

ORDINANCE NO. _____

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO ADD SECTION 20-48,
SHORT-TERM RENTALS, TO INCLUDE REGULATIONS AND OPERATIONAL
STANDARDS FOR SHORT-TERM RENTALS; FILE NUMBER: REZ21-004

WHEREAS, the City of Santa Rosa does not have regulations addressing the short-term rental of residential properties for a period of less than 30 calendar days (short-term rentals) and it is estimated that more than 350 short-term rentals are currently operating within the city limits without regulations or operational standards; and

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, it has been documented that certain short-term rental activities have resulted in tension between owners/operators and neighbors, particularly in the form of nuisance complaints filed by neighbors related to impacts resulting from excessive occupancy, noise, parking, and in the form of public safety and welfare complaints related to wildfire risks and evacuation routes; and

WHEREAS, public complaints about short-term rental activities have increased in frequency and intensity, and response to complaints has required increased allocation of police, code enforcement, and planning staff resources, without resolution of issues, due to the lack of regulatory framework or funding for enforcement; and

WHEREAS, the ongoing unregulated short-term rental of residential properties presents a current and immediate threat to the public peace, welfare, health, and safety, requiring adoption of this urgency ordinance to implement locally appropriate performance standards to regulate the location and operation of short-term rentals, and unregulated short-term rentals have the potential to be injurious to the rights of neighboring property owners by preventing the peaceful and safe enjoyment of their property; and

WHEREAS, existing unregulated short-term rentals are creating a public safety hazard by impacting the ability of people to safely evacuate neighborhoods during emergencies due to an excessive number of parked cars on narrow streets which limit emergency access and a decreased ability to communicate with and educate transient renters about local emergencies and evacuation plans; and

WHEREAS, beginning on the evening of October 8, 2017, and continuing for days thereafter, the Sonoma Complex Fires burned over 90,000 acres in Sonoma County, and damaged or destroyed more than 3,000 homes and 100 commercial structures within the boundaries of the City of Santa Rosa; and

WHEREAS, the Sonoma Complex Fires claimed the lives of 24 Sonoma County residents, including nine from the City of Santa Rosa; and required the evacuation of tens of thousands of City residents; and

WHEREAS, beginning on October 23, 2019, and continuing for days thereafter, the Kincade Fire burned approximately 77,758 acres in Sonoma County and required the evacuation of approximately 186,000 Sonoma County residents including approximately 60,000 in the City of Santa Rosa; and

WHEREAS, beginning on September 27, 2020, the Shady Fire (now included as a component of the larger Glass Fire), burned 67,494 acres and destroyed 235 Sonoma County single-family residences, 34 of which were within Santa Rosa city limits, and required the evacuation of tens of thousands of City residents; and

WHEREAS on May 17, 2021, the City of Santa Rosa Fire Department declared the start of the 2021 wildfire season significantly earlier than normal following several days of Red Flag Warning conditions just outside the City limits and in combination with local hot and dry weather and due to severe drought conditions locally and throughout the state; and

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

WHEREAS, in 2018, 2019, 2020, and 2021 the Council adopted policy priorities, which included a housing for all strategy within Tier 1; reaffirming the Council's housing goals; and

WHEREAS, on March 3, 2020, the Council adopted Ordinance No. ORD-2020-003, amending Title 20 of the City Code to prohibit the use of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as short-term rentals to safeguard these units as long-term residential uses; and

WHEREAS, the conversion of housing units to short term rentals reduces the supply of housing available to serve long-term residents, which increases housing costs for both renters and buyers; and there are an estimated 350 short-term rentals operating with no regulations to reduce impacts to the City's limited housing stock; 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, unregulated occupancies of short-term rentals and associated gatherings and events at these locations can contribute to increased cases of COVID-19 infections; and

WHEREAS, on March 3, 2020, by Resolution RES-2020-035, and as extended by Resolutions RES-2020-056; RES-2020-085; RES-2020-120; RES-2020-153; RES-2020-184; RES-2021-011; RES-2021-034; RES-2021- 068; RES-2021-104; and RES-2021-143, the Council of the City of Santa Rosa ratified the Proclamation of the Existence of a Local

