

**From:** David Long <[davidfrank2425@gmail.com](mailto:davidfrank2425@gmail.com)>

**Sent:** Thursday, June 22, 2023 4:49 PM

**To:** CA Office <[CAOffice@srcity.org](mailto:CAOffice@srcity.org)>

**Subject:** [EXTERNAL] Non-Hosted Short-Term Rental use not consistent with Zoning Code

Attn: Ashle Crocker

The attached document dated June 18, 2023 is provided to you because it refers Councilmembers to you for guidance on the subject matter. Two other documents on this subject with earlier dates are also attached. Both of these were previously provided to key staff in the Planning Department and City Manager's Office.

Our action group Save Our Santa Rosa is extremely dissatisfied with the manner in which Planning Staff, Planning Commission and City Council have handled this topic. Everyone in these three groups, except Planning Commissioner Julian Peterson and Councilmember Victoria Fleming, refuses to outright acknowledge the inconsistent and therefore illegal nature of the Non-Hosted Rental use in residential zoning districts.

Our neighborhoods have been victimized by Non-Hosted Rentals for several years running. During that time, the City keeps thinking/claiming that they are (1) short-staffed, (2) in need of more time to experience how the Ordinance is working, and (3) gradually gaining control of the situation through Code Enforcement efforts and fine-tuning the Ordinance. We are frankly tired of being the guinea pigs in this "grand experiment."

We would appreciate the City Attorney's Office making it abundantly clear to all staff and Councilmembers that there is no legal or City Code-based reason that Non-Hosted Rentals should be allowed to continue operating in residential zoning districts.

We would be pleased to hear your thoughts on this matter.

Thank you,  
David Long  
Save Our Santa Rosa



**To:** Santa Rosa City Councilmembers

**From:** David Long, Save Our Santa Rosa

**Subject:** Council Actions on Short-Term Rental Ordinance

**Date:** June 18, 2023

When a public official uses their opinion to shape public policy, that opinion should reflect three elements – (1) the overall sentiments of their constituents, (2) the official's personal thoughts, and (3) application of the governing documents to the issue at hand. During the Short-Term Rental Ordinance public hearing at the June 6, 2023 City Council meeting, most Councilmembers allowed their personal feelings to override elements (1) and (3), which led to flawed public policy decisions.

One feeling that probably gets in the way for many of you, is not wanting to remove a permission that the City previously granted. We get it - nobody likes to do that. It's like needing to fire someone from a job, except in the case of Non-Hosted Rentals it is like eliminating the positions of several people in a department of your company that has exhibited poor performance for quite some time. That is clearly a difficult thing to do, but still the right thing to do. Otherwise, you risk dragging down your whole company - in this case our City.

Regarding the overall sentiments of your constituents, for every Non-Hosted Short-Term Rental, there are on average, at least six neighboring homes whose residents would rather not be living close to that Non-Hosted Rental. This is because the daily lives of the residents in those six homes, and their property values, are being negatively impacted by out-of-town vacationers and no manner of Code Enforcement can eliminate those impacts. Favoring and supporting even just one Non-Hosted Rental owner to the detriment of at least six of your constituents, is poor public service and a poor strategy for re-election. On top of that, 25% of Non-Hosted Rental owners don't even live in Santa Rosa. Need more reinforcement on this? Revisit the results of the two City surveys on Short-Term Rentals. Think your district is not being affected? Think again.

As for application of the City's governing documents – the Zoning Code and General Plan – no credible case exists for Non-Hosted Rentals being consistent with either document. Staff has stumbled through several iterations of consistency claims, and all have failed to pass muster. Please refer to Zoning Code Sections 20-21.030(A.2) and (A.3) for definitive requirements about consistency determination. Subsection (A.3) lists five findings, all of which must be made before a proposed use can be allowed as “similar to, and compatible with” a listed use. Staff has failed to firmly establish that the Non-Hosted Rental use meets even one of the five required findings, let alone all of them. Given the public record that exists on this topic, it would be negligent for you to cast a “yes” vote to adopt the proposed Ordinance as currently written, even with the changes that Council directed staff to make on June 6<sup>th</sup>. Before you persist in glossing over this issue, please ask Assistant City Attorney Ashlee Crocker for an opinion.

