

# MEMORANDUM

## COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

**DATE:** May 10, 2017

**TO:** Planning Commission

**FROM:** Michael Schaller, Project Planner

**SUBJECT:** Consideration of Additional Amendments to the San Mateo County Zoning Regulations (Chapter 6 - Single Family Residential District, Chapter 8 - Multi-Family Residential District, and Chapter 22 - General Provisions and Exceptions)

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On April 6, 2017, County staff received comments from the Coastal Commission (CCC) staff on the proposed Short Term Rental ordinance, which the Planning Commission considered at its March 22, 2017 meeting. The CCC's letter is included as Attachment A. The CCC raised several issues, including monitoring and public noticing of permit applications. To address these comments, staff is proposing several changes to the ordinance (included as Attachment B). In addition, in response to direction from the Planning Commission at the March 22, 2017 meeting, staff has added text to the ordinance to address comments received from the public. Staff believes that the changes are significant enough to warrant additional review by the Planning Commission.

### **Coastal Commission Comments**

#### 1. Program Monitoring

In the March 22, 2017 Planning Commission report, staff recommended that the County implement a monitoring program to determine the effectiveness of the proposed ordinance. However, text establishing such a program was not included in the draft ordinance, nor did the Planning Commission include a requirement for such monitoring, other than directing staff to report back on the results of ordinance implementation within an approximate 6-month period.

The CCC has requested that the County implement a monitoring program including a list of potential items to monitor. Of the potential items cited in the CCC letter, staff believes it can effectively monitor the number of permits issued, the number of nights rented, the number of violations/complaints received, and the parking impacts (based on complaints received). However, other suggested categories, such as water consumption, would be extremely difficult to track and distinguish from non-short term rental use. Based upon the nature of the comments from the CCC, staff has added a monitoring provision to the ordinance that staff believes will address the CCC's concerns.

2. Local Coastal Program (LCP) Amendment

In previous discussions with the Coastal Commission staff regarding the proposed ordinance, it was requested that the County modify its LCP definition of “visitor-serving use” to incorporate short term rentals. Staff duly prepared an ordinance to amend the LCP accordingly. However, further comments from the CCC staff indicate a need for additional analysis of the effects of a short term rental program prior to pursuing such an LCP amendment. As a result, staff is removing the revised definition from the proposed LCP amendment, as suggested by the CCC staff.

3. Public Noticing Requirement

The proposed ordinance reviewed by the Planning Commission on March 22, 2017 contained no provision for public noticing of permit applications. At the request of the CCC staff, public noticing consistent with the standards in Section 6328.11.2(b) of the County Zoning Regulations has been incorporated into the revised ordinance.

**Recommendation**

That the Planning Commission recommend that the Board of Supervisors adopt the attached amendments to the San Mateo County Zoning Regulations (Chapters 6, 8, and 22 of the County Ordinance Code) to add “Short Term Rentals” as an allowed use in specified locations of the Coastal Zone, subject to a short term rental permit.

Attachment A: Coastal Commission Comment Letter, Dated April 6, 2017

Attachment B: Revised Short Term Rental Ordinance (new language underlined and old language struck through)

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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT A**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
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April 6, 2017

Michael Schaller, Senior Planner  
San Mateo County Planning and Building Department  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063

**Re: San Mateo County (PLN2015-00453) – Short-term Rental Ordinance**

Dear Mr. Schaller,

We have reviewed San Mateo County's March 22, 2017 staff report to the Planning Commission for Planning Case Number PLN2015-00453 (San Mateo County Planning and Building Department) regarding the proposed ordinance for short-term rentals which includes amendments to San Mateo County's Local Coastal Program's (LCP) Land Use Plan and Implementation Plan. As you know, prior to implementation of the proposed ordinance in the coastal zone, the LCP amendments must be certified by the Coastal Commission. Thank you for coordinating with us as you drafted this ordinance. This letter serves to provide you with additional comments, discussed below.

A productive teleconference meeting between County and Commission staff was conducted on August 18, 2016. At that time, County staff confirmed that they consulted Santa Cruz County's Commission-approved short-term rental ordinance for guidance, that they had conducted public outreach, they provided Commission staff with a better understanding of certain elements proposed for the ordinance, such as the County's signage requirement, and discussed remaining Commission staff comments in detail. I provided a follow-up summary of our comments to Joe La Clair via e-mail on September 19, 2016. The draft ordinance approved by the Planning Commission on March 22, 2017 for the most part adequately addresses and reflects our comments. However, we would like to provide the following additional comments below for your consideration prior to approval of the ordinance by the Board of Supervisors.

