



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

ENVIRONMENTAL SERVICES AGENCY

DATE: December 9, 2003

BOARD MEETING DATE: December 16, 2003

TO: Honorable Board of Supervisors

FROM: Marcia Raines, Director of Environmental Services *MR*

SUBJECT: Adoption of Interim Zoning Regulations for Bed and Breakfast Inns
Outside the Coastal Zone

RECOMMENDATION

Adopt an ordinance establishing interim regulations for the short-term rental of rooms (commonly known as a bed and breakfast inn) in residential districts outside the coastal zone.

BACKGROUND

A residence under construction at 1201 Selby Lane in the Sequoia Tract area of unincorporated Redwood City, commonly known as the Atherton Inn, has brought to light the inadequacy of the County's existing regulations governing the short term rental of rooms in residential districts, commonly referred to as a bed and breakfast inn. These facilities take advantage of the County's existing regulations governing the rental of rooms in residential districts, which make no distinction between short- or long-term rentals. Those regulations allow the rental of up to five rooms in a single-family residence, provided there are no additional kitchen facilities.

Generally speaking, this has not proven to be problematic for long-term rentals, usually to individuals, as it is little different than the same number of individuals sharing a home. However, when relied upon for the establishment of a bed and breakfast, with its regular daily turnover of occupants and the potential introduction of activities and facilities more commonly associated with hotels and motels, problems can result.

We are thus recommending that the County amend its room rental regulations to create a distinction between short (less than 30 days) and long (30 days or more) term room rentals in residential districts and to establish development and operational standards for short-term rentals. We are recommending that these regulations apply outside of the coastal zone only at this time, so that they may be put in place quickly and because County policy is more supportive of visitor serving facilities on the Coastside and the lower level of regulation of inns generally has not been problematic there.

DISCUSSION

The proposed regulations would leave the requirements for long-term rentals unchanged and relatively simple. However, short-term rentals would become subject to the following requirements, shown in bold, followed by comments in plain type:

1. **The maximum number of registered guests (paying or non-paying, including all members of any guest's group or party) on any given evening shall not exceed 1.5 times the number of guest rooms, rounded to the next whole number. County inspectors shall be given ready and immediate access to registration records to verify compliance.**

This provision would assure that, despite the allowance of up to five guest rooms, the total number of persons on site would be limited.

2. **The maximum number of guest motor vehicles parked on site or in any adjoining or surrounding residential district, incorporated or unincorporated, at any given time shall be limited to the number of off-street or driveway parking spaces provided, including all garage/carport spaces and one tandem driveway space per garage/carport space, less one owner/manager space. All registered guest motor vehicles shall be parked on-site between the hours of 10:00 P.M. and 6:00 A.M.**

This would assure that total motor vehicles associated with the inn are limited and are parked on-site overnight.

3. **The establishment, including all contiguous property under the same ownership or management and all buildings on site regardless of their use in the room rental operation, shall conform to the following:**
 - a. **A site area not exceeding twice the minimum lot size in the applicable zoning district regulations; and,**
 - b. **A floor area, including all garages and carports, not exceeding the lesser of: (1) any floor area limit in the applicable zoning district regulations, (2) 1.5 times the lot coverage limit in the applicable district regulations, or (3) 6,000 square feet. This floor area provision**

shall not apply to any residence for which a building permit had been issued and construction begun prior to its effective date.

These provisions would limit the overall size of a bed and breakfast establishment in a manner consistent with how other residences in the same district are regulated. It would also preclude bed and breakfasts on sites that are significantly larger than the district minimum lot size.

- 4. There shall be no hosting of meetings, conferences or social events, whether on a commercial or non-commercial basis, involving on-site participants who are not registered guests within the numerical limits listed above. Similar events for registered guests shall be conducted indoors only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.**

This provision would limit activities that go beyond the traditional purpose of bed and breakfast inns: overnight accommodations. Social events and meetings would be limited to registered guests, whose number would be limited by 1, above.

- 5. All liquor sales or service to be in strict compliance with the requirements of the State Board of Alcoholic Beverage Control.**

Self-explanatory and required by State law.

- 6. Signage shall be limited to one non-illuminated single-face sign not exceeding 6 square feet in area attached flat to the wall of the building with the upper edge of the sign not more than six feet above street elevation.**

This would limit signage in a manner similar to other signage allowed in residential districts.

- 7. With the exception of (a) contractors operating pursuant to an approved planning or building permit, (b) repair and maintenance personnel, (c) gardeners and (d) housekeepers, all performing only those duties, no one not a resident shall be employed, directly or via contract or other form of payment, in the operation of the rental establishment or any event there.**

This provision is similar to that for home occupations in residential districts and is consistent with the traditional concept of a bed and breakfast: owners providing modest overnight accommodations in their own home without outside help beyond what might be found or used in the typical single family residence nearby.

Grandfathering. The draft ordinance contains a provision that would make the above limitations inapplicable to any short-term rental operation established prior to the effective date of those limitations. They would apply only to new operations established after that date.

Urgency Interim Ordinance. This ordinance is being proposed as an urgency interim ordinance under the provisions of Government Code section 65858, which authorizes the County to adopt as an urgency measure an interim ordinance prohibiting uses that may be in conflict with a contemplated zoning proposal that the County intends to consider within a reasonable time. As pointed out in the findings and declarations included within the ordinance, the current controls in effect for bed and breakfast operations in residential zoning districts outside the coastal zone appear to be inadequate to assure that such operations will not be in conflict with the residential character of the district. Planning staff intends to propose permanent revisions to the zoning regulations which will apply appropriate controls. The ordinance, as presented, requires a four-fifths (4/5) vote for passage, and is effective for 45 days. The Board is authorized to readopt an interim ordinance for two additional periods, to a total of two years, while the County considers permanent revisions to the zoning regulations.

We believe these are reasonable restrictions that will continue to allow bed and breakfasts containing up to five guest rooms but with protections for the neighborhood in which they are located.

Environmental Review. Adoption of the interim regulations is exempt from review under the California Environmental Quality Act under 14 California Code of Regulations Section 15061(b)(3) because there is no possibility that the interim regulations, which impose further restrictions on development, will have the potential for causing a significant effect on the environment.

VISION ALIGNMENT

Adoption of these regulations would serve the commitment to redesign our urban environment to increase vitality, expand variety and reduce congestion and the related goal that land use decisions consider transportation and other infrastructure needs as well as impacts on the environment and on surrounding communities. They would also serve the commitment to responsive, effective and collaborative government and the related goal that government decisions be based on careful consideration of future impact, rather than temporary relief or immediate gain.

OTHER REVIEWING AGENCIES

County Counsel

COPIES

Atherton Inn
Concerned Sequoia Tract Neighbors

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RECOMMENDED
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Justin
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COUNTY MANAGER