

ORDINANCE NO. ORD-2023-011

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING ZONING CODE TEXT AMENDMENTS TO TITLE 20 OF THE SANTA ROSA CITY CODE, CHAPTER 20-48, SHORT-TERM RENTALS, TO REVISE AND ADD NEW DEFINITIONS AND POLICIES, AND TO INCORPORATE TECHNICAL CHANGES TO IMPROVE FUNCTIONALITY AND AID IN IMPLEMENTATION AND ENFORCEMENT; FILE NUMBER REZ23-001

WHEREAS, the City of Santa Rosa desires to preserve the residential characteristics of neighborhoods that enhance the quality of life for our residents, protect public peace, welfare, health, and safety, and preserve housing stock for residential use; and

WHEREAS, the City of Santa Rosa is experiencing a severe and protracted housing crisis which has been exacerbated by the wildfire disasters of recent years; and

WHEREAS, the conversion of housing units to short-term rentals (STRs) reduces the supply of housing available to serve permanent residents, which increases housing costs for both renters and buyers; and

WHEREAS, in 2018, 2019, 2020, 2021, 2022 and 2023 the Council adopted policy priorities, which include a housing for all strategy, reaffirming the Council's housing goals; and

WHEREAS, the October 2, 2020, online edition of Marketing Science (Vol. 40, No. 1) found that the number of Airbnb listings in a zip code was associated with increases in property prices and rental rates; and

WHEREAS, on August 10, 2021, and September 14, 2021, recognizing that STRs were operating within the City of Santa Rosa without operating standards or adequate regulations, staff presented the Economic Development Subcommittee (EDS) with information about how many short-term rentals might be operating within City limits and the increasing frequency of short-term rental related complaints. Based on public testimony and the information presented, the EDS directed staff to take immediate action to preserve public peace, welfare, health, and safety by regulating short-term rentals to address community compatibility, public safety threats related to wildfires and other potential emergencies requiring evacuation, limited housing stock, and the COVID-19 pandemic; and

WHEREAS, in August 2021, the City conducted an online Short-Term Rentals community survey to help inform the development of a STR ordinance; and

WHEREAS, on September 29, 2021, a virtual public meeting targeting industry representatives was held to receive feedback on a potential STR ordinance; and

WHEREAS, on October 13, 2021, the City Council adopted Ordinance No. ORD 2021-011 on an urgency basis adding Chapter 20-48, Short-Term Rentals, to the Zoning Code to establish a regulatory framework for short-term rentals to reduce safety risks during

wildfire events, preserve housing stock and the residential characteristics of neighborhoods, and prevent short-term rental activities from becoming a nuisance to, or threatening the public health, welfare, or safety of neighboring residents. Chapter 20-48 also facilitates the collection and payment of transient occupancy tax (TOT) and Business Improvement Area (BIA) assessments; and

WHEREAS, despite having regulations in place, certain non-hosted STR activities continued to generate police and code enforcement complaints related to noise, occupancy, and large events; and

WHEREAS, on May 17, 2022, the Economic Development Subcommittee received an update on the STR program including permitting status, enforcement issues, and potential ordinance amendments to address immediate issues related to public health, welfare, or safety. Based on public testimony and the information presented, the EDS directed City staff to draft Zoning Code text amendments to Chapter 20-48 to address ongoing code enforcement complaints related to non-hosted STRs; and

WHEREAS, on August 9, 2022, the City Council adopted Ordinance No. ORD-2022-008 on an urgency basis to set a maximum number of 198 non-hosted STR Permits to be issued citywide and to clarify that enforcement penalties apply to permit owners and “operators in good standing,” and, by Resolution No. RES-2022-177, the Council established a STR Permit renewal fee and authorized the Director of Planning and Economic Development to approve future fee adoptions and changes to the STR Permit renewal process; and

WHEREAS, between September 23, 2022 and December 18, 2022, the City conducted a second online public sentiment survey to gather feedback on the STR Ordinance; and

WHEREAS, in October and December 2022, multiple in person pop-up events were held at various locations throughout the City of Santa Rosa providing additional opportunities to reach community members that do not typically participate in formal public meetings and workshops; and

WHEREAS, on November 14, 2023 and December 12, 2023, the City held two virtual public meetings to receive community feedback on the adopted STR Ordinance; and

WHEREAS, on November 16, 2023, the Santa Rosa Tourism Business Improvement Area Advisory Board received an update on the STR Ordinance; and

WHEREAS, since adoption of the STR Ordinance and its subsequent amendment, City staff has recognized areas of the STR Ordinance that would benefit from technical changes such as the addition of clarifying language and minor reorganization of certain sections which will aid in implementation and enforcement; and

WHEREAS, based on prior Economic Development Subcommittee and City Council discussion as well as results from community engagement efforts, new definitions and policies are proposed that will (1) result in additional opportunities for a fairer distribution of non-hosted

STR Permits by limiting the number of non-hosted STR Permits allowed per owner, while allowing existing Permit owners with multiple Permits to retain them, (2) adding unit type restrictions to prohibit STRs in all accessory dwelling units that have not previously received an STR Permit, and in all affordable housing units and other sensitive residential unit types, (3) adding outdoor lighting standards and trash and recycling facilities restrictions to help protect the quality of life of STR neighbors, (4) adding water conservation requirements similar to other lodging types to protect the City's natural resources, (5) providing a permanent 30-day grace period for submitting renewal applications after permit expiration, (6) clarify that allowed outdoor burning at non-hosted Short-Term Rentals is limited to code compliant natural gas and propane appliances and that the regulations do not apply to hosted Short-Term Rentals, (7) providing for transfer of Short-Term Rentals to family members under certain circumstances, (8) requiring hosted Short-Term Rental Permit applicants to file an affidavit that they will live on site, (9) providing that the cap on non-hosted Short-Term Rentals will be reduced through natural attrition, prohibit new non-hosted Short-Term Rental Permit applications, and (10) require the City to send renewal reminder notifications to Permit owners; and