In the March 22, 2017 staff report, County staff recommends that the Planning Commission review the status and implementation of the ordinance one year after final adoption and certification to determine its effectiveness. However, the method for monitoring and evaluating the effectiveness of the ordinance is not specifically described. As raised by public commenters, an increase in short-term rentals within existing residential neighborhoods could lead to an increase in the intensity of land use and subsequent coastal resource impacts. We recommend that the County determine how the effectiveness of the ordinance will be monitored and evaluated prior to implementation and include a proposed monitoring plan as part of the ordinance. We respectfully recommend that the Planning Department consider tracking items

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such as the number of short-term rental permits issued, any violations and complaints, changes in water usage, evidence of traffic or parking impacts, and impacts to housing stock. If future results of the monitoring plan indicate an increase in the intensity of land use and possible impacts to coastal resources, a Coastal Development Permit (CDP) should be required for any short-term rental permit issued in the Coastal Zone. We suggest that the County also evaluate the need for a threshold for this use or cap on short-term rental permits operating at any one time, based on monitoring results.

In our earlier comments to you we asked that the County “consider modifying the LCP to incorporate the concept of short-term rentals as a visitor-serving use.” In response to this comment, the County included short-term rentals in the definition of visitor-serving facilities in LCP Policy 11.1. We appreciate your consideration in addressing this recommendation however; as presented, there isn’t an adequate analysis of the potential implications from including short-term rentals within the current LCP definition of “visitor-serving facilities.” The LCP defines “visitor-serving facilities” as “public and private developments that are *exclusively* [emphasis added] available to the general public...” Short-term rentals as incorporated in the ordinance would not be exclusively available to the general public because they are also set aside for residential use for part of the year. As further detailed in the staff report, short-term rentals are either occupied by the owner year round (in the case of private room rental) or only exclusively offered to visitors 180 days of the year (due to permit limitations). Therefore, including this use within the visitor-serving facilities definition, presents a conflict with the meaning of this definition. Further, inclusion of this use within this definition could also have implications on other LCP requirements such as water and sewer allocations which reserve allocations for priority uses (including visitor serving uses). The visitor-serving definition could possibly be expanded to include short-term rentals in a separate section within which the uniqueness of this use can be described along with how short-term rentals differ from other described visitor-serving uses. We recommend, alternatively, that you not include short-term rentals within this definition until you have the opportunity to more fully evaluate the ramifications of adding this use to the definition of “visitor-serving facilities” in the LCP.

Under the proposed ordinance, the Community Development Director will have exclusive authority to approve short-term rental permits. The proposed ordinance states that documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff’s deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation. A requirement that the Coastal Commission be notified upon the issuance of a short-term rental permit is not reflected in the proposed ordinance. We maintain and re-submit our recommendation, as conveyed to you previously, that the ordinance require the County provide public notice, including notice to the Coastal Commission as part of the County’s approval process consistent with Local Coastal Program (LCP) Section 6328.11.1 (appealable development) and Section 6328.11.2 (non-appealable development). This noticing would be consistent with what was approved for the County of Santa Cruz’s ordinance. Since the County is not currently requiring a CDP for issuance of these permits, it is important that the County notify the Coastal Commission, interested parties, and residents and property owners within 100 feet of the subject parcel to support proper enforcement of short-term permits and monitoring of

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potential impacts. (See the notice requirements of Coastal Act regulation Section 13568(b), Title 14, California Code of Regulations.) Notice of the proposed action should be provided no less than ten calendar days before issuance of the permit.

Lastly, some of the data presented suggests that there may be short-term rentals currently in non-residential districts. For example, Attachment F to the staff report includes a map of the Princeton area that appears to show short-term rental listings located within the Waterfront District (W/DR/CD). As this ordinance only allows for short-term rentals in single and multiple family residential districts, we recommend the County enforce the prohibition of short-term rentals in other districts.

Please feel free to contact me if you have questions regarding our comments. I can be reached by telephone at (415) 904-5292 or via e-mail at [renee.ananda@coastal.ca.gov](mailto:renee.ananda@coastal.ca.gov).

