

ORDINANCE NO. 2020-12

SHORT-TERM RENTALS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance adds Chapter 88-32 to the County Ordinance Code to regulate the renting of residences for periods of 30 consecutive days or less.

SECTION II. Chapter 88-32 is added to the County Ordinance Code, to read:

Chapter 88-32
SHORT-TERM RENTALS

Article 88-32.2
General

88-32.202 Title. This chapter is known as the Short-term Rental Ordinance of Contra Costa County. (Ord. 2020-12 § 2).

88-32.204 Purposes. The purposes of this chapter are to regulate the renting of residential dwelling units for periods of 30 consecutive days or less; to establish a procedure for reviewing and approving short-term rental permit applications; and to establish location, parking, occupancy, and other standards for short-term rentals to limit the impact on neighbors. (Ord. 2020-12 § 2).

88-32.206 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) “Accessory dwelling unit” has the same meaning as in Section 82-24.004.
- (b) “Host” means a person who occupies as his or her primary residence a residential dwelling unit located on the same lot as a short-term rental.
- (c) “Hosted” means that a host has a physical presence at his or her primary residence located on the same lot as a short-term rental during the entire period that the short-term rental is rented.
- (d) “Non-hosted” means that a host is absent from his or her primary residence located on the same lot as a short-term rental during some or all of the period that the short-term rental is rented.

- (e) “Primary residence” means a residential dwelling unit that a person physically occupies and lives in on a day-to-day basis. A person can only have one primary residence.
- (f) “Residential dwelling unit” means a building, or a portion thereof, designed for residential occupation by one persons or a group of two or more persons living together as a domestic unit.
- (g) “Responsible party” means a person that is designated by the applicant as a point of contact for the short-term rental.
- (h) “Short-term rental” means a residential dwelling unit, or a portion of a residential dwelling unit, that is rented, or offered for rent, for compensation or consideration, for a period of 30 consecutive days or less. (Ord. 2020-12 § 2).

Article 88-32.4
Permits

88-32.402 Permit–required. No person shall establish or operate a short-term rental in the unincorporated area of the County without first obtaining a permit as provided in this chapter. (Ord. 2020-12 § 2).

88-32.404 Location.

- (a) A short-term rental may be operated on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), planned unit district (P-1) for residential uses, water recreational district (F-1), or a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29).
- (b) A short-term rental may be operated on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80), except that a short-term rental may not be operated on a lot under a Williamson Act contract. (Ord. 2020-12 § 2).

88-32.406 Application.

- (a) An owner, lessee, or holder of a similar interest in a residential dwelling unit may apply for a short-term rental permit by filing an application with the department. The application must be on a form approved by the director and contain all of the following information.
 - (1) The name(s), address(es), and contact information of the applicant(s) and property owner(s).

- (2) The name(s), address(es), contact information, and primary residence documentation of the host(s) if the short-term rental will be hosted for any period. The host's primary residence must be documented by at least two of the following: motor vehicle registration, driver's license, California state identification card, voter registration, income tax return, property tax bill, or a utility bill.
- (3) The address and assessor's parcel number for the lot.
- (4) A legible site plan of the lot, showing:
 - (A) All structures located on the lot and indicating the residential dwelling unit proposed for short-term rental; and
 - (B) The location of the parking spaces required by this chapter.
- (5) A legible floor plan of the residential dwelling unit proposed for short-term rental.
- (6) The property owner's consent to the short-term rental of the residential dwelling unit.
- (7) A statement that the short-term rental of the residential dwelling unit is not prohibited by a restrictive covenant.
- (8) The name and contact information of the responsible party associated with the short-term rental. The responsible party must be 18 years of age or older, reside within a 30-mile radius of the short-term rental, and be available by telephone for the duration of any rental period to respond to complaints regarding activity at the short-term rental.
- (9) The applicant's agreement to indemnify, defend, and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a short-term rental permit, the County's approval of the permit, and the operation of the short-term rental. (Ord. 2020-12 § 2).

88-32.408 Permitting procedure.

- (a) Except as otherwise provided in this section, an application for a permit to establish and operate a short-term rental that meets the short-term rental regulations specified in Section 88-32.602 will be approved ministerially without discretionary review or public hearing unless any of the following grounds for denial exist.