Emergency due to the threat to community health posed by the introduction of COVID-19 in Sonoma County that was issued by the City Manager, acting in his capacity as Director of Emergency Services; and

WHEREAS on March 4, 2020, Governor Gavin Newsom declared a statewide State of Emergency related to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to cause significant impacts to City and community operations, including medical and public health systems and facilities, public safety and emergency services, public infrastructure and programs, the local economy, and the community's well-being; and

WHEREAS, on August 10, 2021, and on September 14, 2021, the Economic Development Subcommittee of the City of Santa Rosa, based on public testimony and data presented, directed staff to take immediate action to preserve the public peace, welfare, health, and safety by regulating short-term rental operations to address community compatibility, public safety threats due to wildfires and other potential emergencies requiring evacuation, limited housing stock, and the COVID-19 pandemic; and

WHEREAS, it is urgent the City adopt regulations in order to minimize (i) the adverse impacts short-term rentals may have on surrounding residential properties and the City's limited enforcement resources, (ii) public health and safety issues related to wildfires, and (iii) dense social gatherings that pose a threat of COVID-19 transmission; as a result, the City desires to establish, on an urgency basis, an ordinance to provide regulations and performance standards to limit and allow for enforcement of r short-term rentals; and

WHEREAS, regulation of short-term rental activity, including codification of operational standards, would reduce documented nuisance and resource impacts of these activities; and

WHEREAS, there is a current and immediate need to regulate short-term rental operations within the City limits; and

WHEREAS, pursuant to Sections 36934 and 36937 of the California Government Code, the City may adopt an urgency ordinance, which shall take effect immediately, for the immediate preservation of public peace, health, or safety and it contains a declaration of the facts constituting an urgency; and

WHEREAS, Section 8 of the Santa Rosa City Charter allows the City Council to adopt an urgency measure to take effect immediately upon its adoption for preserving the public peace, health, or safety if such ordinance contains the reasons for its urgency and if passed by a five-sevenths vote of the City Council; and

WHEREAS, as provided herein, the ordinance shall be in effect immediately upon its adoption; and

WHEREAS, the Council of the City of Santa Rosa has been provided with information upon which the findings and actions set forth in this ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

WHEREAS, for the reasons set forth above, this ordinance is declared by the Council of the City of Santa Rosa to be necessary for preserving the public peace, welfare, health, or safety and to avoid a current, immediate impact to the peace, health, safety or welfare of the community and the recitals above taken together constitute the Council's statements of the reasons for adopting this Ordinance on an urgency basis.

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

Section 1. The Council of the City of Santa Rosa finds, based on evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required to protect the peace, health, safety, or welfare of the community by providing a regulatory framework for short-term rentals and that these amendments are in support of the City's General Plan, and the Council further finds and determines 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 enforce existing policies related to economic vitality, police services, fire protection, disaster preparedness, noise, and resiliency. The proposal does not allow density beyond what is currently allowed and requires consistency with the Zoning Code; and
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that these regulations strive to improve and enhance public safety by providing a means to ensure that short-term rentals are operating in accordance with standards and are compatible with the neighborhoods in which they are located; and
- C. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code, in that the amendments will provide definitions and standards for short-term rentals; and
- D. The adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15060 (c)(2) and 15060 (c)(3) 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 physical change to 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 would have a significant effect on the environment.

Section 2. Amend Title 20 of the Santa Rosa Municipal Code to add a new Chapter 20-48, Short-Term Rentals, to read and provide as follows:

“Chapter 20-48

SHORT-TERM RENTALS

20-48.010 Purpose.

The purpose of this Chapter is to provide a regulatory framework for short-term rentals in order to establish operating standards so that short-term rental activities do not become a nuisance to, or threaten 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.

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 by Subsection 20-48.030), or other rental arrangements including, but not limited to, community care facilities, lodging houses, rooming houses, supportive housing, or transitional housing.

