

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN URGENCY ORDINANCE ESTABLISHING INTERIM REGULATIONS FOR THE
SHORT TERM RENTAL OF ROOMS (COMMONLY KNOWN AS A BED AND
BREAKFAST INN) IN RESIDENTIAL DISTRICTS OUTSIDE OF THE COASTAL ZONE

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

SECTION 1. Findings and Declarations.

The Board of Supervisors finds and declares as follows:

1. Section 6400 of the San Mateo County Zoning Regulations authorizes certain specified "accessory uses" in any residential ("R") district provided such accessory uses "do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts." Subdivision (a) of section 6400 allows the "renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this Part, unless permitted in the district." Under this provision, the renting of up to five (5) rooms, and the provision of board to the renters of those rooms would be allowed.

2. In 1989, the San Mateo County Planning Director promulgated a policy that recognized that bed and breakfast operations of five or fewer rooms fell within the category of an "accessory use" allowed under section 6400(a). The policy was intended to implement section 6400(a) by providing

guidance to persons contemplating the operation of a bed and breakfast in a residential district. The policy noted that no County approvals were needed outside of the coastal zone, other than a building permit and possibly environmental health permits, but that a coastal development permit would be required within the coastal zone.

3. Since the promulgation of the policy in 1989, only two room and board operations that would qualify as bed and breakfast facilities (i.e., five or fewer rooms) have been approved in residential ("R") districts in the unincorporated area. Both of these are located in the coastal zone, and were therefore subject to review under coastal development permit regulations

4. In August 2000, application was made to construct an approximately 6000 square foot single-family residence at 1201 Selby Lane in unincorporated Redwood City. The property is located in a single-family residential (R-1) zoning district. The residence structure is currently under construction, and it is anticipated that it will be ready for a final inspection within the next two weeks to a month. Since application was made, it has become known that the owner intends to establish a bed and breakfast operation at the site. Several residents in the area have appeared before this Board to register their concerns about the commercial nature of the operation, and have questioned whether the operation, as contemplated, would be in character with the single family residential zoning district, and whether the operation would be "incidental" to occupancy as a single family residence.

5. This Board has also been made aware of advertising for the proposed operation, which indicates its intended use to serve the "business and leisure traveler", indicates the availability of a "conference room" on site, and includes among the events hosted on site "small meetings" and "seminars". This advertising, as well as the concerns raised by residents in

the surrounding neighborhood, has raised a serious question as to whether the current regulations are adequate to ensure that the proposed use will be consistent with the character of a single family zoning district and incidental to the use of the property as a single family residence.

6. The Board hereby finds that the current regulations are inadequate to ensure that proposed bed and breakfast operations in residential zones located outside of the coastal zone will be compatible with the character of the residential neighborhood and will be "incidental" to the use of the premises as a residence. Current regulations within the coastal zone require a discretionary coastal development permit for all development, which the Board considers to be adequate to ensure that any proposed bed and breakfast operation in a residential district in the coastal zone is compatible with the residential character of the district. The Board further notes that the Coastal Act has strong policy language favoring the development of visitor serving facilities in the coastal zone.

7. Based on the findings and declarations above, this Board hereby finds and declares that there is a current and immediate threat to the public welfare, due to the pending completion of a proposed bed and breakfast facility at 1201 Selby Lane, unincorporated Redwood City, and that the approval of additional permits or other entitlements for use required to comply with the zoning ordinances relating to the renting of rooms and the providing of board in residential zones would result in that threat to the public welfare. The Board further finds and declares that the current and immediate threat to public welfare will be alleviated if bed and breakfast operations are made subject to the interim restrictions proposed in the within interim ordinance pending consideration of ordinance amendments to address the threat

8. The Board further finds and declares that the adoption of the interim regulations set forth herein is exempt from environmental 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.

SECTION 2. For the interim period during which this Ordinance is in effect, Subdivision (a) of Section 6400 of Chapter 22, Part 1, Division VI (Zoning) of the San Mateo County Ordinance Code, shall be amended to read as follows:

(a) Rental of rooms.

1. Provisions within the Coastal Zone.

The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this Part, unless permitted in the district.

2. Provisions outside the Coastal Zone.

a. The renting of rooms and/or the providing of table board in a dwelling for a period of 30 consecutive days or longer as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this Part, unless permitted in the district.

b. The renting of rooms and/or the providing of table board in a

dwelling in which any room is rented at any time for a period of less than 30 consecutive days (commonly known as a bed and breakfast inn) as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this Part, unless permitted in the district, and provided the following requirements are met:

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

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.

The limitations on the short-term rental of rooms enumerated in paragraphs 1 through 7 above shall not apply to any short-term rental operation that was established (first registered, paying overnight guest subsequent to issuance of a certificate of occupancy and as verified by transient occupancy tax records) prior to the effective date of those limitations and which has been in continuous operation since as shown by transient occupancy tax records.

SECTION 3. This ordinance shall be in full force and effect upon its adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption.

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