



Agenda Submittal

Agenda #: 2
Status: PC-Regular
Type: PC-Document
Department: Planning Commission
File #: PC 18-021
Contact: Michael Yankovich, Program Manager
Agenda date: 5/17/2018
Final action:
Title: Conduct a study session to consider and obtain public testimony on a Vacation House Rental land use for the unincorporated area of Solano County and direct staff to prepare draft amendments to the County's Zoning Regulations that would either allow, regulate, or prohibit Vacation House Rentals

Governing body:

District:

Attachments:

Date	Ver.	Action By	Action	Result
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BACKGROUND

Last year the Planning Commission held three meetings in which short-term rental of houses and rooms for periods of less than 30 days were discussed. Then, as now, the use of a dwelling unit as a Vacation House Rental (whole house rental) rather than as a residence is a land use that is implicitly not authorized or addressed by Chapter 28 (Zoning Regulations) of the Solano County Code. The discussion included consideration of regulations developed by staff to assure that this use would be compatible with the residential character of the neighborhoods. Public testimony on the proposed regulations was generally negative and ranged from over regulation of a use to proposing regulations for a use that are unnecessary. At the third meeting, Commission decided to end the discussion and staff withdrew the item from further consideration at the time. As a result, Vacation House Rental remain a land use that is implicitly not authorized by Chapter 28, but is a land use that currently is being conducted on a number of properties in the unincorporated area.

DISCUSSION

Staff has since conducted additional research addressing the Vacation House Rental land use and, in consideration of this information, is providing several options for consideration by the Commission.

Airbnb and VRBO Rentals

Airbnb and VRBO (Vacation Rental By Owner) are two well-known short term/vacation rental listing sites. Research by staff shows that there are approximately 65 unincorporated Solano County properties currently listed on Airbnb or VRBO. These are estimates due to the listing sites limited disclosure of identifying information. There may be more rentals in the unincorporated area through other listing services or sources. The majority of the Airbnb and VRBO listings are located in the Green, Suisun and Pleasant Valleys and involve whole house rentals. In a recent City of Vacaville staff report the number of Airbnb listings by Solano County city were 56 in Vallejo, 24 in Vacaville, 28 in Fairfield and 45 in Davis.

Transit Occupancy Tax

Chapter 11 (Finances, Fees, Taxation and Revenue) of the Solano County Code does define the short term rental of a structure or any portion of any structure as a hotel use and establishes a transient occupancy tax of 5 percent of the rent charged by the operator. The definition of a hotel under Chapter 11 is, "Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for

dwelling, lodging or sleeping purposes, including any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure of portion thereof.” Assuming that the correct number of listings are approximately 65 and the average rental rate is \$50 and each listing is rented for four months out of each year or 122 days, the approximate TOT that should be remitted to the County would be \$19,000.

The Tax Collector/Treasurer is concerned that attempting to enforce the required Transient Occupancy Tax (TOT) collections on non-permitted short-term rentals that are not currently paying the TOT will create undue confusion and prove cost prohibitive. At a minimum, the Tax Collector/Treasurer would prefer either the permitting of short -term rentals along with some type of land use registration system that would identify the tourist house and home uses in order to collect the TOT, or alternatively a change in the County TOT ordinance exempting short-term rentals from the burden of TOT.

Service Calls

A concern that was expressed in previous Planning Commission meetings was the potential to turn the house into a party house. The sheriff and code enforcement were contacted to identify the number of service calls for such uses. The sheriff had no records of service calls that match this use and code enforcement had one record. These have been problems in other jurisdictions. Enforcement of land uses in the County is primarily conducted by the code enforcement section of the Building division. It is complaint driven and is staffed by one full time and one half time staff.

Similar Use

Vacation House Rentals are commercial operations conducted on residential property by the homeowner, which is similar to a Home Occupation. Standards for a home occupation are stated in the County’s Zoning Regulations to ensure the use is compatible with the existing neighborhood. An initial business license is required along with an annual license renewal fee.

Standards Currently in Use

Many jurisdictions have chosen to allow dwellings to be used as short-term rentals, provided the use complies with various standards. These standards are intended to ensure that the tourist land use is compatible with, and does not adversely impact, surrounding residential or agricultural uses.

- Maximum number of rental nights,
- Prohibition of nuisance behavior that includes parties and social gatherings of guests,
- Parking,
- Limits on occupancy
- Guest turnover limit
- Owner contact number to adjoining neighbors,

Housing Availability

In some jurisdictions, large numbers of Vacation House Rentals have resulted in a loss of regular housing to full time residents. This does not appear to be the case in Solano County based on the relatively small number of available rentals.

OPTIONS FOR CONSIDERATION

After consideration of the information presented and any public testimony the Planning Commission may decide to:

1. Direct staff to research additional information and schedule another study session for the Planning Commission;
2. Direct staff to prepare a proposed ordinance allowing a dwelling to be used as a Vacation House

Rental, by right;

3. Direct staff to prepare a proposed ordinance allowing a dwelling to be used as a Vacation House Rental, by right but subject to uniform standards and registration with the Department of Resource Management (administrative permit);
4. Direct staff to prepare a proposed ordinance authorizing a dwelling to be used as a Vacation House in some or all zoning districts, subject to approval of a minor use permit;
5. Direct staff to prepare a proposed ordinance explicitly stating that use of a dwelling as a Vacation House Rental is a prohibited land use, or
6. Some variation of the above including possible different standards for vacation rentals where there is no owner on site versus one where the owner continues to reside on the property.

Bed and Breakfast inn - Lodging accommodations which provides overnight transient accommodations, with no more than 10 guest rooms, and serves food only to its registered guests and that serves only a breakfast or similar early morning meal and no other meals and includes the price of the food in the price of the lodging.

Hotel - A building, portion of a building, or group of buildings containing six or more guest rooms designed, or intended to be used, let or hired out for transient accommodations. A hotel may include accessory uses, such as a commercial kitchen or dining facilities open to the public.

Rooming or boarding house - A dwelling, other than a hotel, where lodging or meals, or both, for four or more persons are provided for compensation. (Rooming and boarding of not more than 3 persons per dwelling unit in RR is not allowed. Rooming or boarding house not mentioned.)

Zoning Districts:

A No lodging accommodations mentioned

A-SV No lodging accommodations mentioned

RR Rooming and boarding of not more than 3 persons per dwelling unit in RR is allowed. Rooming or boarding house not mentioned

R-TC Rooming and boarding house prohibited