

ORDINANCE NO. 1079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A ZONING TEXT AMENDMENT TO BRENTWOOD MUNICIPAL CODE CHAPTER 17.796 (RZ 24-005), WHICH WOULD MORE CLEARLY DEFINE AND PROHIBIT SHORT-TERM RENTALS

WHEREAS, City staff prepared a zoning text amendment that would update Chapter 17.796 (Short-Term Rentals) to more clearly define and prohibit short-term rentals (the "Ordinance"); and

WHEREAS, the Ordinance would amend Title 17 (Zoning) of the Brentwood Municipal Code, and the Planning Commission is charged with reviewing amendments to said title prior to their consideration by the City Council; and

WHEREAS, Brentwood has experienced rapid population growth over the past few decades, and in conjunction, the pace of development has been one of the highest in Contra Costa County; and

WHEREAS, short-term rentals have become increasingly popular over the past decade with the proliferation of platforms such as Airbnb and VRBO and with homeowners and renters seeking additional sources of income; and

WHEREAS, short-term rentals can have negative impacts on the community, including decreasing the local housing supply and increasing rental prices by reducing the number of available units, creating noise and parking supply issues in neighborhoods, and harming the existing hospitality industry; and

WHEREAS, on October 4, 2024, the City gave public notice of a Planning Commission public hearing to be held to consider this Ordinance by advertisement in the Brentwood Press, a newspaper of general circulation; and

WHEREAS, on October 15, 2024, the Planning Commission held a duly-noticed public hearing to consider the staff report, recommendation by staff, and public testimony concerning this Ordinance. Following the public hearing, the Planning Commission approved Resolution No. 24-041 and voted to recommend that the City Council adopt the proposed Ordinance by a vote of 5-0; and

WHEREAS, the City published a notice of public hearing in the Brentwood Press on November 1, 2024, in accordance with City policies and Government Code Section 65090; and

WHEREAS, on November 12, 2024, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda

reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration by the City's Planning Commission; and

WHEREAS, this amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRENTWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are incorporated into this Ordinance as though fully set forth herein.

SECTION 2. CEQA. Pursuant to California Environmental Quality Act ("CEQA") Section 15061(b)(3) of the CEQA Guidelines, this project is exempt in that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 3. Rezoning. Brentwood Municipal Code Section 17.870.008 provides:

No rezoning of property or text amendment shall occur which is inconsistent with the city's community development plan. In making a decision, the planning commission and council shall consider the consistency of the proposed action to the community development plan and other applicable city plans, and shall consider whether the proposed action is inappropriate or otherwise contrary to the public interest.

The zoning text amendments set forth in Exhibit A are consistent with the General Plan because General Plan Land Use Policy LU 2-2 is intended to ensure compatibility between land uses and to reduce any potential negative impacts associated with aesthetics, noise, and safety. The Ordinance's amendments related to prohibition of short-term rentals will help to protect existing residential neighborhoods from negative impacts resulting from the commercialization of homes for short-term rental use. The City Council finds that the Ordinance is appropriate and is not contrary to the public interest in that it will help preserve commercial land for the highest and best use and protect the city's residential neighborhoods.

SECTION 4. Amendment. Chapter 17.796 of Title 17 of the Brentwood Municipal Code is hereby amended to prohibit the operation of short-term rentals, as provided in Exhibit "A", attached hereto and incorporated herein. Revisions to existing sections are reflected in ~~strikethrough~~ for deletions and underline for additions.

SECTION 5. Effective Date; Publication Date. This ordinance shall be published in accordance with Government Code Section 36933. This ordinance shall take effect 30 days after its adoption. The City Clerk is directed to cause the Municipal Code text to be entered in the Brentwood Municipal Code of the City of Brentwood to be modified accordingly.

THE FOREGOING ORDINANCE was introduced with the first reading waived at a regular meeting of the City Council of the City of Brentwood on the 12th day of November 2024 by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

THE FOREGOING ORDINANCE was adopted with the second reading waived at a regular meeting of the City Council of the City of Brentwood on the 10th day of December 2024 by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED

Joel R. Bryant
Mayor

ATTEST:

Amanda McVey
City Clerk

EXHIBIT "A"**17.796.001 Title and purpose of provisions.**

A. Title. The provisions of this chapter shall be known as the "short-term rental" provisions of this title.

B. Purpose. The purpose of these provisions is to regulate the short-term rental of ~~certain~~ all residential dwelling units, including those constructed, converted, or otherwise developed through the use of California Government Code Sections 65852.21 or 66411.7.

17.796.002 Applicability of provisions.

The provisions of this chapter apply to all dwelling units in the City, including those constructed, converted, or otherwise developed through the use of California Government Code Section 65852.21 or 66411.7, as set forth in the provisions of Chapters 16.169 and 17.797 of this code.

17.796.003 Short-term rentals prohibited.

~~A. Pursuant to California Government Code Section 65852.21(e), no residential dwelling unit constructed, converted, or otherwise developed through the use of the two-unit housing development provisions set forth in Chapter 17.797 of this code shall be rented, leased, or otherwise let for occupancy for a period of less than thirty calendar days.~~

~~B. Pursuant to California Government Code Section 66411.7(h), no residential dwelling unit constructed, converted, or otherwise developed through the use of the urban lot split provisions set forth in Chapter 16.169 of this code shall be rented, leased, or otherwise let for occupancy for a period of less than thirty calendar days.~~

A. Definition. "Short-term rental unit" means the rental or occupancy of any residential dwelling unit or a portion thereof for a period of 30 consecutive calendar days or less. Short-term rental units include uninhabitable portions of the property such as swimming pools, courts, backyards, and other amenities available for rent for less than 30 consecutive calendar days.

B. Short-term rental units prohibited. It shall be unlawful for any person or entity to offer or make available to rent or to rent (by way of a rental agreement, lease, license, or any other means, whether written or oral), for compensation or any consideration, a short-term rental unit.