short Term Rental Ordinance) as complete, correct, and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
2. That, on the basis of the Initial Study, comments received thereto, and testimony presented and considered at the public hearing, that there is no substantial evidence that the project will have a significant effect on the environment.
3. That the Negative Declaration reflects the independent judgment of San Mateo County.

Regarding the Zoning Ordinance Amendments

The Planning Commission recommends that the Board of Supervisors:

4. Adopt the attached ordinance amendment to the San Mateo County Zoning Regulations (Chapters 6, 8 and 22 of the County Ordinance Code) to add "Short-Term Rentals" as an allowed use in specified locations of the Coastal Zone, subject to a short-term rental permit.

Regarding the Local Coastal Program Amendment

The Planning Commission recommends that the Board of Supervisors:

5. Adopt the attached amendment to the San Mateo County Local Coastal Program to add “Short-Term Rentals in Residential Zoning Districts” as a listed use under the definition of “Visitor Serving Facilities.”

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**[DRAFT] ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING CHAPTER 6 (SINGLE FAMILY RESIDENTIAL DISTRICTS) AND CHAPTER 8 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS) OF THE SAN MATEO COUNTY ZONING REGULATIONS TO ADD SHORT-TERM RENTALS AS AN ALLOWED USE IN SPECIFIED LOCATIONS SUBJECT TO A SHORT-TERM RENTAL PERMIT.**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

**SECTION 1.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 6 (Single Family Residential), Section 6161, is hereby amended to read as follows:

Section 6161. Uses Permitted.

- (m) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 2.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 8 (Multiple Family Residential), Section 6181, is hereby amended to read as follows:

Section 6181. Uses Permitted.

- (f) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 3.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22 (General Provisions and Exceptions), Section 6401.3 (General Provisions Relating to Short-Term Rentals), is hereby added as follows:

**SECTION 6401.3. GENERAL PROVISIONS RELATING TO SHORT-TERM RENTALS**

- 1) *Permit required.* Each short-term rental requires a valid short-term rental permit as set forth in, and subject to, the requirements of this Section.
  - a) *No authorization of prohibited uses.* Approval of a short-term rental permit does not legalize any use or structure not permitted by law or contract, including but not limited to homeowners association agreements and lease agreements.

- b) *Coastal Zone requirements.* A short-term rental located in the Coastal Zone must comply with the conditions specified in Sections 6160 and 6180 of the Zoning Regulations; conform to the Local Coastal Program; and comply with all conditions of any existing or new Coastal Development Permits, as specified in Chapter 20B of the Zoning Regulations.
  - c) *Nightly limits.* A short-term rental cannot be rented for more than one hundred eighty (180) nights per calendar year. Any night in which a short-term rental is rented during which the owner is present on the parcel containing the short-term rental does not count against this one hundred eighty (180) night per year limit.
  - d) *Suspension or revocation.* Short-term rental permits are subject to suspension or revocation as provided in this Section.
  - e) *Expiration.* A short-term rental permit shall automatically expire three (3) years after the date of issuance, or when the permit holder no longer has legal ownership or a leasehold of the short-term rental, whichever occurs first.
  - f) *Renewal.* A short-term rental permit may be renewed up to six (6) months prior to the expiration of the permit, using the same application process as for issuance of an initial permit.
- 2) *Definitions.* For the purposes of this Section, the following terms are defined as follows:
- a) “Department” means the San Mateo County Planning and Building Department.
  - b) “Owner” means an individual, a group of individuals, an association, firm, partnership, corporation, a legal entity recognized by any state or the federal government, or other natural or legal entity, public or private, who possesses fee title to or is a lessee of at least thirty (30) days of the short-term rental, or his or her authorized representative.
  - c) “Community Development Director” means the Director of the County of San Mateo Planning and Building Department or his or her designee.
  - d) “Short-term rental” means a single-family dwelling unit or multifamily unit, or portion thereof, rented for the purpose of overnight lodging for a period less than thirty (30) consecutive days other than (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment. “Short-term rental” does not include (1) non-habitable accessory structures as defined by the California Building Code; (2) second units as defined in Zoning Regulations Chapter 22.5; and (3) housing units subject to affordable housing covenants and/or income restrictions under County, state, or federal law.

- e) “Short-term rental permit” means the permit applied for and granted pursuant to this Section 6401.3 of the Zoning Regulations.
  - f) “Short-term tenants” means those persons who rent a short-term rental for less than thirty (30) consecutive days other than for (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment.
- 3) *Application.* An application for a short-term rental permit shall be made to the Department in accordance with the following requirements:
- a) Only an owner, as defined in this Section 6401.3, may apply for a short-term rental permit.
  - b) If the application is made by a lessee or lessee’s representative, the application must include written authorization from the lessor of the subject property establishing that the lessee is permitted to use the leased dwelling unit as a short-term rental.
  - c) If the application is made by an owner’s or lessee’s representative, the application must include written authorization establishing the representative’s authority to apply for a short-term rental permit on behalf of the owner or lessee.

The application shall include all of the following on a form developed and provided by the Department:

- d) Completed application form as provided by the Department, including signature of the owner verifying that all information provided is true and correct as of the date signed.
- e) Copy of the rental or lease agreement between the owner and a prospective short-term tenant or copy of advertisement offering the short-term rental, which shall recite the following performance standards set forth in this Section:
  - i) Number of tenants allowed;
  - ii) On-site parking;
  - iii) Trash;
  - iv) Prohibition of illegal activity;
  - v) Noise

- f) Valid Transient Occupancy Registration Certificate issued by the County of San Mateo pursuant to Ordinance Code Chapter 5.136, or alternative satisfactory evidence demonstrating compliance with Ordinance Code Chapter 5.136.
  - g) Evidence of available on-site parking in compliance with the requirements of this Section.
  - h) Evidence that the address/street number of the short-term rental is visible from the road in front of the parcel.
  - i) Proof of liability insurance for short-term rentals in compliance with this Section.
  - j) Fees prescribed by the Department fee schedule.
- 4) *Approval Process.* Authority to approve an application for a short-term rental permit rests exclusively with the Community Development Director. The Community Development Director shall grant an application for a short-term rental permit if the application meets all of the requirements of this Section and the owner has no outstanding compliance-related violations with the County at the time of application, including but not limited to those with the Department or the Tax Collector. Such outstanding compliance matters may include but are not limited to liens, fines, liabilities, and code compliance matters. Public notice or public hearing prior to consideration of the requested short-term rental permit is not required.

The decision of the Community Development Director shall be final and shall not be appealable to the Planning Commission or Board of Supervisors.

- 5) *Performance Standards.* All short-term rentals are subject to the following performance standards, which are incorporated into each short-term rental permit:
- a) *Number of tenants allowed.* The maximum number of short-term tenants allowed in an individual short-term rental shall not exceed two (2) persons per bedroom rented, plus two (2) additional persons (i.e., if one bedroom is rented, up to four short-term tenants are permitted). Children under twelve (12) years of age are not counted toward this maximum.
  - b) *On-site parking required.* Each short-term rental that is all or part of a single-family dwelling unit shall provide at least one (1) vehicle parking space in the garage, driveway, or other on-site parking area, or at least two (2) vehicle parking spaces if the maximum occupancy of the short-term rental exceeds eight (8) short-term tenants as defined in this Section. Each short-term rental that is all or part of a unit within a multifamily building shall provide at least one (1) vehicle parking space in the garage, parking lot, or other on-site parking area.

- c) *Local contact person.* The owner shall designate a local contact person who shall remain within a twenty (20) mile radius of each short-term rental and be available at all times to respond to questions or concerns while the short-term rental is occupied by tenants. The local contact person shall otherwise be available during normal business hours to respond to questions or concerns. An owner may serve as the local contact person if he or she meets all requirements set forth in this section.
- i) The owner shall submit the name, address, and telephone number(s), including a phone number at which the local contact person can be reached at all times, of the local contact person to the Department, the San Mateo County Sheriff's Office, the local Sheriff's Office substation, the local fire agency, and all adjacent properties to the short-term rental. For short-term rentals that constitute all or part of a single-family unit, "adjacent properties" shall include the parcels contiguous to the short-term rental, as well as the parcels immediately across the street from the short-term rental. For short-term rentals that constitute all or part of a unit within a multifamily building, "adjacent properties" shall include the units that share a wall, including side, ceiling, and floor walls, with the short-term rental.
  - ii) The name, address, and telephone number(s), including a phone number at which the local contact person can be reached at all times, of the local contact person shall be permanently posted in a prominent location in the short-term rental unit.
  - iii) The owner shall notify the agencies and adjacent properties as specified in subsection (i), above, in writing within ten (10) calendar days of any change in the local contact person's name, address, or telephone number.
  - iv) The local contact person shall use his or her best efforts, and respond in a reasonable and timely manner, to ensure that short-term tenants do not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.
- d) *Trash.* If placed outdoors, trash and recyclables shall be stored in covered containers.
- e) *Prohibition on illegal activity.* The short-term rental shall not be used to host or conduct any illegal activity.
- f) *Noise.* All short-term rentals shall comply with the standards of the County Noise Ordinance (Ordinance Code Chapter 4.88) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. The short-term rental shall not involve on site use of equipment requiring more than standard household

electrical current at 110 or 220 volts, or unreasonable activities that produce noise, dust, odor, or vibration detrimental to occupants of neighboring properties.

- g) *Posting of performance standards.* Each owner shall post the following performance standards in a prominent location in the unit, readily visible to all short-term tenants:
  - i) Number of tenants allowed;
  - ii) On-site parking;
  - iii) Trash;
  - iv) Prohibition on illegal activity;
  - v) Noise.
- h) *Transient Occupancy Tax.* Each owner shall comply with Chapter 5.136 of the Ordinance Code, including all required payments of transient occupancy tax for each short-term rental unit.
- i) *Building standards.* Each short-term rental shall be in compliance with all applicable laws and regulations, including but not limited to the County of San Mateo Zoning Regulations and Building Regulations, the California Residential Code, the California Fire Code, the California Health and Safety Code, and the terms of all County-issued permits. In addition, each short-term rental shall comply with the following safety measures, prior to issuance of a short-term rental permit:
  - i) Smoke alarms (listed as complying with UL 217 and approved by the State Fire Marshall) installed (1) in each bedroom, (2) outside but in the immediate vicinity of each bedroom, and (3) on each level of the dwelling unit, including basements and habitable attics.
  - ii) Carbon monoxide alarms (listed as complying with UL 2034) installed (1) outside but within the immediate vicinity of each bedroom, and (2) on every level of the dwelling unit, including basements.
  - iii) At least one fire extinguisher installed on each habitable level of the dwelling unit.
- j) *No signage.* Signs advertising the short-term rental that are visible from the exterior of the short-term rental are prohibited, including but not limited to signs posted on or around the exterior of the short-term rental and signs posted in windows.

- k) *Liability insurance.* Each owner shall maintain at least five hundred thousand dollars (\$500,000) in liability insurance on the short-term rental while the short-term rental is occupied by short-term tenants.
  - l) *Record keeping.* Each owner shall keep true and accurate records of the number of nights the short-term rental is rented and the amount paid by tenants, and all records as may be necessary to determine the amount of tax that may be owed to the County. The owner shall provide such records for review by the Department, the Tax Collector, the Auditor/Controller, or their designee upon ten (10) calendar days' notice. Each owner shall retain such records for at least three (3) years for purposes of this Section. Failure to keep or produce records as required is a violation subject to the penalties set forth in this Section.
  - m) *Dispute resolution.* By accepting a short-term rental permit, the owner agrees to engage in good faith efforts to resolve disputes with neighbors arising from the short-term rental.
- 6) *Violations and Penalties; Procedure.*

- a) *Violations.* It is unlawful and a violation subject to the penalties set forth in subsection (b) for any person to use or operate a short-term rental in violation of this Section. It is unlawful to advertise any short-term rental without a valid permit. For the purposes of this Section, the terms "advertise," "advertisement," or "advertising" mean the act of drawing the public's attention to a short-term rental in order to promote the availability of the short-term rental.

Violations that last more than one (1) calendar day shall be treated as a new violation for each calendar day that the violation continues.

- b) *Penalties.* Violation(s) of this Section may be subject to those penalties set forth in Chapter 1.40 of the Ordinance Code (Administrative Remedies), including monetary penalties as provided, in addition to the provisions for suspension or revocation of a permit as set forth in this Section. These penalties are not exclusive, and the owner or short-term tenant may be subject to any other administrative, civil, or criminal penalties applicable to the violating conduct.

If more than two (2) documented violations occur within any twelve (12)-month period, the Department may suspend or revoke any short-term rental permit that has been issued for the relevant unit(s). Documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff's deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation. Documented violations shall also include the owner, permit holder, or other individual engaged in short-term property rental's failure to produce relevant short-term rental and/or

Transient Occupancy Tax records upon County's reasonable request as required by this Section or other applicable federal, state, or local law or regulation.

After revocation of a permit, the owner shall not be permitted to apply for or receive a short-term rental permit for the same short-term rental for a period of at least one (1) year from the date that revocation is made final by the Community Development Director or the Planning Commission.

Any owner found advertising or operating a short-term rental without a valid permit shall be subject to the penalties in this Section. In addition, the owner shall be subject to a "black-out period" during which the owner may not apply for or renew a short-term rental permit for any short-term rental. The black-out period shall continue for double the number of days that the owner operated or advertised the rental without a permit, with a minimum black-out period of (1) one month and a maximum black-out period of one (1) year. The owner must also pay any Transient Occupancy Tax owed before applying for a short-term rental permit.

- c) *Procedure for suspending or revoking a permit.* Before revoking or suspending a short-term rental permit, the Community Development Director or his or her designee shall allow the permit holder the opportunity for a hearing.
  - i) The Department shall provide a written notice of the hearing which shall contain the following information:
    - (1) The grounds for complaint or reasons for the proposed revocation or suspension;
    - (2) The time and location of the hearing.
  - ii) The notice shall be personally served on the owner or mailed to the address listed on the permit at least ten (10) calendar days prior to the hearing. Service by mail shall be deemed completed at the time of deposit in the United States mail receptacle. In the event the hearing is held in response to the filing of a complaint, the Department shall also provide notice of the hearing to the complainant.
  - iii) At the hearing, the owner shall be given an opportunity to be heard and to present evidence on his or her behalf. Within five (5) calendar days of the conclusion of the hearing, the Community Development Director or his or her designee shall make written findings and determine whether the permit shall be suspended or revoked. The Department will promptly serve the written findings on the owner.
  - iv) In the event the permit is suspended or revoked, the owner may appeal the decision to the San Mateo County Planning Commission

within fourteen (14) calendar days from the date that the Community Development Director's written determination is mailed to or personally served on the owner. The owner shall file a notice of appeal with the Department on a form provided by the Department, together with any processing fee set forth in the Department fee schedule. Upon receipt of the notice of appeal, the Department shall immediately transmit the appeal, together with all relevant records in the matter, to the Planning Commission.

