



MEMORANDUM

To: Marin County Planning Commission
From: Kathleen Kilgariff, Planner
Date: October 31, 2023

Subject: Short Term Rental Ordinance

The proposed Short Term Rental (STR) regulations have been developed after months of engagement with community members, short term rental owners, emergency service providers, and other agencies responsible for ensuring health and safety. During the Planning Commission workshop on October 23, 2023, members of the public and the Planning Commission provided additional comments, which have been carefully considered before finalizing the proposed draft Short Term Rental Ordinance (attachment 1).

Prior to the Planning Commission hearing on October 23, 2023, Planning Division staff prepared STR standards for review and comment. Following the hearing, staff has modified those standards as shown in track changes format (attachment 2).

Numerous minor revisions have been made to the text of the standards for clarity and internal consistency. Listed below are the key substantive changes made to the standards.

1. The exemptions from the STR Chapter were broadened to include agricultural properties that are at least 10 acres in size.
2. The STR caps have been revised to aggregate both hosted and unhosted short term rentals.
3. A countywide cap of 923 STR licenses has been established, based on the current number of STRs registered with the Department of Finance.
4. The definitions were revised for content and moved closer to the beginning of the Chapter.
5. The text has been clarified to indicate that the appeal and due process rights established in Marin County Code Chapters 1.05 (Nuisance Abatement), 1.06 (Recordation of Notice of Violation), and 1.07 (Imposition of Administrative Fines for Ordinance Violations) apply to short term rentals.
6. The application submittal requirements have been relaxed so that only a schematic (not to scale) site plan showing basic information and onsite parking spaces will be required. The schematic showing the location of onsite parking spaces will also be provided to guests so that parking is orderly and contained on site during visits.
7. The text has been clarified to indicate that it is ultimately the property owners' responsibility to ensure that the standards are being followed, even if they hire a manager for the short

term rental. Under existing code, legal judgements and citations issued for code enforcement violations are secured by the value of the property.

8. The license terms have been changed to a two year term for an initial license and four year terms for subsequent renewals.
9. The number of code enforcement violations it would take to result in a license not being renewed has been increased from two to three to reflect the longer renewal term. This relates only to violations of the STR standards, not to code enforcement violations related to other aspects of a property.
10. Grandparent clauses have been added in multiple instances where activities that are currently allowed and do not pose health and safety issues will continued to be allowed, including the following:
 - STR operators that currently have multiple STRs would continue to be able to operate up to three STRs.
 - The death of a spouse would not require that a new STR license be obtained.
 - An ADU created before January 1, 2020, when the State law went into effect prohibiting the use of statewide exemption ADUs for STRs, could be used as an STR.
 - Apartments and condos that are currently being used for STRs could continue being used as STRs.
 - If there are multiple STRs currently being operated on a single property, those STRs could continue being used as STRs.

Recommendation

Adopt a Resolution (Attachment 3) recommending that the Board of Supervisors do the following:

1. Adopt a Resolution authorizing the Community Development Agency to submit a Local Coastal Program amendment application related to the draft STR Ordinance to the California Coastal Commission; and
2. Subsequent to receiving California Coastal Commission approval of the Local Coastal Program amendment, adopt the STR Ordinance amending Marin County Code Chapter 5.41.

Attachments

1. Draft Short Term Rental Ordinance
2. Revisions to Short Term Rental Standards
3. Resolution recommending that the Board authorize the CDA to submit an LCP amendment and subsequent to California Coastal Commission approval adopt the draft Ordinance amending MCC Chapter 5.41
4. Comments received during and after the Planning Commission hearing on October 23, 2023.