Sincerely,



Renée Ananda  
Coastal Program Analyst  
North Central Coast District



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT B**

**[DRAFT] ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING CHAPTER 6 (SINGLE FAMILY RESIDENTIAL DISTRICTS), ~~AND~~ CHAPTER 8 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS), AND CHAPTER 22 (GENERAL PROVISIONS AND EXCEPTIONS) OF THE SAN MATEO COUNTY ZONING REGULATIONS TO ADD SHORT-TERM RENTALS AS AN ALLOWED USE IN SPECIFIED LOCATIONS SUBJECT TO A SHORT-TERM RENTAL PERMIT.**

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

**SECTION 1.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 6 (Single Family Residential), Section 6161, is hereby amended to read as follows:

Section 6161. Uses Permitted.

- (m) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 2.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 8 (Multiple Family Residential), Section 6181, is hereby amended to read as follows:

Section 6181. Uses Permitted.

- (f) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

**SECTION 3.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22 (General Provisions and Exceptions), Section 6401.3 (General Provisions Relating to Short-Term Rentals), is hereby added as follows:

**SECTION 6401.3. GENERAL PROVISIONS RELATING TO SHORT-TERM RENTALS**

- 1) *Purpose.* The purpose of this Section is to establish rules and regulations concerning short-term rental units as visitor-serving accommodations in the Coastal Zone of San Mateo County in a manner that protects coastal resources and the residential character of the areas where short term rental uses occur. The provisions of this Section shall provide for a short-term rental permit process, permit performance standards addressing safety requirements and neighborhood

character, and the payment of Transient Occupancy Tax (TOT) pursuant to existing regulations.

- 42) *Permit required.* Each short-term rental requires a valid short-term rental permit as set forth in, and subject to, the requirements of this Section. A separate short-term rental permit is required for each property address. In the event multiple rental options are advertised or available at a single property address (e.g. multiple rooms available for rent separately or in any combination in one house), one permit shall be required to cover the total rental activity proposed.
- a) *No authorization of prohibited uses.* Approval of a short-term rental permit does not legalize any use or structure not otherwise permitted by law or contract, including but not limited to homeowners association agreements and lease agreements.
  - b) *Coastal Zone requirements.* A short-term rental located in the Coastal Zone must comply with the conditions specified in Sections 6160 and 6180 of the Zoning Regulations; conform to the Local Coastal Program; and comply with all conditions of any existing or subsequently issued ~~new~~ Coastal Development Permits, as specified in Chapter 20B of the Zoning Regulations.
  - c) *Nightly limits.* A short-term rental cannot be rented for more than one hundred eighty (180) nights per calendar year. Any night in which a short-term rental is rented during which the property owner is present on the parcel containing the short-term rental does not count against this ~~one hundred eighty (180) night per year~~ limit.
  - d) *Suspension or revocation.* Short-term rental permits are subject to suspension or revocation as provided in this Section.
  - e) *Expiration.* A short-term rental permit shall automatically expire three (3) years after the date of issuance, or when the permit holder no longer has legal ownership or a leasehold of the short-term rental, whichever occurs first.
  - f) *Renewal.* A short-term rental permit may be renewed up to six (6) months prior to the expiration of the permit, using the same application process as for issuance of an initial permit.
- 2) *Definitions.* For the purposes of this Section, the following terms are defined as follows:
- a) “Department” means the San Mateo County Planning and Building Department.
  - b) “Owner” means an individual, a group of individuals, an association, firm, partnership, corporation, a legal entity recognized by any state or the federal

government, or other natural or legal entity, public or private, who possesses fee title to or is a lessee of at least thirty (30) days of the short-term rental, or his or her authorized representative.

- c) "Community Development Director" means the Director of the County of San Mateo Planning and Building Department or his or her designee.
  - d) "Short-term rental" means a single-family dwelling unit or multifamily unit, or portion(s) thereof, rented for the purpose of overnight lodging for a period of less than thirty (30) consecutive days other than (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment. "Short-term rental" does not include (1) non-habitable accessory structures as defined by the California Building Code; (2) second units as defined in Zoning Regulations Chapter 22.5; and (3) housing units subject to affordable housing covenants and/or income restrictions under County, state, or federal law.
  - e) "Short-term rental permit" means the permit applied for and granted pursuant to this Section 6401.3 of the Zoning Regulations.
  - f) "Short-term tenants" means those persons who rent a short-term rental for less than thirty (30) consecutive days other than for (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment.
- 3) *Application.* A [separate](#) application for a short-term rental permit shall be made to the Department [for each address in which short-term rental activity is intended to occur](#), in accordance with the following requirements:
- a) Only an owner, as defined in this Section 6401.3, may apply for a short-term rental permit.
  - b) If the application is made by a lessee or lessee's representative, the application must include written authorization from the lessor of the subject property establishing that the lessee is permitted to use the leased dwelling unit as a short-term rental.
  - c) If the application is made by an owner's or lessee's representative, the application must include written authorization establishing the representative's authority to apply for a short-term rental permit on behalf of the owner or lessee.

