RESOLUTION NO. ZA-2024-027

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA REVOKING A NON-HOSTED SHORT-TERM RENTAL PERMIT BASED ON THREE DOCUMENTED VIOLATIONS OF SANTA ROSA ZONING CODE CHAPTER 20-48, SHORT-TERM RENTALS, FOR THE PROPERTY LOCATED AT 1611 MANZANITA AVENUE, SANTA ROSA, APN: 181-060-044, FILE NO. STR24-060

WHEREAS, on October 13, 2021, the City Council adopted Ordinance No. ORD 2021-011 adding Chapter 20-48, Short-Term Rentals, to the Zoning Code to establish a regulatory framework for short-term rentals; and

WHEREAS, on January 28, 2022, a citation was issued from Code Case CE21-0488 (Citation SR1395), citing violation of operational standards under Zoning Code Section 20-48.070(D)(4), Advertising and Listing Requirements, including a $500 fine, and the case was closed on March 9, 2023 upon obtaining compliance; and

WHEREAS, on May 12, 2022, a Building Permit application was submitted for an interior remodel of the subject property, to modify walls and entry at a bedroom and remodel a bathroom (B22-2699), however, the project was not completed; and

WHEREAS, on August 9, 2022, the City Council adopted Ordinance No. ORD-2022-008 amending Zoning Code Chapter 20-48, setting a maximum number of 198 non-hosted Short-Term Rental Permits to be issued Citywide and to clarify that enforcement penalties apply to permit holders and "operators in good standing"; and

WHEREAS, on March 22, 2023, a non-hosted Short-Term Rental Permit (SVR21-100) was issued for the property located at 1611 Manzanita Avenue, for a period not to exceed one-year, allowing a maximum of eight (8) short-term renters and a maximum of four (4) additional daytime guests; and

WHEREAS, on June 26, 2023, a complaint (CE23-0824) was received regarding the local contact for the Short-Term Rental at 1611 Manzanita, including that the listed local contact was a corporation, and that the property owner's representative had released complainant information to the renters, however, no actionable violations were found, and the case was closed on August 22, 2023; and

WHEREAS, on July 25, 2023, the City Council adopted Ordinance No. ORD-2023-011 amending Zoning Code Chapter 20-48 to revise and add new definitions and policies, and to incorporate technical changes to improve functionality and aid in implementation and enforcement of Short-Term Rental Permits; and

WHEREAS, on December 12, 2023, a complaint (CE23-1537) was received alleging that more people were visiting the subject Short-Term Rental than allowed by the Zoning Code, based on the number of vehicles parked at the property, and citing noise complaints; and

WHEREAS, on December 14, 2023, a first citation within a 12-consective month period was issued from Code Case CE23-1537 (Citation SR1939) citing a violation of occupancy and parking requirements under Zoning Code Section 20-48.060, Occupancy Standards and Parking Requirements, including a $1,500 fine, and the case was closed on January 10, 2024 upon obtaining compliance; and

WHEREAS, on January 25, 2024, a complaint was received citing false advertising (CE24-0076), and was closed as unfounded; and

WHEREAS, on February 12, 2024, a complaint was received citing trash cans that had been left out on the street in violation of City and Zoning Code requirements; and

WHEREAS, on March 22, 2024, a non-hosted Short-Term Rental Renewal Permit (SVR24-060) was issued to the subject property, for a period not to exceed one-year, allowing a maximum of eight (8) short-term renters and a maximum of four (4) additional daytime guests; and

WHEREAS, on March 19, 2024, a second citation within a 12-consecutive month period was issued from Code Case CE24-0150 (Citation SR2012) citing violation of City Code Section 9-12.080, Receptacles, Location for Collection, which was also a violation of Zoning Code Section 20-48.070(A)(4), Trash and Recycling Facilities, including a $100 fine, and the case was closed on April 10, 2024 upon obtaining compliance; and

WHEREAS, on May 3, 2024, a complaint was received citing noise and loud parties (CE24-0514), however, no actionable violations were found, and was closed as unfounded; and

WHEREAS, on May 14, 2024, a complaint was received citing the advertisement and use of more bedrooms than allowed by the Zoning Code (CE24-0572); and

WHEREAS, on May 14, 2024, a third citation within a 12-consecutive month period was issued from Code Case CE24-0572 (Citation SR2072) citing violation of Zoning Code Section 20-48.060(A), Occupancy Limits, violation of Zoning Code Section 20-48.070(A), General Operational Standards, and violation of California Residential Code 18-22.R105.1, which requires a Building Permit for an interior remodel that was completed at the subject property without the benefit of permits, including a $3,200 fine; and

WHEREAS, on June 4, 2024, the property owner submitted a timely appeal of Citation SR2072; and

WHEREAS, on July 3, 2024, an Administrative Hearing was held to hear the appeal and the citation was upheld necessitating the property owner and agent to abate the violation immediately; and

WHEREAS, pursuant to Zoning Code Section 20-48.080(C), Revocation, upon a third verified violation of Zoning Code Chapter 20-48, Short-Term Rentals, within a 12-consecutive

month period, a Short-Term Rental Permit will be subject to revocation proceedings pursuant to Zoning Code Section 20-54.100; and