- v) The Planning Commission may, upon receiving a notice of appeal:
  - (1) Review the record of the proceedings held before the Community Development Director or his or her designee and either affirm or reverse the decision, or it may refer the matter back to the Community Development Director for further proceedings; or
  - (2) Set the matter for hearing before the Planning Commission, providing notice of the hearing as required for hearings before the Community Development Director. At the hearing, the Planning Commission shall hear and decide the matter de novo. The decision of the Planning Commission is final and is not appealable to the Board of Supervisors.
- 7) *Severability.* If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Section.

**SECTION 4.** This Ordinance shall take force and effect immediately upon final certification by the Coastal Commission. The Community Development Director may impose a grace period of up to six (6) months from the date this Ordinance takes effect to allow otherwise compliant short-term rentals to come into compliance with the permit requirement of this Ordinance.

\* \* \* \* \*

**[DRAFT] ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING CHAPTER 11 (RECREATION/VISITOR-SERVING FACILITIES COMPONENT) OF THE SAN MATEO COUNTY LOCAL COASTAL PROGRAM TO ADD “SHORT-TERM RENTALS IN RESIDENTIAL ZONING DISTRICTS” AS A LISTED USE UNDER THE DEFINITION OF “VISITOR SERVING FACILITIES”.**

The Board of Supervisors of the County of San Mateo, State of California,  
**ORDAINS** as follows:

**SECTION 1.** The San Mateo County Local Coastal Program, Chapter 11 (Recreation/Visitor-Serving Facilities Component), Policy 11.1, is hereby amended to read as follows (new language underlined and bold):

**11.1 Definition of Visitor-Serving Facilities**

Define visitor-serving facilities as public and private developments that are exclusively available to the general public and provide necessary, basic visitor support services such as lodging, food, water, restroom, and automobile services. Visitor-serving facilities include, but are not limited to, hotels, motels, hostels, campgrounds, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, **short-term rentals in residential zoning districts**, and country inns no more than two stories in height.

\* \* \* \* \*

## Mike Schaller

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**From:** Casey Schaufler <  
**Sent:** Friday, January 20, 2017 11:28 AM  
**To:** Mike Schaller  
**Subject:** Comments on the CEQA document on the Short Term Rental Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have a few comment on the CEQA document on the Short Term Rental Ordinance.

Thank you.

### FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

3. The project will not degrade the aesthetic quality of the area.

*Short term rental is documented to be associated with illegal build-out and remodeling. This is done without the benefit of design review. Design review is the only mechanism available to the community to avoid degradation of the local aesthetic quality.*

4. The project will not have adverse impacts on traffic or land use.

*The project directly impacts the land use of residential neighborhoods, allowing them to become uncontrolled and unregulated commercial hotel districts. I have dealt with heavily used short term rental properties and can attest that the impact is adverse. Under this ordinance 263 Nevada ave, Moss Beach could become a 6 room hotel for half the year. That would be a major impact on the residential land use.*

Dear Mr. Michael Schaller

I have several concerns and comments on the CEQA document on the Short Term Rental Ordinance which I would like to become part of the public record. In general the proposed document does not take into account areas of the coast which include sensitive habitats and will therefore be more adversely impacted by the proposed document. As example, impact of short-term rentals located in Half Moon Bay city proper is very different from short-term rental impact on residential areas adjacent to the James Fitzgerald Marine Reserve. Currently there are multiple VRBO, AirB&B, short-term rentals in the surrounding vicinity of the Marine Reserve. Residents have noticed increased numbers of violations at the Reserve such increased numbers of fires on the beaches, people on the beach after hours, dogs being walked in the Cypress grove and on beaches, cars speeding through neighborhoods, and as these rental units often allow dogs there appears to be more dog waste uncollected in the area.

In addition the proposed document does not address the issue of high priority location of short-term rentals. Reviewing online advertisements for short-term rentals for the coast shows a higher number of units located close to the bluffs, on the west side of Highway 1 or in locations to maximize ocean views. This is disproportionate when compared to the rest of the coast. Rules applying to areas with overabundance of rental units which are areas of higher impact need to be addressed separately.

Regarding FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

2. The projects will not have adverse impacts on the flora and fauna of the area.

***This depends on the location of the Rentals. Making such a general statement for an area of such diverse environment is inappropriate. Fauna refers to animals of which human beings belong. Turning a residential neighborhood with families into a hotel, business district will most certainly impact the safety of children, elderly, pets, even adults, and sense of community where one knows their neighbor and can rely on them for help. Vacationers are not community members, not neighbors, not friends but individuals here for a good time only, then leave. My husband and I have personally witnessed vacation renters cars speeding through the neighborhood, renters dogs pooping and not being cleaned up, parties, illegal parking, throwing cigarette butts on the ground and more.***

3. The project will not degrade the aesthetic quality of the area.

***With no restrictions on number of units and number of nights, is very likely the aesthetics of a neighborhood will be impacted. It is well-documented that short term rentals are associated with illegal build-out and remodeling, often done without the benefit of design review. Design review is the only mechanism available to the community to avoid degradation of the local aesthetic quality. The proposed document approves the "hotelization" of a residential area, turning it into a business district.***

4. The project will not have adverse impacts on traffic or land use.

***Given the County supports building of small secondary units which will possibly become short-term rentals this means additional cars and increase in traffic in the area. The project directly impacts the land use of residential neighborhoods, allowing them to become uncontrolled and unregulated commercial hotel districts.***

5. In addition, the project will not:

a. Create impacts which have the potential to degrade the quality of the environment.

***You cannot predict this. Every time a unit is used then vacated, sheets must be washed, unit must be cleaned. If as example, one vacation rental has 10 different parties staying with 2 or more individuals at each stay. The amount of water used for the laundry alone far exceeds that of a residential home. Again this is site specific. Maybe not in Moss Beach east of Highway 1 but along the coastal bluff would be very different.***

c. Create impacts for a project which are individually limited, but cumulatively considerable.

***Multiple short term rentals will impact a neighborhood far worse than a single.***

d. Create environmental effects which will cause substantial adverse impact on human beings, either directly or indirectly.

***Consider light pollution. If a considerate neighbor is leaving lights on that have an adverse environmental impact at night, you can speak to them. If lights belong to vacation renter this is not so easy. Light pollution in the form of cars coming back to rental unit late at night is very different from cars returning to residential homes.***

Respectfully submitted,

Mary Larenas

301 Nevada Ave.

Moss Beach, CA 94038

Community	Room Type	Documented Number of Stays <sup>1</sup>	Documented Number of Nights Occupied <sup>2</sup>	Listing Creation Date
EL GRANADA	Entire home/apt	0	0	May 16, 2016
EL GRANADA	Entire home/apt	0	0	Sep 30, 2016
EL GRANADA	Entire home/apt	0	0	Oct 16, 2016
EL GRANADA	Entire home/apt	0	0	Oct 18, 2016
EL GRANADA	Entire home/apt	0	0	Nov 13, 2016
EL GRANADA	Entire home/apt	0	0	Nov 13, 2016
EL GRANADA	Entire home/apt	0	0	Mar 2, 2015
EL GRANADA	Entire home/apt	0	0	May 24, 2016
EL GRANADA	Entire home/apt	0	0	Sep 13, 2016
EL GRANADA	Entire home/apt	0	0	Jul 31, 2016
EL GRANADA	Entire home/apt	0	0	May 24, 2016
EL GRANADA	Entire home/apt	0	0	Jul 23, 2016
EL GRANADA	Entire home/apt	0	0	Oct 18, 2016
EL GRANADA	Entire home/apt	0	0	Oct 31, 2016
EL GRANADA	Entire home/apt	1	3	Jul 1, 2016
EL GRANADA	Entire home/apt	2	28	Jun 30, 2015
EL GRANADA	Entire home/apt	3	6	Aug 26, 2015
EL GRANADA	Entire home/apt	6	18	May 24, 2016
EL GRANADA	Entire home/apt	6	12	Feb 22, 2016
EL GRANADA	Entire home/apt	6	24	Aug 31, 2015
EL GRANADA	Entire home/apt	6	12	Aug 31, 2015
EL GRANADA	Entire home/apt	19	38	Sep 4, 2012
EL GRANADA	Entire home/apt	24	24	Jan 12, 2015
EL GRANADA	Entire home/apt	44	88	Jun 22, 2015

<sup>1</sup> The number of documented stays in the past 12 months (indicated by the guest leaving a review.)

<sup>2</sup> Based on the minimum nights stay requirement, the minimum number of nights the property must have been occupied in the past 12 months.

Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
EL GRANADA	Private room	0	0	May 24, 2016
EL GRANADA	Private room	0	0	May 24, 2016
EL GRANADA	Private room	0	0	Aug 1, 2016
EL GRANADA	Private room	0	0	Jul 4, 2016
EL GRANADA	Private room	7	7	Oct 19, 2014
EL GRANADA	Private room	9	9	Mar 10, 2015
EL GRANADA	Private room	10	10	Sep 13, 2016
EL GRANADA	Private room	17	17	Nov 3, 2014
EL GRANADA	Private room	27	27	Oct 27, 2014

Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
MIRAMAR	Entire home/apt	0	0	May 24, 2016
MIRAMAR	Entire home/apt	0	0	Jul 18, 2016
MIRAMAR	Entire home/apt	0	0	Aug 27, 2016
MIRAMAR	Entire home/apt	0	0	Oct 7, 2016
MIRAMAR	Entire home/apt	0	0	Jun 26, 2015
MIRAMAR	Entire home/apt	0	0	Apr 8, 2014
MIRAMAR	Entire home/apt	0	0	Jul 27, 2015
MIRAMAR	Entire home/apt	0	0	Apr 30, 2015
MIRAMAR	Entire home/apt	0	0	Jul 31, 2012
MIRAMAR	Entire home/apt	0	0	Aug 22, 2014
MIRAMAR	Entire home/apt	0	0	May 24, 2016

Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
PRINCETON	Entire home/apt	0	0	Oct. 19, 2014
PRINCETON	Entire home/apt	0	0	May 24, 2016
PRINCETON	Entire home/apt	0	0	Sep 13, 2016
PRINCETON	Entire home/apt	0	0	Sep 13, 2016
PRINCETON	Entire home/apt	0	0	Nov 21, 2015
PRINCETON	Entire home/apt	2	4	Aug 1, 2016
PRINCETON	Entire home/apt	5	15	Aug 1, 2015
PRINCETON	Entire home/apt	6	18	Apr 30, 2016
PRINCETON	Entire home/apt	8	24	Apr 1, 2014
PRINCETON	Entire home/apt	18	54	Mar 1, 2014
PRINCETON	Entire home/apt	23	46	Sep 1, 2015
PRINCETON	Entire home/apt	44	88	Dec 1, 2015

Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
PRINCETON	Private room	0	0	Sep 1, 2011
PRINCETON	Private room	1	1	Oct 1, 2011
PRINCETON	Private room	14	14	Oct 1, 2011

Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
MONTARA	Entire home/apt	0	0	Oct 18, 2016
MONTARA	Entire home/apt	0	0	Oct 1, 2016
MONTARA	Entire home/apt	0	0	Sep 13, 2016
MONTARA	Entire home/apt	0	0	Sep 13, 2016
MONTARA	Entire home/apt	0	0	Oct 18, 2016
MONTARA	Entire home/apt	2	8	May 4, 2016
MONTARA	Entire home/apt	2	8	Nov 1, 2015
MONTARA	Entire home/apt	4	8	Nov 30, 2014
MONTARA	Entire home/apt	5	15	Sep 1, 2015
MONTARA	Entire home/apt	5	15	May 31, 2016
MONTARA	Entire home/apt	6	12	Jun 22, 2016
MONTARA	Entire home/apt	6	12	Jun 1, 2016
MONTARA	Entire home/apt	6	6	Dec 1, 2015
MONTARA	Entire home/apt	6	12	Aug 1, 2016
MONTARA	Entire home/apt	6	12	Jul 31, 2016
MONTARA	Entire home/apt	24	48	Oct 1, 2015
MONTARA	Entire home/apt	62	62	Feb 1, 2016

Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
MONTARA	Private room	29	29	Jun 1, 2016
MONTARA	Private room	33	33	Aug 1, 2015
MONTARA	Private room	43	43	Sep 1, 2015

