

San Bruno, California Municipal Code

Title 12 LAND USE

Article III. Zoning

Chapter 12.270 SHORT-TERM RESIDENTIAL RENTALS

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12.270.010 Purpose and intent.

The purpose of this chapter is to establish regulations governing the short-term rentals of residential dwelling units in order to ensure the health, safety and welfare of the residents and guests of the city of San Bruno. These regulations will help to preserve residential character of existing neighborhoods and to provide reasonable, uniform and comprehensive regulations of short-term residential rentals as an incidental use to residential uses. These regulations will ensure these uses are registered with the city and regulated through a regulatory zoning-based permitting process. (Ord. 1884 § 3, 2020)

12.270.020 Definitions.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

“Advertising platform” means an advertising platform means through which a property owner may offer a dwelling unit, or portion thereof, for short-term rental. An advertising platform includes, but is not limited to, an internet-based platform that allows a property owner to advertise and potentially arrange for short-term residential rental of the dwelling unit, or portion thereof, through a publicly searchable website.

“For-profit commercial uses” means uses that are operated for profit or for hire within a dwelling unit, including, but not limited to, corporate events, subject to final determination by the community and economic development director, or designee.

“Multiple-family dwelling unit” means a building or portion thereof, used and designed as residence for three or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts or boardinghouses. This includes both rental units and condominium units.

“Operate” means the operation of a short-term residential rental, and includes the acts of establishing, offering, maintaining or listing for a short-term rental with an advertising platform.

“Short-term residential rental” means the transient occupancy use of entire dwelling unit or a portion (such an individual bedroom or equivalent sleeping room as defined by the [California Building Code](#)) of a dwelling unit to a guest for a rental period of less than thirty consecutive calendar days.

“Single-family dwelling unit” means a building designed for, or used to house, not more than one family, including all necessary employees of such family.

“Two-family or duplex dwelling unit” means a building containing not more than two kitchens designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each such family. (Ord. 1884 § 3, 2020)

12.270.030 Administration.

A. Director of Community and Economic Development. The director or their designee is responsible for administering this chapter and establishing rules and regulations for this purpose. As part of the administration of this chapter, the director or designee may:

1. Interpret the provisions of this chapter;
2. Establish reasonable rules and regulations, which may include, without limitation, regular hours for appointments with applicants, as the director deems necessary or appropriate to organize, document and manage the application intake process;
3. Develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the director finds necessary, appropriate or useful for processing any application governed under this chapter;
4. Collect, as a requirement of the submittal of any application, any fee established by this chapter;

5. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;

6. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;

7. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and

8. Take such other steps as may be required to timely act upon applications for permitting of short-term residential rental uses including issuing written decisions and entering into agreements to mutually extend the time for action on an application. (Ord. 1884 § 3, 2020)

12.270.040 Permitted short-term residential rental uses, annual rental duration limits, bedroom limits and permitted locations.

Short-term residential rental uses shall be permitted only in the following types of units for durations of less than thirty consecutive calendar days:

A. **Hosted Units.** An owner-occupied single-family dwelling unit, two-family or duplex dwelling unit or multiple-family dwelling unit where at least one property owner physically occupies the unit as their sole primary residence may be utilized for short-term residential rental uses with no more than three individual bedrooms may be rented at any given time. Rooms that meet all applicable requirements for sleeping rooms under the [California Building Code](#) may also be utilized for rentals pursuant to this limit. There is no maximum annual usage limit for utilization as a short-term residential rental use.

B. **Non-Hosted Units.** An entire single-family dwelling unit, two-family or duplex dwelling unit or multiple-family dwelling unit may be utilized for short-term residential rental use subject to an annual usage limit of no more than one hundred twenty calendar days per calendar year.

C. **Accessory Dwelling Units.** An existing accessory dwelling unit where the primary single-family dwelling unit is owner occupied may be utilized for short-term residential rental use subject to an annual usage limit of no more than one hundred twenty calendar days per calendar year. This unit must exist at the time of the enactment of the ordinance codified in this chapter and shall not be subject to an existing deed restriction prohibiting a short-term residential rental use.

This use is permitted in any zoning district in which a dwelling unit is otherwise permitted or is an existing legal nonconforming use. This use subject to the requirements of this section, including compliance with the operating standards, registration, transient occupancy tax payments, business license and tax requirements, and recordkeeping obligations. Except as provided for in this section, all other short-term residential rental uses shall be prohibited. Short-term residential rental uses are prohibited in vehicles, trailers, tents, tree houses, yurts, storage sheds or garages. (Ord. 1884 § 3, 2020)

12.270.050 Required short-term residential rental zoning permit.

A valid short-term residential rental zoning permit is required at all times for the operation of a short-term residential rental use. The short-term residential rental zoning permit shall be subject to the director's or designee's review and approval in accordance with the procedures in this chapter. The applicant is required to have obtained the required permit prior to advertising or making the residential unit available for renting on any advertising platform. The application shall be accompanied by the short-term rental zoning permit application form and all required application materials, and the application fee shall be submitted as required in the city's master fee schedule. (Ord. 1884 § 3, 2020)

12.270.060 Permit term and bi-annual renewal.

A short-term residential rental zoning permit is valid until December 31st of the year it is issued, unless suspended or revoked by the director, or designee. The permittee may renew the permit bi-annually, by submitting payment of the required short-term residential rental zoning permit renewal fee and renewal application form. The applicant shall be in good standing by having submitted payment of all required transient occupancy taxes and business license taxes owed associated with the short-term residential rental, and may not have any open code enforcement cases related to the unit. Renewal applications will be rejected if the applicant has not paid all outstanding taxes prior to the renewal date. A short-term residential rental zoning permit is not transferable. (Ord. 1884 § 3, 2020)

12.270.070 Permit requirements and required operational standards.

Short-term residential rental uses shall be subject to the following permit requirements and operational standards:

A. Permit Required. Any short-term residential rental use must apply for and obtain a short-term residential rental zoning permit issued by the city community and economic development department.