WHEREAS, the City continues to receive public complaints related to STRs necessitating new code enforcement language and provisions to: (1) better clarify general enforcement remedies and options, (2) provide an overview of how complaints may be submitted, (3) reenforce that Local Contact failure to respond pursuant to the requirements of the Ordinance constitutes a violation of the STR Permit, (4) align City penalties for STR violations with California Government Code provisions applicable to STRs, as well as violations which are indirectly related to STRs and indicate when and how such penalties shall be assessed, (5) establish the circumstances under which revocation proceedings are triggered, and provide clarifying language as to the types of violations that constitute verified violations for purposes of revocation proceedings, and (6) provide a tiered violation penalty schedule, requiring a fine for first violations of Transient Occupancy (TOT)/ Business Improvement Area Assessments (BIA) and operating without a Permit, and clarifying that after a third violation a Permit is revoked and the Permit holder is permanently barred from owning or operating an STR within Santa Rosa; and

WHEREAS, on April 27, 2023, the Planning Commission of the City of Santa Rosa held a duly noticed public hearing and adopted resolution number PC-2023-013 recommending to the City Council adoption of Zoning Code text amendments to Title 20 of the Santa Rosa City Code, Chapter 20-48, Short-Term Rentals, to revise and add new definitions and policies, and to incorporate technical changes including reorganization and the addition of clarifying language to improve functionality and aid in implementation and enforcement of Chapter 20-48; and

WHEREAS, on June 6, 2023, the City Council of the City of Santa Rosa held a duly noticed public hearing and introduced an ordinance amending the text of Title 20 of the Santa Rosa City Code, Chapter 20-48, Short-Term Rentals, to revise and add new definitions and policies, to incorporate technical changes including reorganization and clarifying language to improve functionality and aid in implementation and enforcement, and directed City staff to bring the Ordinance back in two parts for second reading and adoption as follows:

1. First, to provide for a grace period, following the effective date of the Ordinance amendment, for Permit owners whose Permits were issued within the first year of the Ordinance and expired without a renewal application being timely submitted; and
2. Second, amend the Ordinance to (a) provide a permanent 30-day grace period for submitting renewal applications, (b) clarify that allowed outdoor burning at non-hosted STRs only includes natural gas and propane appliances, (c) clarify that outdoor burning regulations do not apply to hosted STRs, (d) provide for transfer of STRs to family members under certain circumstances, (e) allow Owners with multiple STR Permits to retain those permits, (f) require hosted STR Permit applicants to file an affidavit that they will live on site, (g) provide a tiered violation penalty schedule, (h) require a fine for first violations of TOT/BIA and operating without a Permit, (i) clarify that after a third violation a Permit is revoked permanently, (j) provide that the cap on non-hosted STRs will be reduced through natural attrition, prohibit new non-hosted STR Permit applications, and (k) require the City to send renewal reminder notifications to Permit owners.

WHEREAS, Section 8 of the City Charter provides, in relevant part, that a proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained; and

WHEREAS, on June 20, 2023, the Council held the first of two second readings and adopted an Ordinance amending the text of Title 20 of the Santa Rosa City Code, Chapter 20-48, Short-Term Rentals, to provide a 31-day grace period, following the effective date of the ordinance, to submit applications to renew expired Short-Term Rental Permits issued during the first year of the Short-Term Rental Ordinance, and to clarify that in the event that any non-hosted Short-Term Rental Permit was issued for a property within 1,000 feet of an expired non-hosted Permit that is subsequently renewed under that new grace period, both Short-Term Rentals would be able to retain their Permits regardless of the distance between them; and

WHEREAS, on July 25, 2023, the Council held the second of two second readings to amend the text of Title 20 of the Santa Rosa City Code, Chapter 20-48, Short-Term Rentals to (a) provide a permanent 30-day grace period for submitting renewal applications, (b) clarify that allowed outdoor burning at non-hosted STRs only includes natural gas and propane appliances, (c) clarify that outdoor burning regulations do not apply to hosted STRs, (d) provide for transfer of STRs to family members under certain circumstances, (e) allow Owners with multiple STR Permits to retain those permits, (f) require hosted STR Permit applicants to file an affidavit that they will live on site, (g) provide a tiered violation penalty schedule, (h) require a fine for first violations of TOT/BIA and operating without a Permit, (i) clarify that after a third violation a Permit is revoked permanently, and (j) provide that the cap on non-hosted STRs will be reduced through natural attrition, prohibit new non-hosted STR Permit applications; and

WHEREAS, Council's direction to staff to provide renewal reminder notifications to Permit owners is being addressed administratively.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council of the City of Santa Rosa finds, pursuant to City Code Section 20-64-050 (Findings), based on evidence and records presented, that:

- A. The proposed amendments are consistent with the goals and policies of the Santa Rosa General Plan, and all applicable Specific Plans in that the amendments further existing policies related to economic vitality, police services, fire protection, and noise and do not allow density beyond what is currently allowed. Further, the Residential section of the Land Use and Livability Element of the General Plan includes seven residential land use classifications that are established to provide for a development of a full range of housing types, with a goal to “maintain a diversity of neighborhoods and varied housing stock to satisfy a wide range of needs”. While the Short-Term Rental Ordinance allows for a more transient occupancy of residential units in the City, it does not permanently remove those units as residential, and therefore does not impact the City’s ability to meet its Regional Housing Needs Allocation (RHNA), as set by the State of California. The units will continue to count toward the City’s overall housing stock, and will not be altered such that they cannot be immediately returned to longer-term residential use at the end of the one-year term of a Short-Term Rental Permit. Further, the concentration requirements within the Short-Term Rental Ordinance, which limits non-hosted Short-Term Rentals to no more than one within a 1,000-foot radius, and the limit of 182 non-hosted Short-Term Rentals citywide which will decrease over time through attrition, further limits the impact of these short-term residential leases on the City’s overall housing stock.
  
