

1. Short-Term Rental Regulations Ordinance, Adding BMC Chapter 23C.22 and Amending Titles 23D and 23E

(Continued from June 28, 2016. Item contains Supplemental Materials.)

From: City Manager

Recommendation: Adopt first reading of an Ordinance regulating Short-Term Rentals, adding BMC Chapter 23C.22 and amending Titles 23D and 23E to make related changes.

Financial Implications: See report

Contact: Carol Johnson, Planning and Development, 981-7400

Action: 31 speakers. M/S/C (Worthington/Bates) to request that the City Manager initiate a process of enforcement for when three or more verified complaints are received against the same individual, company, or owner, of multiple units being used as short-term rentals. The City is initiating a process of enforcement due to the fact that short-term rental of multiple units by the same individual, company, or owner, is illegal under existing laws and will continue to be illegal under the short-term rental regulations being considered for adoption by the Council, and that short-term rental of multiple units in the larger buildings more significantly impact the housing stock of the City.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Absent – Moore, Droste.

Action: M/S/C (Arreguin/Bates) to:

1. Direct staff to include options in the ordinance for displaying identifying information about the short-term rental. Options may include: A) the Zoning Certificate to be posted on the ad either by the host or the hosting platform; B) the host to provide identifying information, including the Zoning Certificate number, to the City or the City's third-party vendor; or C) an alternative recommended by staff in working with the City's third-party vendor.
2. Refer to the Planning Commission an amendment of the accessory building regulations that would allow accessory buildings to be used for short-term rental purposes, including allowing them to have a full bath, and revising the process to require a Zoning Certificate rather than an Administrative Use Permit.
3. Refer to the Planning Commission the development of a definition for kitchen and/or cooking facilities.
4. Request that staff attempt to estimate the loss of long-term units if amnesty was granted to existing accessory dwelling units that are currently being used for short-term rental purposes.
5. Request that staff return to Council six to twelve months after ordinance adoption to review the impact of short-term rentals on long-term rentals.
6. Refer to staff to add clarification to Berkeley Municipal Code Section 23C.22.050 stating that the host must reside in the unit.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Absent – Moore, Droste.