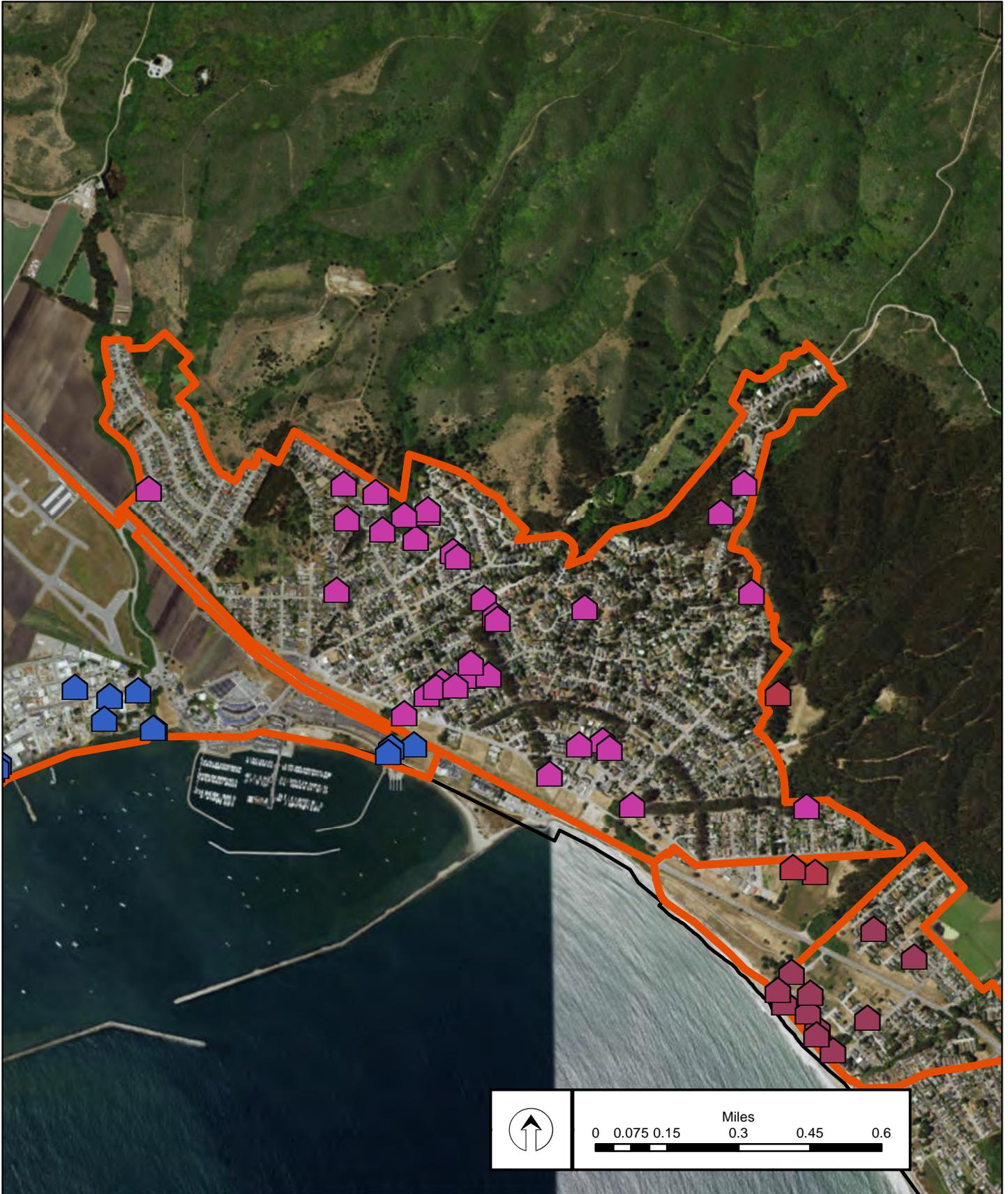
Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
MOSS BEACH	Entire home/apt	0	0	May 4, 2016
MOSS BEACH	Entire home/apt	0	0	May 4, 2016
MOSS BEACH	Entire home/apt	0	0	May 4, 2016
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Nov 13, 2016
MOSS BEACH	Entire home/apt	0	0	Nov 24, 2016
MOSS BEACH	Entire home/apt	0	0	Nov 24, 2016
MOSS BEACH	Entire home/apt	0	0	May 4, 2016
MOSS BEACH	Entire home/apt	0	0	Jun 1, 2013
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Oct 19, 2016
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Dec 1, 2013
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Sep 13, 2016
MOSS BEACH	Entire home/apt	0	0	Nov 1, 2016
MOSS BEACH	Entire home/apt	1	1	Aug 1, 2016
MOSS BEACH	Entire home/apt	2	4	Sep 1, 2016
MOSS BEACH	Entire home/apt	2	62	Sep 1, 2014
MOSS BEACH	Entire home/apt	3	9	Feb 1, 2016
MOSS BEACH	Entire home/apt	4	8	Aug 1, 2014
MOSS BEACH	Entire home/apt	4	8	Jun 30, 2015
MOSS BEACH	Entire home/apt	5	10	Sep 1, 2014
MOSS BEACH	Entire home/apt	5	15	Jan 1, 2016
MOSS BEACH	Entire home/apt	5	15	Oct 1, 2013
MOSS BEACH	Entire home/apt	5	10	Jun 1, 2015
MOSS BEACH	Entire home/apt	6	6	Mar 1, 2016
MOSS BEACH	Entire home/apt	6	12	Jun 1, 2016
MOSS BEACH	Entire home/apt	6	12	Jun 30, 2016
MOSS BEACH	Entire home/apt	6	12	May 1, 2016
MOSS BEACH	Entire home/apt	6	18	Jun 1, 2016
MOSS BEACH	Entire home/apt	6	12	May 11, 2016
MOSS BEACH	Entire home/apt	13	13	Mar 1, 2012
MOSS BEACH	Entire home/apt	23	46	Mar 1, 2014
MOSS BEACH	Entire home/apt	50	100	Feb 1, 2015

Community	Room Type	Documented Number of Stays	Documented Number of Nights Occupied	Listing Creation Date
MOSS BEACH	Private room	0	0	Nov 1, 2016
MOSS BEACH	Private room	2	4	Jun 1, 2012
MOSS BEACH	Private room	2	2	Nov 1, 2014
MOSS BEACH	Private room	4	8	Feb 1, 2016
MOSS BEACH	Private room	11	22	Apr 1, 2010