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments strive to improve and enhance implementation and enforcement of the STR Ordinance to ensure STRs are compatible with the neighborhoods in which they are located. Further, the proposed amendments limit the number of non-hosted STR Permits that a single entity can own to encourage a fairer distribution of non-hosted STR Permits and the proposed amendments prohibit STR activities in all accessory dwelling units which have not previously received an STR Permit and in other sensitive housing types.
  
- C. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code except where explicitly identified such as the extension of quiet hours to 9:00 p.m. to 8:00 a.m. In addition, Zoning Code Section 20-22.010, Purpose, identifies that the purpose of Zoning Code Chapter 20-22, Residential Zoning Districts, is to determine the type of land use permit/approval required for each use identified as allowed in each of the City’s residential zoning districts, and provides basic standards for site layout and building size. Zoning Code Section 20-22.020, Purposes of the Residential Zoning Districts, further identifies specific purposes for each residential zoning district. While this section of the Zoning Code identifies residential units as the primary use, it also allows compatible accessory uses. Such compatible accessory uses allowed by-right, or with the approval of a Minor Use Permit or Conditional Use Permit, include neighborhood serving retail uses; home occupations, including those that allow both clients and customers to visit the home

occupation; community care facilities, both large and small; emergency shelters; supportive and transitional housing; rooming or boarding houses; organizational houses (dormitory, sorority, monastery, etc.); child and adult day care uses; and bed and breakfast inns. While the Short-Term Rental Ordinance allows for a more transient occupancy of traditional residential units, it will not permanently remove those units for residential use. The units will continue to be residential in nature and will not be altered such that they cannot be immediately returned to longer-term residential use at the end of the one-year term of a Short-Term Rental Permit.

- D. The proposed amendments have been reviewed in compliance with the California Environmental Quality ACT (CEQA) and the City Council has determined that adoption of this ordinance is exempt from CEQA under CEQA Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines Section 15378, as it has no potential for resulting in a physical change in the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation of the Amendments would have a significant effect on the environment, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The Ordinance is also exempt from CEQA pursuant to CEQA Guidelines section 15301 in that no new development or construction is authorized by the Ordinance and nothing in the Ordinance permits any expansion of use beyond the level of land uses already existing in the City. Single-family homes that are rented on a short-term basis will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, the Ordinance is exempt pursuant to CEQA guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement and protection of natural resources and the environment, in that requiring a short-term rental permit program that imposes standards related to water conservation, refuse management, noise, outdoor burning and emergency evacuation serves to further protect natural resources and the environment.

Section 2. Chapter 20-48, Short-Term Rentals, of the Santa Rosa City Code is amended to read and provide as follows:

**“Chapter 20-48, Short-Term Rentals**

**20-48.010 Purpose.**

This chapter provides a regulatory framework for the Short-Term Rental of residential units so that Short-Term Rental activities do not become a nuisance or threat to the public peace, welfare, health, or safety of neighboring properties; to preserve the City’s limited housing stock; to retain the residential characteristics of neighborhoods; and to facilitate the collection of Transient Occupancy Taxes (TOT) and Business Improvement Area (BIA) assessments. In order to

monitor the success of Chapter 20-48 in reaching these goals and objectives, City Council has directed staff to provide the Council with an opportunity to review Chapter 20-48, in its entirety, in or about August 2024. Council shall use that opportunity to determine if any revisions are necessary or appropriate. In the event that Council determines that no revisions are necessary or appropriate, or if no such Council review takes place, Chapter 20-48 shall remain in full force and effect as written.

#### **20-48.020 Application of this chapter.**

This chapter applies to all Short-Term Rental uses as defined herein but is not intended to regulate hotels, motels, inns, the home exchange of a dwelling unit as defined herein, or other rental arrangements, including, but not limited to, community care facilities, lodging or rooming houses, or supportive or transitional housing. Each Short-Term Rental Owner, Agent, Local Contact, Short-Term Renter, and Daytime Guest as defined herein shall comply with the requirements of this chapter.

#### **20-48.030 Definitions.**

Terms that are not defined in this chapter shall have the meanings ascribed to them in Chapter 20-70 of the Santa Rosa City Code. The following words and phrases shall have the meanings set forth below when used in this chapter unless the context plainly requires otherwise:

- A. Agent. A person, authorized in writing by the Short-Term Rental property owner to comply with the requirements of this ordinance.
- B. Daytime Guests. Guests of Short-Term Renters who visit the Short-Term Rental between the allowed daytime guest hours of 8:00 a.m. and 9:00 p.m.
- C. Dwelling Unit. A single unit that provides complete independent living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking, and sanitation.
- D. Enforcement Official. The City Manager, the Planning and Economic Development Director (Director), the Police Chief, the Fire Marshal, the Building Official, or one or more of their respective designees.
- E. Home Exchange. A type of accommodation in a legal dwelling unit in which two or more parties agree to offer exclusive use of each other's homes for living and sleeping purposes for a set period of time whereby the agreement involves the exchange of homes and may include use of the vehicles associated with those homes, with no additional monetary exchange or other consideration exchanged between the parties. Also known as home swapping.
- F. Host. A natural person or persons who is/are the owner of record of residential real property, as documented by a deed or other such evidence of legal ownership, who offers their residence, or a portion thereof, as a Short-Term Rental. Host includes a personal or family trust whose beneficiaries consist solely of natural persons, but does not include residences or condominiums owned as a timeshare, limited liability partnership, corporation, or other business

entity, or any fractional ownership of six or more interests. Host is synonymous with Owner and Operator.