The application shall include all of the following on a form developed and provided by the Department:

- d) Completed application form as provided by the Department, including signature of the owner verifying that all information provided is true and correct as of the date signed.

- e) Copy of the rental or lease agreement between the owner and a prospective short-term tenant or copy of advertisement offering the short-term rental, which shall recite the following performance standards set forth in this Section:
  - i) Number of tenants allowed;
  - ii) On-site parking;
  - iii) Trash;
  - iv) Prohibition of illegal activity;
  - v) Noise
- f) Valid Transient Occupancy Registration Certificate issued by the County of San Mateo pursuant to Ordinance Code Chapter 5.136, or alternative satisfactory evidence demonstrating compliance with Ordinance Code Chapter 5.136.
- g) Evidence of available on-site parking in compliance with the requirements of this Section.
- h) Evidence that the address/street number of the short-term rental is visible from the road in front of the parcel.
- i) Proof of liability insurance for short-term rentals in compliance with this Section.
- j) [Any other information which may be reasonably required by the Community Development Director to ensure compliance with this Section.](#)
- k) Fees prescribed by the Department fee schedule.

- 4) *Approval Process.* Authority to approve an application for a short-term rental permit rests exclusively with the Community Development Director. The Community Development Director shall grant an application for a short-term rental permit if the application meets all of the requirements of this Section and the owner has no outstanding compliance-related violations with the County at the time of application, including but not limited to those with the Department or the Tax Collector. Such outstanding compliance matters may include but are not limited to liens, fines, liabilities, and code compliance matters. ~~Public notice or public hearing prior to consideration of the requested short-term rental permit is not required.~~

[Consistent with Section 6328.11.2\(b\) of the County Zoning Regulations, public](#)

notice of short-term rental permits shall be given at least ten (10) calendar days prior to a decision to approve or deny such permit by the Community Development Director. Said notice shall be distributed to the California Coastal Commission, all property owners and residents within 100 feet of the perimeter of the subject parcel on which the short term rental is proposed, and all other interested parties who have requested, in writing, such notice. A public hearing prior to consideration of the requested short-term rental permit is not required.

The decision of the Community Development Director shall be final and shall not be appealable to the Planning Commission or Board of Supervisors.

- 5) *Performance Standards.* All short-term rentals are subject to the following performance standards, which are incorporated into each short-term rental permit:
- a) *Number of tenants allowed.* The maximum number of short-term tenants allowed in an individual short-term rental shall not exceed two (2) persons per bedroom rented, plus two (2) additional persons (i.e., if one bedroom is rented, up to four short-term tenants are permitted). Children under twelve (12) years of age are not counted toward this maximum.
  - b) *On-site parking required.* Each short-term rental that is all or part of a single-family dwelling unit shall provide at least one (1) vehicle parking space in the garage, driveway, or other on-site parking area, or at least two (2) vehicle parking spaces if the maximum occupancy of the short-term rental exceeds eight (8) short-term tenants as defined in this Section. Each short-term rental that is all or part of a unit within a multifamily building shall provide at least one (1) vehicle parking space in the garage, parking lot, or other on-site parking area. The parking required by this Section shall be available for use by the short-term tenants while the short-term rental is occupied by such tenants.
  - c) *Local contact person.* The owner shall designate a local contact person who shall remain within a twenty (20) mile radius of each short-term rental and be available at all times to respond to questions or concerns while the short-term rental is occupied by tenants. In cases of emergency, the local contact person shall be available to physically report to the short-term rental within a reasonable time period not to exceed one (1) hour. The local contact person shall otherwise be available during normal business hours to respond to questions or concerns. An owner may serve as the local contact person if he or she meets all requirements set forth in this section.
    - i) The owner shall submit the name, address, and telephone number(s), (including a phone number at which the local contact person can be reached at all times), of the local contact person to the Planning Department, ~~-. The Planning Department will distribute this contact information to~~ the San Mateo County Sheriff's Office, the local Sheriff's Office substation, the local fire agency, and all adjacent property owners and occupants within properties to 100 feet of the short-term