MS:pac - MJSBB00108\_WPU.DOCX

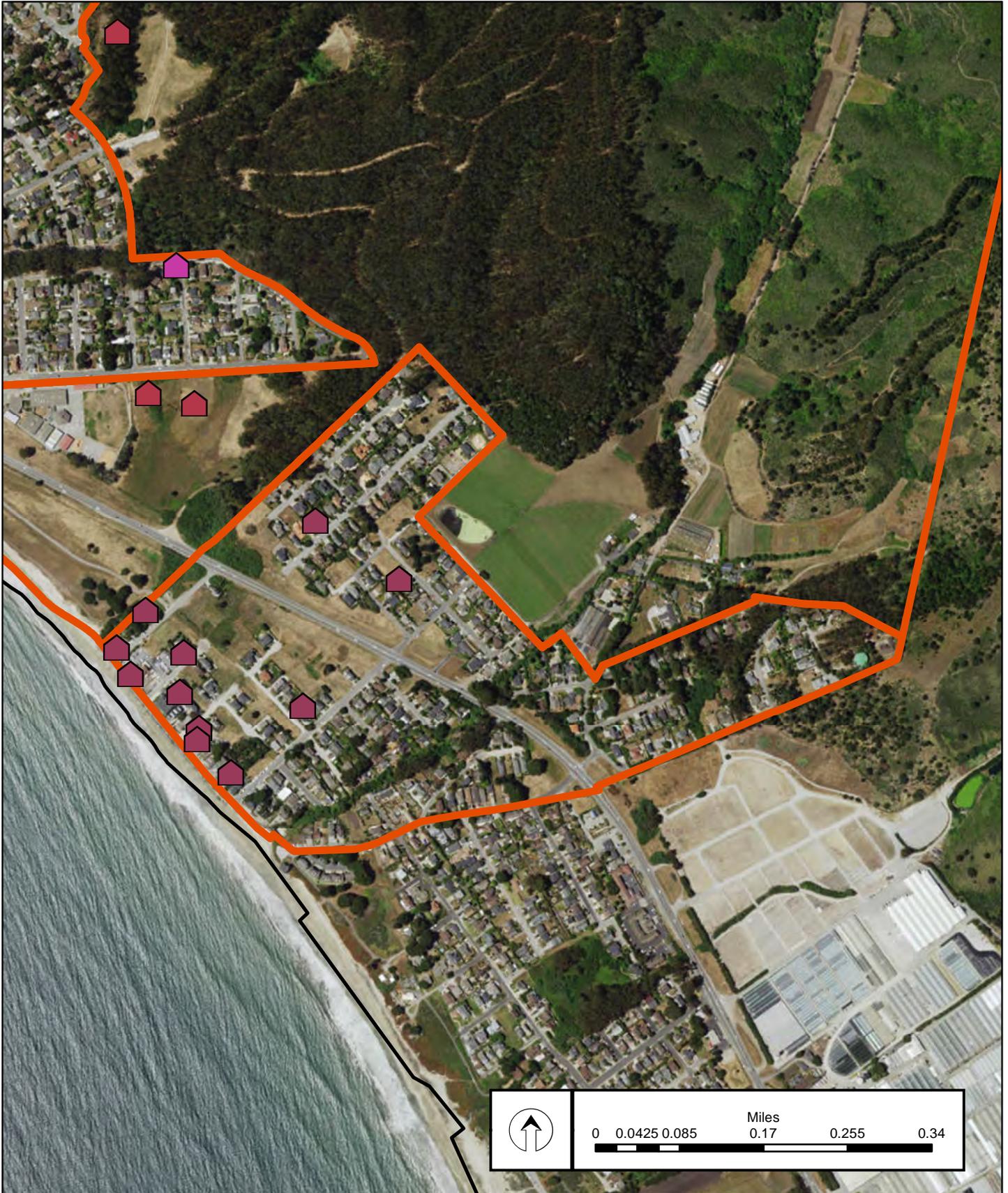
# EL GRANADA

Number of Listings: 33



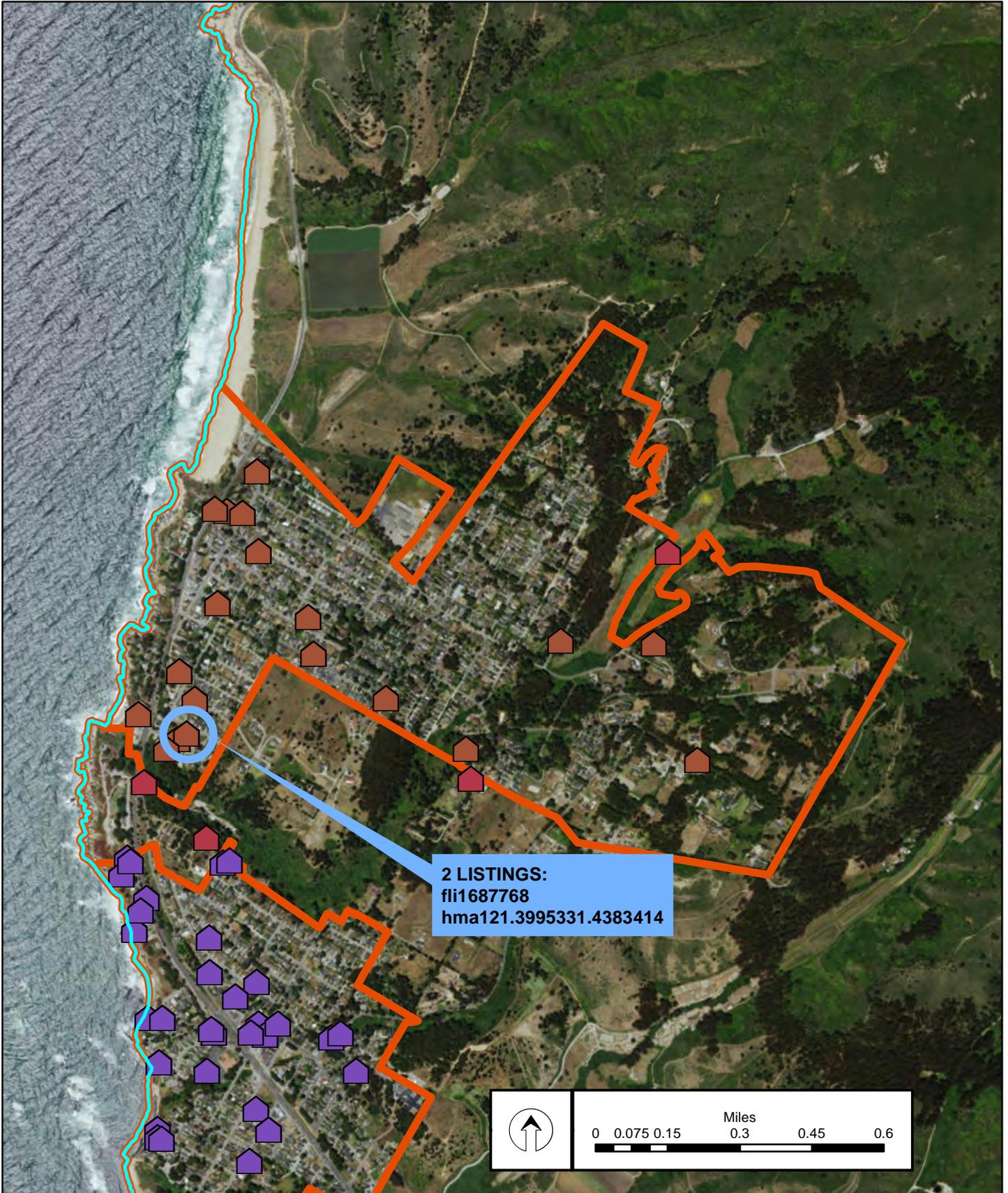
# MIRAMAR

Number of Listings: 11



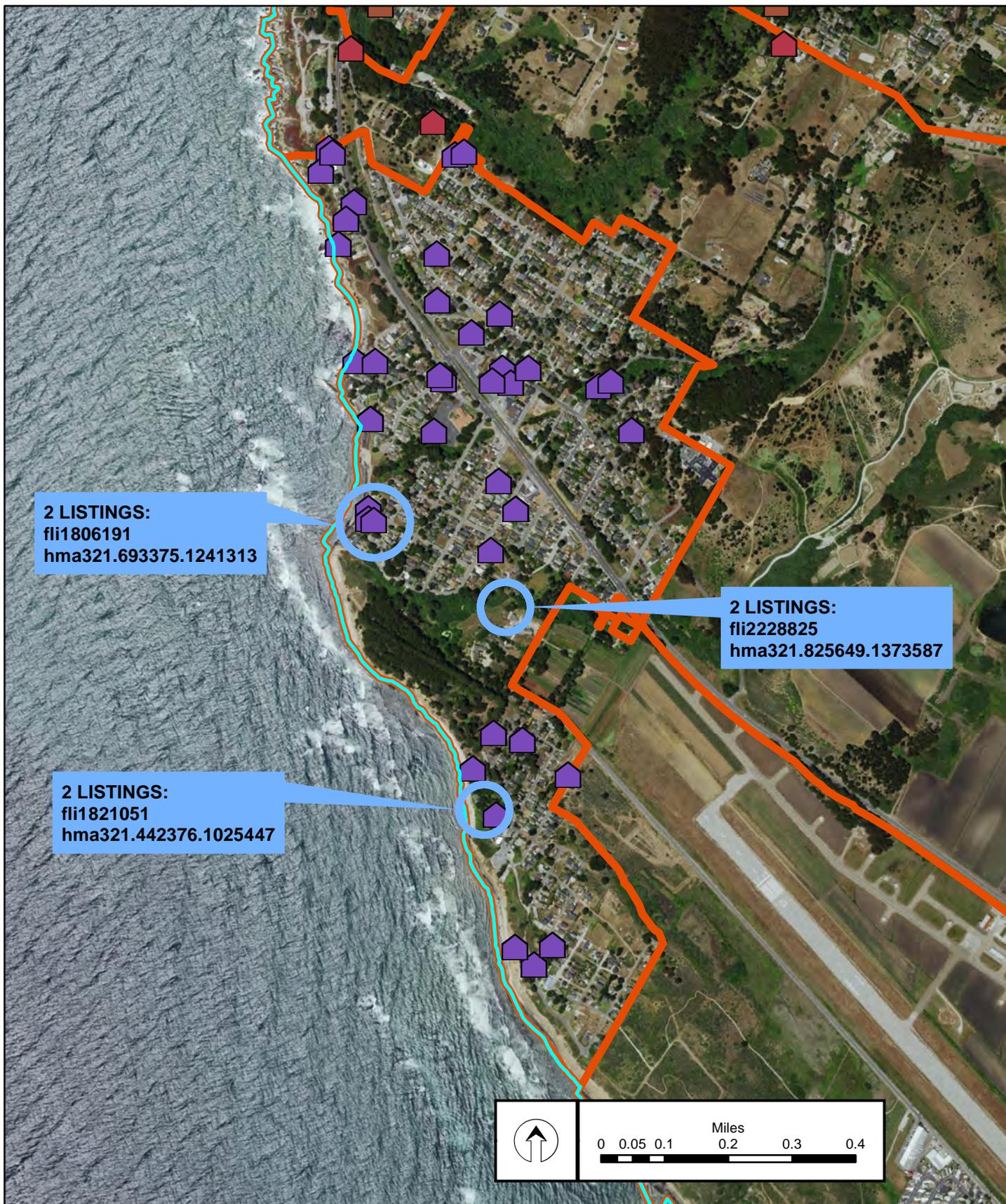
# MONTARA

Number of Listings: 20



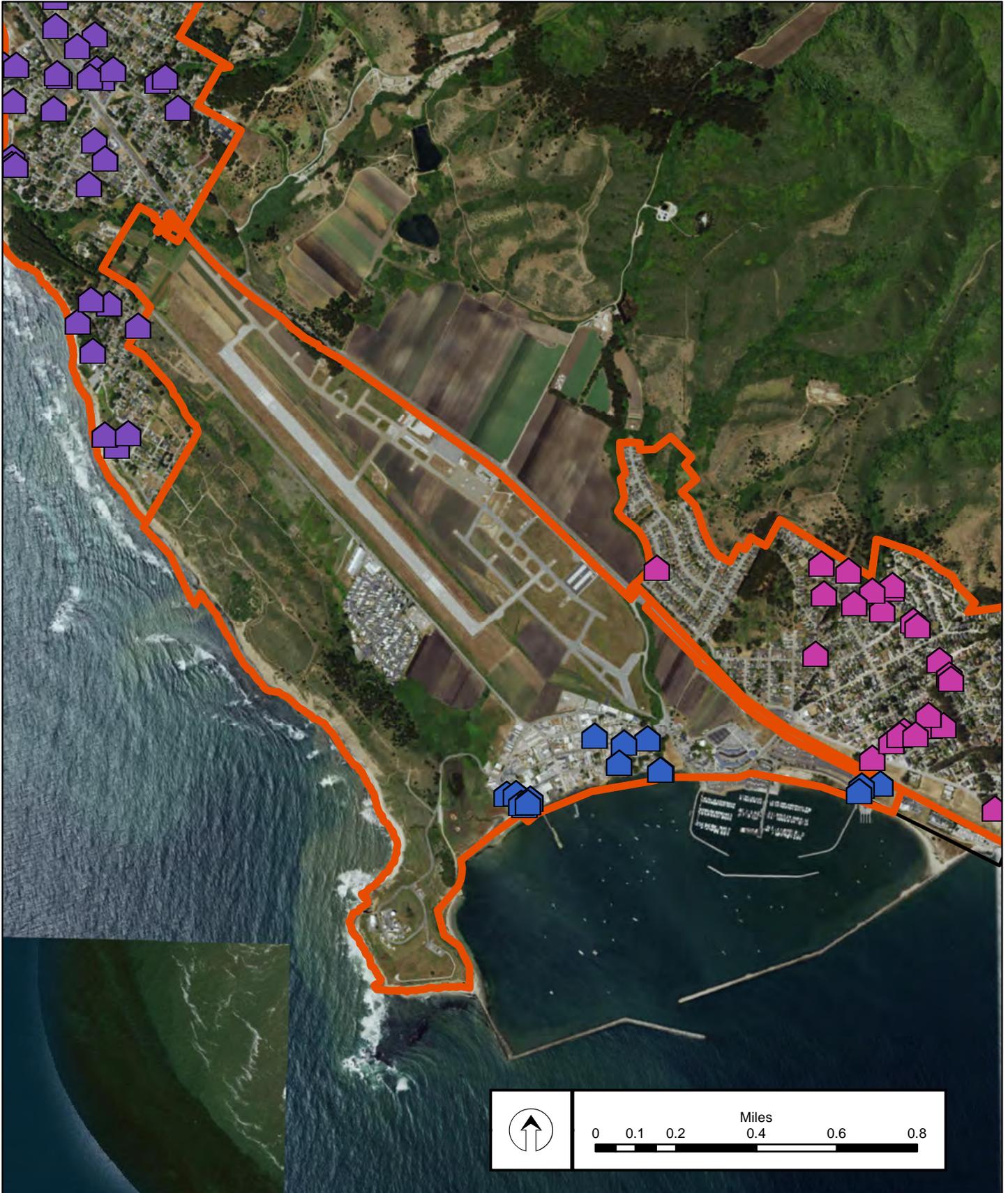
# MOSS BEACH

Number of Listings: 42



# PRINCETON

Number of Listings: 15



COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT  
NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: Short-Term Rental Ordinance, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2016-00453

APPLICANT: San Mateo County

LOCATION: All portions of San Mateo County that are within the officially designated “Coastal Zone” (as established by the California Coastal Commission) and that are zoned for Single-Family and Multi-Family residential use.

PROJECT DESCRIPTION

Proposed amendments to the San Mateo County Zoning Regulations for Single-Family and Multi-Family Residential Zoning Districts within the Coastal Zone to allow for the rental of dwelling units for a period of time of less than 30 days. Currently, such “short-term” rentals are prohibited. The amendments will establish performance standards for such rentals and an administrative process for the review of “short-term rental” permits. Additionally, the definition of “Visitor Serving Facilities” within Chapter 11 of the San Mateo County Local Coastal Program (LCP) will be amended to add “short-term rentals” as a listed use.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
  - a. Create impacts which have the potential to degrade the quality of the environment.

- b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
- c. Create impacts for a project which are individually limited, but cumulatively considerable.
- d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

None

RESPONSIBLE AGENCY CONSULTATION

None

INITIAL STUDY

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are less-than-significant. A copy of the initial study is attached.

REVIEW PERIOD: December 21, 2016 – January 10, 2017

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., January 10, 2017.**

CONTACT PERSON

Michael Schaller  
Project Planner, 650/363-1849  
mschaller@smcgov.org

  
\_\_\_\_\_  
Michael Schaller, Project Planner

County of San Mateo  
Planning and Building Department

**INITIAL STUDY  
ENVIRONMENTAL EVALUATION CHECKLIST**  
(To Be Completed by Planning Department)

1. **Project Title:** Short-Term Rental Ordinance
2. **County File Number:** PLN 2016-00453
3. **Lead Agency Name and Address:** San Mateo County Planning Department  
455 County Center, 2nd Floor  
Redwood City, CA 94063
4. **Contact Person and Phone Number:** Michael Schaller, Senior Planner  
650/363-1849
5. **Project Location:** All portions of San Mateo County that are within the officially designated “Coastal Zone” (as established by the California Coastal Commission) and that are zoned for Single-Family and Multi-Family residential use.
6. **Assessor’s Parcel Number and Size of Parcel:** Various
7. **Project Sponsor’s Name and Address:** San Mateo County Planning Department  
455 County Center, 2nd Floor  
Redwood City, CA 94063
8. **General Plan Designation:** Low, Medium, Medium-High, and High Residential
9. **Zoning:** R-1 and R-3 Residential Zoning Districts
10. **Description of the Project:** Proposed amendments to the San Mateo County Zoning Regulations for Single-Family and Multi-Family Residential Zoning Districts within the Coastal Zone to allow for the rental of dwelling units for a period of time of less than 30 days. Currently, such “short-term” rentals are prohibited. The amendments will establish performance standards for such rentals and an administrative process for the review of “short-term rental” permits. Additionally, the definition of “Visitor Serving Facilities” within Chapter 11 of the San Mateo County Local Coastal Program (LCP) will be amended to add “short-term rentals” as a listed use. See Attachment A of this document for the proposed Ordinance Amendment language. See Attachment B of this document for the proposed Ordinance Amendment to the LCP.
11. **Surrounding Land Uses and Setting:** Various
12. **Other Public Agencies Whose Approval is Required:** California Coastal Commission

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

	Aesthetics		Climate Change		Population/Housing
	Agricultural and Forest Resources		Hazards and Hazardous Materials		Public Services
	Air Quality		Hydrology/Water Quality		Recreation
	Biological Resources		Land Use/Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities/Service Systems
	Geology/Soils		Noise		Mandatory Findings of Significance

**EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in 5. below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.

- b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. Sources used or individuals contacted should be cited in the discussion.

<b>1. AESTHETICS.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Have a significant adverse effect on a scenic vista, views from existing residential areas, public lands, water bodies, or roads?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development, nor will it allow new residential development on parcels that are not already zoned for such use. Any future residential development that could potentially be used as a Short-Term Rental (STR) will be subject to the design review standards contained within the County Zoning Regulations, which are designed, in part, to protect scenic vistas and views from existing residential areas.</p> <p>Source: County of San Mateo, <i>Zoning Regulations</i>; County of San Mateo, <i>Local Coastal Program</i>.</p>				
b. Significantly damage or destroy scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
<p>Discussion: See discussion under Question 1(a).</p> <p>Source:</p>				

c. Significantly degrade the existing visual character or quality of the site and its surroundings, including significant change in topography or ground surface relief features, and/or development on a ridgeline?				X
<p>Discussion: See discussion under Question 1(a).</p> <p>Source:</p>				
d. Create a new source of significant light or glare that would adversely affect day or nighttime views in the area?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development, nor will it allow new residential development on parcels that are not already zoned for such use. Any future residential development that could potentially be used as a Short-Term Rental (STR) will be subject to the design review standards contained within the County Zoning Regulations, which include standards for outdoor lighting.</p> <p>Source: County of San Mateo, <i>Zoning Regulations</i>; County of San Mateo, <i>Local Coastal Program</i>.</p>				
e. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?				X
<p>Discussion: There is the potential that some STRs may be located within designated Scenic Corridors. However, the proposed zoning amendment does not authorize changes in the architectural standards that all houses in the urban Coastsides are held to. It is the intent of the zoning amendment that all existing or future STRs will look like any other residence that surrounds it. That being the case, there is no evidence to suggest that individual homeowners occasionally renting out their house as a STR will have a detrimental effect upon the scenic resources within the County's designated corridors.</p> <p>Source: County of San Mateo, <i>Zoning Regulations</i>; County of San Mateo, <i>Local Coastal Program</i>.</p>				
f. If within a Design Review District, conflict with applicable General Plan or Zoning Ordinance provisions?				X
<p>Discussion: See discussion under Question 1(a).</p> <p>Source:</p>				
g. Visually intrude into an area having natural scenic qualities?				X
<p>Discussion: See discussion under Question 1(e).</p> <p>Source:</p>				

<p><b>2. AGRICULTURAL AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State’s inventory of forestland, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
a.	For lands outside the Coastal Zone, convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X
<p>Discussion: The proposed zoning amendment is only applicable to parcels that are zoned for residential use (“R” Districts). Agriculture is not a principally permitted use in these districts. Additionally, the proposed amendment is only applicable within the Coastal Zone. Source: Project Description.</p>				
b.	Conflict with existing zoning for agricultural use, an existing Open Space Easement, or a Williamson Act contract?			X
<p>Discussion: As stated previously, the proposed amendment will not rezone any parcels to a new class of use (i.e., Agriculture to Residential). It is restricted to existing residentially zoned areas within the County’s Coastside area. As such, there is no evidence to suggest that adoption of this zoning amendment will result in additional conflicts between agriculture and adjacent residential uses than currently exist. Source: Project Description.</p>				
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?			X
<p>Discussion: See discussion under Questions 2(a) and (b). Source:</p>				

<p>d. For lands within the Coastal Zone, convert or divide lands identified as Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?</p>				X
<p>Discussion: See discussion under Questions 2(a) and (b). Source:</p>				
<p>e. Result in damage to soil capability or loss of agricultural land?</p>				X
<p>Discussion: See discussion under Questions 2(a) and (b). Source:</p>				
<p>f. Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?  <i>Note to reader: This question seeks to address the economic impact of converting forestland to a non-timber harvesting use.</i></p>				X
<p>Discussion: See discussion under Questions 2(a) and (b). Source:</p>				

<p><b>3. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. There is no evidence to suggest that the use of an existing residence as an occasional STR will conflict with the implementation of the S.F. Bay Area Air Quality Plan any more than the use of that residence as a full time non-STR residence.</p> <p>Source: Bay Area Air Quality Management District (BAAQMD), 2010; Bay Area 2010 Clean Air Plan; Project Description.</p>				
b. Violate any air quality standard or contribute significantly to an existing or projected air quality violation?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The impacts of the construction of any future residence or apartment building that could potentially be used as a STR will be analyzed at that time for that specific project.</p> <p>Source: Project Description; BAAQMD <i>CEQA Air Quality Guidelines</i>.</p>				
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
<p>Discussion: See Question 3(a) and (b), above.</p> <p>Source: Project Description; BAAQMD <i>CEQA Air Quality Guidelines</i>.</p>				

d. Expose sensitive receptors to significant pollutant concentrations, as defined by BAAQMD?				X
<p>Discussion: The proposed amendment, in and of itself, will not change the existing residential use of any parcel or building. As such, there is no evidence to suggest that the use of an existing or future residence as a STR will expose the occupants of that building to a higher risk than the use of that residence for non-STR use.</p> <p>Source: Project Description; BAAQMD <i>CEQA Air Quality Guidelines</i>.</p>				
e. Create objectionable odors affecting a significant number of people?				X
<p>Discussion: As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations. No such uses would be used as a STR. The proposed amendment, in and of itself, will not change the existing residential use of any parcel or building. As such, there is no evidence to suggest that the use of an existing or future residence as a STR will create objectionable odors any more than the use of that residence for non-STR use.</p> <p>Source: Project Description; BAAQMD <i>CEQA Air Quality Guidelines</i>.</p>				
f. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?				X
<p>Discussion: See discussion under Questions 3(a) and (b), above.</p> <p>Source: Project Description; BAAQMD <i>CEQA Air Quality Guidelines</i>.</p>				

<b>4. BIOLOGICAL RESOURCES.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Have a significant adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X

<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The impacts upon biological resources due to the construction of any future residence or apartment building that could potentially be used as a STR will be analyzed at that time for that specific project.</p> <p>Source: Project Description.</p>				
<p>b. Have a significant adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>				X
<p>Discussion: See discussion under Question 4(a), above.</p> <p>Source: Project Description.</p>				
<p>c. Have a significant adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>				X
<p>Discussion: See discussion under Question 4(a), above.</p> <p>Source: Project Description.</p>				
<p>d. Interfere significantly with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>				X
<p>Discussion: See discussion under Question 4(a), above.</p> <p>Source: Project Description.</p>				
<p>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)?</p>				X
<p>Discussion: See discussion under Question 4(a), above.</p> <p>Source: Project Description.</p>				

f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or State habitat conservation plan?				X
Discussion: See discussion under Question 4(a), above. Source: Project Description.					
g.	Be located inside or within 200 feet of a marine or wildlife reserve?				X
Discussion: See discussion under Question 4(a), above. Source: Project Description.					
h.	Result in loss of oak woodlands or other non-timber woodlands?				X
Discussion: See discussion under Question 4(a), above. Source: Project Description.					

<b>5. CULTURAL RESOURCES.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a.	Cause a significant adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?			X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The impacts upon potential cultural resources due to the construction of any future residence or apartment building that could potentially be used as a STR will be analyzed at that time for that specific project. Source: Project Description.				
b.	Cause a significant adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?			X
Discussion: See discussion under Question 5(a), above. Source: Project Description.				