If you do not have the courage to stand for truth and make the finding that Non-Hosted Rentals are not consistent with the Zoning Code, then you are not faithfully carrying out your duties and responsibilities as a Councilperson. Absent that courage, you could still retain respect by promoting any of the less aggressive actions that have already been suggested – set to six the maximum number of guests allowed at any Short-Term Rental, irrespective of the number of legal bedrooms it has; or establish a fixed sunset date when all Non-Hosted Rental permits would be terminated except those operating in the owner's Principal Residence. Either of these actions would have minimal effect on the financial stability of Non-Hosted Rental owners and make great strides towards restoring safety, peace, quiet and traditional character to residential neighborhoods.

Please stop giving Non-Hosted Rentals the benefit of nearly every doubt that arises – they do not deserve it because, as currently defined and regulated, they are not a value-added proposition for our community.

**To:** Santa Rosa City Council, City Manager Maraskeshia Smith,  
Asst. City Manager Daryel Dunston, Clare Hartman, Jessica Jones, Shari Meads

**From:** David Long, Save Our Santa Rosa

**Subject:** Rebuttal to Consistency Determinations in the proposed Ordinance Amendment

**Date:** June 6, 2023

The new consistency claims in Section 1, Paragraphs A and C of the proposed Ordinance Amendment are weak and, in most cases, unsubstantiated. Some of these claims appear to be direct rebuttals to the evidence of inconsistency that were provided to staff and Council in the essay entitled “The Short-Term Rental Ordinance is Failing – Here are the Reasons Why” by David Long, Save Our Santa Rosa dated May 25, 2023 (SOSR Essay).

Rebuttals to these new claims are presented below. A Conclusion follows on Page 2 at the end of this document.

**Staff Claim #1:** In Paragraph A., staff cites that the seven residential land use classifications in the General Plan have been established to “provide for 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.”

**Rebuttal:** *Although this statement is true, it does not provide any support for the determination of General Plan consistency. Non-Hosted Short-Term Rentals are not a housing type, but rather are a use of primarily one housing type – single family dwellings - in a manner that is not consistent with the intent of the quoted statement. This statement in the Land and Livability Element is clearly intended to allow City planners to permit development of varied types of housing units so that neighborhood residents of all ages, backgrounds and financial resources can coexist and thrive in a traditional residential setting. Non-Hosted Rentals do not support the stated goal, in fact they are a hinderance.*

**Staff Claim #2:** In Paragraph A., staff claims that the Short-Term rental Ordinance “does not permanently remove those (housing) units as residential” and that they will continue to count toward the City’s overall housing stock and not impact the ability of the City to meet its Regional Housing Needs Allocation (RHNA). Additionally, staff claims that “the (short-term rental) units 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.”

**Rebuttal:** *This claim is weak, intentionally misleading, and merely a statistical aberration used to satisfy a bureaucratic program goal. It has little or nothing to do with General Plan consistency. Just because a unit can be returned to long-term residential at the end of a one-year permit term, does not mean that it will. In fact, the vast majority of Non-Hosted Short-Term Rental permits will continue indefinitely as long as the City supports their existence and fails to adequately enforce the Ordinance’s terms of operation. Achieving consistency is a matter of various allowed uses being compatible with one another at all times, not just when a property reverts to a conforming use.*

**Staff Claim #3:** In Paragraph A., staff states that the 1,000-foot separation for Non-Hosted Rentals further limits their (negative) impact on housing stock.

**Rebuttal:** *The degree to which this concentration requirement limits the housing stock impacts is dubious and insufficient. In a housing shortage situation, every residential unit that is removed from the stock has a negative impact. Limiting a negative impact is not sufficient reason for such action to be considered successful or even adequate towards achieving a stated goal when eliminating the impact is within reach.*

**Staff Claim #4:** In Paragraph C., staff cites from Zoning Code Chapter 20-22, Residential Zoning Districts, the purposes of those Districts and the land uses allowed therein. Staff goes on to state that while residential uses are the primary use allowed, “compatible accessory uses” are also allowed and then cites a list of those allowed accessory uses.