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 property owner to comply with the requirements of this ordinance, including, without limitation, the filing of an application for a Short-Term Rental Permit that has been signed by the owner, the management of the short-term rental, and the compliance with the conditions of the permit.
- B. Bonfire. A recreational fire that is greater than three (3) feet in diameter and two (2) feet in height. Bonfires require a permit issued by the Santa Rosa Fire Department.
- C. Daytime Guests. Guests who visit the short-term rental between the daytime guest hours of 8:00 a.m. and 9:00 p.m. but who are not included in the maximum number of short-term renters.
- D. Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- E. Enforcement Official. The City Manager, the Planning Director, the Police Chief, the Fire Marshal, the Building Official, or one or more of their respective designees.
- F. Guest House. A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities. A guest house does not constitute an independent housekeeping unit, occupied by or intended for one household, on a long-term basis.

- G. 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.
- H. 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 ownership, who offers their residence, or a portion thereof, as a short-term rental. Host includes a personal or family trust consisting solely of natural persons and the trustees of such trust but does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, fractional ownership of six or more interests, or a business entity. Host is synonymous with Owner and Operator.
- I. Hosted Short-Term Rental. A short-term rental where the host lives and sleeps in the dwelling unit throughout the short-term rental period. No more than two bedrooms in the dwelling may be used as a short-term rental. Hosted short-term rentals shall be allowed only in the host's primary residence.
- J. Hosting Platform. A business or person that provides a means through which a host may offer a dwelling unit, or portion thereof, for short-term rental. A hosting platform includes, but is not limited to, an internet-based platform that allows a host to advertise and potentially arrange for temporary occupation of the dwelling unit, or portion thereof, through a publicly searchable website, whether the short-term renter pays rent directly to the host or to the hosting platform.
- K. Local Contact. A natural person, whether the owner or agent of the owner, who is available twenty-four hours per day, seven days per week, for the purpose of responding within thirty (30) minutes 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.
- L. Non-Hosted Short-Term Rental. A short-term rental where the host does not live and sleep in the dwelling unit throughout the short-term rental period.
- M. 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 ownership, who offers their residence, or a portion thereof, as a short-term rental. Operator includes a personal or family trust consisting solely of natural persons and the trustees of such trust but does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, fractional ownership of six or more interests, or a business entity. Operator is synonymous with Host and Owner.
- N. Operator in Good Standing. An Operator who has been renting a dwelling unit(s) or portion(s) thereof as a short-term rental(s) prior to the effective date of this Ordinance, and who can verify payment of TOT and BIA assessments to the City.
- O. Owner. 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 ownership, who offers their

residence, or a portion thereof, as a short-term rental. Owner includes a personal or family trust consisting solely of natural persons and the trustees of such trust but does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, fractional ownership of six or more interests, or a business entity. Owner is synonymous with Host and Operator.

- P. Portable Outdoor Fireplace. A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- Q. Recreational Fire. A fire where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill, or barbeque pit and where the total burning fuel area is three (3) feet or less in diameter and two (2) feet or less in height. Recreational fires may be used for pleasure, religious, ceremonial, cooking, warmth, or similar purpose. For recreational fires that exceed total burning fuel area of three (3) feet in diameter and two (2) feet in height see Bonfire definition.
- R. Short-Term Rental. A dwelling unit, or any portion thereof, utilized for residing, lodging, or sleeping purposes for less than 30 consecutive calendar days, counting portions of days as full calendar days. Short-term rentals may be hosted or non-hosted. The term short-term rental is synonymous with vacation rental and transient use.
- S. Short-Term Rental Permit Application Fee. The fee assessed for a Standard Temporary Conditional Use Permit, as set forth in the City of Santa Rosa Fee Schedule.
- T. Short-Term Renter. A person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, contract, license, or other agreement for a period of less than 30 consecutive calendar days, counting portions of calendar days as full calendar days. Short-term renters also include all persons who occupy the short-term rental including during the overnight hours of 9 p.m. to 8 a.m. Daytime guests as defined herein are not considered short-term renters.

