

PROPOSED ZONING CODE TEXT AMENDMENTS – REDLINE

Chapter 20-48, Short-Term Rentals

20-48.010 Purpose.

~~The purpose of this chapter is to provide~~ This chapter ~~is to provide~~s a regulatory framework for ~~the~~ Short-Term Rentals of residential units ~~in order to establish operating standards~~ so that Short-Term Rental activities do not become a nuisance ~~or threat~~ 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 Section 20-48.030 herein)~~, or other rental arrangements, including, but not limited to, community care facilities, lodging ~~or rooming~~ houses, ~~rooming houses, or~~ supportive ~~or transitional~~ housing, ~~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, ~~including, without limitation, the filing of an application for a Short-Term Rental Permit that has been signed by the property 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 feet in diameter and two feet in height. Bonfires require a permit issued by the Santa Rosa Fire Department.~~

~~C.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. ~~but who are not included in the maximum number of short-term renters.~~

~~D.C.~~ Dwelling Unit. A single unit ~~providing that provides~~ complete independent living facilities for one or more persons, including permanent provisions for ~~living~~, sleeping, eating, cooking, and sanitation.

~~E.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.

~~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.~~

~~FE.~~ 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.

~~GF.~~ 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 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.

~~HG.~~ Hosted Short-Term Rental. A Short-Term Rental where the ~~H~~host lives and sleeps in the Dwelling Unit or lives and sleeps in another legal Dwelling Unit on the same parcel throughout the Short-Term Rental period. Hosted Short-Term Rentals shall be allowed only in the primary residence on any property containing more than one legal dDwelling Uunit except where allowed in an ADU pursuant to Section 20-48.040(A)(4)(b). ~~property'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.~~

~~HK.~~ Local Contact. A natural person; identified in the Short-Term Rental Permit application whether the Oowner or Owners Aagent of the owner, who is available 24 hours per day, seven days per week, for the purpose of responding ~~within 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. 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.

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

JM. Non-Hosted Short-Term Rental. A Short-Term Rental where the ~~H~~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.

KN. 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 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.

LO. 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). ~~for those operators who were not registered for TOT and BIA assessments before October 7, 2021, has provided proof of prior operation of the short term rental during 2021.~~

MP. Owner. A natural person or persons who is/are the Short-Term Rental ~~o~~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 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.

NQ. 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.

OR. 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 feet or less in diameter and two 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 feet in diameter and two feet in height see Bonfire definition are prohibited per Section 20-48.070(B)(5)(f).

QP. 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 P~~er~~mit.

Q.F. Short-Term Rental. A Dwelling Unit, or any portion thereof, utilized for residing, lodging, ~~or sleeping, or other occupancy~~ 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 as defined herein. ~~The term short term rental is synonymous with vacation rental and transient use.~~

R.U Short-Term Rental Permit Application Fee. The fee assessed for a new or renewal Short-Term Rental Permit application as defined herein and Standard Temporary Conditional Use Permit, as set forth in the City of Santa Rosa Fee Schedule.

S.V 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.

T.W Short-Term Rental Permit Application – Renewal. A Short-Term Rental Permit application for a property that has an issued and effective Short-Term Rental Permit, and where the Short-Term Rental Permit renewal application is submitted prior to expiration of the issued Short-Term Rental Permit.

U.X 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 ~~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 9:00 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 It shall be unlawful for any person to renting, offering, or advertising for rent a Short-Term Rental within the City, without a previously issued and effective Short-Term Rental Permit, except as otherwise set forth in subsection (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 to an Owner and only 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 requirements~~d~~.

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 for which a Short-Term Rental Permit Renewal application has not been received prior to expiration of the original Short-Term Rental Permit, 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.

~~a-g.~~ Non-residential areas within buildings.

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.

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 198 citywide.

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.

C. ~~New aApplication-submittal~~ 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 aApplication 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.

1. ~~Operators in Good Standing. Operators in Good Standing shall submit a Short-Term Rental Permit Application for existing Short-Term Rentals accompanied by the Short-Term Rental Permit Application Fee to Planning and Economic Development within 51 days of the effective date of the ordinance codified in this chapter, by December 3, 2021.~~

a. ~~Operators in Good Standing may continue to rent, offer, or advertise an existing short-term rental at the location specified in the Short-Term Rental Permit application while obtaining required City approvals, except as specified in subsection (b) 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. ~~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.~~

a. ~~New Operators may not apply for a new Short-Term Rental Permit until after December 3, 2021.~~

b. ~~— New Operators shall obtain a Short-Term Rental Permit prior to renting, offering, or advertising a short-term rental.~~

3. ~~— New Non-Hosted Short-Term Rentals. After December 3, 2021, no non-hosted short-term rentals may be proposed within 1,000 feet from the property line of another existing or proposed non-hosted 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. ~~— 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;~~

3. ~~— A floor plan showing the dimensions of bedrooms, and the locations of smoke alarms, carbon monoxide alarms and fire extinguisher(s);~~

4. ~~— The total occupancy allowed pursuant to subsections 20-48.060(B)–(D); and~~

5. ~~— 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~~issuance and is automatically void upon expiration. A Short-Term Rental Permit may not be extended but may be renewed in accordance with Subsection E, below.

