



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: December 17, 2019

Subject: Review and Discussion of County's Draft Short-Term Rental Ordinance and Direction to Staff Regarding Potential Regulatory Options.

RECOMMENDATION(S):

ACCEPT update report on potential regulation of short-term rental of private dwellings within unincorporated areas of the County.

FISCAL IMPACT:

Costs of preparing an ordinance to regulate and permit short-term rental activities and other provisions will be assumed by the Department of Conservation and Development (Land Development Fund). The County could establish fees for short-term rental permits that could cover costs of administering permits.

BACKGROUND:

At the direction of the Board of Supervisors, staff has drafted a Short-Term Rental (STR) Ordinance addressing the short-term rental of residential dwelling units within the unincorporated areas of the County. Currently, the County does not allow or permit any short-term rentals. As a result of recent tragic events at short-term rentals within other

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/17/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 17, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Francisco Avila, (925)
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cc:

jurisdictions, staff is continuing to evaluate the draft as well as enforcement strategies in order to incorporate applicable lessons learned from other jurisdictions.

BACKGROUND: (CONT'D)

Definition of Short-Term Rental

"Short-term rental" (STR) means a residential dwelling unit, or 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.

State Laws Addressing Short-Term Rental Activity

Currently there are no State initiatives regulating the short-term rental industry. Local jurisdictions may adopt ordinances regulating STR.

Status of the County's Draft Short-Term Rental Ordinance

At the direction of the Board, staff circulated a questionnaire containing potential regulatory options to all Municipal Advisory Councils (MACs). Staff compiled those regulatory elements that received support, including; number of days a dwelling can be rented (90), requiring a ministerial permit, notification of neighbors when a short-term rental permit is issued, and requiring adequate parking. Staff prepared a draft ordinance consistent with previous direction from the Board and that is responsive to the feedback from by the various communities within the County. The following is a summary of the draft STR Ordinance.

Ministerial Short-Term Rental Permit Key Regulations

1. A STR may only be operated after issuance of a short-term rental permit.
2. Upon approval of a short-term rental application, all property owners within 300 feet of the subject property will receive a notice that includes the contact information for the responsible party associated with the permit and the County's Code Enforcement Division.
3. A STR may not be rented for more than an aggregate of 90 days in any calendar year.
4. No more than one STR may be operated on any lot.
5. Accessory dwelling units may not be operated as a STR.
6. A residential dwelling unit located within a building that contains five or more dwelling units may not be operated as a STR.
7. Overnight guest occupancy 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.
8. STRs with three or fewer bedrooms must include at least one off-street parking space available for use by guests. STRs with four or more bedrooms must include at least two off-street parking spaces available for use by guests.

Operational Standard

1. Excessive traffic inconsistent with residential use is prohibited.
2. Excessive noise inconsistent with residential use is prohibited.

3. Obstruction of any road is prohibited.
4. No more than 20 total persons shall gather at a short-term rental.
5. No special events are allowed (conference, weddings, or any commercial event).
6. No signage is allowed.

Discretionary Short-Term Rental Permit

Applicants requesting to deviate from the short-term rental regulations such as, exceeding 90 rental days per year, providing a reduced amount of off-street parking or to allow a greater number of guests per rental stay may apply for a Discretionary Short-Term Rental Permit. The Zoning Administrator will consider each application on a case-by-case basis and must make the necessary land use findings prior to approval.

Although deviations (request to exceed 90 rental days a year, etc.) may be allowed with a discretionary STR permit, no deviations to the Operational Standards are allowed with either the ministerial or discretionary permits.

On-Going Analysis by Staff

Staff continues to monitor other jurisdictions and their efforts to regulate STRs. For example, following the tragedy in Orinda, the City of Orinda is implementing emergency regulations to limit STRs to hosted rentals only.

Staff is also continuing to monitor the major host platforms for new developments. One host platform (Airbnb) has initiated a program that responds to complaints at active short-term rental activity. These and other efforts by host platforms to curtail problematic activities such as unpermitted parties are new and evolving and their efficiency is not yet clear.

Finally, staff is also evaluating enforcement tools, including:

- Issuing citations (which may be more efficient than the administrative fine process we have employed for other code enforcement activities.)
- Pursuing agreements with host platforms to remove listings for unpermitted STRs.

Conclusion

Unless otherwise directed by the Board, staff will submit the draft STR ordinance to the County Planning Commission for review and recommendation along with the results of ongoing analysis and evaluation discussed above.