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
<p>Discussion: See discussion under Question 5(a), above.  Source: Project Description.</p>				
d. Disturb any human remains, including those interred outside of formal cemeteries?				X
<p>Discussion: See discussion under Question 5(a), above.  Source: Project Description.</p>				

<b>6. GEOLOGY AND SOILS.</b> Would the project:				
	<b>Potentially Significant Impacts</b>	<b>Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a. Expose people or structures to potential significant adverse effects, including the risk of loss, injury, or death involving the following, or create a situation that results in:				X
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other significant evidence of a known fault?  <i>Note: Refer to Division of Mines and Geology Special Publication 42 and the County Geotechnical Hazards Synthesis Map.</i>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The impacts of existing geological hazards upon any future residence or apartment building that could potentially be used as a STR will be analyzed at that time for that specific project.  Source: Project Description.</p>				

ii. Strong seismic ground shaking?				X
Discussion: See discussion under Question 6(a)(i), above. Source: Project Description.				
iii. Seismic-related ground failure, including liquefaction and differential settling?				X
Discussion: See discussion under Question 6(a)(i), above. Source: Project Description.				
iv. Landslides?				X
Discussion: See discussion under Question 6(a)(i), above. Source: Project Description.				
v. Coastal cliff/bluff instability or erosion? <i>Note to reader: This question is looking at instability under current conditions. Future, potential instability is looked at in Section 7 (Climate Change).</i>				X
Discussion: See discussion under Question 6(a)(i), above. Source: Project Description.				
b. Result in significant soil erosion or the loss of topsoil?				X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The impacts upon soil erosion or topsoil due to the construction of a future residence or apartment building that could potentially be used as a STR will be analyzed at that time for that specific project. Source: Project Description.				
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, severe erosion, liquefaction or collapse?				X
Discussion: See discussion under Question 6(a)(i), above. Source: Project Description.				

d. Be located on expansive soil, as noted in the 2010 California Building Code, creating significant risks to life or property?				X
<p>Discussion: See discussion under Question 6(a)(i), above.</p> <p>Source: Project Description.</p>				
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The impacts of potential future septic system development for a building that could be used as a STR will be analyzed at that time for that specific project.</p> <p>Source: Project Description.</p>				

<b>7. CLIMATE CHANGE.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas (GHG) emissions (including methane), either directly or indirectly, that may have a significant impact on the environment?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. GHG emissions resulting from the construction of a new building which could be used as a STR will be analyzed at the permitting stage for that building. There is no evidence to suggest that the use of a given residence as a STR will generate GHG emissions greater than the underlying residential zoning for that location.</p> <p>Source: Project Description.</p>				

b. Conflict with an applicable plan (including a local climate action plan), policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
<p>Discussion: See discussion under Question 7(a), above.  Source: Project Description.</p>				
c. Result in the loss of forestland or conversion of forestland to non-forest use, such that it would release significant amounts of GHG emissions, or significantly reduce GHG sequestering?				X
<p>Discussion: See discussion under Question 7(a), above.  Source: Project Description.</p>				
d. Expose new or existing structures and/or infrastructure (e.g., leach fields) to accelerated coastal cliff/bluff erosion due to rising sea levels?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. At this time, it is not possible to predict which existing houses on coastal bluffs will be used as STRs, therefore it is not possible to assess this impact without a specific location to analyze.  Source: Project Description.</p>				
e. Expose people or structures to a significant risk of loss, injury or death involving sea level rise?				X
<p>Discussion: See discussion under Question 7(d), above.  Source: Project Description.</p>				
f. Place structures within an anticipated 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
<p>Discussion: See discussion under Question 7(d), above.  Source: Project Description.</p>				

g. Place within an anticipated 100-year flood hazard area structures that would impede or redirect flood flows?				X
<p>Discussion: See discussion under Question 7(d), above.  Source: Project Description.</p>				

<b>8. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (e.g., pesticides, herbicides, other toxic substances, or radioactive material)?				X
<p>Discussion: There is no evidence to suggest that the use of existing or future residences as STRs will involve the use of hazardous materials.  Source: Project Description.</p>				
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
<p>Discussion: See discussion under Question 8(b), above.  Source: Project Description.</p>				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
<p>Discussion: See discussion under Question 8(b), above.  Source: Project Description.</p>				

<p>d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>				<p>X</p>
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. At this time, it is not possible to predict which existing houses in the County will be used as STRs, therefore it is not possible to assess this impact without a specific location to analyze.</p> <p>Source: Project Description.</p>				
<p>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?</p>				<p>X</p>
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. At this time, it is not possible to predict which existing houses in the County will be used as STRs, therefore it is not possible to assess this impact without a specific location to analyze. There is no evidence to suggest that the temporary use of a residence as a STR will expose the public to a greater level of harm due to proximity to an airport than the normal everyday use of that same residence as a non-STR.</p> <p>Source: Project Description.</p>				
<p>f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?</p>				<p>X</p>
<p>Discussion: See discussion under Question 8(e), above.</p> <p>Source: Project Description.</p>				

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the temporary use of a residence as a STR will interfere with any emergency response plan. No work will occur that will permanently impede or close a public road.</p> <p>Source: Project Description.</p>				
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the temporary use of a residence as a STR will expose the public to a greater level of harm due to wildland fire than the normal everyday use of that same residence as a non-STR.</p> <p>Source: Project Description.</p>				
i. Place housing within an existing 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the temporary use of a residence as a STR will expose the public to a greater level of harm due to flooding than the normal everyday use of that same residence as a non-STR.</p> <p>Source: Project Description.</p>				
j. Place within an existing 100-year flood hazard area structures that would impede or redirect flood flows?				X
<p>Discussion: See Question 8(i), above.</p> <p>Source: Project Description.</p>				

k. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
<p>Discussion: See Question 8(i), above.</p> <p>Source: Project Description.</p>				
l. Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. At this time, it is not possible to predict which existing houses in the County will be used as STRs, therefore it is not possible to assess this impact without a specific location to analyze. There is no evidence to suggest that the temporary use of a residence as a STR will expose the public to a greater level of harm due to seiche, tsunami, or mudflow than the normal everyday use of that same residence as a non-STR.</p> <p>Source: Project Description.</p>				

<b>9. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements (consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash))?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the temporary use of an existing residence as a STR will violate water quality standards any more than the normal everyday use of that same residence as a non-STR. Although the proposed zoning ordinance amendment does not authorize any new construction, all residential construction in San Mateo County must comply with the County's erosion and stormwater control requirements during construction.</p> <p>Source: Project Description.</p>				

<p>b. Significantly deplete groundwater supplies or interfere significantly with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. There is no evidence to suggest that the temporary use of a residence as a STR will impact groundwater supplies any more than the normal everyday use of that same residence as a non-STR.</p> <p>Source: Project Description.</p>				
<p>c. Significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in significant erosion or siltation on- or off-site?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the temporary use of a residence as a STR will impact drainage patterns in an area any more than the normal everyday use of that same residence as a non-STR.</p> <p>Source: Project Description.</p>				
<p>d. Significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or significantly increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?</p>				X
<p>Discussion: See Question 9(c), above</p> <p>Source: Project Description.</p>				

e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide significant additional sources of polluted runoff?				X
Discussion: See Questions 9(a - d), above. Source: Project Description.				
f. Significantly degrade surface or groundwater water quality?				X
Discussion: See Question 9(a) and (b), above. Source: Project Description.				
g. Result in increased impervious surfaces and associated increased runoff?			X	
Discussion: See Question 9(c) and (d), above. Source: Project Description.				

<b>10. LAND USE AND PLANNING.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community?				X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the temporary use of a residence as a STR will physically divide a surrounding community any more than the normal everyday use of that same residence as a non-STR. Source: Project Description.				

<p>b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the proposed zoning amendment will conflict with any adopted plans or regulations. Source: Project Description; County General Plan; LCP; Zoning Regulation.</p>				
<p>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is only one approved habitat conservation plan in San Mateo County (the San Bruno Mountain HCP) and no residentially zoned land exists within the boundaries of that HCP. As a result, the proposed zoning ordinance would not apply to any area covered by a conservation plan. Source: Project Description; San Bruno Mountain HCP.</p>				
<p>d. Result in the congregating of more than 50 people on a regular basis?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. Further, the proposed ordinance does place a cap of two people per room within a dwelling unit when being used as a STR. Two additional people are also allowed. Children 12 and under are not counted toward the maximum. Given that the majority of single-family homes in the Coastsides area of San Mateo County are within the 3-5 bedroom range, it appears unlikely that the use of a given residence as a STR will result in more than 50 people gathering at that location on a regular basis. Source: Project Description.</p>				
<p>e. Result in the introduction of activities not currently found within the community?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is evidence that some houses in the Coastal Zone have historically been used as STRs, even though such use is technically not permitted under the County's existing zoning regulations. Adopting new regulations that will permit the short-term use of residences for residential use will not introduce new activities to</p>				

the community since there is a historic use of some properties for this activity and because the short-term use of a residence does not differ significantly from the use of that same building for long-term residential use.

Source: Project Description.

f. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?				X
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Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that adoption of this ordinance amendment will encourage any off-site development. All development in the Coastal Zone is highly regulated and must comply with the adopted land use plan for the County's Coastal Zone.

Source: Project Description.

g. Create a significant new demand for housing?				X
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Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. In order to prevent the conversion of housing stock from long-term tenancy to short-term Short Term Rental, the proposed amendments limit the total number of days within a calendar year that a house can be used as a STR to 180 days.

Source: Project Plans.

**11. MINERAL RESOURCES.** Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?				X

Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that the proposed zoning amendment will impact mineral resources within the County.

Source: San Mateo County General Plan; Project Description.

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: See response to Question 11(a), above. Source: San Mateo County General Plan; Project Description.				

<b>12. NOISE.</b> Would the project result in:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. At this time, it is not possible to predict which existing or future houses in the County will be used as STRs, therefore it is not possible to assess this impact without a specific location to analyze. The proposed ordinance requires as a performance standard that all STRs must comply with the County's existing noise ordinance. There is no evidence to support a conclusion that use of a given house as a short-term rental will inherently generate more noise than a similar house not used as a short-term rental. Source: Project Description.				
b. Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?				X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that use of a given house as a short-term rental will inherently generate or be exposed to more ground-borne vibration or noise levels than a similar house not used as a short-term rental. Source: Project Description.				
c. A significant permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels.				

Adoption of this amendment does not authorize any new construction. At this time, it is not possible to predict which existing or future houses in the County will be used as STRs, therefore it is not possible to assess this impact without a specific location to analyze. But, the proposed ordinance requires as a performance standard that all STRs must comply with the County's existing noise ordinance. There is no evidence to support a conclusion that use of a given house as a short-term rental will inherently generate more noise than a similar house not used as a short-term rental.

Source: Project Description.

d. A significant temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
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Discussion: See response to Questions 12(a) and (c), above.

Source: Project Description.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?				X
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Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that use of a given house as a short-term rental will expose occupants to a higher level of airport generated noise than a similar house not used as a short-term rental.

Source: Project Description.

f. For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?				X
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Discussion: See response to Question 12(e), above.

Source: Project Description.

<b>13. POPULATION AND HOUSING.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Induce significant population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The adoption of this amendment does not authorize the extension of public infrastructure (roads, sewer lines, etc.). There is no evidence to suggest that adoption of this amendment will induce population growth.</p> <p>Source: Project Description.</p>				
b. Displace existing housing ( <b>including low- or moderate-income housing</b> ), in an area that is substantially deficient in housing, necessitating the construction of replacement housing elsewhere?			X	
<p>Discussion: The Planning Department does not have the data to assess how many STRs are used exclusively for short-term rental (and therefore sit unoccupied the rest of the time) and how many are owner occupied and only rented out occasionally. A review of the two web-based reservation platforms (AirBnb, and Homeaway/VRBO) indicates approximately 50 STR properties in the urban Mid-Coast area as a rough sample. How many of these properties are cross listed on all three platforms is difficult to ascertain. Because it is unclear how many residences in the area are used exclusively as STRs, it is difficult to determine if there is a significant displacement of housing. It is also impossible to predict how many residences will be used exclusively as STRs. But, in order to prevent the conversion of housing stock from long-term tenancy to Short-Term Rental, the proposed amendments limit the total number of days within a calendar year that a house can be used as a STR to 180 days. Given the relatively small number of listings in the sample area, in relation to the overall housing supply within that area, and the 180 maximum use restriction, leads Staff to conclude that this impact is less than significant.</p> <p>Source: Site Description.</p>				

<b>14. PUBLIC SERVICES.</b> Would the project result in significant adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks?				X
e. Other public facilities or utilities (e.g., hospitals, or electrical/natural gas supply systems)?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will inherently generate a higher demand for public services than a similar house not used as a short-term rental.</p> <p>Source: Project Description.</p>				

<b>15. RECREATION.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?			X	
<p>Discussion: The recreational opportunities and natural beauty of this portion of the County is a primary reason that people rent STRs within the project area (i.e., San Mateo's Coastal Zone). Use of these regional parklands and open space could see an incremental increase in usage if adoption of the proposed zoning amendments results in an increase in the number of STRs in the area. However, differentiating this incremental increase versus a general increase in usage due to the overall increase in the Bay Area's population is impossible. There is no evidence that these ordinance amendments will significantly contribute to the physical deterioration of existing or</p>				

proposed park facilities. Source: Project Description.				
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will inherently generate a higher demand for recreational facilities than a similar house not used as a short-term rental. Source: Project Description.				

