

City of Santa Clara

Old Quad Neighborhood Zoning Ordinance Update

December 3, 2018



**City of
Santa Clara**
The Center of What's Possible

Issues

- **Concerns regarding the number of individuals living in single family houses that result from long term room rentals as well as short-term rentals like Airbnb**
- **Challenges regulating these activities are inadequate and too broad definitions**



Applicable 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
- *Housekeeping unit*—means an individual or group of persons occupying a dwelling unit that has a single kitchen
- *Fraternity or Sorority*--a residential structure used by a fraternal organization recognized by a school, college or university as living quarters for its members and for business, or social activities related to the organization.

Current practices

- **Single family homes with 4 or more bedrooms need an architecture review permit.**



Old Quad Concerns

- Behavioral Issues – **Use Issues**
 - Irresponsible landlords & tenants
 - Noise
 - Parking
 - Trash
 - Furniture outdoors
- Development Issues – **Architectural Review**
 - Architecture & massing

Tools to Consider

- **Regulatory Options**
 - Code changes/ Revised definitions
 - Regulate short term rentals, Airbnb, etc.
 - Business license / a limited tool
- **Regulatory Limitations**
 - Fair Housing Law
 - Cannot create laws that discriminate
 - Cannot define family & challenging to define household

Other City Practices

- San Luis Obispo
- San Jose
- Santa Cruz

- Conditional Use Permits (hard to enforce)
- Limit number of people per housing unit





Proposed New Code Definitions

- Removing current definition of “Boarding house or room house” from the ordinance
- “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)
- Including definition of “Group Living Accommodation”
“Group Living Accommodation” means a household with seven or more residents that does not function as a single housekeeping unit.
- Define percentage of common space (Min 35% including kitchen, living room and dining room)

Proposed New Code Definitions

- Revising definition of “Housekeeping unit”

“Housekeeping unit” means an individual or group of persons occupying a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food and utility costs, chores as well as maintaining a single lease or rental agreement for all members of the household. that has a single kitchen. 18.06.010(h)

Group Living Accommodations/ Boarding Houses

- The rental of rooms in a one-family dwelling to up to **three guests**;
- two-family dwelling to up to **two guests, by each household**;
- and in a multiple dwelling unit to up to **two guests per unit**,
- if such use is clearly **incidental** to the occupancy of the dwelling unit by said household as its own residence,
- rental is for a period of time **longer than thirty days**,
- there are **no more than six persons** living in the dwelling.

Short-term Rentals

City	Hosted	Requirements	Unhosted	Permit
Sunnyvale	Permitted in any zoning district where residential uses are permitted subject to requirements	* Max 4 overnight lodgers per night. * With facilities for sleeping, bathing, and toileting inside.	Prohibited	Required
Pasadena	Permitted in single-family residences, duplexes, condominiums, townhomes, and multi-family rental units, except covenant restricted (affordable) units.	* 3 violations may result in the automatic suspension of the permit. (wait at least one year before applying again)	Limited to a max of 90 days per year	Required (valid for one year)
San Francisco	The Residential Unit is offered for Tourist or Transient Use by the Permanent Resident of the Residential Unit	* Be the permanent resident of the unit (spend at least 275 nights a year in the unit) * Rentals for more than 30 consecutive nights	Limited to a max of 90 days per year	Obtain a Business Registration Certificate
San Jose	Permitted in any onefamily dwelling, two-family dwelling, multiple family dwelling, mobilehome, live/work unit, secondary dwelling or guest house	* Transient occupancy (not to exceed 30 days in duration per rental period) as an incidental use to primary residential uses * up to 3 transient users in a one-family dwelling *up to 2 transient users in each dwelling unit in a two-family dwelling or multiple family dwelling	* limited 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 10 persons total * 180 days per calendar year, no host present. 365 days per calendar year with host present	Require a Business License

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