**Rebuttal:** Staff fails to make clear that Chapter 20-22.020 identifies “compatible accessory uses” as applicable only to the purpose of Rural Residential (RR) districts. The Zoning Code makes no mention of “compatible accessory uses” being part of the purpose for any other residential zoning district. Here staff appears to confuse “compatible accessory uses” with Residential Uses and Service Uses listed in Table 2-2 for which standards are further specified in Chapter 20-42, Standards for Specific Land Uses.

For instance, in Chapter 20-42.070 the Home Occupation use is allowed only when it constitutes “limited business activity in a residence that is clearly incidental to the primary residential use.” Non-Hosted Rentals are clearly not that type of use. The SOSR Essay, evidences that the Non-Hosted Rental use is not at all similar to any of the other Residential Uses listed by staff. The SOSR Essay also evidences that Non-Hosted Rentals are mostly not similar to the staff-listed Service Uses from Table 2-2.

**Staff Claim #5:** In the later part of Paragraph C, staff reasons that the Short-Term Rental Ordinance does not enable a transient occupancy use of residential units that permanently removes the units from residential use.

**Rebuttal:** The rebuttal made to Staff Claim #2 also applies here – just because a non-compatible use is potentially temporary in nature and does not alter unit’s physical residential characteristics, does not make a case that the non-compatible use is consistent with the Zoning Code.

## **Conclusion**

Staff appears resolved with making determinations of consistency for the Short-Term Rental Ordinance by using sweeping claims that are either unsubstantiated or poorly substantiated. Even in the face of three comprehensive and well-reasoned challenges to those determinations, one from Planning Commissioner Peterson on April 27, 2023 and two from Save Our Santa Rosa, staff continues to perform marginally when researching and applying the Zoning Code and General Plan to the Short-Term Rental Ordinance. The issue of Non-Hosted Short-Term Rentals in residential neighborhoods has been controversial from the outset and staff has provided members of the City Council and Planning Commission with unreliable guidance on this issue for over three years running. This is wrong and it’s time to follow a different course.

Limiting ownership of Non-Hosted Short-Term Rentals to one per person does nothing to lessen the problems that Non-Hosted Rentals are causing, it simply perpetuates having 198 in operation, allows new owners and locations to create more problems and does nothing to improve the ordinance’s consistency with the Zoning Code and General Plan.

Ordinance modifications must either eliminate or more stringently restrict Non-Hosted Rentals in all residential zoning districts.

Save Our Santa Rosa has put forth several specific proposed Short-Term Rental Ordinance revisions that offer reasonable solutions to the current dilemma of Code consistency. In doing so, these changes will also restore safety and traditional character to residential neighborhoods, while also providing more opportunities for Hosted and Seasonal Short-Term Rentals to operate. One of those solutions must be pursued and adopted.

# The Short-Term Rental Ordinance is Failing – Here are the Reasons Why

by David Long, representing Save Our Santa Rosa

May 22, 2023

## **CLAIMS**

1. The Short-Term Rental Ordinance is ***not*** consistent with the Zoning Code and does not support the General Plan's Land Use and Livability element.
2. This inconsistency is rooted in the fact that Non-Hosted Short-Term Rentals are commercial businesses that are dissimilar to all other business uses listed in Zoning Code Chapter 20-22, Table 2-2.
3. To date, Staff has provided poor guidance to the City Council and the Planning Commission with respect to representing that the Short-Term Rental Ordinance is consistent with the General Plan and Zoning Code. This poor guidance has led to improper decisions by the City Council and Planning Commission.
4. Inconsistency with the General Plan and especially with the Zoning Code, is the key reason why the City Council should amend the Short-Term Rental Ordinance to prohibit Non-Hosted Short-Term Rentals in all residential zoning districts.

## **BACKGROUND**

In early 2020, the City of Santa Rosa recognized that Short-Term Rentals were creating problems for its residents. As one of the last governmental entities in Sonoma County to make this recognition, the City readily admits that they were “late to the party.” Even so, it took the City 18 months to start taking action on the problem.