<b>16. TRANSPORTATION/TRAFFIC.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will inherently generate a higher number of vehicle trips than a similar house not used as a short-term rental. Source: Project Description.				
b. Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways?				X

<p>Discussion: See response to Question 16(a), above.</p> <p>Source: Project Description.</p>				
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in significant safety risks?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no reason to believe that future residential development in the Coastal Zone, regardless of whether it will be used as a STR or not, will necessitate a change in air traffic patterns.</p> <p>Source: Project Description.</p>				
d. Significantly increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental has an inherently greater risk of creating a traffic hazard than a similar house not used as a short-term rental.</p> <p>Source: Project Description.</p>				
e. Result in inadequate emergency access?				X
<p>Discussion: See response to Question 16(d), above.</p> <p>Source: Project Description.</p>				
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
<p>Discussion: See response to Question 16(a), above.</p> <p>Source: Project Description.</p>				
g. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will noticeably increase</p>				

pedestrian traffic more than a similar house not used as a short-term rental. Source: Project Description.				
h. Result in inadequate parking capacity?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. With regard to parking, the proposed ordinance states:</p> <p style="padding-left: 40px;">Each short-term rental that is all or part of a single-family dwelling unit shall provide at least one (1) vehicle parking spot in the garage, driveway, or other on-site parking area, or at least two (2) vehicle parking spots if the maximum occupancy of the short-term rental exceeds eight (8) short-term tenants as defined in this Section. Each short-term rental that is all or part of a unit within a multi-family building shall provide at least one (1) vehicle parking spot in the garage, parking lot, or other on-site parking area.</p> <p>There is no evidence to support a conclusion that the use of a given house as a short-term rental will result in an inadequate amount of parking any more than a similar house not used as a short-term rental.</p> <p>Source: Project Description.</p>				

<b>17. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will generate a significant increase in the amount of wastewater any more than a similar house not used as a short-term rental.</p> <p>Source: Project Description.</p>				
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
<p>Discussion: See response to Question 17(a), above.</p> <p>Source: Project Description.</p>				

<p>c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will result in the need for new stormwater facilities or the expansion of existing facilities any more than a similar house not used as a short-term rental.</p> <p>Source: Project Description.</p>				
<p>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will require increased water supplies any more than a similar house not used as a short-term rental.</p> <p>Source: Project Description.</p>				
<p>e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>				X
<p>Discussion: See response to Question 17(a), above.</p> <p>Source: Project Description.</p>				
<p>f. Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?</p>				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to support a conclusion that the use of a given house as a short-term rental will generate significantly larger amounts of solid waste than a similar house not used as a short-term rental.</p> <p>Source: Project Description.</p>				

g. Comply with Federal, State, and local statutes and regulations related to solid waste?				X
<p>Discussion: See response to Question 17(f), above.</p> <p>Source: Project Description.</p>				
h. Be sited, oriented, and/or designed to minimize energy consumption, including transportation energy; incorporate water conservation and solid waste reduction measures; and incorporate solar or other alternative energy sources?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. Any future residential construction would comply with all applicable regulations and would be subject to separate review.</p> <p>Source: Project Description.</p>				
i. Generate any demands that will cause a public facility or utility to reach or exceed its capacity?				X
<p>Discussion: The proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. There is no evidence to suggest that use of existing or future houses as a STR will cause a public facility or utility to reach or exceed its capacity.</p> <p>Source: Project Description.</p>				

<b>18. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment, significantly reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
Discussion: As discussed throughout this report, the proposed zoning ordinance amendment will not authorize or facilitate any new development. The use of a residence as a STR is restricted to residentially zoned parcels. Adoption of this amendment does not authorize any new construction. The impact from the construction of a future house that could be used as a STR will be analyzed when such a house is proposed.				
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
Discussion: As discussed throughout this document, there is no evidence to support a conclusion that the use of a given house as a short-term rental will consistently generate significant impacts (whether it is traffic or noise or litter) above what is the norm for a residential neighborhood. For the reasons presented above, the proposed project is not expected to result in adverse impacts to human beings, either directly or indirectly. All impacts identified in this document are less than significant, and the project’s incremental contribution to potential cumulative impacts will not be cumulatively considerable. Therefore, the project’s impact is considered less than significant.				
c. Does the project have environmental effects which will cause significant adverse effects on human beings, either directly or indirectly?			X	
Discussion: See response to Question 18(b), above.				

**RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board		X	
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
Coastal Commission		X	
California Department of Fish & Wildlife		X	
City		X	
Sewer/Water District		X	
Other			

<b><u>MITIGATION MEASURES</u></b>		
	<u>Yes</u>	<u>No</u>
Mitigation measures have been proposed in project application.		X
Other mitigation measures are needed.		X
The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:		



**[DRAFT] ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING CHAPTER 6 (SINGLE FAMILY RESIDENTIAL DISTRICTS) AND CHAPTER 8 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS) OF THE SAN MATEO COUNTY ZONING REGULATIONS TO ADD SHORT-TERM RENTALS AS AN ALLOWED USE IN SPECIFIED LOCATIONS SUBJECT TO A SHORT-TERM RENTAL PERMIT.**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

**SECTION 1.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 6 (Single Family Residential), Section 6161, is hereby amended to read as follows:

Section 6161. Uses Permitted.

(m) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 2.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 8 (Multiple Family Residential), Section 6181, is hereby amended to read as follows:

Section 6181. Uses Permitted.

(f) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 3.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22 (General Provisions and Exceptions), Section 6401.3 (General Provisions Relating to Short-Term Rentals), is hereby added as follows:

**SECTION 6401.3. GENERAL PROVISIONS RELATING TO SHORT-TERM RENTALS**

- 1) *Permit required.* Each short-term rental requires a valid short-term rental permit as set forth in, and subject to, the requirements of this Section.
  - a) *No authorization of prohibited uses.* Approval of a short-term rental permit does not legalize any use or structure not permitted by law or contract, including but

not limited to homeowners association agreements and lease agreements.

- b) *Coastal Zone requirements.* A short-term rental located in the Coastal Zone must comply with the conditions specified in Sections 6160 and 6180 of the Zoning Regulations; conform to the Local Coastal Program; and comply with all conditions of any existing or new Coastal Development Permits, as specified in Chapter 20B of the Zoning Regulations.
  - c) *Nightly limits.* A short-term rental cannot be rented for more than one hundred eighty (180) nights per calendar year. Any night in which a short-term rental is rented during which the owner is present on the parcel containing the short-term rental does not count against this one hundred eighty (180) night per year limit.
  - d) *Suspension or revocation.* Short-term rental permits are subject to suspension or revocation as provided in this Section.
  - e) *Expiration.* A short-term rental permit shall automatically expire three (3) years after the date of issuance, or when the permit holder no longer has legal ownership or a leasehold of the short-term rental, whichever occurs first.
  - f) *Renewal.* A short-term rental permit may be renewed up to six (6) months prior to the expiration of the permit, using the same application process as for issuance of an initial permit.
- 2) *Definitions.* For the purposes of this Section, the following terms are defined as follows:
- a) “Department” means the San Mateo County Planning and Building Department.
  - b) “Owner” means an individual, a group of individuals, an association, firm, partnership, corporation, a legal entity recognized by any state or the federal government, or other natural or legal entity, public or private, who possesses fee title to or is a lessee of at least thirty (30) days of the short-term rental, or his or her authorized representative.
  - c) “Community Development Director” means the Director of the County of San Mateo Planning and Building Department or his or her designee.
  - d) “Short-term rental” means a single-family dwelling unit or multifamily unit, or portion thereof, rented for the purpose of overnight lodging for a period less than thirty (30) consecutive days other than (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment. “Short-term rental” does not include (1) non-habitable accessory structures as defined by the California Building Code; (2) second units as defined in Zoning Regulations Chapter 22.5; and (3) housing units subject to

affordable housing covenants and/or income restrictions under County, state, or federal law.

- e) "Short-term rental permit" means the permit applied for and granted pursuant to this Section 6401.3 of the Zoning Regulations.
  - f) "Short-term tenants" means those persons who rent a short-term rental for less than thirty (30) consecutive days other than for (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment.
- 3) *Application.* An application for a short-term rental permit shall be made to the Department in accordance with the following requirements:
- a) Only an owner, as defined in this Section 6401.3, may apply for a short-term rental permit.
  - b) If the application is made by a lessee or lessee's representative, the application must include written authorization from the lessor of the subject property establishing that the lessee is permitted to use the leased dwelling unit as a short-term rental.
  - c) If the application is made by an owner's or lessee's representative, the application must include written authorization establishing the representative's authority to apply for a short-term rental permit on behalf of the owner or lessee.

The application shall include all of the following on a form developed and provided by the Department:

- d) Completed application form as provided by the Department, including signature of the owner verifying that all information provided is true and correct as of the date signed.
- e) Copy of the rental or lease agreement between the owner and a prospective short-term tenant or copy of advertisement offering the short-term rental, which shall recite the following performance standards set forth in this Section:
  - i) Number of tenants allowed;
  - ii) On-site parking;
  - iii) Trash;
  - iv) Prohibition of illegal activity;
  - v) Noise
- f) Valid Transient Occupancy Registration Certificate issued by the County of San Mateo pursuant to Ordinance Code Chapter 5.136, or alternative satisfactory evidence demonstrating compliance with Ordinance Code Chapter 5.136.

- g) Evidence of available on-site parking in compliance with the requirements of this Section.
  - h) Evidence that the address/street number of the short-term rental is visible from the road in front of the parcel.
  - i) Proof of liability insurance for short-term rentals in compliance with this Section.
  - j) Fees prescribed by the Department fee schedule.
- 4) *Approval Process.* Authority to approve an application for a short-term rental permit rests exclusively with the Community Development Director. The Community Development Director shall grant an application for a short-term rental permit if the application meets all of the requirements of this Section and the owner has no outstanding compliance-related violations with the County at the time of application, including but not limited to those with the Department or the Tax Collector. Such outstanding compliance matters may include but are not limited to liens, fines, liabilities, and code compliance matters. Public notice or public hearing prior to consideration of the requested short-term rental permit is not required.

The decision of the Community Development Director shall be final and shall not be appealable to the Planning Commission or Board of Supervisors.

- 5) *Performance Standards.* All short-term rentals are subject to the following performance standards, which are incorporated into each short-term rental permit:
- a) *Number of tenants allowed.* The maximum number of short-term tenants allowed in an individual short-term rental shall not exceed two (2) persons per bedroom rented, plus two (2) additional persons (i.e., if one bedroom is rented, up to four short-term tenants are permitted). Children under twelve (12) years of age are not counted toward this maximum.
  - b) *On-site parking required.* Each short-term rental that is all or part of a single-family dwelling unit shall provide at least one (1) vehicle parking space in the garage, driveway, or other on-site parking area, or at least two (2) vehicle parking spaces if the maximum occupancy of the short-term rental exceeds eight (8) short-term tenants as defined in this Section. Each short-term rental that is all or part of a unit within a multifamily building shall provide at least one (1) vehicle parking space in the garage, parking lot, or other on-site parking area.
  - c) *Local contact person.* The owner shall designate a local contact person who shall remain within a twenty (20) mile radius of each short-term rental and be available at all times to respond to questions or concerns while the short-term rental is occupied by tenants. The local contact person shall otherwise be available during normal business hours to respond to questions or concerns. An owner may serve as the local contact person if he or she meets all requirements set forth in this

section.

- i) The owner shall submit the name, address, and telephone number(s), including a phone number at which the local contact person can be reached at all times, of the local contact person to the Department, the San Mateo County Sheriff's Office, the local Sheriff's Office substation, the local fire agency, and all adjacent properties to the short-term rental. For short-term rentals that constitute all or part of a single-family unit, "adjacent properties" shall include the parcels contiguous to the short-term rental, as well as the parcels immediately across the street from the short-term rental. For short-term rentals that constitute all or part of a unit within a multifamily building, "adjacent properties" shall include the units that share a wall, including side, ceiling, and floor walls, with the short-term rental.
  - ii) The name, address, and telephone number(s), including a phone number at which the local contact person can be reached at all times, of the local contact person shall be permanently posted in a prominent location in the short-term rental unit.
  - iii) The owner shall notify the agencies and adjacent properties as specified in subsection (i), above, in writing within ten (10) calendar days of any change in the local contact person's name, address, or telephone number.
  - iv) The local contact person shall use his or her best efforts, and respond in a reasonable and timely manner, to ensure that short-term tenants do not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.
- d) *Trash.* If placed outdoors, trash and recyclables shall be stored in covered containers.
  - e) *Prohibition on illegal activity.* The short-term rental shall not be used to host or conduct any illegal activity.
  - f) *Noise.* All short-term rentals shall comply with the standards of the County Noise Ordinance (Ordinance Code Chapter 4.88) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. The short-term rental shall not involve on site use of equipment requiring more than standard household electrical current at 110 or 220 volts, or unreasonable activities that produce noise, dust, odor, or vibration detrimental to occupants of neighboring properties.
  - g) *Posting of performance standards.* Each owner shall post the following performance standards in a prominent location in the unit, readily visible to all short-term tenants:

- i) Number of tenants allowed;
  - ii) On-site parking;
  - iii) Trash;
  - iv) Prohibition on illegal activity;
  - v) Noise.
- h) *Transient Occupancy Tax.* Each owner shall comply with Chapter 5.136 of the Ordinance Code, including all required payments of transient occupancy tax for each short-term rental unit.
- i) *Building standards.* Each short-term rental shall be in compliance with all applicable laws and regulations, including but not limited to the County of San Mateo Zoning Regulations and Building Regulations, the California Residential Code, the California Fire Code, the California Health and Safety Code, and the terms of all County-issued permits. In addition, each short-term rental shall comply with the following safety measures, prior to issuance of a short-term rental permit:
- i) Smoke alarms (listed as complying with UL 217 and approved by the State Fire Marshall) installed (1) in each bedroom, (2) outside but in the immediate vicinity of each bedroom, and (3) on each level of the dwelling unit, including basements and habitable attics.
  - ii) Carbon monoxide alarms (listed as complying with UL 2034) installed (1) outside but within the immediate vicinity of each bedroom, and (2) on every level of the dwelling unit, including basements.
  - iii) At least one fire extinguisher installed on each habitable level of the dwelling unit.
- j) *No signage.* Signs advertising the short-term rental that are visible from the exterior of the short-term rental are prohibited, including but not limited to signs posted on or around the exterior of the short-term rental and signs posted in windows.
- k) *Liability insurance.* Each owner shall maintain at least five hundred thousand dollars (\$500,000) in liability insurance on the short-term rental while the short-term rental is occupied by short-term tenants.
- l) *Record keeping.* Each owner shall keep true and accurate records of the number of nights the short-term rental is rented and the amount paid by tenants. Such records are subject to review by the Department upon seven (7) calendar days' notice. Each owner shall retain such records for at least two (2) years for purposes of this Section.

m) *Dispute resolution.* By accepting a short-term rental permit, the owner agrees to engage in good faith efforts to resolve disputes with neighbors arising from the short-term rental.

6) *Violations and Penalties; Procedure.*

a) *Violations.* It is unlawful for any person to use or operate a short-term rental in violation of this Section. It is unlawful to advertise any short-term rental without a valid permit. For the purposes of this Section, the terms “advertise,” “advertisement,” or “advertising” mean the act of drawing the public’s attention to a short-term rental in order to promote the availability of the short-term rental.

Violations that last more than one (1) calendar day shall be treated as a new violation for each calendar day that the violation continues.

b) *Penalties.* Violation(s) of this Section may be subject to those penalties set forth in Chapter 1.40 of the Ordinance Code (Administrative Remedies), including monetary penalties as provided, in addition to the provisions for suspension or revocation of a permit as set forth in this Section. These penalties are not exclusive, and the owner or short-term tenant may be subject to any other administrative, civil, or criminal penalties applicable to the violating conduct.

If more than two (2) documented violations occur within any twelve (12)-month period, the Department may suspend or revoke any short-term rental permit that has been issued for the unit. Documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff’s deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation.

After revocation of a permit, the owner shall not be permitted to apply for or receive a short-term rental permit for the same short-term rental for a period of at least one (1) year from the date that revocation is made final by the Community Development Director or the Planning Commission.

Any owner found advertising or operating a short-term rental without a valid permit shall be subject to the penalties in this Section. In addition, the owner shall be subject to a “black-out period” during which the owner may not apply for or renew a short-term rental permit for any short-term rental. The black-out period shall continue for double the number of days that the owner operated or advertised the rental without a permit, with a minimum black-out period of (1) one month and a maximum black-out period of one (1) year. The owner must also pay any Transient Occupancy Tax owed before applying for a short-term rental permit.