G. Hosted Short-Term Rental. A Short-Term Rental where, throughout the Short-Term Rental period, the Host lives and sleeps in the Dwelling Unit or lives and sleeps in another legal Dwelling Unit on the same parcel, which parcel is the Owner's principal residence as defined herein. Hosted Short-Term Rentals shall be allowed only in the primary residence on any property containing more than one legal Dwelling Unit except where allowed in an ADU pursuant to Section 20-48.040(A)(4)(b).

H. Local Contact. A natural person identified in the Short-Term Rental Permit application who is available 24 hours per day, seven days per week, for the purpose of responding to complaints regarding the condition, operation, or conduct of the Short-Term Rental or its occupants, and for taking any remedial action necessary to resolve such complaints, including visiting the Short-Term Rental, if necessary, within 45 minutes after initial complaint. A Local Contact shall not be a call center where a call is not directly answered by a natural person or where the complainant is required to consent to being recorded.

I. New Operator. Any Short-Term Rental owner who does not qualify as an Operator in Good Standing as defined herein.

J. Non-Hosted Short-Term Rental. A Short-Term Rental where the Host does not live and sleep in the Dwelling Unit or in another legal Dwelling Unit on the same parcel throughout the Short-Term Rental period.

K. Operator. A natural person or persons who is/are the owner of record of residential real property, as documented by a deed or other such evidence of legal ownership, who offers their residence, or a portion thereof, as a Short-Term Rental. Operator includes a personal or family trust whose beneficiaries consist solely of natural persons, but does not include residences or condominiums owned as a timeshare, limited liability partnership, corporation, or other business entity, or any fractional ownership of six or more interests. Operator is synonymous with Host and Owner.

L. Operator in Good Standing. A Short-Term Rental Operator who was registered on or before October 27, 2021 to pay the City's Transient Occupancy Tax (TOT) and Santa Rosa Tourism Business Improvement Area (BIA) assessments; who submitted a Short-Term Rental Permit application prior to December 3, 2021, that was subsequently approved; and who has not lost Operator in Good Standing status pursuant to any of the reasons provided for in Section 20-48.040(H)(1-4).

M. Owner. A natural person or persons who is/are the Short-Term Rental Owner of record of residential real property, as documented by a deed or other such evidence of legal ownership, who offers their residence, or a portion thereof, as a Short-Term Rental. Owner includes a personal or family trust whose beneficiaries consist solely of natural persons, but does not include residences or condominiums owned as a timeshare, limited liability partnership, corporation, or other business entity, or any fractional ownership of six or more interests. Owner



is synonymous with Host and Operator.

N. Principal Residence. The place where one resides for more than one-half of the year.

O. Renoticing Fee. A fee set forth in the City of Santa Rosa Fee Schedule that is assessed to Short-Term Rental Owners if Local Contact, occupancy or parking information for the Short-Term Rental is changed during the life of the Short-Term Rental Permit.

P. Short-Term Rental. A Dwelling Unit, or any portion thereof, utilized for residing, lodging, sleeping, or other occupancy purposes for less than 30 consecutive days, counting portions of days as full days. Short-Term Rentals may be Hosted or Non-Hosted as defined herein.

Q. Short-Term Rental Permit Application Fee. The fee assessed for a new or renewal Short-Term Rental Permit application as defined herein and as set forth in the City of Santa Rosa Fee Schedule.

R. Short-Term Rental Permit Application – New. A Short-Term Rental Permit application for a property that does not have an issued and active Short-Term Rental Permit, or where a prior Short-Term Rental Permit has expired or been revoked, or where an Owner no longer qualifies as an Operator in Good Standing.

S. Short-Term Rental Permit Application – Renewal. A Short-Term Rental Permit application for a property that has an issued and active Short-Term Rental Permit, and where the Short-Term Rental Permit renewal application is submitted during the 60 calendar day period prior to expiration of the issued Short-Term Rental Permit, or in no case later than 30 calendar days after the expiration of the issued Short-Term Rental Permit.

T. Short-Term Renter. A person who exercises occupancy or is entitled to occupancy by reason of a booking transaction, concession, permit, right of access, contract, license, or other agreement for a period of less than 30 consecutive days, counting portions of days as full days. Short-Term Renters also include all persons who occupy the Short-Term Rental during the overnight hours of 9:00 p.m. to 8:00 a.m. Daytime Guests as defined herein are not considered Short-Term Renters.

#### **20-48.040 Short-Term Rental Permit requirements and limits.**

A Short-Term Rental Permit issued by the Director is required prior to renting, offering, or advertising a Short-Term Rental within the City.

A. Permit requirements.

1. A Short-Term Rental Permit is required for each address where a Short-Term Rental is proposed.

2. A Short-Term Rental Permit may be issued only to an Owner as defined herein.

3. A Short-Term Rental Permit may be issued only for a fixed location and address and only for a habitable and permitted Dwelling Unit.
4. A Short-Term Rental Permit shall not be issued for any of the following unit types or spaces:
  - a. Income-restricted affordable housing.
  - b. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU); except an ADU where a Short-Term Rental Permit has been issued and is in effect may continue to operate as a Short-Term Rental until or unless it is no longer compliant with any other section of this chapter. A Short-Term Rental Permit for an ADU which has been revoked or vacated or for which a Short-Term Rental Permit Renewal application has not been received pursuant to Section 20-48.040(E), or for which a Short-Term Rental Permit Renewal application has been denied, may not be reissued.
  - c. Student housing, dormitories, and single-room occupancy facilities.
  - d. Senior housing.
  - e. Transitional housing.
  - f. Temporary housing units such as recreational vehicles, including but not limited to non-motorized travel trailers, tiny homes, yurts, tents, treehouses, and sleeping in vans or cars.
  - g. Areas not designed or intended for human habitation, such as closets, laundry rooms, storage sheds, and similar areas.