WHEREAS, the property at 1611 Manzanita Avenue has received three verified violations within a 12-consecutive month period, including (1) SR1939 on December 14, 2023, (2) SR2012 on March 19, 2024, and (3) SR2072 on May 14, 2024; and

WHEREAS, pursuant to Zoning Code Section 20-54.100(A)(1), the review authority shall hold a public hearing to revoke or modify an application, permit, or Variance granted in compliance with the provisions of the Zoning Code; and

WHEREAS, pursuant to Zoning Code Interpretation No. 22-001, the Director of the Planning and Economic Development Department is the review authority for issuance of Short-Term Rental Permits; and

WHEREAS, pursuant to Zoning Code Section 20-60.080(B)(1), duties and authority of the Director of the Planning and Economic Development Department shall include, among other duties, acting directly, or through a designated subordinate employee, as Zoning Administrator in compliance with Zoning Code Section 20-60.090 (Zoning Administrator), and, as such, the Zoning Administrator was found to be the appropriate review authority for a public hearing related to revocation of a Short-Term Rental Permit; and

WHEREAS, on August 1, 2024, the Zoning Administrator of the City of Santa Rosa held a duly noticed public hearing, as required by Zoning Code Section 20-54.100(A)(2) and (3), to consider the non-hosted Short-Term Rental Permit revocation for the property at 1611 Manzanita Avenue, at which time all those wishing to be heard were allowed to speak; and

WHEREAS, the Zoning Administrator has received, reviewed and given due consideration to the records and reports herein, and the oral and other evidence received at the public hearing, from the public, the property owner and agent, and City staff.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-54.100(B)(1), the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings required to grant the original permit can no longer be made. Specifically, the property at 1611 Manzanita Avenue has received three verified short-term rental related citations within a 12-consecutive month period. Pursuant to Zoning Code Section 20-48.080(C), Revocation, upon a third verified violation of Zoning Code Chapter 20-48, Short-Term Rentals, within a 12-consecutive month period, a Short-Term Rental Permit will be subject to revocation proceedings pursuant to Zoning Code Section 20-54.100. The subject property received verified violations on December 14, 2023 (SR1939), March 19, 2024 (SR2012), and May 14, 2024 (SR2072) and therefore the Short-Term Rental Permit is subject to revocation. Further, pursuant to Zoning Code Section 20-48.070(A)(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. Based on the aforementioned verified violations, the Short-Term Rental at 1611 Manzanita Avenue has not remained in compliance with the Zoning Code or the California Building Code.

2. One or more conditions of approval have been violated or have not been complied with or fulfilled. The current Short-Term Rental Permit for the property at 1611 Manzanita Avenue, issued on March 22, 2024, includes specific advisories/conditions, including compliance with all provisions of Zoning Code Chapter 20-48, and all other Chapters of the City Code. The property has received three citations within 12-consecutive month period related to Zoning Code Chapter 20-48, Short-Term Rentals. Specifically, the following violations were found:

    a. More people were found to be occupying the Short-Term Rental than allowed by the issued Short-Term Rental Permit and in violation of Zoning Code Section 20-48.060, Occupancy and Parking Requirements;

    b. Trash receptacles were found to have been left out on the street, in violation of City Code Section 9-12.080, Receptacles, Location for Collection, and Zoning Code Section 20-48.070(A)(4), Trash and Recycling Facilities; and

    c. The subject property, through unpermitted construction, was offering bedrooms in excess of the number allowed by the Short-Term Rental Permit issued on March 22, 2024 and as allowed by County of Sonoma septic system limitations, which was in violation of Zoning Code Section 20-48.060(A), Occupancy Limits, Zoning Code Section 20-48.070(A), General Operational Standards, and California Residential Code 18-22.R105.1.

3. Improvements authorized by the permit are in violation of any code, law, ordinance, regulation, or statute, or the use or structure is being operated or maintained in a manner which constitutes a nuisance. On May 14, 2024, a complaint was received citing the use of more bedrooms than allowed by the Zoning Code. Upon inspection, City staff found that interior construction had taken place to create two additional bedrooms for the property located at 1611 Manzanita Avenue, without the benefit of a Building Permit. As such, on May 14, 2024, a citation was issued (Citation SR2072) citing violation of Zoning Code Section 20-48.060(A), Occupancy Limits, violation of Zoning Code Section 20-48.070(A), General Operational Standards, and violation of California Residential Code 18-22.R105.1, which requires a permit for the interior remodel.

BE IT FURTHER RESOLVED that the Zoning Administrator of the City of Santa Rosa hereby revokes the non-hosted Short-Term Rental Permit for the property located at 1611 Manzanita Avenue, and, pursuant to Zoning Code Section 20-48.080(C), 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.

REGULARLY PASSED AND ADOPTED by the Zoning Administrator of the City of Santa Rosa on the 1st day of August, 2024.

APPROVED: _____

KRISTINAE TOOMIANS, ZONING ADMINISTRATOR