20-48.040 Short-Term Rental Permit Requirements.

It shall be unlawful for any person to rent, offer, or advertise for rent a short-term rental within the City without a previously issued and effective Short-Term Rental Permit, except for operators in good standing pursuant to Section B(1)(a) below, for each separate address at which a short-term rental would occur. A Short-Term Rental Permit may only be issued for a dwelling unit at a fixed location and address. Accessory Dwelling Units and Junior Accessory Dwelling Units are prohibited from use as short-term rentals pursuant to Section 20-42.130, Accessory Dwelling Units.

A. Permit Required.

- 1. Hosted Short-Term Rental. Hosted short-term rentals are allowed with a Short-Term Rental Permit in all City zoning districts.
- 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, 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.

B. Application submittal.

1. Operators in Good Standing. Operators in Good Standing shall submit a Short-Term Rental Permit Application accompanied by the Short Term Rental Permit Application Fee to Planning and Economic Development within 50 days of the effective date of this Ordinance, by December 1, 2021.
 - a. Operators in Good Standing may continue to rent, offer, or advertise a short-term rental at the location specified in the Short-Term Rental Permit application while obtaining required City approvals, except as specified in subsections (b. and c.) below. All advertisements shall include the Transient Occupancy Tax account number assigned by the Finance Department until the Short-Term Rental Permit has been approved.
 - b. Any Operator in Good Standing who does not respond within five (5) business days to any request from the Planning Department will no longer be considered an Operator in Good Standing and must cease renting, offering, or advertising the short-term rental during the resultant delay to the application review process.
 - c. If the Short-Term Rental Permit Application is denied, the Operator is no longer considered an Operator in Good Standing and shall immediately cease renting, offering, or advertising the short-term rental.
2. New operators. New operators shall obtain a Short-Term Rental Permit prior to renting, offering, or advertising a short-term rental.

C. Application requirements. An application for a Short-Term Rental Permit shall be filed in compliance with Chapter 20-50, Permit Application Filing and Processing and shall be accompanied by the appropriate Short Term Rental Permit Application Fee. The application shall include all information and materials required by the Short-Term Rental Permit application and shall clearly indicate the following:

1. The name, address, and telephone number of the owner and the local contact, if not the owner;
2. Signed Owner Acknowledgement;
3. Copy of TOT registration form showing assigned account number for new operators or for existing operators, the most current receipt of TOT payment.
4. A site plan including the location and dimensions of all dedicated off-street parking and on-street parking available for the short-term rental use;
5. A floor plan showing number of bedrooms, location of smoke detectors, carbon monoxide detectors and fire extinguisher(s);
6. The total occupancy allowed pursuant to Section 20-48.060(B-D); and

7. Such other information as the Planning Director or Enforcement Official deems reasonably necessary to administer this Chapter.
- 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 approval.
- E. Annual Requirement. A new Short-Term Rental Permit application shall be required annually. The owner shall submit such information concerning the short-term rental activity as may be required to enable the Tax Collector to verify the amount of TOT and BIA assessment paid pursuant to Section 20-48.050 and shall report any violations and/or the assessment and payment of any penalties during the prior year.
- F. Extension of Short-Term Rental Permit is prohibited.
- G. Transferability. A Short-Term Rental Permit is non-transferrable. If a property with an approved Short-Term Rental Permit is sold or transferred to any other person, a new Short-Term Rental Permit shall be required.
- H. Denial. Upon receipt of an application for a Short-Term Rental Permit, the Short-Term Rental Permit may be denied if:
 1. The application is incomplete; or
 2. The application is not consistent with the requirements of this Chapter; or
 3. The appropriate application fee has not been received; or
 4. The application contains a false or misleading statement or omission of a material fact; or
 5. The application seeks authorization at an address where a Short-Term Rental Permit has been suspended, revoked, or is subject to suspension or revocation proceedings for violation of any of the provisions of this Chapter.

20-48.050 Registration Requirements.