B. Location requirements and permit limits.

1. Hosted Short-Term Rental. Hosted Short-Term Rentals are allowed with a Short-Term Rental Permit in all City zoning districts.
  - a. Short-Term Rental Permits may be issued for Hosted Short-Term Rentals citywide with no cap on the total number issued.
  - b. There is no separation requirement between Hosted Short-Term Rentals.
  - c. Maximum Short-Term Rental Permits per Owner. A Short-Term Rental Owner may maintain a maximum of one Hosted Short-Term Rental within city limits.
  - d. Hosted Short-Term Rental Application Affidavit. All applications for a Hosted Short-Term Rental Permit shall require the submittal of an affidavit

documenting that the Host lives and sleeps in the Dwelling Unit or lives and sleeps in another legal Dwelling Unit on the same parcel, one of which is which parcel is the Owner's principal residence as defined herein, throughout the Short-Term Rental period, as defined in Section 20-48.030(G).

2. Non-Hosted Short-Term Rentals are allowed with a Short-Term Rental Permit in the Core Mixed Use (CMU), Station Mixed Use (SMU), Maker Mixed Use (MMU), and Neighborhood Mixed Use (NMU), Rural Residential (RR), Single Family Dwelling (R-1), Residential Planned Development (PD) where not explicitly prohibited, Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village Residential (TV-R), Office Commercial (CO), Neighborhood Commercial (CN), Community Shopping Center (CSC), General Commercial (CG), and Transit Village-Mixed (TVM) zoning districts. Non-hosted short-term rentals are prohibited in all other zoning districts.

a. The maximum number of Short-Term Rental Permits issued for Non-Hosted Short-Term Rentals shall be 182 citywide. No new Non-Hosted Short-Term Rental Permit applications shall be accepted. The maximum number of Non-Hosted Short-Term Rental Permits citywide shall decrease through attrition when existing Non-Hosted Short-Term Rental Permits are vacated or revoked, or when properties are sold or transferred, with the exception of transfers allowed pursuant to Section 20-48.040(G)(1).

b. Required separation between Non-Hosted Short-Term Rentals. A new Non-Hosted Short-Term Rental may not be proposed within 1,000 feet of another existing or proposed Non-Hosted Short-Term Rental as measured from property line to property line.

3. Maximum Short-Term Rental Permits per Owner. A Short-Term Rental Owner may maintain a maximum of one Non-Hosted Short-Term Rental within city limits. Non-Hosted Short-Term Rental Permit Owners with more than one issued Non-Hosted Short-Term Rental Permit as of August 24, 2023 may continue to maintain all of their existing Non-Hosted Short-Term Rental Permits, provided that the Permits are maintained in good standing and have not otherwise been vacated or revoked. If a Non-Hosted Short-Term Rental Permit is not renewed pursuant to Section 20-48.040(E), the Owner shall lose the right to that Permit and their total number of Permits held shall be reduced.

C. New application. A new Short-Term Rental Permit application accompanied by the appropriate application fee shall be filed with the Planning and Economic Development Department. The new Application shall include all supporting materials, verifications, and signatures required by said application and any other information determined necessary by the Director, or the application shall be deemed incomplete and subject to expiration pursuant to Section 20-50.080, Initial application review.

D. Duration of Short-Term Rental Permit. A Short-Term Rental Permit shall be valid for a period of no more than one year from date of issuance and is automatically void upon expiration,

unless an application for a Renewal Short-Term Rental Permit has been submitted to the City pursuant to Section 20-48.040(E) below. A Short-Term Rental Permit may not be extended but may be renewed in accordance with Subsection E, below.

E. Annual Renewal.

1. A Renewal Short-Term Rental Permit application accompanied by the Short-Term Rental Permit renewal fee and all supporting materials, verifications, and signatures required by said application, shall be submitted to the Planning and Economic Development Department annually prior to expiration of the Short-Term Rental Permit. Renewal applications shall be submitted no earlier than the 60 calendar days prior to expiration and shall be accepted up to 30 calendar days after the date of expiration of the existing Short-Term Rental Permit.

2. If a Renewal Short-Term Rental Permit application is received prior to the expiration of the issued Short-Term Rental Permit, and in no case later than 30 calendar days after the expiration of the Permit, expiration of the issued Short-Term Rental Permit shall be stayed until the Renewal Short-Term Rental application is acted on by the Director. If the renewal application is approved, the issuance month and day for the Short-Term Rental Permit shall be the same as the issuance month and day of the previous Short-Term Rental Permit; for example, if the previous Short-Term Rental Permit was issued on January 1, 2023, the renewal Short-Term Rental Permit issuance date shall be January 1, 2024.

3. If a Renewal Short-Term Rental Permit application is not received prior to the expiration of an issued Short-Term Rental Permit, or in no case later than 30 calendar days after the expiration of the Permit, all short-term rental activities must cease, and a New Short-Term Rental Permit shall be required for continued or future use of the unit as a Short-Term Rental, and all requirements of a New Short-Term Rental Permit, including separation requirements between Non-Hosted Short-Term Rentals, shall apply.