Beginning in August 2021 and continuing to the present, City staff, with periodic direction from Council Members, have been the primary creators of Ordinance language intended to bring Short-Term Rentals under control. This Ordinance language is found in three separate documents,

1. ORD-2021-011, presented to the Council on October 12, 2021,
2. ORD-2022-008, presented to the Council on August 9, 2022; and
3. Staff Report for Proposed Zoning Code Text Amendments, presented to the Planning Commission on April 27, 2023

ORD-2021-011 and ORD-2022-008 were adopted, with minor revisions, by the Council. The proposed Zoning Code Text Amendments were approved by the Planning Commission, with one “friendly amendment”, and moved to Council for consideration at a public hearing in July 2023.

Each of the above documents include declarations of consistency with the General Plan and Zoning Code; however, not until questioned by Planning Commissioners on April 27, 2023, was the determination of consistency a subject of meaningful presentation, discussion or debate during a public hearing.

The General Plan sets forth a vision for the City and establishes goal and policies to help ensure that the vision is realized. The Zoning Code implements the goals and policies of the General Plan by

classifying and regulating the uses of land and structures within the City. The purposes of the Zoning Code are to protect and to promote the public health, safety, and general welfare of residents, and preserve and enhance the aesthetic quality of the City. Therefore, proposed standards for a new type of land use, such as Short-Term Rentals, that is not specifically listed in the Zoning Code, must first and foremost be internally consistent with the Zoning Code. Firmly establishing that consistency is the only way to ensure the new land use standards are in support of the General Plan.

The following section presents evidence that all three of the documents listed above fail to achieve internal consistency with the Zoning Code and therefore do not support the General Plan, especially with respect to its Land Use and Livability element.

## **EVIDENCE**

Declarations of General Plan support, and consistency with the Zoning Code and General Plan are found in the following locations within each of the above-referenced documents:

1. ORD-2021-011: Section 1, Opening Paragraph, and Paragraphs A. and C.
2. ORD-2022-008: Section 1, Paragraphs A., B. and D.
3. Staff Report for Proposed Zoning Code Text Amendments: Analysis, Paragraph 3., Subparagraphs A. and C.

## **Zoning Code Inconsistencies**

Paragraph C. of ORD-2021-011 states, “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.” This is little more than a self-serving statement. Providing new definitions and standards for a use not previously allowed in the Zoning Code and placing them in Division 4 STANDARDS FOR SPECIFIC LAND USES, does not in and of itself prove or establish consistency. Use of the term “internally consistent” implies that the proposed amendments have been fully integrated with and are related to the existing Zoning Code without conflict. The examples below provide reasoning and proof that “internal consistency” was neither achieved nor discussed with the Council and demonstrate why **ORD-2021-011 and subsequent amendments are *not* internally consistent with the Zoning Code.**

### **Evidence Example ZC-1**

Prior to and continuing since October 12, 2021, Zoning Code Chapter 20-70, DEFINITIONS, defines a Dwelling Unit as,

“A room or group of internally connected rooms that have living, sleeping, cooking, eating and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.”

In writing ORD-2021-011, staff added a second, conflicting definition for a 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”

This second definition omits reference to “one household on a long-term basis”, clearly for the explicit purpose of allowing Non-Hosted Short-Term Rentals to operate in residential neighborhoods, the domain of the overwhelming majority of “dwelling units” in the City.

Although Zoning Code Chapter 20-12.020 stipulates Division hierarchy for resolving ed conflicts such as this, which places the second definition in control; nonetheless, ORD-2021-001 created a conflict, and a discrepancy in definitions remains. This discrepancy causes confusion and worse yet, is a clear indication that staff, in writing ORD-2021-011, improperly leveraged the long-standing definition of “dwelling unit” that helps define the traditional character of residential neighborhoods, to enable the conversion of homes into Non-Hosted Short-Term Rentals. In doing so, staff consciously chose to favor the Short-Term Rental industry over the overwhelming majority of City residents and in doing made it impossible to attain two of the stated purposes of ORD-2021-011 – “to preserve the City’s limited housing stock” and “to retain the residential character of neighborhoods.” This proves failure to establish internally consistency.