A. Transient Occupancy Tax.

Pursuant to City Code Chapter 3-28, Transient Occupancy Tax, within 30 days after the effective date this Chapter, by November 12, 2021, each short-term rental shall be registered with the Tax Collector and obtain a TOT account number. The owner must maintain records of paid TOT for three years and produce them upon request.

B. Santa Rosa Tourism Business Improvement Area Assessment.

Pursuant to City Code Chapter 6-56, Article IV, Santa Rosa Tourism Business Improvement Area, each short-term rental is responsible to pay BIA assessments.

20-48.060 Occupancy Standards and Parking Requirements.

- ##### **A. Compliance with Other Codes and Laws.**
- At the time of issuance of a Short-Term Rental Permit and thereafter, the short-term rental shall be in compliance with the California Fire Code, California Building Code, International Property Maintenance

Code, the National Fire Protection Association Standards or regulations, and any other applicable laws and codes.

- B. Occupancy Limits.** The maximum occupancy allowed in a short-term rental shall not exceed two (2) short-term renters per bedroom and shall not exceed 10 total short-term renters, including children. 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 if the minimum parking requirements specified in Section 20-48.060(D) cannot be met.
- C. Daytime guests.** In addition to the maximum number of short-term renters allowed pursuant to 20-48.060(B), a maximum of four (4) daytime guests shall be allowed to visit the property at any one time between the daytime guest hours of 8 a.m. to 9 p.m.
- D. Parking Requirements.** Notwithstanding the maximum occupancies allowed pursuant to Sections 20-48.060(B-C), the maximum occupancy of a short-term residential unit 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 Sections 20-48.060(B-C) exclusively:
1. Each short-term rental shall provide one (1) off-street parking space per bedroom.
 2. Where legal on-street parking is available, one (1) on-street parking space may count toward the minimum number of parking spaces required.
 3. If a garage or driveway is used to meet the parking requirement, the garage or driveway must be available to the short-term renter for that purpose.
 4. Parking shall not be located in a required front or street side setback except when located on a driveway.
 5. Parking shall not encroach into the roadway or obstruct emergency lane 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 Operational Standards.

Each owner, agent, and short-term renter or guest of a short-term rental shall comply with all operational requirements and standard conditions established by this section.

- A. Noise Limits.** Short-term renters and daytime guests shall comply with all requirements of Santa Rosa Municipal Code Section Chapter 17-16 NOISE, with the following exception and addition:
1. Quiet hours shall be enforced from 9:00 p.m. to 8:00 a.m.
 2. Outdoor amplified sound shall not be allowed at any time associated with a short-term rental.
- B. Life, Safety Requirements.**
1. 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. Each short-term rental shall have a City of Santa Rosa evacuation checklist and a Know Your Alerts flyer posted in a visible location. The checklist and flyer shall be accompanied with the Know Your Ways out map that is reflective of the appropriate neighborhood that the short-term rental is located in. The evacuation zone for the location of the short-term rental shall be clearly identified and provided with the above listed documents.
3. Recreational fires, firepits, outdoor fireplaces, barbeques/grills, and other similar items are permitted with the following restrictions:
 - a. Portable firepits and outdoor fireplaces shall not be located on combustible vegetation including but not limited to grass, bark, and combustible mulches. Recreational fires, firepits and outdoor fireplaces, whether fixed or portable, shall be fueled by natural gas propane only during the Santa Rosa Fire Department declared wildfire season.
 - b. Wood fueled or other combustible solid fuel burning which may be permitted during periods outside of the declared wildfire season must meet the following restrictions.
 - i. Be conducted in an approved fire container or appliance with a solid metal bottom, screened sides, and a solid metal lid; or in an outdoor fireplace with screened front and spark arrestor; or in another safe, purpose-built fire appliance constructed of stucco, metal, brick, or non-combustible sides including a mandatory screened top to contain embers and sparks; and
 - ii. There must be a garden hose and/or shovel with sand/dirt present for extinguishment; and
 - iii. Must be monitored by a responsible adult.
 - c. Firepits shall have sides at least 12-inches high that completely encircle the fire container.
 - d. Recreational fires shall not be located within 10 feet of any structure or combustible material.
 - e. Portable outdoor fireplaces shall not be located directly on a wood deck or other combustible surface. A noncombustible stand may be used to create separation.
 - f. Bonfires must be located at least 50 feet from a structure or property line.
 - g. All fires must be extinguished as soon as no longer in use.
 - h. All forms of open flame are prohibited when a Bay Area Air Quality Management District Spare the Air alert is in effect, or when a National Weather Service Red Flag Warning is in effect for the geographical area where the short-term rental is located except when used for cooking and in conformance with Section 20-48.060(E)(3)(a-g).