E. Annual ~~requirement~~Renewal.

1. A new ~~Renewal~~ Short-Term Rental Permit ~~renewal~~ 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 before expiration of the 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, expiration of the issued Short-Term Rental Permit shall be stayed until the Renewal Short-Term Rental application is acted on by the Director.

3. If a Renewal Short-Term Rental Permit application is not received prior to the expiration of an issued Short-Term Rental Permit, 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. 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 Transient Occupancy Tax and Business Improvement Area 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. 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. 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. a new Short-Term Rental Permit shall be required.

H.G. 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; or

4. The Owner does not submit a Renewal Short-Term Rental Permit application prior to expiration of the issued Short-Term Rental Permit.

~~I.H.~~ Denial. The Director may deny a New or Renewal Short-Term Rental Permit application for any of the following reasons: Upon receipt of an application for a Short-Term Rental Permit, the Short-Term Rental Permit may be denied if:

- ~~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 The application is incomplete; or~~
- ~~2. The application is not consistent with the requirements of this chapter; or~~
- ~~23.~~ 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.~~
- ~~4. The application contains a false or misleading statement or omission of a material fact; or~~
- ~~4.5.~~ The application seeks authorization at an address where a Short-Term Rental Permit ~~has~~:
 - ~~a. Has expired and a complete Short-Term Rental Permit renewal application has not been received prior to expiration; or~~
 - ~~b. expired, has been suspended or, Has been revoked and where the required one-year (12 consecutive months) reapplication waiting period pursuant to Section 20-48.080(C) has not been met; or~~
 - ~~c. is subject to suspension or 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; or~~
- ~~5. 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~~
- ~~6. 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~~
- ~~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.

~~The procedures related to appeals and revocation in Division 6 (Zoning Code Administration) shall apply following issuance or denial of a Short-Term Rental Permit.~~

20-48.050 Registration requirements.

A. Transient Occupancy Tax. Pursuant to City Code Chapter 3-28, Transient Occupancy Tax, each Short-Term Rental shall be registered with the Tax Collector and obtain a Transient Occupancy Tax (TOT) account number. 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. The Short-Term Rental ~~o~~Owner must maintain records of paid Transient Occupancy Tax 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 Owner is responsible to pay Business Improvement Area 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 at all times the Short-Term Rental Permit is active, thereafter, the Short-Term Rental shall be in compliance with the provisions of this Code, the California Fire Code, California Building Code, California Residential Code, International Property Maintenance Code, the National Fire Protection Association Standards or regulations, and any other applicable laws and codes.~~

~~A.B~~ Occupancy limits. ~~The m~~Maximum Short-Term Rental occupancy ~~allowed in a short-term rental~~ shall not exceed two Short-Term Renters per bedroom and shall ~~not exceed in no instance exceed~~ 10 ~~total~~ Short-Term Renters in total, ~~including-excluding~~ children ~~over-under~~ the age of three. The number of bedrooms shall be determined by County Assessor's record. The O~~e~~wner 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 if the minimum parking requirements specified ~~herein in Section 20-48.060(D)~~ cannot be met.

~~B.C~~ Daytime Guests. In addition to the maximum number of Short-Term Renters allowed ~~pursuant to Section 20-48.060(B)~~, Daytime Guests shall be allowed to visit the property ~~at any time between the daytime guest the~~ hours of 8:00 a.m. ~~and to~~ 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 ~~at the Short-Term Rental~~ (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 15 people between the hours of 8:00 a.m. and 9:00 p.m.); ~~during daytime guest hours~~).

C.D Parking requirements. Notwithstanding the maximum occupancies allowed pursuant to Sections 20-48.060(A) and (B), the maximum occupancy of a Short-Term ~~Rental 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 the number of bedrooms proposed for Short-Term Rental Use ~~Section 20-48.060(B)~~ 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 ~~nine~~9 feet in width by 19 feet in length.

4. Parallel parking spaces shall be at least ~~eight~~8 feet by 22 feet, except that spaces that are encumbered at one end may be reduced to ~~eight~~8 feet by 20 feet.

52. 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.

63. If a garage or driveway ~~is~~ used to meet the Short-Term Rental minimum parking requirement, ~~the garage or driveway~~ must be available to the Short-Term Renter for that purpose.

74. Parking shall not be located in a required front or street side setback except when located on a driveway.

85. Parking shall not encroach into the roadway or obstruct ~~emergency~~ Fire apparatus access roads (Emergency Vehicle Access) ~~and 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~~ Operating requirements.

Each ~~Owner~~, ~~a~~ Agent, and ~~s~~ Short-Term ~~r~~ Renter or ~~guest of a short-term rental~~ 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.

