



CITY OF SAN MATEO

City Hall
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Agenda Report

Agenda Number: 22

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Manager's Office
MEETING DATE: June 7, 2021

SUBJECT:
Ordinance Introduction – “Short-Term Rentals” Amendment

RECOMMENDATION:

THIS ITEM WAS CONTINUED FROM COUNCIL MEETING DATE 5/17/21.

Introduce an Ordinance to amend Municipal Code Chapter 5.66 “Short Term Rentals” (STR) to clarify that only properties where the host is not present have an annual limit on the number of days they can be rented, that STR properties do not need to be the owner’s primary residence, and that accessory dwelling units cannot be used for short-term rentals.

BACKGROUND:

The City of San Mateo short-term rental (STR) ordinance (SMMC Chapter 5.66) was adopted on February 1, 2021 to regulate STRs and mitigate their impacts on surrounding properties. While preparing the materials for implementation of the new ordinance, staff identified some clarifications needed in the ordinance in order to regulate STRs in the manner intended by City Council at the time of adoption.

The proposed changes to the adopted ordinance include the following:

- Clarify that Accessory Dwelling Units (ADUs) are excluded from operating as STRs;
- Replace the term “primary residence” with “dwelling units”;
- Clarify annual limits only pertain to STR properties when a host is not on site.

The added language that excludes ADUs from operating as STRs, is needed to maintain consistency with the City’s previously adopted ADU regulations. Municipal Code Chapter 27.19 states that ADUs shall not be rented for less than 30 days and requires that a deed restriction be recorded with this restriction in place. This ADU regulation has been in place since 2016.

The replacement of the term “primary residence” with “dwelling units,” better reflects the City Council’s intention to not limit STR operators to only primary residents. Instead, any legal dwelling unit, with the exception of ADUs, can operate as a short-term rental.

The final amendment to the ordinance reflects the City Council’s intention to limit the number of rentals days per year for properties where a host is not present. In the original draft of the ordinance, it accidentally restricted all STRs to no more than 120 days of rentals per year.

BUDGET IMPACT:

The proposed amendments to the short-term rental ordinance will not have any budget impact.

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.

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Ordinance

Att 2 – Proposed Ordinance with track changes

Att 3 – Public Comment

STAFF CONTACT

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