### **Evidence Example ZC-2**

On a larger scale, the City cannot simply use Division 4, as was done for Short-Term Rentals, as a repository for standards associated with a new land use that was not previously included in another Division of the Code, ***without*** establishing a reasonable degree of consistency with standards in other Divisions pertaining to existing land uses that may be strongly impacted by the new land use. No such degree of consistency was established when Chapter 20-48 SHORT-TERM RENTALS was added to Division 4.

### **Evidence Example ZC-3**

Zoning Code Chapter 20-22 RESIDENTIAL ZONING DISTRICTS does not list Short-Term Rentals as an allowable land use and staff has failed to establish that Non-Hosted Short-Term Rentals are similar to one or more commercial business uses listed in Chapter 20-22.

In response to questions posed to staff at the April 27, 2023 Planning Commission meeting by Commissioners Cisco (beginning at 1:24:44 in the video recording of the meeting) and Petersen (beginning at 2:05:40), staff states that,

1. Non-Hosted Short-Term rentals are businesses.
2. Types of businesses that are allowed in residential zoning districts include home occupation that meet certain criteria, adult day care of various sizes, and small, community-serving retail
3. Analysis by staff shows that Short-Term Rentals fit in alongside the above uses and therefore are consistent with the General Plan. (Zoning Code is not specifically mentioned but is drawn into the conversation by inference).
4. Any land use not included in Zoning Code tables (i.e., Chapter 20-22, Table 2-2) would not be allowed in any residential zoning district
5. Bed and Breakfast inns are permitted in residential zoning districts but not simply by right – they require a Minor Conditional Use Permit.

In addition to being commercial businesses, Non-Hosted Short-Term rentals are transient lodging facilities. According to Chapter 20-22, Table 2-2, the only type of transient lodging facility allowed in Residential Zoning Districts is a Bed and Breakfast inn (B&B). All other transient lodging facilities (hotels and motels) are only allowed in Commercial Zoning Districts and often require a Minor Conditional Use Permit.

All business uses listed in Table 2-2 that could even remotely be considered similar to Non-Hosted Short-Term Rentals have the following common traits that firmly set them apart therefrom.

1. First, they all provide on-site supervision. For example,
  - a. Daycare facilities (both child and adult) and community care facilities have on-site supervision for the entire time they operate during the day.
  - b. Bed and Breakfast inns rent only a few bedrooms to individuals or couples, and the owner or manager of the inn is on site every day to check guests in and out, prepare and serve breakfast, supervise daily housekeeping, provide afternoon refreshments and ensure that guests are comfortable, and respectful of the property and the neighborhood. This is in many respects similar to a Hosted Short-Term Rental.
2. Second, most of the allowable business uses require the business owner to apply for and be issued a Minor Conditional Use Permit (MUP). The process for receiving a such permit requires public notification and a public hearing if requested in writing by one or more interested persons. Furthermore, there is an appeal process available to the public to challenge the issuance of a MUP. Therefore, requiring a MUP gives neighbors an opportunity to weigh in on any proposed non-residential usages.
3. Third, at the time ORD-2021-011 was adopted, all these uses were listed in Table 2-2 of the Residential Zoning Code.

The only business uses listed in Table 2-2 that do not have all of the above traits are Supportive and Transitional Housing. Those two uses have other traits that set them even further apart from Non-Hosted Short-Term Rentals.

1. They are occupied by targeted populations, such as persons with mental disabilities, substance abuse or chronic health problems, and homeless persons
2. They are generally linked to on-site and off-site supportive services which not only provide a level of supervision, but also provide case management, mental health treatment, life skills training and counseling for the occupants.
3. The occupants are generally housed for 6 to 24 months, or longer.

**Non-Hosted Short-Term Rentals exhibit none of the above traits and staff misrepresented their similarity to other business land uses that are allowed in residential zoning districts; therefore ORD-2021-011 and subsequent amendments, both adopted and proposed, are not internally consistent with the Zoning Code.**

### **Lack of General Plan Support**

Paragraph A. of ORD-2021-011 falls significantly short of establishing that it supports the General Plan because it fails to address what are arguably the two most important qualities for residential



neighborhoods – “Livability” and protecting traditional character. Those two qualities are discussed in the Evidence Examples below.