- (1) The application is incomplete.
 - (2) The applicant has made a false statement or omitted a material fact from the application.
 - (3) The applicant has not paid all required fees in accordance with the fee schedule adopted by the board of supervisors.
 - (4) The applicant is delinquent in payment of County taxes.
 - (5) Another short-term rental permit associated with the residential dwelling unit, the applicant, or the owner had been revoked within 24 months of the date of application.
 - (6) The short-term rental does not meet the location requirements specified in Section 88-32.404.
 - (7) The residential dwelling unit proposed for short-term rental is a deed-restricted below-market-rate residential unit.
 - (8) The residential dwelling unit proposed for short-term rental violates any provision of this code, including but not limited to the building standards in Title 7.
- (b) An application for a permit to establish and operate a short-term rental that does not meet one or more of the short-term rental regulations specified in Section 88-32.602 will be considered under the administrative decision procedure specified in Article 26-2.21. A discretionary short-term rental permit will be approved if:
- (1) None of the grounds for denial under Section 88-32.408(a) exist; and
 - (2) The zoning administrator makes the findings specified in 26-2.2008. (Ord. 2020-12 § 2).

88-32.410 Term and renewal.

- (a) Ministerial short-term rental permit.
 - (1) A ministerial short-term rental permit will expire one year from the date the permit was approved, unless it is revoked sooner.
 - (2) An application for renewal must be filed with the department at least 30 calendar days before the permit expires. If any of the documentation or information

supplied by the applicant pursuant to Section 88-32.406 has changed since the permit was approved, the applicant must submit updated information and documentation with the application for renewal.

- (3) An application to renew a ministerial short-term rental permit will be approved ministerially unless any of the following grounds for denial exist.
 - (A) Any of the grounds for denial under Section 88-32.408(a) exist.
 - (B) The application is filed less than 30 days before the permit expires.
 - (C) The applicant is delinquent in payment of County taxes.
 - (D) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(b) Discretionary short-term rental permit.

- (1) A discretionary short-term rental permit will expire on the date specified in the permit, unless it is revoked sooner. No short-term rental permit will be issued for a term longer than five years.
- (2) An application to renew a discretionary short-term rental permit will be considered in the same manner as a new application under Section 88-32.408(b). (Ord. 2020-12 § 2).

88-32.412 Notice to neighbors. After a short-term rental permit is issued, the department will notify all owners of property within 300 feet of the short-term rental that a permit was issued. The notice will be in writing and contain the location of the short-term rental, contact information for the responsible party associated with the permit, contact information for County code enforcement, and a website address where the short-term rental ordinance is listed. (Ord. 2020-12 § 2).

88-32.414 Permits not transferable. A short-term rental permit may not be transferred. (Ord. 2020-12 § 2).

88-32.416 Fees. Fees for short-term rental permits will be in amounts established by the board of supervisors in the department's fee schedule. A short-term rental permit will not be approved until the applicant has paid the applicable permit fee. (Ord. 2020-12 § 2).

Article 88-32.6 Requirements

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88-32.602 Short-term rental regulations. A permittee shall comply with all of the following regulations while operating a short-term rental, unless a discretionary short-term rental permit specifies otherwise.

- (a) No more than one short-term rental may be operated on any lot.
- (b) A residential dwelling unit located within a building that contains five or more dwelling units may not be operated as a short-term rental.
- (c) A non-hosted short-term rental may not be rented for more than 90 days in a calendar year. A hosted short-term rental may not be rented for more than 180 days in a calendar year. The maximum number of days a short-term rental may be rented in a calendar year is 180 days.
- (d) The overnight guest occupancy of a short-term rental may not exceed two persons per bedroom, plus two additional persons. Children under the age of 12 are not counted towards the total number of guests.
- (e) A short-term rental with three or fewer bedrooms for rent must include at least one off-street parking space available for use by guests. A short-term rental with four or more bedrooms for rent must include at least two off-street parking spaces available for use by guests. The required off-street parking spaces must be located on the same lot as the short-term rental, but may be located within the lot's setback area. The maximum number of guest vehicles permitted at a short-term rental is equal to the number of off-street parking spaces available for use by guests. (Ord. 2020-12 § 2).