F. Neighbor notification.

1. Upon issuance of a New Short-Term Rental Permit, the City will provide mailed notice of permit issuance, Local Contact information, and certain Short-Term Rental regulations to property owners and tenants within 600 feet of the Short-Term Rental.

2. Renoticing requirement. Neighbor renoticing is required if the Local Contact, occupancy, or parking limits change during the life of the Short-Term Rental Permit. Where neighbor renotification is required, the applicant shall be responsible for all renotification costs including staff time, printing, and postage prior to Permit issuance or implementation of the requested changes, as set forth in the City of Santa Rosa Fee Schedule.

G. Transferability. A Short-Term Rental Permit is non-transferrable, except as identified in subsection 20-48.040(G)(1) below. If a property with an approved Short-Term Rental Permit is

sold or transferred to any other person, the Short-Term Rental Permit is void. Any subsequent reapplication shall be subject to all requirements of a New Short-Term Rental Permit application including the 1000-foot separation requirement for Non-Hosted Short-Term Rentals. The following exception shall apply:

1. In the event that a Short-Term Rental Permit Owner is incapacitated, deceased, or otherwise unable to carry out the terms of the Short-Term Rental Permit, a valid Short-Term Rental Permit may be transferred to a spouse or domestic partner.

H. Loss of Operator in Good Standing Status. Any owner of a property that applied for or was issued a Short-Term Rental Permit as an Operator in Good Standing as defined herein, shall lose Operator in Good Standing status and all benefits accorded heretofore for any of the reasons outlined below and any subsequent reapplication shall be subject to all requirements for a new Short-Term Rental Permit, including the 1000-foot separation requirement for Non-Hosted Short-Term Rentals.

1. The Short-Term Rental, whether before or after Short-Term Rental Permit issuance, has accrued in any one-year (12 consecutive months) period, three verified code enforcement violations; or
2. The New or Renewal Short-Term Rental Permit has been denied or revoked; or
3. The property is sold or transferred to another person, with the exception of transfers allowed pursuant to 20-48.040(G)(1); or
4. The Owner does not submit a Renewal Short-Term Rental Permit application prior to or within 30 calendar days following the expiration of the issued Short-Term Rental Permit.

I. Denial. The Director may deny a New or Renewal Short-Term Rental Permit application for any of the following reasons:

1. The application or supporting materials, signatures, or verifications are incomplete, are not consistent with the requirements of this chapter, contain(s) false or misleading information or omission of a material fact; or
2. The appropriate application fee has not been received; or
3. The applicant has lost Operator in Good Standing Status and does not comply with the requirements of a new Short-Term Rental Permit, including the 1000-foot distance requirement between non-hosted Short-Term Rentals; or
4. The application seeks authorization at an address where a Short-Term Rental Permit:

a. Has expired and a complete Short-Term Rental Permit renewal application has not been received prior to or within 30 calendar days following the expiration; or

b. Is subject to revocation proceedings for violation of any of the provisions of this chapter or any other chapter of the City's Municipal Code, or any local, State, or Federal laws.

5. The applicant is ineligible for a Short-Term Rental Permit due to a prior revocation pursuant to Section 20-48.080(C); or

6. The Owner has failed to remit TOT and/or BIA assessments in the amount(s) required based on the number of nights the Short-Term Rental has been occupied and the level of compensation received; or

7. The Short-Term Rental Owner has unpaid code enforcement penalties or other City fees at the time of New or Renewal Short-Term Rental application submittal, unless said penalties or fees are paid within 30 days of the filing of a New or Renewal Short-Term Rental application.

J. Appeals. Director determinations on New or Renewal Short-Term Rental Permit applications may be appealed to the Planning Commission. Appeals shall be submitted in writing on a City application and filed with the Planning and Economic Development Department with the appropriate fee within 10 calendar days after the decision date. The time limit will extend to the following business day where the last of the specified number of days falls on a day that City offices are not open for business.

#### **20-48.050 Registration requirements.**

A. Transient Occupancy Tax. Short-Term Rental Owners shall impose, report, and remit Transient Occupancy Tax pursuant to City Code Chapter 3-28, Transient Occupancy Tax. Notwithstanding Section 3-28.050, Registration, Short-Term Rental Owners must register for TOT prior to submittal of a new Short-Term Rental Permit application. Any Short-Term Rental Owner who fails to accurately impose, report, and remit Transient Occupancy Tax shall be subject to the enforcement and remedies provided by Santa Rosa City Code Chapter 3-28 and section 20-48.080 of this chapter.

B. Santa Rosa Tourism Business Improvement Area Assessment. Short-Term Rental Owners shall report and remit Business Improvement Area Assessment pursuant to City Code Chapter 6-56, Article IV, Santa Rosa Tourism Business Improvement Area. Any Short-Term Rental Owner who fails to accurately report and remit Business Improvement Area Assessments shall be subject to the enforcement and remedies provided by Santa Rosa City Code Chapter 6-56 Article IV and section 20-48.080 of this chapter.

#### **20-48.060 Occupancy and parking requirements.**

A. Occupancy limits. Maximum Short-Term Rental occupancy shall not exceed two (2) Short-Term Renters per bedroom and shall in no instance exceed ten (10) Short-Term Renters in total, excluding children under the age of three. The number of bedrooms shall be determined by County Assessor's record. The Owner shall not allow the Short-Term Rental to be used for any gathering that exceeds the maximum number of Short-Term Renters and allowable Daytime Guests, or for any gathering that does not meet the minimum parking requirements specified herein.