**Evidence Example GP-1**

“Livability” is defined in the General Plan as “those qualities of the city that affect everyday living; such as how well the city works for its residents and workers, as well as how comfortable and enjoyable neighborhoods are.” When staff drafted ORD-2021-0011 they knew that Non-Hosted Short-Term Rentals were causing severe livability problems in residential neighborhoods and that many residents were not comfortable with having Non-Hosted Short-Term Rentals in close proximity to their homes. Even with this knowledge, staff failed to include measures in ORD-2021-011 to immediately correct livability problems. Instead, the terms allowed an unlimited number of Non-Hosted Short-Term Rentals to apply for and be issued operating permits. Therefore, **ORD-2021-011 does not support the “Livability” aspect of the General Plan.**

In the 10 months following adoption of ORD-2021-011, the City realized that the Ordinance’s enforcement measures were not returning livability to residential neighborhoods so they adopted ORD-2022-008 to initiate a cap of 198 Non-Hosted Short-Term Rentals. Placing a cap on a problem that already exists does nothing to improve that problem. At best, it can only prevent the problem from worsening. Despite adoption of ORD-2022-008, livability problems caused by Non-Hosted Short-Term Rentals persist in many residential neighborhoods, now more than one and a half years following the adoption of ORD-2021-011. Therefore, **ORD-2022-08 was and is not consistent with the “Livability” aspect of the General Plan.**

The City may rebut the above claims by saying that the enforcement measures included in ORD-2021-011 and ORD-2022-008 were intended to return livability to residential neighborhoods. That is a weak argument for two reasons.

1. In writing the Ordinances, City staff conducted extensive research into the experiences and methods used by other municipalities, which almost universally showed that most enforcement measures were largely ineffective.
2. City staffing levels at the time of Ordinance adoption were not sufficient to implement the enforcement measures nor to handle to influx of the new Short-Term Rental applications in a timely and effective manner.

**Evidence Example GP-2**

The General Plan envisions residential neighborhood character to be shaped primarily by the types of uses allowed to operate in those neighborhoods. Non-Hosted Short-Term Rentals were recognized as a commercial business use by staff and Council members during public meetings that occurred several months in advance of the Council adopting ORD-2021-011, and that recognition has not waived. Business uses are discussed in the General Plan only in Mixed Use areas - they are not mentioned as an element of residential areas. Therefore, **ORD-2021-011 and ORD-2022-008 were and are not consistent with the aspect of the General Plan that addresses intended uses for residential areas.**

## **CONCLUSION**

The City of Santa Rosa readily admits that it failed to recognize, in a timely manner, the growing Short-Term Rental problem within its boundaries. To the City's credit, once the problem was recognized, they moved relatively swiftly to create and adopt standards and regulations to address the problem. However, despite good intentions, City staff, City Council and to some extent, the Planning Commission have collectively failed to properly craft, evaluate and implement those standards and regulations. In doing so, they also collectively failed to adhere and remain faithful to the General Plan and Zoning Code.

Over the course of the past three years, the character of several residential neighborhoods has been harmed and residents' daily lives have been severely damaged – all due to the City allowing hundreds of Non-Hosted Short-Term Rentals to continue operating nearly unabated.

By now, staff almost certainly realizes that errors in judging the Zoning Code and General Plan consistency have occurred, so the proper, admirable and public-serving course of action would be to correct those errors rather than continue attempting to defend them.

Correction can readily be accomplished by doing the following.

1. In its next report and presentation to Council regarding the Short-Term Rental Ordinance amendment, City staff should accurately recap conversations that occurred at the April 27, 2023 meeting of the Planning Commission. Commissioner Petersen was entirely correct in his line of questioning and reasons for his dissenting vote on whether to move amendments as written on to Council. All other Commissioners, except Commissioner Sanders, clearly leaned towards Commissioner Petersen's desire to recommend a ban on Non-Hosted Short-Term Rentals, but were reluctant to do so because they (incorrectly) believed that taking such bold action without direction from Council was inappropriate.
2. Remove all residential zoning districts from the list of allowed locations for Non-Hosted Short-Term Rentals found in Zoning Code Section 20-48.040.A.2. This will accomplish four important objectives that benefit the City and the overwhelming majority of its residents.
  - a. All potential and future Non-Hosted Short-Term Rentals will be prohibited in residential neighborhoods.
  - b. As many as 198 existing Non-Hosted Short-Term Rentals will become non-conforming uses and when their permits expire, renewal will not be allowed.
  - c. Enforcement of the Short-Term Rental Ordinance will be simplified, much easier to accomplish, and require far less effort by staff.
  - d. Zoning Code internal consistency and General Plan support will be restored.

