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Moraga focuses on safety in short-term rental discussion

By Vera Kochan

Hoping to avoid an incident like the 2019 shooting that occurred at an Airbnb in Orinda on Halloween night, the town of Moraga chose to take proactive measures regarding its short-term rentals.

The lack of hotels or bed and breakfasts in this college town has opened up a market for residences to become available to rent. On May 13 there were 19 such listings in Moraga: three non-hosted entire home rentals, five accessory dwelling units, 10 bedrooms, and one recreational vehicle rental.

Moraga does not have a short-term rental ordinance in place to regulate such uses. According to Moraga Police Chief Jon King, there have never been any complaints from citizens concerning activity from these rentals, but there's no guarantee that there won't be problems in the future.

During the May 13 town council meeting, members were asked to consider several issues pertaining to the proposed ordinance, keeping in mind that during the planning commission's April 20 meeting its members voted 5-2 in favor of adoption. The presentation to the town council was provided by Town Manager Cynthia Battenberg and Assistant Planner Mio Mendez.

The first issue was whether to allow, as opposed to banning, short-term rentals. At this time, Moraga has only three non-hosted short-term rentals. Most homes are not considered a "party house" - a large home with a pool, hot tub and large indoor/outdoor gathering spaces. According to research by the city of Orinda post-tragedy, bans have not proven effective.

Another issue concerned hosted versus non-hosted short-term rentals. Hosted is when the owner or operator is on-site during the rental, either by living in the same building, main house or in an ADU on the property. A non-hosted rental has no owner or operator on-site. Moraga's town staff believed that a hosted rental would decrease the possibility of negative behavioral instances.

According to the staff report Contra Costa County caps its occupancy at two persons, and staff reasoned that limiting the number of simultaneous listings would curtail non-permitted parties and reduce the number of cars parked in a neighborhood, and prevent the homes from becoming boarding houses.

Many municipalities have chosen to limit the amount of days per stay with a minimum of two nights in the hopes that it would curtail short-term rental parties that usually occur for a single day or night.

Town staff recommended that there be a limit on the total number of days per year that a property can be rented in order to reduce the impact on a neighborhood. CCC currently has a 90-day limit with a possibility of up to 150 days as permitted by a zoning administrator.

Other jurisdictions require owners/operators to acquire a permit from the planning department and the staff recommended that the permit be valid for one year with the option to renew. The initial cost of the permit would be \$500 to reflect staff costs with a \$250 fee for each renewal, and there would be a revocation and fine process to ensure compliance. CCC allows for permits to be revoked as well as fines and citations issued to violators.

Moraga staff stated that any preventative action is a step in the right direction with regards to public safety. At the conclusion of nearly two and a half hours of discussion, the town council determined it was best to simplify the terms of the proposed ordinance at this time.

With a 3-2 vote (Mayor Kymberleigh Korpus and Council Member Steve Woehleke voting against), changes to Title 8 of the Moraga Municipal Code with regards to short-term rental regulations now include: all short-term rentals must be hosted; short-term rentals shall not be rented for less than two consecutive nights; and short-term rentals shall not be allowed in a vehicle, trailer or tent.

The ordinance is scheduled to return to the town council for a second reading during its May 27 meeting.

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