



# City Council Meeting

**Joint Study Session:  
Zoning Code Update  
Single-Family Districts and  
Short-Term Rental  
Regulations**

**October 8, 2019**



# Zoning Code Update

## Study Session Agenda

- **Uses in Single Family Districts**
- **Short-Term Rental Regulations**



# Zoning Code Update

## Goals Regarding Uses in Single Family Districts

- **City Council & Planning Commission feedback on:**
  - Changes to Zoning Code definitions for boarding house and single-housekeeping unit
  - Caps on the number of individuals that can occupy a residence in addition to a single housekeeping unit
  - A common habitable area standard applicable to new construction



# Legal Ground Rules

- California courts have issued rulings that limit the power of cities in:
  - Defining Single Family Uses
  - Establishing local occupancy standards



## City of Santa Barbara v. Adamson (1980)

- Santa Barbara ordinance's definition of family as either related persons living together as a single household unit in a dwelling unit or as a group of not to exceed five persons, living together as single housekeeping unit in a dwelling unit violated State Constitution.
- Santa Clara cannot place numerical limits on groups of unrelated people living as single housekeeping units that are different from limits on related households.



## Briseno v. City of Santa Ana (1992)

- Santa Ana's ordinance attempting to create a more restrictive occupancy standard than the State Housing Code was pre-empted.
- Court noted in a footnote: "While the ordinance appears to be facially neutral, amici contend that its effect is to discriminate against large Hispanic families. If the City attempts to pass another ordinance under the guise of 'local climatic, geological, or topographical conditions,' these issues are almost certain to be raised again."
- Santa Clara cannot create occupancy standards that are more restrictive than the State Housing Code.



# Single Family Districts



# Single Family Districts

## Uses in Single Family Districts

- **Issues of high occupancy in single-family residences has been raised extensively through the development review public hearing process and code enforcement complaints**
- **Current zoning regulations do not address the number of individuals who can occupy a residence on a long term basis (30 or more days)**
- **Current zoning regulations do not require a common area to support a household's interaction within single-family residence or duplex (ex. dining room, living room, areas open to all to gather & use)**



# Single Family Districts

## Regulatory Framework

- All City laws must be consistent with Federal Fair Housing Laws
  - Cannot create laws that discriminate
  - Cannot define family



**EQUAL HOUSING  
OPPORTUNITY**



# Single Family Districts

## Current Zoning Definitions

- **“Boarding house or rooming house”** means a dwelling, other than a hotel, where lodging or lodging and meals for two or more persons is provided for compensation. 18.06.010(b)
- **“Housekeeping unit”** means an individual or group of persons occupying a dwelling unit that has a single kitchen. 18.06.010(h)



# Single Family Districts

## Proposed Changes to the Definitions

- **Revise** definition of “**Single Housekeeping unit.**” Means an individual or group of persons occupying a dwelling unit used as a common living arrangement. Evidence of a common living arrangement may include some or all of the following: sharing living expenses, such as rent or mortgage payments, food and utility costs, a single lease, or shared chores. that has a single kitchen.
- The primary single housekeeping unit can either be renters or owners of the unit/house



# Single Family Districts

## Proposed Changes to the Definitions

- **Challenges with “Boarding House or Rooming House”**
  - Any rental to two or more persons is defined as a boarding house
  - Current definition prevents consistent enforcement
    - Today, leasing a single-family residence to two persons is considered consistent with uses anticipated in single-family districts
    - 10 persons that are not sharing a household may not be consistent with a single-family district



