

CALIFORNIA COASTAL COMMISSION

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Prepared November 29, 2017 for (for December 13, 2017 Hearing)

To: Commissioners and Interested Persons

From: Nancy Cave, North Central Coast District Manager
Renée Ananda, Coastal Program Analyst

Subject: San Mateo County Local Coastal Program (LCP) Amendment Number LCP-2-SMC-17-0051-2 (Short-term Rental Regulations)

Proposed Amendment

San Mateo County proposes to modify its certified LCP Implementation Plan (IP) to amend IP Chapters 6 (R-1, Single Family Residential), 8 (R-3, Multiple Family Residential), and 22 (General Provisions and Exceptions) to add a permitting process to regulate the use of single and multi-family residences as short-term rentals in the Coastal Zone. Short-term rental use of existing single and multi-family residential structures is currently not explicitly permitted in residential zoning districts in the County, including within the Coastal Zone. Consequently, there are no existing operational permits or standards for the County to use to regulate the use. The proposed IP amendment specifies that short-term rentals are allowed within existing single- and multi-family residential districts, and provides for a short-term rental permit process which establishes performance standards for short-term rentals that address safety and neighborhood character, and requires the payment of a Transient Occupancy Tax pursuant to existing regulations for any permitted short-term rental. The regulations for short-term rental use in the Coastal Zone include noticing requirements consistent with LCP Section 6328.11.2 (Notice of Development Not Appealable to the Commission) and monitoring of the issuance of the subject permits.

Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is “minor.” CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be co

nsistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes

a certified part of the LCP immediately (in this case, on December 13, 2017).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed amendment applies to existing single-family (R-1) and multi-family (R-3) zoning districts located primarily within urban areas of the Coastal Zone. The LCP allows for land uses designated on the Land Use Plan Map and conditional uses up to the densities specified in the Locating and Planning New Development Component of the LCP. LCP Policies 1.5 and 1.8 limit new development allowed on parcels located within urban and rural areas to the amount, density, and size of development permitted by the LCP. In addition, the LCP promotes shoreline access and permits visitor-serving facilities that are designed to enhance public opportunities for recreation, do not substantially alter the natural environment, and do not subvert the character of San Mateo County's Coastside communities.

The proposed amendment would not change the amount, density, and/or size of permitted development allowed within single and multi-family zoning districts but would allow for the use of short-term rentals within existing permitted single and multi-family residences, subject to approval of a short-term rental permit from the County Community Development Director. All permitted short-term rental use would be subject to performance standards designed to limit impacts on existing residential neighborhoods, including a limitation on the number of days existing residential structures can be rented. While not visitor-serving facilities as defined by the LCP, short-term rental use of existing residential structures would provide affordable, overnight accommodations for visitors consistent with the goals of the LCP's access and recreation policies. Thus, the proposed amendment allows for and regulates short-term rental use, promoting access and recreational opportunities along the coast, while maintaining the protection of coastal resources and residential neighborhoods consistent with the LCP.

California Environmental Quality Act (CEQA)

San Mateo County, acting as lead CEQA agency, prepared and circulated an Initial Study (IS) and determined that the proposed LCP amendment would not have a significant effect on the environment. As such, the County prepared a Negative Declaration for the proposed amendment. The County certified the CEQA document for the proposed amendment as complete, correct, and adequate and found that on the basis of the IS, comments they received, and testimony presented and considered at a public hearing, that there is no substantial evidence that short-term rental use will have a significant effect on the environment. This staff report has discussed the relevant coastal resource issues with respect to the proposal, and concludes that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its December 13, 2017 meeting to be held in Dana Point. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Renée Ananda at the North Central Coast District Office in San Francisco.

EXHIBIT

[Exhibit 1: County Resolution 075207; Ordinance No. 4777 with Full Text of Amendment](#)