B. Daytime Guests. In addition to the maximum number of Short-Term Renters allowed, Daytime Guests shall be allowed to visit the property between the hours of 8:00 a.m. and 9:00 p.m. The maximum number of Daytime Guests shall be equal to one-half of the maximum number of Short-Term Renters allowed (e.g., if the maximum number of Short-Term Renters is 10, then five Daytime Guests are allowed for a total occupancy to not exceed fifteen (15) people between the hours of 8:00 a.m. and 9:00 p.m.).

C. Parking requirements. Notwithstanding the maximum occupancies allowed pursuant to Sections 20-48.060(A) and (B), the maximum occupancy of a Short-Term Rental shall not exceed the occupancy supported by the minimum parking spaces as required below, except for Short-Term Rentals located in CMU, SMU, MMU, and NMU zoning districts where maximum occupancies shall be determined by the number of bedrooms proposed for Short-Term Rental Use exclusively:

1. Each Short-Term Rental shall provide one off-street parking space per bedroom proposed for Short-Term Rental use.
2. Parking spaces within garages and carports shall have minimum dimensions of nine and one-half feet in width by 19 feet in length, clear of any obstructions (e.g. laundry or HVAC equipment).
3. Standard parking spaces shall have a minimum dimension of 9 feet in width by 19 feet in length.
4. Parallel parking spaces shall be at least 8 feet by 22 feet, except that spaces that are encumbered at one end may be reduced to 8 feet by 20 feet.
5. Where legal on-street parking is available, no more than one on-street parking space may count toward the minimum number of parking spaces required.
6. A garage or driveway used to meet the Short-Term Rental minimum parking requirement must be available to the Short-Term Renter for that purpose.
7. Parking shall not be located in a required front or street side setback except when located on a driveway.
8. Parking shall not encroach into the roadway or obstruct Fire apparatus access roads (Emergency Vehicle Access) or travel. This includes driveways where fire

department access is required to come within 150 feet from the furthest point of the structure for firefighting purposes.

### **20-48.070 Operating requirements.**

Each Owner, Agent, and Short-Term Renter or Daytime Guest shall comply with all operational requirements and standard conditions established by this section.

#### **A. General**

1. Compliance with Other Codes and Laws. At the time of Short-Term Rental Permit issuance and at all times the Short-Term Rental Permit is active, the Short-Term Rental shall be in compliance with the provisions of the City Code, the California Fire Code, California Building Code, California Residential Code, International Property Maintenance Code, National Fire Protection Association Standards, local amendments to adopted codes or regulations, and any other applicable laws and codes.
2. Noise limits. Short-Term Renters and Daytime Guests shall comply with all requirements of City Code Section Chapter 17-16, Noise, with the following modification and addition:
  - a. Quiet hours shall be enforced from 9:00 p.m. to 8:00 a.m.
  - b. Outdoor amplified sound shall not be allowed at any time.
3. Outdoor lighting. All exterior lighting shall be adequately shielded from adjacent properties to minimize light pollution impacts and shall comply with all other provisions of Section 20-30.080, Outdoor lighting.
4. Trash and recycling facilities. Trash and refuse shall not be left stored within public view, except in the proper containers for the purpose of collection on scheduled trash days. Recycling and trash receptacles shall be removed from the street within 24 hours of trash pick-up.
5. Permit posting. A copy of the Short-Term Rental Permit and accompanying Short-Term Rental Requirements shall be posted within the Short-Term Rental in a prominent place and shall be included as part of all rental agreements.
6. Water conservation. During any City Council declared water shortage, the Owner shall provide Short-Term Renters with information related to water reduction, how to report plumbing leaks to the Owner/Agent/Local Contact, and any City mandated water use prohibitions and restrictions.
7. Events or gatherings. Events or gatherings including, but not limited to, weddings, receptions, and corporate events, are prohibited. Personal, private events hosted by the Owner of the Short-Term Rental, where the Owner is present at all times during the



event, including overnight, are not subject to this provision.

8. Advertising and listing requirements. Advertising may be conducted only for Short-Term Rentals operating under a valid Short-Term Rental Permit. All advertisements, flyers, internet listings, or other methods of offering the Short-Term Rental shall include the following:

- a. Maximum number of Short-Term Renters.
- b. Maximum number of Daytime Guests.
- c. Number of dedicated off-street parking spaces and whether there is one legal on-street parking space available for use by Short-Term Renters.
- d. Notification that quiet hours must be observed between 9:00 p.m. and 8:00 a.m.
- e. Notification that outdoor amplified sound is prohibited; and
- f. The Short-Term Rental Permit number for the property.

9. Accessibility. The Short-Term Rental shall be made available by the Owner, Agent, or Local Contact for inspection by code enforcement, building, police, or fire personnel by request at any time.

B. Life, safety requirements.

1. Emergency communication. Each Short-Term Rental shall be equipped with landline telephone service (POTS) or VoIP line with battery backup for the handset if a POTS isn't available. The POTS or VoIP shall be registered to receive SoCoAlert or the most current opt in form of "Reverse 911."

2. Right to privacy. All video surveillance, or any mechanism that can be used to capture or transmit audio, video, or still images on site, shall be disclosed to Short-Term Renters.

3. Evacuation preparation and signage. The following shall be posted in a visible location within each Short-Term Rental:

- a. A City of Santa Rosa evacuation checklist;
- b. A "Know Your Alerts" flyer which provides the City's alert and warning systems for emergency notifications;
- c. A "Know Your Ways Out" map which reflects the recommended neighborhood travel routes to be used in the event of evacuation; and

- d. The evacuation zone for the Short-Term Rental location.
4. Exit, fire, and emergency signage. Each Short-Term Rental shall have a clearly printed sign which shows the locations of all fire extinguishers, gas shut off valves, exits, and pull fire alarms in the unit and building (if applicable).
5. Outdoor burning. Outdoor burning at Non-Hosted Short-Term Rentals shall be limited to outdoor firepits, fireplaces, barbeques/grills and heaters that generate an open flame through the use of a single five-gallon cylinder of liquid petroleum gas (LPG) or are fed by natural gas, provided that such outdoor burning shall not be located within 10 feet of combustible vegetation and overhanging trees limbs. No other outdoor burning shall be permitted at Non-Hosted Short-Term Rentals. Outdoor burning at Hosted Short-Term Rentals shall comply with all requirements of Santa Rosa Municipal Code Chapter 18-44 and the California Fire Code.

