

**CITY OF SAN MATEO
DRAFT ORDINANCE**

An Ordinance of the City Council of the City of San Mateo Amending Section 5.66, “Short Term Rentals,” of Title 5, “Business Licenses and Regulations,” of the San Mateo Municipal Code

WHEREAS, The City adopted an ordinance on February 1, 2021, regulating short-term rentals of residential properties; and

WHEREAS, the ordinance references “primary residences” and the City wishes to allow and regulate short term rentals in all dwelling units except for accessory dwelling units; and

WHEREAS, the City wishes to replace the reference to “primary residence” with references to “dwelling units” and to define the term “dwelling units” to exclude accessory dwelling units; and

WHEREAS, the City wishes to clarify that, the annual 120-day limitation on short-term rentals does not apply when the host is present for the duration of the stay;

WHEREAS, the City wishes to clarify that the annual limit runs from the date of the short-term rental registration; and

WHEREAS, the City Council originally scheduled this item for a public meeting on May 27, 2021; and

WHEREAS, the item was continued to the meeting of June 7, 2021;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Section 5.66.020 is amended to add the following definition:

“Dwelling Unit” means any legal dwelling unit but does not include accessory dwelling units.

Section 2. Section 5.66.040, “Operating Standards,” is amended to read as follows:

The following operating standards shall apply to Short-Term Rentals:

(a) Permitted in Legal Dwelling Units. Any Dwelling Unit, with the exception of Accessory Dwelling Units as defined in Chapter 27.19 of the San Mateo Municipal Code, may be registered as a Short-Term Rental may only occur within legal dwelling units.

(b) Annual Limit. When a Host is present on site, a Dwelling Unit may be occupied as a Short-Term Rental for an unlimited number of days. When a Host is not present on site, a primary residence Dwelling Unit may be occupied as a Short-Term Rental for no more than 120 days per calendar year, beginning on the date that the Short-Term Rental was registered.

(c) Local Contact Person. Hosts shall identify to all guests and all occupants of adjacent properties a local contact person to be available 24 hours per day, seven days per week during the term of any stay. The designated local contact person shall:

(1) Respond within 60 minutes to complaints regarding the condition or operation of the dwelling unit or the conduct of guests; and

(2) Take remedial action to resolve such complaints.

(d) Parking. Properties with three or fewer bedrooms must provide at least one off-street parking space. Properties with four or more bedrooms must provide at least two off-street parking spaces.

(e) Special Event. Weddings, parties, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited from occurring at the Short-Term Rental property, as a component of Short-Term Rental activities.

(f) Occupancy is limited to two people per bedroom or ten people per property, whichever is less.

(g) Hosts must notify guests of all City noise, trash, and parking ordinances.

Section 3. Section 5.66.050, “-Registration and Annual Renewal,” is amended to read as follows:

(a) Application. Prior to advertising or making available the ~~primary residence~~Dwelling Unit for Short-term Rental, Hosts shall register ~~their primary residence~~a Dwelling Unit as a Short-Term Rental with the City. This registration shall be submitted on a form prepared by the City and shall include the name and contact information of the Host, the address of the ~~primary residence~~Dwelling Unit being used for Short-Term Rental, the contact information for the local contact person, an acknowledgement of compliance with the requirements of the City’s Zoning Ordinance, Municipal Codes, including the requirement to obtain a business license, applicable health and safety standards, and other information as requested.

(b) Fee. The registration form shall be accompanied by a filing fee in an amount established by resolution of the City Council and updated from time to time.

(c) Application Completeness. The submitted information shall be used to determine whether to register the Short-Term Rental. The Host will be notified if an application is incomplete. If the Host fails to timely submit the required information or fees necessary to complete the application, the application shall expire and be deemed withdrawn.

(d) Decision. The Community Development Director shall review Short-term Rental registration applications. After an application is deemed complete, registration shall be approved where:

(1) The ~~host~~Host demonstrates the ability to meet the requirements of this Chapter,

(2) The subject ~~primary residence~~Dwelling Unit is not currently the subject of an unresolved code enforcement case involving health and safety issues in the past twelve months, and

(3) A Short-term Rental registration for the ~~primary residence~~Dwelling Unit has not been denied or revoked in the prior twelve-month period.

Section 3. Environmental Determination. In accordance with Public Resources Code Section 21065 and California Environmental Quality Act (CEQA) Guidelines, section 15061(b)(3) , adoption of the ordinance is not a project subject to CEQA as it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because the short-term rental use will have no environmental impacts other than impacts associated with residential uses.

Section 4. Severability. In the event any section, clause, or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause, or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 5. Publication. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 6. Legislative History and Effective Date. This ordinance was introduced on Clerk to complete., and adopted on Clerk to complete., and shall be effective 30 days after its adoption.