rental. Any change to the local contact person's address or phone number shall be promptly reported to the Planning Department. ~~For short-term rentals that constitute all or part of a single-family unit, "adjacent properties" shall include the parcels contiguous to the short-term rental, as well as the parcels immediately across the street from the short-term rental. For short-term rentals that constitute all or part of a unit within a multifamily building, "adjacent properties" shall include the units that share a wall, including side, ceiling, and floor walls, with the short-term rental.~~

- ii) The name, address, and telephone number(s), including a phone number at which the local contact person can be reached at all times, of the local contact person shall be permanently posted in a prominent location in the short-term rental unit.
  - iii) The owner shall notify the ~~agencies and adjacent properties~~ Planning Department as specified in subsection (i), above, in writing within ten (10) calendar days of any change in the local contact person's name, address, or telephone number.
  - iv) The local contact person shall use his or her best efforts, and respond in a reasonable and timely manner, to ensure that short-term tenants do not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.
- d) *Trash.* If placed outdoors, trash and recyclables shall be stored in covered containers.
  - e) *Prohibition on illegal activity.* The short-term rental shall not be used to host or conduct any illegal activity.
  - f) *Noise.* All short-term rentals shall comply with the standards of the County Noise Ordinance (Ordinance Code Chapter 4.88) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. The short-term rental shall not involve on site use of equipment requiring more than standard household electrical current at 110 or 220 volts, or unreasonable activities that produce noise, dust, odor, or vibration detrimental to occupants of neighboring properties.
  - g) *Posting of performance standards.* Each owner shall post the following performance standards in a prominent location in the unit, readily visible to all short-term tenants:
    - i) Number of tenants allowed;
    - ii) On-site parking;

- iii) Trash;
  - iv) Prohibition on illegal activity;
  - v) Noise.
- h) *Transient Occupancy Tax.* Each owner shall comply with Chapter 5.136 of the Ordinance Code, including all required payments of transient occupancy tax for each short-term rental unit.
- i) *Building standards.* Each short-term rental shall be and at all times remain, in compliance with all applicable laws and regulations, including but not limited to the County of San Mateo Zoning Regulations and Building Regulations, the California Residential Code, the California Fire Code, the California Health and Safety Code, and the terms of all County-issued permits. In addition, each short-term rental shall comply with the following safety measures, prior to issuance of a short-term rental permit:
- i) Smoke alarms (listed as complying with UL 217 and approved by the State Fire Marshall) installed (1) in each bedroom, (2) outside but in the immediate vicinity of each bedroom, and (3) on each level of the dwelling unit, including basements and habitable attics.
  - ii) Carbon monoxide alarms (listed as complying with UL 2034) installed (1) outside but within the immediate vicinity of each bedroom, and (2) on every level of the dwelling unit, including basements.
  - iii) At least one fire extinguisher installed on each habitable level of the dwelling unit.
- j) *No signage.* Signs advertising the short-term rental that are visible from the exterior of the short-term rental are prohibited, including but not limited to signs posted on or around the exterior of the short-term rental and signs posted in windows.
- k) *Liability insurance.* Each owner shall maintain at least five hundred thousand dollars (\$500,000) in liability insurance on the short-term rental while the short-term rental is occupied by short-term tenants.
- l) *Record keeping.* Each owner shall keep true and accurate records of the number of nights the short-term rental is rented and the amount paid by tenants, and all records as may be necessary to determine the amount of tax that may be owed to the County. The owner shall provide such records for review by the Department, the Tax Collector, the Auditor/Controller, or their designee upon ten (10) calendar days' notice. Each owner shall retain such records for at least three (3) years for purposes of this Section. Failure

to keep or produce records as required is a violation subject to the penalties set forth in this Section.

- m) *Dispute resolution.* By accepting a short-term rental permit, the owner agrees to engage in good faith efforts to resolve disputes with neighbors arising from the short-term rental.

6) *Violations and Penalties; Procedure.*

- a) *Violations.* It is unlawful and a violation subject to the penalties set forth in subsection (b) for any person to use or operate a short-term rental in violation of this Section. It is unlawful to advertise any short-term rental without a valid permit. For the purposes of this Section, the terms “advertise,” “advertisement,” or “advertising” mean the act of drawing the public’s attention to a short-term rental in order to promote the availability of the short-term rental.