88-32.604 Operational Standards. The following standards apply to the use of short-term rentals.

- (a) Excessive traffic to and from the short-term rental that significantly impairs the quiet enjoyment of neighboring properties is prohibited.
- (b) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. The amplification of sound by any device outside the short-term rental is prohibited. Quiet hours during which noise must be restricted to the interior of the short-term rental shall be between 10 p.m. and 7 a.m. the following morning.
- (c) The obstruction of any public right-of-way, road, street, highway, or private road is prohibited.
- (d) The overnight guest occupancy of a short-term rental may not exceed that approved by the permit. No more than 20 persons, including children, may gather at a short-term rental at any time. (Ord. 2020-12 § 2).

88-32.606 Accessory dwelling units. An accessory dwelling unit may not be operated as a short-term rental. (Ord. 2020-12 § 2).

88-32.608 No events. No event, including a conference, wedding, fundraiser, or similar gathering, or any commercial event, may be held at a short-term rental. (Ord. 2020-12 § 2).

88-32.610 No signs. No sign or writing visible from the exterior of the short-term rental indicating that the dwelling unit is available for rent may be posted anywhere on the lot where the short-term rental is located. (Ord. 2020-12 § 2).

88-32.612 Posting of permit and permit number.

- (a) A permittee shall post copies of the short-term rental permit, business license, and all applicable regulations and standards in a conspicuous place in each room in which a guest is expected to sleep.
- (b) In any advertisement for a short-term rental, the permittee shall specify the short-term rental permit number, business license number, maximum occupancy, maximum number of vehicles allowed, and the applicable quiet hours at the short-term rental. For the purposes of this subsection, “advertisement” means any method used to solicit interest in the short-term rental, including but not limited to internet-based listing or hosting services. (Ord. 2020-12 § 2).

88-32.614 Business license. A permittee shall obtain a valid business license issued pursuant to Chapter 64-14 of this code before renting or offering to rent a short-term rental. (Ord. 2020-12 § 2).

88-32.616 Transient occupancy registration certificate. A permittee shall obtain a valid transient occupancy registration certificate issued pursuant to Chapter 64-4 of this code before renting or offering to rent a short-term rental. (Ord. 2020-12 § 2).

88-32.618 Rental records.

- (a) A permittee shall keep written rental records that document the following information:
 - (1) All dates on which the permittee rented the short-term rental to one or more guests;
 - (2) The overnight guest occupancy on each date; and
 - (3) The rent paid to permittee for each night of lodging.

- (b) A permittee shall maintain the required rental records for at least three years.
- (c) A permittee shall provide a copy of the required rental records to the department with any application to renew the short-term rental permit.
- (d) A permittee operating a short-term rental under a discretionary short-term rental permit shall provide a copy of the required rental records to the department annually. The records must be provided to the department on each anniversary of the discretionary short-term rental permit approval date. (Ord. 2020-12 § 2).

**Article 88-32.8
Enforcement**

88-32.802 All remedies. The County may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation, administrative fines, infraction citations, and any other remedy allowed by law. (Ord. 2020-12 § 2).

SECTION III. Section 26-2.2102 of the County Ordinance Code is amended to read:

26-2.2102 Decisions without public hearing. Unless otherwise required by this article, the zoning administrator may, without public hearing, decide applications for any of the following:

- (a) Variance permits pursuant to subsection 26-2.1204(1).
- (b) Minor subdivisions pursuant to subsection 26-2.1204(3) including applications for improvement exceptions.
- (c) After zoning administrator determination on it, any involved small lot application pursuant to subsection 82-10.002(c).
- (d) Wireless facility access permits pursuant to Chapter 88-24.
- (e) A short-term rental permit that does not meet one or more of the short-term rental regulations specified in section 88-32.602. (Ords. 2020-12 § 3, 2020-01 § 3, 2017-11 § 3, 2016-11 § 3, 2011-05 § 5, 95-51 § 3, 80-87 § 2: See Gov. C. § 65901.)

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SECTION IV. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID J. TWA,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By:

Deputy

[SEAL]

KCK:

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