24. Noise limits. Short-Term Renters and Daytime Guests shall comply with all requirements of ~~Santa Rosa Municipal City~~ Code Section Chapter 17-16, Noise, with the following ~~exception-modification~~ and addition:

~~1.a.~~ Quiet hours shall be enforced from 9:00 p.m. to 8:00 a.m.

~~2.b.~~ Outdoor amplified sound shall not be allowed at any time ~~associated with a short-term rental~~.

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.

A.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 shall:
 - a. have a A City of Santa Rosa evacuation checklist; ~~and~~
 - b. a A "Know Your Alerts" flyer which provides the City's alert and warning systems for emergency notifications; posted in a visible location. The checklist and flyer shall be accompanied with the
 - c. a A "Know Your Ways Out" map which reflects the recommended neighborhood travel routes to be used in the event of evacuation; and that is reflective of the appropriate neighborhood that where the Short-Term Rental is located in.
 - d. The evacuation zone for the Short-Term Rental location, of the short-term rental shall be clearly identified and provided with the above listed documents.

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).

5.4. Outdoor burning. Recreational Ffires, firepits, outdoor fireplaces, barbeques/grills, bonfires, and other similar items are ~~permitted with the following restrictions:~~prohibited.

a. ~~Portable firepits and outdoor fireplaces shall not be located upon or within 10 feet of combustible vegetation including but not limited to grass, bark, and combustible mulches and shall not be within 10 feet of overhanging trees.~~

Recreational Ffires, firepits and outdoor fireplaces, whether fixed or portable, shall be fueled only 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. ~~Shall bBe 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 beA a garden hose and/or shovel with sand/dirt shall be present for extinguishment; and~~

iii. ~~Must always be monitored supervised 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 any structures or property lines, which are recreational fires that are greater than three feet in diameter and two feet in height, and which require a permit issued by the Santa Rosa Fire Department, are prohibited on properties being used as a short term rental.

~~g. — All fires must be extinguished as soon as no longer in use and monitored until “cold out” to the touch.~~

~~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 20-48.070(BE)(53)(a-g) (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 20-48.030(O) who may continue to advertise and operate a short-term rental while awaiting City approvals so long as in compliance with Sections 20-48.040(B)(1)(a) (b). All advertisements, flyers, internet listings, or other methods of offering the Short-Term Rental shall include the following:~~

- ~~1. — Maximum short-term renters;~~
- ~~2. — Maximum daytime guests;~~
- ~~3. — Number of dedicated off-street and on-street parking spaces available for use by short-term renters;~~
- ~~4. — Notification that quiet hours must be observed between 9:00 p.m. and 8:00 a.m.;~~
- ~~5. — Notification that no outdoor amplified sound is allowed prohibited; and~~
- ~~6. — The Short-Term Rental Permit number for the property, except that operators in good standing, pursuant to Section 20-48.040(B)(1)(a) (b), 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 feet of the front door of the short-term rental and shall include them as part of all rental agreements.~~
- ~~2. — Upon permit approval, 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 unit.~~

~~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.

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 as outlined in Chapters 1-28, 1-30 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 24/7 Short-Term Rental 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 a complaint has been verified by Code Enforcement, shall constitute a violation of a Short-Term Rental Permit.

B. Penalties. Violation of any specific provisions of this chapter shall result in the issuance of administrative citations and the assessment of enforcement penalties as shown below, unless differing fine amounts are otherwise provided for pursuant to amendment of California Government Code Section 36900(d):

1. A fine not exceeding one thousand five hundred dollars (\$1,500) for a first violation;

2. A fine not exceeding three thousand dollars (\$3,000) for a second violation of the same ordinance within one year;

3. A fine not exceeding five thousand dollars (\$5,000) for each additional violation of the same ordinance within one year of the first violation.

The fines described herein shall not apply to a first-time offense of failure to register or pay the City's Transient Occupancy Tax (TOT) or Santa Rosa Tourism Business Improvement Area (BIA) assessments. Fine amounts for violations of code provisions other than those contained in Chapter 20-48 shall be as provided for in California Government Code Sections 36900(b)&(c). The issuance of an administrative citation for any code violation 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 one-year (12 consecutive month) period, a Short-Term Rental Permit will be subject to revocation proceedings pursuant to Section 20-54.100. 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, at which time it will be

subject to the zoning requirements established in Section 20-48.040(B)(2); the 1,000-foot separation requirements established in Section 20-48.040(B)(2)(b); and all other applicable provisions of this section.

~~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 Sections 1-28.010, Violation—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 Short-Term Rental 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 the 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

Enforcement Penalties		
First Violation	Second Violation within one year	Third Violation within one year
\$500.00 and education	\$1,000.00	\$2,000.00 and revocation of Short-Term Rental Permit t, or revocation of operator in good standing status. The result of operator in good standing revocation shall be the same as denial of a Short-Term Rental Permit application which is that the operator is no longer an operator in good standing and shall immediately cease renting, offering, or advertising the short-term rental pursuant to Section 20-48.040(B)(1)(b).