Violations that last more than one (1) calendar day shall be treated as a new violation for each calendar day that the violation continues.

- b) *Penalties.* Violation(s) of this Section may be subject to those penalties set forth in Chapter 1.40 of the Ordinance Code (Administrative Remedies), including monetary penalties as provided, in addition to the provisions for suspension or revocation of a permit as set forth in this Section. These penalties are not exclusive, and the owner or short-term tenant may be subject to any other administrative, civil, or criminal penalties applicable to the violating conduct.

If more than two (2) documented violations occur within any twelve (12)-month period, the Department may suspend or revoke any short-term rental permit that has been issued for the relevant unit(s). Documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff’s deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation. Documented violations shall also include the owner, permit holder, or other individual engaged in short-term property rental’s failure to produce relevant short-term rental and/or Transient Occupancy Tax records upon County’s reasonable request as required by this Section or other applicable federal, state, or local law or regulation.

After revocation of a permit, the owner shall not be permitted to apply for or receive a short-term rental permit for the same short-term rental for a period of at least one (1) year from the date that revocation is made final by the Community Development Director or the Planning Commission.

Any owner found advertising or operating a short-term rental without a valid permit shall be subject to the penalties in this Section. In addition, the owner

shall be subject to a “black-out period” during which the owner may not apply for or renew a short-term rental permit for any short-term rental. The black-out period shall continue for double the number of days that the owner operated or advertised the rental without a permit, with a minimum black-out period of (1) one month and a maximum black-out period of one (1) year. The owner must also pay any Transient Occupancy Tax owed before applying for a short-term rental permit.

- c) *Procedure for suspending or revoking a permit.* Before revoking or suspending a short-term rental permit, the Community Development Director or his or her designee shall allow the permit holder the opportunity for a hearing.
- i) The Department shall provide a written notice of the hearing which shall contain the following information:
    - (1) The grounds for complaint or reasons for the proposed revocation or suspension;
    - (2) The time and location of the hearing.
  - ii) The notice shall be deposited in the United States Mail, in a sealed envelope, with adequate postage, and addressed to the personally served on the owner or mailed toat the address listed on the permit at least ten (10) calendar days prior to the hearing. Service by mail shall be deemed completed at the time of deposit in the United States mail receptacle. In the event the hearing is held in response to the filing of a complaint, the Department shall also provide notice of the hearing to the complainant.
  - iii) At the hearing, the owner shall be given an opportunity to be heard and to present evidence on his or her behalf. Within five (5) calendar days of the conclusion of the hearing, the Community Development Director or his or her designee shall make written findings and determine whether the permit shall be suspended or revoked. The Department will promptly serve the written findings on the owner.
  - iv) In the event the permit is suspended or revoked, the owner may appeal the decision to the San Mateo County Planning Commission within fourteen (14) calendar days from the date that the Community Development Director’s written determination is mailed to or personally served on the owner. The owner shall file a notice of appeal with the Department on a form provided by the Department, together with any processing fee set forth in the Department fee schedule. Upon receipt of the notice of appeal, the Department shall immediately transmit the appeal, together with all relevant records in the matter, to the Planning Commission.

- v) The Planning Commission may, upon receiving a notice of appeal:
  - (1) Review the record of the proceedings held before the Community Development Director or his or her designee and either affirm or reverse the decision, or it may refer the matter back to the Community Development Director for further proceedings; or
  - (2) Set the matter for hearing before the Planning Commission, providing notice of the hearing as required for hearings before the Community Development Director. At the hearing, the Planning Commission shall hear and decide the matter de novo. The decision of the Planning Commission is final and is not appealable to the Board of Supervisors.

7) *Monitoring.* Upon final approval of this Ordinance, the Planning Department shall implement a monitoring program to determine the efficacy of the ordinance. The results of this monitoring program shall be presented to the Planning Commission on an annual basis.

78) *Severability.* If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Section.

**SECTION 4.** This Ordinance shall take force and effect immediately upon final certification by the Coastal Commission. The Community Development Director may impose a grace period of up to six (6) months from the date this Ordinance takes effect to allow otherwise compliant short-term rentals to come into compliance with the permit requirement of this Ordinance.

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