# Single Family Districts

## Potential Approaches

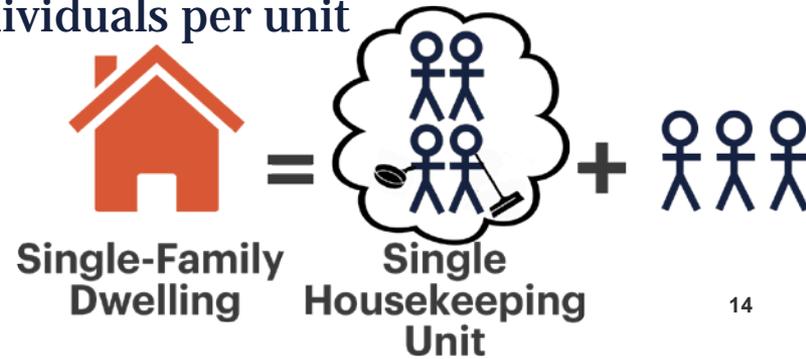
- **Replace** the Zoning Code term 'boarding house' with more precise regulations that allow for effective enforcement:
  - Establish a maximum number of individuals who can occupy a residence in addition to the single housekeeping unit/single household
  - Add standards requiring “common habitable area” in single-family residences



# Single Family Districts

## Occupancy in a Residence

- Create a cap on the number of individuals who may reside long-term based on unit type (in addition to the single housekeeping unit/single household):
  - Single-Family Dwelling = three additional individuals
  - Duplex = two additional individuals per unit
  - Multiple Dwelling Unit = two additional individuals per unit
- Number of individuals within a single household/housekeeping unit would **not** be regulated/limited





# Single Family Districts

## Common Habitable Area

- Applicable to new construction Single-Family Residences and Duplexes
- Creating a minimum percentage (%) of habitable floor area available to all for common use (ex: dining room, living room, kitchen)
  - Garages and hallways are not considered common use areas
- Minimum common habitable area must be **25%** of total habitable area for single-family residences



# Single Family Districts

## Enforcement of New Standards

- Enforcement new regulations will be complaint based and adequate time will be provided to inform property owners
- All property owners will be encouraged to discontinue nonconforming practice as individuals move out



# Single Family Districts

## Community Feedback

- Several outreach meetings have been held specifically with the Old Quad neighborhood and through the Neighborhood University Relations Committee (NURC)
  - Definition of “**single housekeeping unit**” too vague. Some would like single lease to be required for all rental occupants.
  - Impacts to street-parking



# Short Term Rentals



# Zoning Code Update

## Goals Regarding Short-Term Rental Regulations

- **City Council & Planning Commission feedback on:**
  - Limits on number of days a property can be utilized for hosted and unhosted short-term rental use
  - Caps on the number of short-term renters
  - An administrative approval and annual review process with cost-recovery fee



# Short Term Rentals

- Short-term rentals are stays of fewer than 30 days
- Popularized in recent years through online platforms such as Airbnb and Vacation Rental By Owner (VRBO)
- Neighboring cities have adopted short-term rental regulations that provide limitations on number of days depending on whether or not a host is present and number of short-term rental occupants allowed



# Short Term Rentals

## Current Short-Term Rental Regulations

- **Currently, the City has no zoning regulations on short-term rentals**
- **Short-term rental properties are required to collect and remit Transit Oriented Tax (TOT) to the City**
- **Existing Memorandum of Understanding with Airbnb**



# Short Term Rentals

## Proposed Short-Term Rental Regulations

- Limit number of days properties are available for short-term rental, without a permanent host present, to a maximum of **90** calendar days per year.
- No limit on number of days property can be made available for short-term rental with the presence of a permanent host.
- Limit short-term rental occupancy to 2 people in a studio unit, 3 people in a one bedroom unit, and 2 people per bedroom for each bedroom in excess of one bedroom, but not to exceed 8 short-term rental occupants total.
- Property owner required to secure an annual administrative permit with an annual fee.



# Zoning Code Update

## Next Steps

- **Public review draft of the proposed zoning code will be made available in December 2019**
- **Tentative public hearing dates:**
  - **Planning Commission & City Council in Spring 2020**



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Zoning Code Update—  
Occupancy Criteria in  
Single-Family Districts and  
Short-Term Rental Regulations**

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