



## Legislation Text

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**File #:** 19-557, **Version:** 1

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Ordinance Amending Title 20 of the South San Francisco Municipal Code to allow and regulate Short-Term Vacation Rental Uses Citywide.

WHEREAS, in July 2010, the City Council for the City of South San Francisco adopted a comprehensive update to the City's zoning ordinance, which repealed the then-existing Title 20 of the South San Francisco Municipal Code ("Zoning Ordinance"), and replaced it with an entirely new Title 20 that, among other actions, established new zoning districts, revised and reformatted many then-existing zoning provisions, eliminated inconsistent and outdated provisions, and codified entirely new zoning provisions, including new land use regulations and development standards; and,

WHEREAS, short-term vacation rental uses have grown in popularity with the rise of the sharing economy; and,

WHEREAS, the City of South San Francisco ("City") has identified the need to specifically design and regulate short-term vacation rental uses in order to minimize impacts to neighborhoods and preserve neighborhood character, while balancing the desire to accommodate this new use; and,

WHEREAS, staff recommends defining a short-term vacation rental as a lodging use consistent with the definitions contained in the Transient Occupancy Tax and Conference Center Tax Ordinance in Chapter 4.20 of the Municipal Code; and,

WHEREAS, City staff prepared the attached Zoning Code Text Amendment ("Zoning Amendment") to include a definition of short-term vacation rentals as a new lodging sub-classification and establish specific performance standards for these uses; and,

WHEREAS, the Zoning Ordinance was adopted in 2010 after preparation, circulation, consideration, and adoption of an Initial Study/Negative Declaration ("IS/ND") in accordance with the California Environmental Quality Act, Public Resources Code Sections 21000, et seq. ("CEQA"), which IS/ND analyzed the environmental impacts of adopting the Zoning Ordinance and concluded that adoption of the Zoning Ordinance could not have a significant effect on the environment because none of the impacts required to be analyzed under CEQA would exceed established thresholds of significance; and,

WHEREAS, the refinements, clarifications, and/or corrections set forth in this Zoning Amendment, as they relate to Short-Term Vacation Rental uses Citywide, are minor in nature, the adoption of which would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the IS/ND prepared and circulated for the Zoning Ordinance, nor do the refinements, clarifications, and/or corrections constitute a change in the project or change

in circumstances that would require additional environmental review.

NOW, THEREFORE, BE IT ORDAINED that based on the entirety of the Record before it, as described below, the City Council of the City of South San Francisco does hereby ORDAIN as follows:

## **SECTION I. FINDINGS.**

Based on the entirety of the record as described above, the City Council for the City of South San Francisco hereby makes the following findings:

### **A. General Findings.**

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. The Record for these proceedings, and upon which this Ordinance is based, includes without limitation, Federal and State law; the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. (“CEQA”)) and the CEQA Guidelines (14 California Code of Regulations § 15000, et seq.); the South San Francisco 1999 General Plan and General Plan Environmental Impact Report, including the 2001 updates to the General Plan and 2001 Supplemental Environmental Impact Report; the South San Francisco Municipal Code; the Initial Study and Negative Declaration prepared for the Zoning Ordinance Update, including all written comments received; all reports, minutes, and public testimony submitted as part of the Planning Commission's duly noticed meeting on September 3, 2015; all reports, minutes, and public testimony submitted as part of the City Council's duly noticed meeting on September 23, 2015; all reports, minutes, and public testimony submitted as part of the City Council's duly noticed meeting on August 22, 2018; all reports, minutes, and public testimony submitted as part of the City Council's duly noticed meeting on June 12, 2019 and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2).
3. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of Chief Planner, Sailesh Mehra.

### **B. Zoning Amendment Findings**

1. The proposed Zoning Amendment is consistent with the adopted General Plan because the Zoning Amendment will reinforce the General Plan policies, is consistent with the relevant specific plans, and is consistent with the City’s overall vision for community development, economic vitality, and preservation of residential neighborhood character. None of the new or revised use definitions and modifications to allowable land uses will conflict with or impede achievement of any of the goals, policies, or land use designations established in the General Plan.
2. The Zoning Amendment to include the Short-Term Vacation Rental definition and performance standards for these uses would protect future land uses in the applicable zoning districts but

would not affect any particular subject property. The zoning districts where Short-Term Vacation Rental uses would be permitted or conditionally permitted are generally suitable in terms of access, size of parcel, relationship to similar or related uses, and other considerations as deemed relevant by the Planning Commission and City Council because the proposed uses are consistent with General Plan policies, specifically those policies related to maintaining a balanced land use program with appropriate performance standards to ensure that Short-Term Vacation Rental uses do not negatively impact residential neighborhoods.

3. The proposed change in permitted or conditionally permitted uses in certain zoning districts will not be detrimental to the use of land in any adjacent zone because the proposed Zoning Amendment will include performance standards for Short-Term Vacation Rental Uses that pertain to parking, safety, and occupancy limits.

## **SECTION II. AMENDMENTS.**

The City Council hereby amends the following sections of the South San Francisco Municipal Code, included as Exhibit A, to read as follows in Exhibit A. Sections and subsections that are not amended by this Ordinance are not included, and shall remain in full force and effect.

## **SECTION III. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of South San Francisco hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

## **SECTION IV. PUBLICATION AND EFFECTIVE DATE.**

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption.

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Introduced at a regular meeting of the City Council of the City of South San Francisco held the 12th day of June 2019.