**From:** [Bernadette Burrell](#)  
**To:** [Kirk, Lou](#); [Jones, Jessica](#); [Short Term Rentals](#); [Oswald, Jesse](#); [Meads, Shari](#)  
**Subject:** [EXTERNAL] No win situation  
**Date:** Wednesday, July 5, 2023 10:53:49 AM

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How was your 4th of July? I hope it was wonderful spent with family and friends. I can't say mine was the same living next to a Non-Hosted short-term rental.

It is absolutely a no-win situation for us.

Amplified music, screaming yelling and the foulest language I've heard in it really long time.

This STR should have ***never received*** a permit. They provided false and misleading information on their application and for 16 months were able to operate out of compliance with the ordinance.

What happens when there is a code violation?

If we ask the guest to be quiet, then we are yelled at by the management Avant stay. They leave nasty letters in our mailboxes and tell us to leave their guests alone.

If we call the manager, they inform their “guests” that the neighbor is complaining and then we are yelled at flipped off and retaliated against.

Avantstay's emergency contact is a answering service in the Philippines. How is that a local contact. The local contact's name is not even stated on the city's website.

If we call the 24/7 hotline to report a complaint, we are told to call the manager because it was during normal business hours code enforcement would not come out, Danelle told me on 7/4/2023 I needed to call the management company. I waited 35 minutes for a call back from the hotline, how effective is that?

Even if there are code violations going on, code enforcement will not come out? I don't get it what is a 24/7 hotline set up for if code enforcement will not enforce the code.

If we want peace, safety and enjoyment of our home and property what do we do? The city continues to protect the out-of-town investor that bought the house next to me for the sole purpose of using it as an Airbnb. How is this protecting my property rights? How is this fair to me and the homes that surround this property? What is the intent of the ordinance if enforcement will not enforce?

As I see it and have experienced it, it is a no win situation for the houses around these Non-Hosted STRs.

I get the run around every time when dealing with code enforcement. The

enforcement of the short-term rental ordinance is a joke!

Come on help the residents of Santa Rosa!

Bernadette Burrell

**From:** Dale Sessions <[dale@daledesignsf.com](mailto:dale@daledesignsf.com)>  
**Sent:** Wednesday, July 5, 2023 9:42 AM  
**To:** \_CityCouncilListPublic <[citycouncil@srcity.org](mailto:citycouncil@srcity.org)>  
**Subject:** [EXTERNAL] Re: Living next to a str

And to add to this, the response from the property owner Harry Albers when I asked him why so many car doors opening and closing:

"I have lived here for 40 years and have never complained to a neighbor about noise from parking. You should know that no other neighbor has complained about my home in a few years. What bothers you does not bother the other 5 surrounding houses to this property. Someone like you should consider living in the country away from other houses. The sound of a car door closing is unavoidable in a city. Perhaps the issue is not my closing my car door. I was the only one at the house in the afternoon."

For starters it's all lies. every neighbor here has problems with his property. Harry was not at the residence when guests were opening and closing doors, just more lies. Unless he has become a woman holding a child or a several younger men? For me to sell? HA! My property value has plummeted because of the Airbnb party house. Ask the neighbor on the other side of him - they tried getting out of here last year and 3 sales fell through once the buyers discovered it was next to the STR.

Let's wait for things to really boil over here before something gets done.

On Tue, Jul 4, 2023 at 5:57 PM Dale Sessions <[dale@daledesignsf.com](mailto:dale@daledesignsf.com)> wrote:  
Greetings,

Hope you all enjoyed your 4th of July.

I did not. Living next to 2636 Knob Hill Drive never stops amazing me. For years I have endured weddings, parties, live DJ's, party house, and almost burnt down the neighborhood a few times. But sit back and give them the protection.