C. Events. Events including but not limited to weddings, receptions, and corporate events are prohibited.

D. Advertising and Listing Requirements. Advertising may only be conducted for short-term rentals operating under a valid Short-Term Rental Permit, except for operators in good standing as defined in Section 20-48.040(B)(1), who may continue to advertise and operate a short-term rental while awaiting City approvals so long as in compliance with Section 20-48.040(B)(1)(a-c). All advertisements, flyers, internet listings, or other methods of offering the short-term rental shall include the following:

1. Maximum occupancy;
2. Number of dedicated off-street and on-street parking spaces available for use by short-term renters;
3. Notification that quiet hours must be observed between 9:00 p.m. and 8:00 a.m.;
4. Notification that no outdoor amplified sound is allowed; and
5. The Short-Term Rental Permit number for the property except that operators in good standing, pursuant to Section 20-48.060(B)(1)(a-c), shall use the Transient Occupancy Tax account number until the Short-Term Rental Permit is approved.

E. Posting and Neighbor Notification of Permit and Standards.

1. A copy of this Chapter and the Short-Term Rental Permit listing all applicable standards and limits shall be posted within the short-term rental. The owner shall post these standards and limits in a prominent place within six (6) feet of the front door of the short-term rental and shall include them as part of all rental agreements.
2. At the owner's expense, the owner shall provide mailed notice, in a format approved by the Planning Director, of permit issuance to property owners and tenants within 600-feet of the short-term rental using a mailing list to be provided by the City.

F. Accessibility. The short-term rental unit 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.

20-48.080 Enforcement.

This Section contains the enforcement process as set forth below. However, this process does not preclude other means of enforcement including but not limited to that which is provided by City Code Section(s) 1-28, Violations – Penalty and 20-54.100(B)(1), Permit Revocation or Modification, Land Use Permits, or as allowed by State law. A violation of any of the requirements of this Chapter, or any other Chapter of the City's Municipal Code, or any local, State, or Federal laws shall subject the short-term rental owner to enforcement action against the Short-Term Rental Permit, up to and including revocation. Police reports, fire department incident reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation.

A. Initial Complaint Procedure. Initial short-term rental complaints shall be directed to the local contact as identified in the temporary use permit application. The local contact shall be available by phone 24 hours per day, seven days per week, during all times when the

property is rented. Should a problem arise and be reported to local contact, the local contact shall be responsible for contacting the short-term renter to correct the problem within 30 minutes, including visiting the site if necessary, to ensure that the issue has been corrected within 45 minutes. It is not intended that the local contact place themselves in an at-risk situation to comply with this requirement.

- B. **Penalties.** Violations of any provisions of this Chapter, or any other Chapter of the City’s Municipal Code, shall result in the assessment of enforcement penalties to the short-term rental owner in the amounts listed in Table 48.1. A Short-Term Rental Permit that has been revoked for any reason may not be reapplied for within 12 months of the date of revocation.

TABLE 48.1 ENFORCEMENT PENALTIES

<u>Enforcement Penalties</u>		
First Violation	Second Violation within one year	Third Violation within one year
\$500.00 and education	\$1,000.00	\$2,000 and revocation of Short-Term Rental Permit.”

Section 3. Environmental Determination. The Council finds that adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3), 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 physical change to the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from 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 would have a significant effect on 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.

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Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 12th day of October 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney