



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: June 2, 2020

Subject: Hearing to consider adoption of Ordinance No. 2020-12, to regulate short-term rental uses in the unincorporated area.

RECOMMENDATION(S):

1. RECEIVE testimony; CLOSE the public hearing.
2. DETERMINE that adoption of Ordinance No. 2020-12 to regulate short-term rentals is exempt from the California Environmental Quality Act (CEQA), under CEQA Guidelines section 15061 (b)(3) (common sense exemption).
3. ADOPT Ordinance No. 2020-12.
4. DIRECT staff to file a Notice of Exemption with the County Clerk.

FISCAL IMPACT:

The costs of preparing an ordinance to regulate and permit short-term rental activities was paid for by the Department of Conservation and Development (Land Development Fund). The collection of permits fees is expected to offset most costs of implementing the ordinance.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **06/02/2020** ☒ 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: June 2, 2020

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

By: June McHuen, Deputy

Contact: 925-674-7801

cc:

BACKGROUND:

On March 10, 2020, the Board of Supervisors opened the hearing to consider adoption of Ordinance No. 2020-12, to regulate short-term rentals of residential dwelling units in the unincorporated area for periods of 30 consecutive days or less. After a presentation by staff and public comment, the Board directed staff to revise the proposed ordinance to allow a hosted short-term rental to be rented for up to 180 days in a calendar year.

The attached proposed Ordinance No. 2020-12 includes the following revisions:

1. Definitions for "host", "primary residence", "hosted" and "non-hosted" short-term rentals.
2. Requirements for documentation related to hosts.
3. A revised rental regulation regarding the number of days a short-term rental may be rented in a calendar year under a short term rental permit that is approved ministerially, is 90 days for Non-Hosted and 180 days for Hosted. The maximum number of days a short-term rental may be rented in a calendar year under a short term rental permit that is approved ministerially is 180 days.
4. A revision clarifying that an accessory dwelling unit may not be operated as a short-term rental. This is consistent with the County's ADU Ordinance adopted January 21, 2020.

SUMMARY OF PROPOSED ORDINANCE

With the revisions listed above, proposed Ordinance No. 2020-12 includes the following:

Permit Requirement

A short-term rental (STR) may only be operated after issuance of a STR permit. Upon issuance of a STR permit, all property owners within 300 feet of the subject property will be noticed and provided contact information for the responsible party associated with the permit and the County's Code Enforcement Division.

Short-Term Rental Regulations

A short-term rental that will comply with the following regulations will be approved ministerially.

1. A non-hosted short-term rental may not be rented for more than 90 days in any 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.
2. No more than one short-term rental may be operated on any lot.
3. A residential dwelling unit located within a building that contains five or more dwelling units may not be operated as a short-term rental.
4. 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.
5. Short-term rentals with three or fewer bedrooms must include at least one off-street parking space available for use by guests. Short-term rentals with four or more bedrooms must include at least two off-street parking spaces available for guests.

Operational Standards

All short-term rentals must also comply with the following operational standards.

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. An accessory dwelling unit may not be operated as a short-term rental.
6. No special events are allowed (conference, weddings, or any commercial event).
7. No signage is allowed.

Discretionary Short-Term Rental Permit

An applicant may apply for a discretionary STR permit to deviate from the short-term rental regulations, e.g., to exceed the maximum number of rental days per year, to provide a reduced amount of off-street parking, or to allow a greater number of guests per rental stay. A discretionary STR permit will be processed in the same manner as a land use permit, including a noticed public hearing if requested.

No deviations to the Operational Standards will be allowed with either a ministerial or discretionary STR permit.

CONSEQUENCE OF NEGATIVE ACTION:

The short-term rental of residential dwelling units in the unincorporated County will remain illegal.

ATTACHMENTS

Ordinance No. 2020-12 Short-Term Rental