As a tax payer, one who elects you, and here I am. Sitting and working in my yard hearing over and over car doors opening and closing. For example if you were sitting in your yard how would you react to: open, close, open, close, open, close, open, close, open, close, open, close, open, close, open, close, open, close...I am not kidding when I say over 80x. A damn resort next door and it's this way every time they arrive or depart to whatever.

So what about my property rights? Why can't I enjoy my time off? Hell no Santa Rosa, let's protect the STR operator.

Would love to hear how I'm suppose to deal with this? Code enforcement is a joke.

Help!!!!!!!!!!!!

Dale Sessions

**From:** [Bernadette Burrell](#)  
**To:** [Kirk, Lou](#); [Jones, Jessica](#); [Short Term Rentals](#); [Oswald, Jesse](#); [Meads, Shari](#)  
**Subject:** [EXTERNAL] Guest retaliation  
**Date:** Thursday, July 13, 2023 6:17:40 PM

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Hello,

I am hoping that you were made aware of the situation that happened last Friday with a guest from 1611 Manzanita tracking us down calling, texting and harassing us.

I understand that this is not in the "umbrella" of the STR ordinance but nonetheless I feel you all should be made aware of this.

I spoke with Cassidy Anderson last Friday. She returned my call from the hotline as she was filling in for someone. She was very professional and explained that there was nothing that she could do. She also had a calming presence which helped in this situation.

I have copied and pasted the letter I have sent to the city council about our situation. Again I realize this is out of the realm of the ordinance. However, it should speak to the way neighbors are being treated.

We left town on Friday afternoon as we were worried for our safety. It may be a coincidence but not likely that people came to our door after 9 ringing our bell. They left with no incident according to our door camera but that is a rare occurrence in our neighborhood.

I believe the city needs to consider neighbor safety and how to deal with the next situation that arises.

Thank you for your time,

Bernadette Burrell

Our no-win situation continues. On 7/7 my husband received a call from a **guest** who stayed at the Non-Hosted STR next to us, 1611 Manzanita Ave. This guest was hostile and stated that Avant Stay told them we turned the water off on them to make them leave. He called multiple times and texted my husband which we would consider harassment. How would a guest get his name and number? Yes, google is an easy answer but Avant Stay is not at fault by providing false narrative?

We share a well with 1611 and we were having work done. I texted the number listed on the cities website to let them know we were doing work. It was Monday morning during regular business hours.

This is outrageous that a guest would track us down and call us and harass us. What other retaliation will happen if we complain to code enforcement?

I ask you would a hotel give out the people in the next rooms information? We are totally on edge as the person "Matt" festered and stewed on this and called us. Avant Stay took no responsibility for being on a shared water situation.

Is this the new norm for all of us living next to these "hotels" We complain, and the guests track us down and retaliate? Is this what you want for the residents of Santa Rosa?

Scared and afraid in my own home!

Bernadette Burrell

**From:** [Maureen Linde](#)  
**To:** [Santa Rosa Govdelivery](#); [Short Term Rentals](#)  
**Cc:** [Meads, Shari](#)  
**Subject:** [EXTERNAL] Residential Zoning Letter to the Editor  
**Date:** Monday, July 17, 2023 4:51:12 PM

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Zoning laws are meant to “dictate how land in a city can be used. It promotes orderly development, keeping control of traffic flow, noise and activity levels to make sure all are appropriate to each specific neighborhood.”

When you buy or rent a home in a residential community, you expect the zoning laws to be enforced. In Santa Rosa, however, the City Council is allowing non-hosted short-term rentals (NHSTRs) to conduct business within our neighborhoods, despite Residential Zoning prohibiting businesses to operate in residential areas. This oversight allows NHSTRs to disrupt the communal feel and safety of our neighborhoods and requires homeowners to monitor and report ongoing nuisances that these unregulated businesses bring. Other cities in Sonoma and Napa Counties have utilized their power to reduce, and in some cases eliminate, NHSTRs from their communities. The Santa Rosa City Council has the same power. Use your voice and hold the Santa Rosa City Council accountable for allowing NHSTRs in our city!