B. Inspections Required. An Inspection by a city building inspector and the city fire marshal or designee is required before issuance of the short-term residential rental zoning permit. Inspections are also required for bi-annual renewals.

C. Type of Unit. Must be located and operated in the types of units listed in Section [12.270.040](#) (Permitted short-term residential rental uses, rental duration limits, bedroom limits and permitted locations).

D. Owner Occupancy Validation. Evidence of owner occupancy of a primary dwelling unit in a form satisfactory to the city.

E. Local Contact Information. The permittee shall keep on file with the city community and economic development department, police department, and fire department the name, address, telephone number, and email address of a local contact person who remains responsible for responding any questions or concerns regarding the operation of a short-term residential rental. This information shall also be posted in a conspicuous location within and directly outside (in a location visible to the public) of the rental unit. The local contact person shall be available twenty-four hours a day, seven days a week during the term of any non-hosted stays to accept any complaints. The local contact person is required to respond within sixty minutes to complaints and be fully authorized to take remedial action to resolve such complaints.

F. Approved Fire Safety and Evacuation Plan Information Posting Required. Clearly printed signs approved by the city fire marshal shall be posted inside the front door of the unit that provides information about the location of all fire extinguishers in the unit and building, evacuation and exiting locations, electrical panel location, and gas shut off valves.

G. For-Profit Commercial Activities. No for-profit commercial uses or uses for hire such as corporate events are permitted.

H. Noise. Operation of the short-term residential rental unit must comply with the city noise ordinance.

I. Safety Requirements. All short-term residential rentals must comply with all applicable building and safety regulations, including, but not limited to, required smoke detectors, carbon monoxide detectors and a heating system in accordance with the [California Building Standards Code](#). The initial inspection and any subsequent inspection by the city shall verify compliance with these requirements.

J. Advertising. All advertising (print or digital) for a short-term residential rental shall include the number of the permit granted for the use.

K. Parking. No additional parking shall be required for short-term residential rentals. Existing on-site parking spaces shall be made available for short-term rental occupants.

L. Insurance Policy. The property owner shall obtain a required insurance policy in an amount as determined by the city.

M. Business Licenses. The permittee shall obtain and maintain a valid city issued business license.

N. Applicable Taxes. The permittee, or at the city's election the advertising platform, shall collect and remit all applicable city taxes, including, but not limited to, transient occupancy taxes and business license taxes. The host, or at the city's election the advertising platform, shall submit such information concerning the short-term rental activity as they may be required to enable the tax collector to verify the amount of tax paid. (Ord. 1884 § 3, 2020)

12.270.080 Permit revocation and enforcement.

A. Revocation. A short-term residential rental zoning permit issued under the provisions of this chapter may be revoked by the director or designee for any of the following reasons:

1. Fraud, misrepresentation, or false statements contained in the application;
2. Fraud, misrepresentation, or false statements made in the course of carrying on a short-term residential rental as regulated by this chapter;
3. Any violation of any provision of this section or of any provision of the city's municipal code; or
4. Any violation of any provision of federal, state or local laws.

The director or designee shall provide the permittee with written notice stating the supporting factual basis for the decision. The notice shall contain an advisement of the right to request an appeal as specified below.

B. Reapplication. No application for a short-term residential rental zoning permit will be accepted within one year after a short-term residential rental zoning permit is revoked.

C. Enforcement. The city may enforce this article by any means permitted by law, including, but not limited to, those penalty provisions set forth in Chapter 5.08 of the San Bruno Municipal Code. (Ord. 1884 § 3, 2020)

12.270.090 Appeals.

A. Appeals of Approvals of Short-Term Residential Rental Zoning Permit. An approval of a short-term residential rental zoning permit issued by the director or designee pursuant to this chapter may be appealed in writing to the city manager, which may decide de novo, and whose written decision will be the final decision of the city.

B. Appeals of Denials or Revocations of Short-Term Residential Rental Zoning Permit. A denial or revocation of a short-term residential rental zoning permit rendered by the director or designee pursuant to this chapter may be appealed in writing to the city manager, which may decide de novo, and whose written decision may be appealed in writing to the city council, which will be the final decision of the city.

C. Timing. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. All appeals must be filed within ten business days of the written decision of the director or designee, unless the director or designee extends the time therefor. An extension may not be granted when the extension would result in approval of the application by operation of law.

D. All appeals shall state the basis for the appeal and provide supporting documentation if appropriate. Appeals shall be conducted informally, and the rules of evidence will not apply. (Ord. 1884 § 3, 2020)

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