#### **20-48.080 Enforcement.**

It shall be unlawful for any person to violate any provision of, or to fail to comply with any requirement of this chapter, or of any other applicable local, State, or Federal law. Violations of this chapter may be enforced through any combination of remedies, including, but not limited to those outlined in Chapters 1-28, 1-30, 3-28, 6-56 and Section 20-54.100 of this Code.

Enforcement as described herein may be in addition to and cumulative of all other remedies, criminal or civil, which may be pursued by the City of Santa Rosa to address any violation of its ordinances, up to and including revocation of the Short-Term Rental Permit.

- A. Complaint procedure. Point-in-time complaints may be directed to the City's complaint hotline and may additionally be directed to the Local Contact as identified in the Short-Term Rental Permit application. Other complaints may be directed to Code Enforcement using the City's online portal. A failure of the Local Contact to respond as provided for herein, when verified by Code Enforcement, shall constitute a violation of a Short-Term Rental Permit.
- B. Penalties. Violation of any provision of this chapter shall result in the issuance of administrative citations and the assessment of enforcement penalties as provided for in Table 48.1, below. In no case shall such penalties exceed maximum fine amounts established pursuant to California Government Code Section 36900 *et seq*, or future amendments thereof.

**TABLE 48.1 -- FINE PENALTY SCHEDULE FOR SHORT TERM RENTAL VIOLATIONS**

<b>Major Categories</b>				
<b>Section</b>	<b>Violation</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup> *</b>	<b>3<sup>rd+</sup> *</b>
20-48.040	Operation or rental of a STR without a valid permit	\$1,500	\$3,000	\$5,000
20-48.060(A)	Exceeding occupancy limits [renters]			
20-48.060(B)	Exceeding occupancy limits or daytime hours [guests]			
20-48.060(C)	Failure to observe parking requirements			
20-48.70(A)(2)(a)	Failure to observe quiet hours			
20-48.070(A)(2)(b)	Outdoor amplified sound			
20-48.070(A)(7)	Operation of a prohibited event or gathering			
20-48.070(B)	Violation of life, safety requirements			

<b>Minor Categories</b>				
<b>Section</b>	<b>Violation</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup> *</b>	<b>3<sup>rd+</sup> *</b>
20-48.030(H)	Failure of Local Contact to respond as required	\$100	\$200	\$500
20-48.050	Failure to pay TOT's or BIA's			
20-48.070(A)	Violation of other codes or laws not directly relating to the STR regulation			
20-48.070(A)(3)	Nuisance lighting			
20-48.070(A)(4)	Violation pertaining to trash, recycling, and receptacles			
20-48.070(A)(5)	Violation of posting standards			
20-48.070(A)(8)	Violation of advertising and listing requirements			
20-48.070(A)(9)	Failure to provide inspection access			
* Reflects subsequent violations occurring within 12 months of a first violation				

A citation issued for a first-time violation of Section 20-48.070(A)(8) pertaining to advertising or listing requirements shall not include a fine. The issuance of an administrative citation for any violation of this Chapter, including a first-time violation of Section 20-48.070(A)(8) as described herein, or for a violation of any other applicable local, State, or Federal law, shall constitute a verified violation for purposes of section 20-48.080(C).

C. Revocation. Upon a third verified violation of this Chapter within a 12 consecutive month period, a Short-Term Rental Permit will be subject to revocation proceedings pursuant to Section 20-54.100. The Owner of a Short-Term Rental Permit that has been revoked for any reason shall be permanently ineligible for future consideration of a Short-Term Rental Permit on the property that was the subject of the revocation.”

Section 3. Environmental Determination. The proposed amendments have been reviewed in compliance with the California Environmental Quality ACT (CEQA) and the City Council has determined that adoption of this ordinance is exempt from CEQA under CEQA Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines Section 15378, as it has no potential for resulting in a physical change in the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation of the Amendments would have a significant effect on the environment, would not be detrimental to the public interest, health,

safety, convenience, or welfare of the City. The Ordinance is also exempt from CEQA pursuant to CEQA Guidelines section 15301 in that no new development or construction is authorized by the Ordinance and nothing in the Ordinance permits any expansion of use beyond the level of land uses already existing in the City. Single-family homes that are rented on a short-term basis will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, the Ordinance is exempt pursuant to CEQA guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement and protection of natural resources and the environment, in that requiring a short-term rental permit program that imposes standards related to water conservation, refuse management, noise, outdoor burning and emergency evacuation serves to further protect natural resources and the environment.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect on the 31st day following its adoption and, upon its effective date, shall supersede Ordinance No. ORD-2023-008, adopted by the City Council on June 20, 2023.

This ordinance was introduced by the Council of the City of Santa Rosa on June 6, 2023.

IN COUNCIL DULY PASSED AND ADOPTED this 25th day of July, 2023.

AYES: (6) Vice Mayor MacDonald, Council Members Alvarez, Fleming, Okrepkie, C. Rogers, Stapp  
NOES: (0)  
ABSENT: (1) Mayor N. Rogers  
ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Vice Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
Interim City Attorney