- c) *Procedure for suspending or revoking a permit.* Before revoking or suspending a short-term rental permit, the Community Development Director or his or her designee shall allow the permit holder the opportunity for a hearing.
- i) The Department shall provide a written notice of the hearing which shall contain the following information:
    - (1) The grounds for complaint or reasons for the proposed revocation or suspension;
    - (2) The time and location of the hearing.
  - ii) The notice shall be personally served on the owner or mailed to the address listed on the permit at least ten (10) calendar days prior to the hearing. Service by mail shall be deemed completed at the time of deposit in the United States mail receptacle. In the event the hearing is held in response to the filing of a complaint, the Department shall also provide notice of the hearing to the complainant.
  - iii) At the hearing, the owner shall be given an opportunity to be heard and to present evidence on his or her behalf. Within five (5) calendar days of the conclusion of the hearing, the Community Development Director or his or her designee shall make written findings and determine whether the permit shall be suspended or revoked. The Department will promptly serve the written findings on the owner.
  - iv) In the event the permit is suspended or revoked, the owner may appeal the decision to the San Mateo County Planning Commission within fourteen (14) calendar days from the date that the Community Development Director's written determination is mailed to or personally served on the owner. The owner shall file a notice of appeal with the Department on a form provided by the Department, together with any processing fee set forth in the Department fee schedule. Upon receipt of the notice of appeal, the Department shall immediately transmit the appeal, together with all relevant records in the matter, to the Planning Commission.
  - v) The Planning Commission may, upon receiving a notice of appeal:
    - (1) Review the record of the proceedings held before the Community Development Director or his or her designee and either affirm or reverse the decision, or it may refer the matter back to the Community Development Director for further proceedings; or
    - (2) Set the matter for hearing before the Planning Commission, providing notice of the hearing as required for hearings before the Community Development Director. At the hearing, the Planning Commission shall hear

and decide the matter de novo. The decision of the Planning Commission is final and is not appealable to the Board of Supervisors.

7) *Severability*. If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Section.

**SECTION 4.** This Ordinance shall take force and effect immediately upon final certification by the Coastal Commission. The Community Development Director may impose a grace period of up to six (6) months from the date this Ordinance takes effect to allow otherwise compliant short-term rentals to come into compliance with the permit requirement of this Ordinance.

\* \* \* \* \*

DRAFT

**[DRAFT] ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING CHAPTER 11 (RECREATION/VISITOR-SERVING FACILITIES COMPONENT) OF THE SAN MATEO COUNTY LOCAL COASTAL PROGRAM TO ADD “SHORT-TERM RENTALS” AS A LISTED USE UNDER THE DEFINITION OF VISITOR-SERVING FACILITIES.**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

**SECTION 1.** The San Mateo County Local Coastal Program, Chapter 11 (Recreation/Visitor-Serving Facilities Component), Section 11.1 (Definition of Visitor-Serving Facilities), is hereby amended to read as follows (new language in bold and italics):

Section 11.1 Definition of Visitor-Serving Facilities

Define visitor-serving facilities as public and private developments that are exclusively available to the general public and provide necessary, basic visitor support services such as lodging, food, water, restroom and automobile services. Visitor-serving facilities include, but are not limited to, hotels, motels, hostels, ***short-term rentals***, campgrounds, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.

**SECTION 2.** This Ordinance shall take force and effect immediately upon final certification by the Coastal Commission.

\* \* \* \* \*



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT F**

# MEMORANDUM

## COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

**DATE:** May 10, 2017

**TO:** Planning Commission

**FROM:** Michael Schaller, Project Planner

**SUBJECT:** Consideration of Additional Amendments to the San Mateo County Zoning Regulations (Chapter 6 - Single Family Residential District, Chapter 8 - Multi-Family Residential District, and Chapter 22 - General Provisions and Exceptions)

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On April 6, 2017, County staff received comments from the Coastal Commission (CCC) staff on the proposed Short Term Rental ordinance, which the Planning Commission considered at its March 22, 2017 meeting. The CCC's letter is included as Attachment A. The CCC raised several issues, including monitoring and public noticing of permit applications. To address these comments, staff is proposing several changes to the ordinance (included as Attachment B). In addition, in response to direction from the Planning Commission at the March 22, 2017 meeting, staff has added text to the ordinance to address comments received from the public. Staff believes that the changes are significant enough to warrant additional review by the Planning Commission.

### **Coastal Commission Comments**

#### 1. Program Monitoring

In the March 22, 2017 Planning Commission report, staff recommended that the County implement a monitoring program to determine the effectiveness of the proposed ordinance. However, text establishing such a program was not included in the draft ordinance, nor did the Planning Commission include a requirement for such monitoring, other than directing staff to report back on the results of ordinance implementation within an approximate 6-month period.

The CCC has requested that the County implement a monitoring program including a list of potential items to monitor. Of the potential items cited in the CCC letter, staff believes it can effectively monitor the number of permits issued, the number of nights rented, the number of violations/complaints received, and the parking impacts (based on complaints received). However, other suggested categories, such as water consumption, would be extremely difficult to track and distinguish from non-short term rental use. Based upon the nature of the comments from the CCC, staff has added a monitoring provision to the ordinance that staff believes will address the CCC's concerns.

2. Local Coastal Program (LCP) Amendment

In previous discussions with the Coastal Commission staff regarding the proposed ordinance, it was requested that the County modify its LCP definition of “visitor-serving use” to incorporate short term rentals. Staff duly prepared an ordinance to amend the LCP accordingly. However, further comments from the CCC staff indicate a need for additional analysis of the effects of a short term rental program prior to pursuing such an LCP amendment. As a result, staff is removing the revised definition from the proposed LCP amendment, as suggested by the CCC staff.

3. Public Noticing Requirement

The proposed ordinance reviewed by the Planning Commission on March 22, 2017 contained no provision for public noticing of permit applications. At the request of the CCC staff, public noticing consistent with the standards in Section 6328.11.2(b) of the County Zoning Regulations has been incorporated into the revised ordinance.

**Recommendation**

That the Planning Commission recommend that the Board of Supervisors adopt the attached amendments to the San Mateo County Zoning Regulations (Chapters 6, 8, and 22 of the County Ordinance Code) to add “Short Term Rentals” as an allowed use in specified locations of the Coastal Zone, subject to a short term rental permit.

Attachment A: Coastal Commission Comment Letter, Dated April 6, 2017

Attachment B: Revised Short Term Rental Ordinance (new language underlined and old language struck through)

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\_Memorandum (4-3-17).dotx

**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



April 6, 2017

Michael Schaller, Senior Planner  
San Mateo County Planning and Building Department  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063

**Re: San Mateo County (PLN2015-00453) – Short-term Rental Ordinance**

Dear Mr. Schaller,

We have reviewed San Mateo County's March 22, 2017 staff report to the Planning Commission for Planning Case Number PLN2015-00453 (San Mateo County Planning and Building Department) regarding the proposed ordinance for short-term rentals which includes amendments to San Mateo County's Local Coastal Program's (LCP) Land Use Plan and Implementation Plan. As you know, prior to implementation of the proposed ordinance in the coastal zone, the LCP amendments must be certified by the Coastal Commission. Thank you for coordinating with us as you drafted this ordinance. This letter serves to provide you with additional comments, discussed below.

A productive teleconference meeting between County and Commission staff was conducted on August 18, 2016. At that time, County staff confirmed that they consulted Santa Cruz County's Commission-approved short-term rental ordinance for guidance, that they had conducted public outreach, they provided Commission staff with a better understanding of certain elements proposed for the ordinance, such as the County's signage requirement, and discussed remaining Commission staff comments in detail. I provided a follow-up summary of our comments to Joe La Clair via e-mail on September 19, 2016. The draft ordinance approved by the Planning Commission on March 22, 2017 for the most part adequately addresses and reflects our comments. However, we would like to provide the following additional comments below for your consideration prior to approval of the ordinance by the Board of Supervisors.

In the March 22, 2017 staff report, County staff recommends that the Planning Commission review the status and implementation of the ordinance one year after final adoption and certification to determine its effectiveness. However, the method for monitoring and evaluating the effectiveness of the ordinance is not specifically described. As raised by public commenters, an increase in short-term rentals within existing residential neighborhoods could lead to an increase in the intensity of land use and subsequent coastal resource impacts. We recommend that the County determine how the effectiveness of the ordinance will be monitored and evaluated prior to implementation and include a proposed monitoring plan as part of the ordinance. We respectfully recommend that the Planning Department consider tracking items

Michael Schaller

Short-term Rental Ordinance (PLN2015-00453)

April 6, 2017

Page 2

such as the number of short-term rental permits issued, any violations and complaints, changes in water usage, evidence of traffic or parking impacts, and impacts to housing stock. If future results of the monitoring plan indicate an increase in the intensity of land use and possible impacts to coastal resources, a Coastal Development Permit (CDP) should be required for any short-term rental permit issued in the Coastal Zone. We suggest that the County also evaluate the need for a threshold for this use or cap on short-term rental permits operating at any one time, based on monitoring results.

In our earlier comments to you we asked that the County “consider modifying the LCP to incorporate the concept of short-term rentals as a visitor-serving use.” In response to this comment, the County included short-term rentals in the definition of visitor-serving facilities in LCP Policy 11.1. We appreciate your consideration in addressing this recommendation however; as presented, there isn’t an adequate analysis of the potential implications from including short-term rentals within the current LCP definition of “visitor-serving facilities.” The LCP defines “visitor-serving facilities” as “public and private developments that are *exclusively* [emphasis added] available to the general public...” Short-term rentals as incorporated in the ordinance would not be exclusively available to the general public because they are also set aside for residential use for part of the year. As further detailed in the staff report, short-term rentals are either occupied by the owner year round (in the case of private room rental) or only exclusively offered to visitors 180 days of the year (due to permit limitations). Therefore, including this use within the visitor-serving facilities definition, presents a conflict with the meaning of this definition. Further, inclusion of this use within this definition could also have implications on other LCP requirements such as water and sewer allocations which reserve allocations for priority uses (including visitor serving uses). The visitor-serving definition could possibly be expanded to include short-term rentals in a separate section within which the uniqueness of this use can be described along with how short-term rentals differ from other described visitor-serving uses. We recommend, alternatively, that you not include short-term rentals within this definition until you have the opportunity to more fully evaluate the ramifications of adding this use to the definition of “visitor-serving facilities” in the LCP.

Under the proposed ordinance, the Community Development Director will have exclusive authority to approve short-term rental permits. The proposed ordinance states that documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff’s deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation. A requirement that the Coastal Commission be notified upon the issuance of a short-term rental permit is not reflected in the proposed ordinance. We maintain and re-submit our recommendation, as conveyed to you previously, that the ordinance require the County provide public notice, including notice to the Coastal Commission as part of the County’s approval process consistent with Local Coastal Program (LCP) Section 6328.11.1 (appealable development) and Section 6328.11.2 (non-appealable development). This noticing would be consistent with what was approved for the County of Santa Cruz’s ordinance. Since the County is not currently requiring a CDP for issuance of these permits, it is important that the County notify the Coastal Commission, interested parties, and residents and property owners within 100 feet of the subject parcel to support proper enforcement of short-term permits and monitoring of

Michael Schaller  
Short-term Rental Ordinance (PLN2015-00453)  
April 6, 2017  
Page 3

potential impacts. (See the notice requirements of Coastal Act regulation Section 13568(b), Title 14, California Code of Regulations.) Notice of the proposed action should be provided no less than ten calendar days before issuance of the permit.

Lastly, some of the data presented suggests that there may be short-term rentals currently in non-residential districts. For example, Attachment F to the staff report includes a map of the Princeton area that appears to show short-term rental listings located within the Waterfront District (W/DR/CD). As this ordinance only allows for short-term rentals in single and multiple family residential districts, we recommend the County enforce the prohibition of short-term rentals in other districts.

Please feel free to contact me if you have questions regarding our comments. I can be reached by telephone at (415) 904-5292 or via e-mail at [renee.ananda@coastal.ca.gov](mailto:renee.ananda@coastal.ca.gov).

Sincerely,



Renée Ananda  
Coastal Program Analyst  
North Central Coast District

**[DRAFT] ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING CHAPTER 6 (SINGLE FAMILY RESIDENTIAL DISTRICTS), ~~AND~~ CHAPTER 8 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS), AND CHAPTER 22 (GENERAL PROVISIONS AND EXCEPTIONS) OF THE SAN MATEO COUNTY ZONING REGULATIONS TO ADD SHORT-TERM RENTALS AS AN ALLOWED USE IN SPECIFIED LOCATIONS SUBJECT TO A SHORT-TERM RENTAL PERMIT.**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

**SECTION 1.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 6 (Single Family Residential), Section 6161, is hereby amended to read as follows:

Section 6161. Uses Permitted.

- (m) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 2.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 8 (Multiple Family Residential), Section 6181, is hereby amended to read as follows:

Section 6181. Uses Permitted.

- (f) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 3.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22 (General Provisions and Exceptions), Section 6401.3 (General Provisions Relating to Short-Term Rentals), is hereby added as follows:

**SECTION 6401.3. GENERAL PROVISIONS RELATING TO SHORT-TERM RENTALS**

- 1) *Purpose.* The purpose of this Section is to establish rules and regulations concerning short-term rental units as visitor-serving accommodations in the Coastal Zone of San Mateo County in a manner that protects coastal resources and the residential character of the areas where short term rental uses occur. The provisions of this Section shall provide for a short-term rental permit process, permit performance standards addressing safety requirements and neighborhood

character, and the payment of Transient Occupancy Tax (TOT) pursuant to existing regulations.

- 42) *Permit required.* Each short-term rental requires a valid short-term rental permit as set forth in, and subject to, the requirements of this Section. A separate short-term rental permit is required for each property address. In the event multiple rental options are advertised or available at a single property address (e.g. multiple rooms available for rent separately or in any combination in one house), one permit shall be required to cover the total rental activity proposed.
- a) *No authorization of prohibited uses.* Approval of a short-term rental permit does not legalize any use or structure not otherwise permitted by law or contract, including but not limited to homeowners association agreements and lease agreements.
  - b) *Coastal Zone requirements.* A short-term rental located in the Coastal Zone must comply with the conditions specified in Sections 6160 and 6180 of the Zoning Regulations; conform to the Local Coastal Program; and comply with all conditions of any existing or subsequently issued ~~new~~ Coastal Development Permits, as specified in Chapter 20B of the Zoning Regulations.
  - c) *Nightly limits.* A short-term rental cannot be rented for more than one hundred eighty (180) nights per calendar year. Any night in which a short-term rental is rented during which the property owner is present on the parcel containing the short-term rental does not count against this ~~one hundred eighty (180) night per year~~ limit.
  - d) *Suspension or revocation.* Short-term rental permits are subject to suspension or revocation as provided in this Section.
  - e) *Expiration.* A short-term rental permit shall automatically expire three (3) years after the date of issuance, or when the permit holder no longer has legal ownership or a leasehold of the short-term rental, whichever occurs first.
  - f) *Renewal.* A short-term rental permit may be renewed up to six (6) months prior to the expiration of the permit, using the same application process as for issuance of an initial permit.
- 2) *Definitions.* For the purposes of this Section, the following terms are defined as follows:
- a) “Department” means the San Mateo County Planning and Building Department.
  - b) “Owner” means an individual, a group of individuals, an association, firm, partnership, corporation, a legal entity recognized by any state or the federal

character, and the payment of Transient Occupancy Tax (TOT) pursuant to existing regulations.

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- 2) *Definitions.* For the purposes of this Section, the following terms are defined as follows:
- a) “Department” means the San Mateo County Planning and Building Department.
  - b) “Owner” means an individual, a group of individuals, an association, firm, partnership, corporation, a legal entity recognized by any state or the federal

government, or other natural or legal entity, public or private, who possesses fee title to or is a lessee of at least thirty (30) days of the short-term rental, or his or her authorized representative.

- c) "Community Development Director" means the Director of the County of San Mateo Planning and Building Department or his or her designee.
  - d) "Short-term rental" means a single-family dwelling unit or multifamily unit, or portion(s) thereof, rented for the purpose of overnight lodging for a period of less than thirty (30) consecutive days other than (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment. "Short-term rental" does not include (1) non-habitable accessory structures as defined by the California Building Code; (2) second units as defined in Zoning Regulations Chapter 22.5; and (3) housing units subject to affordable housing covenants and/or income restrictions under County, state, or federal law.
  - e) "Short-term rental permit" means the permit applied for and granted pursuant to this Section 6401.3 of the Zoning Regulations.
  - f) "Short-term tenants" means those persons who rent a short-term rental for less than thirty (30) consecutive days other than for (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment.
- 3) *Application.* A [separate](#) application for a short-term rental permit shall be made to the Department [for each address in which short-term rental activity is intended to occur](#), in accordance with the following requirements:
- a) Only an owner, as defined in this Section 6401.3, may apply for a short-term rental permit.
  - b) If the application is made by a lessee or lessee's representative, the application must include written authorization from the lessor of the subject property establishing that the lessee is permitted to use the leased dwelling unit as a short-term rental.
  - c) If the application is made by an owner's or lessee's representative, the application must include written authorization establishing the representative's authority to apply for a short-term rental permit on behalf of the owner or lessee.

The application shall include all of the following on a form developed and provided by the Department:

- d) Completed application form as provided by the Department, including signature of the owner verifying that all information provided is true and correct as of the date signed.

government, or other natural or legal entity, public or private, who possesses fee title to or is a lessee of at least thirty (30) days of the short-term rental, or his or her authorized representative.

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  - c) If the application is made by an owner's or lessee's representative, the application must include written authorization establishing the representative's authority to apply for a short-term rental permit on behalf of the owner or lessee.

The application shall include all of the following on a form developed and provided by the Department:

- d) Completed application form as provided by the Department, including signature of the owner verifying that all information provided is true and correct as of the date signed.

- e) Copy of the rental or lease agreement between the owner and a prospective short-term tenant or copy of advertisement offering the short-term rental, which shall recite the following performance standards set forth in this Section:
  - i) Number of tenants allowed;
  - ii) On-site parking;
  - iii) Trash;
  - iv) Prohibition of illegal activity;
  - v) Noise
- f) Valid Transient Occupancy Registration Certificate issued by the County of San Mateo pursuant to Ordinance Code Chapter 5.136, or alternative satisfactory evidence demonstrating compliance with Ordinance Code Chapter 5.136.
- g) Evidence of available on-site parking in compliance with the requirements of this Section.
- h) Evidence that the address/street number of the short-term rental is visible from the road in front of the parcel.
- i) Proof of liability insurance for short-term rentals in compliance with this Section.
- j) [Any other information which may be reasonably required by the Community Development Director to ensure compliance with this Section.](#)
- k) Fees prescribed by the Department fee schedule.

- 4) *Approval Process.* Authority to approve an application for a short-term rental permit rests exclusively with the Community Development Director. The Community Development Director shall grant an application for a short-term rental permit if the application meets all of the requirements of this Section and the owner has no outstanding compliance-related violations with the County at the time of application, including but not limited to those with the Department or the Tax Collector. Such outstanding compliance matters may include but are not limited to liens, fines, liabilities, and code compliance matters. ~~Public notice or public hearing prior to consideration of the requested short-term rental permit is not required.~~

[Consistent with Section 6328.11.2\(b\) of the County Zoning Regulations, public](#)

notice of short-term rental permits shall be given at least ten (10) calendar days prior to a decision to approve or deny such permit by the Community Development Director. Said notice shall be distributed to the California Coastal Commission, all property owners and residents within 100 feet of the perimeter of the subject parcel on which the short term rental is proposed, and all other interested parties who have requested, in writing, such notice. A public hearing prior to consideration of the requested short-term rental permit is not required.

The decision of the Community Development Director shall be final and shall not be appealable to the Planning Commission or Board of Supervisors.

- 5) *Performance Standards.* All short-term rentals are subject to the following performance standards, which are incorporated into each short-term rental permit:
- a) *Number of tenants allowed.* The maximum number of short-term tenants allowed in an individual short-term rental shall not exceed two (2) persons per bedroom rented, plus two (2) additional persons (i.e., if one bedroom is rented, up to four short-term tenants are permitted). Children under twelve (12) years of age are not counted toward this maximum.
  - b) *On-site parking required.* Each short-term rental that is all or part of a single-family dwelling unit shall provide at least one (1) vehicle parking space in the garage, driveway, or other on-site parking area, or at least two (2) vehicle parking spaces if the maximum occupancy of the short-term rental exceeds eight (8) short-term tenants as defined in this Section. Each short-term rental that is all or part of a unit within a multifamily building shall provide at least one (1) vehicle parking space in the garage, parking lot, or other on-site parking area. The parking required by this Section shall be available for use by the short-term tenants while the short-term rental is occupied by such tenants.
  - c) *Local contact person.* The owner shall designate a local contact person who shall remain within a twenty (20) mile radius of each short-term rental and be available at all times to respond to questions or concerns while the short-term rental is occupied by tenants. In cases of emergency, the local contact person shall be available to physically report to the short-term rental within a reasonable time period not to exceed one (1) hour. The local contact person shall otherwise be available during normal business hours to respond to questions or concerns. An owner may serve as the local contact person if he or she meets all requirements set forth in this section.
    - i) The owner shall submit the name, address, and telephone number(s), (including a phone number at which the local contact person can be reached at all times), of the local contact person to the Planning Department, ~~-. The Planning Department will distribute this contact information to~~ the San Mateo County Sheriff's Office, the local Sheriff's Office substation, the local fire agency, and all adjacent property owners and occupants within properties to 100 feet of the short-term

rental. Any change to the local contact person's address or phone number shall be promptly reported to the Planning Department. ~~For short-term rentals that constitute all or part of a single-family unit, "adjacent properties" shall include the parcels contiguous to the short-term rental, as well as the parcels immediately across the street from the short-term rental. For short-term rentals that constitute all or part of a unit within a multifamily building, "adjacent properties" shall include the units that share a wall, including side, ceiling, and floor walls, with the short-term rental.~~

- ii) The name, address, and telephone number(s), including a phone number at which the local contact person can be reached at all times, of the local contact person shall be permanently posted in a prominent location in the short-term rental unit.
  - iii) The owner shall notify the ~~agencies and adjacent properties~~ Planning Department as specified in subsection (i), above, in writing within ten (10) calendar days of any change in the local contact person's name, address, or telephone number.
  - iv) The local contact person shall use his or her best efforts, and respond in a reasonable and timely manner, to ensure that short-term tenants do not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.
- d) *Trash.* If placed outdoors, trash and recyclables shall be stored in covered containers.
  - e) *Prohibition on illegal activity.* The short-term rental shall not be used to host or conduct any illegal activity.
  - f) *Noise.* All short-term rentals shall comply with the standards of the County Noise Ordinance (Ordinance Code Chapter 4.88) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. The short-term rental shall not involve on site use of equipment requiring more than standard household electrical current at 110 or 220 volts, or unreasonable activities that produce noise, dust, odor, or vibration detrimental to occupants of neighboring properties.
  - g) *Posting of performance standards.* Each owner shall post the following performance standards in a prominent location in the unit, readily visible to all short-term tenants:
    - i) Number of tenants allowed;
    - ii) On-site parking;

- iii) Trash;
  - iv) Prohibition on illegal activity;
  - v) Noise.
- h) *Transient Occupancy Tax.* Each owner shall comply with Chapter 5.136 of the Ordinance Code, including all required payments of transient occupancy tax for each short-term rental unit.
- i) *Building standards.* Each short-term rental shall be and at all times remain, in compliance with all applicable laws and regulations, including but not limited to the County of San Mateo Zoning Regulations and Building Regulations, the California Residential Code, the California Fire Code, the California Health and Safety Code, and the terms of all County-issued permits. In addition, each short-term rental shall comply with the following safety measures, prior to issuance of a short-term rental permit:
- i) Smoke alarms (listed as complying with UL 217 and approved by the State Fire Marshall) installed (1) in each bedroom, (2) outside but in the immediate vicinity of each bedroom, and (3) on each level of the dwelling unit, including basements and habitable attics.
  - ii) Carbon monoxide alarms (listed as complying with UL 2034) installed (1) outside but within the immediate vicinity of each bedroom, and (2) on every level of the dwelling unit, including basements.
  - iii) At least one fire extinguisher installed on each habitable level of the dwelling unit.
- j) *No signage.* Signs advertising the short-term rental that are visible from the exterior of the short-term rental are prohibited, including but not limited to signs posted on or around the exterior of the short-term rental and signs posted in windows.
- k) *Liability insurance.* Each owner shall maintain at least five hundred thousand dollars (\$500,000) in liability insurance on the short-term rental while the short-term rental is occupied by short-term tenants.
- l) *Record keeping.* Each owner shall keep true and accurate records of the number of nights the short-term rental is rented and the amount paid by tenants, and all records as may be necessary to determine the amount of tax that may be owed to the County. The owner shall provide such records for review by the Department, the Tax Collector, the Auditor/Controller, or their designee upon ten (10) calendar days' notice. Each owner shall retain such records for at least three (3) years for purposes of this Section. Failure

to keep or produce records as required is a violation subject to the penalties set forth in this Section.

- m) *Dispute resolution.* By accepting a short-term rental permit, the owner agrees to engage in good faith efforts to resolve disputes with neighbors arising from the short-term rental.

6) *Violations and Penalties; Procedure.*

- a) *Violations.* It is unlawful and a violation subject to the penalties set forth in subsection (b) for any person to use or operate a short-term rental in violation of this Section. It is unlawful to advertise any short-term rental without a valid permit. For the purposes of this Section, the terms “advertise,” “advertisement,” or “advertising” mean the act of drawing the public’s attention to a short-term rental in order to promote the availability of the short-term rental.

Violations that last more than one (1) calendar day shall be treated as a new violation for each calendar day that the violation continues.

- b) *Penalties.* Violation(s) of this Section may be subject to those penalties set forth in Chapter 1.40 of the Ordinance Code (Administrative Remedies), including monetary penalties as provided, in addition to the provisions for suspension or revocation of a permit as set forth in this Section. These penalties are not exclusive, and the owner or short-term tenant may be subject to any other administrative, civil, or criminal penalties applicable to the violating conduct.

If more than two (2) documented violations occur within any twelve (12)-month period, the Department may suspend or revoke any short-term rental permit that has been issued for the relevant unit(s). Documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff’s deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation. Documented violations shall also include the owner, permit holder, or other individual engaged in short-term property rental’s failure to produce relevant short-term rental and/or Transient Occupancy Tax records upon County’s reasonable request as required by this Section or other applicable federal, state, or local law or regulation.

After revocation of a permit, the owner shall not be permitted to apply for or receive a short-term rental permit for the same short-term rental for a period of at least one (1) year from the date that revocation is made final by the Community Development Director or the Planning Commission.

Any owner found advertising or operating a short-term rental without a valid permit shall be subject to the penalties in this Section. In addition, the owner

shall be subject to a “black-out period” during which the owner may not apply for or renew a short-term rental permit for any short-term rental. The black-out period shall continue for double the number of days that the owner operated or advertised the rental without a permit, with a minimum black-out period of (1) one month and a maximum black-out period of one (1) year. The owner must also pay any Transient Occupancy Tax owed before applying for a short-term rental permit.

- c) *Procedure for suspending or revoking a permit.* Before revoking or suspending a short-term rental permit, the Community Development Director or his or her designee shall allow the permit holder the opportunity for a hearing.
- i) The Department shall provide a written notice of the hearing which shall contain the following information:
    - (1) The grounds for complaint or reasons for the proposed revocation or suspension;
    - (2) The time and location of the hearing.
  - ii) The notice shall be deposited in the United States Mail, in a sealed envelope, with adequate postage, and addressed to the personally served on the owner or mailed toat the address listed on the permit at least ten (10) calendar days prior to the hearing. Service by mail shall be deemed completed at the time of deposit in the United States mail receptacle. In the event the hearing is held in response to the filing of a complaint, the Department shall also provide notice of the hearing to the complainant.
  - iii) At the hearing, the owner shall be given an opportunity to be heard and to present evidence on his or her behalf. Within five (5) calendar days of the conclusion of the hearing, the Community Development Director or his or her designee shall make written findings and determine whether the permit shall be suspended or revoked. The Department will promptly serve the written findings on the owner.
  - iv) In the event the permit is suspended or revoked, the owner may appeal the decision to the San Mateo County Planning Commission within fourteen (14) calendar days from the date that the Community Development Director’s written determination is mailed to or personally served on the owner. The owner shall file a notice of appeal with the Department on a form provided by the Department, together with any processing fee set forth in the Department fee schedule. Upon receipt of the notice of appeal, the Department shall immediately transmit the appeal, together with all relevant records in the matter, to the Planning Commission.

- v) The Planning Commission may, upon receiving a notice of appeal:
  - (1) Review the record of the proceedings held before the Community Development Director or his or her designee and either affirm or reverse the decision, or it may refer the matter back to the Community Development Director for further proceedings; or
  - (2) Set the matter for hearing before the Planning Commission, providing notice of the hearing as required for hearings before the Community Development Director. At the hearing, the Planning Commission shall hear and decide the matter de novo. The decision of the Planning Commission is final and is not appealable to the Board of Supervisors.

7) Monitoring. Upon final approval of this Ordinance, the Planning Department shall implement a monitoring program to determine the efficacy of the ordinance. The results of this monitoring program shall be presented to the Planning Commission on an annual basis.

78) *Severability.* If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Section.

**SECTION 4.** This Ordinance shall take force and effect immediately upon final certification by the Coastal Commission. The Community Development Director may impose a grace period of up to six (6) months from the date this Ordinance takes effect to allow otherwise compliant short-term rentals to come into compliance with the permit requirement of this Ordinance.

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