



CITY OF EL PASO DE ROBLES
“The Pass of the Oaks”

SHORT-TERM RENTAL TASK FORCE
Minutes

Wednesday
September 7, 2016
9:00 A.M.

MEETING LOCATION:

PASO ROBLES CITY HALL/LIBRARY CONFERENCE CENTER
1000 SPRING STREET
PASO ROBLES, CALIFORNIA 93446

Task Force Members

Kathy Bonelli
William Haas
Stacie Jacob
Dan Jones
Meridith J Maahs
Mark McConnell
Jill Ogorsolka

Roll Call

Present William Haas, Dan Jones, Mark McConnell, Jill Ogorsolka
Absent Kathy Bonelli, Stacie Jacob, Meridith J Maahs,

1. Welcome

2. Public Comment

No public comments

3. Review of Draft Ordinance

Short-term rental Task Force made edits to draft 9/7/16 Short-Term Rental Ordinance on projection screen by consensus. The Task Force and audience had a lengthy discussion of issues and options for renting Guest Houses as short-term rentals.

4. Discussion of Short-term Rental Density / Separation issues

Short-term rental Task Force made reviewed and discussed two versions of a document entitled “Statement Concerning Density of Short Term Vacation Rentals” submitted by Task Force members Jones and Haas.

5. Recommendation(s) to City Manager

Motion by Task Force Member Ogorsolka and seconded by Task Force Member Jones to recommended a draft Short-Term Rental Ordinance (Attachment 1) and Statement Concerning Density of Short Term Vacation Rentals (Attachment 2) to the City Manager.

Ayes	Haas, Jones, McConnell, Ogorsolka
Noes	none
Abstain	none

Motion passes 4-0.

6. Next meeting

Short-Term Rental Task Force has completed its assignment and no additional meeting was scheduled.

7. Adjourn

Adjourn 10:20 a.m.

Attachment 1

Recommended by short-Term Rental Task Force to City Manager
September 7, 2016

Chapter 21.34. Short-term Rental Ordinance

21.34.010. **PURPOSE**

This section shall be known as the Short-term Rental Ordinance (STRO). The purpose of the STRO is to balance the following community objectives:

- Protection of residential neighborhoods and quality of life
- Encouraging compliance
- Maximize Transient Occupancy Tax collections
- Ensure a “Level Playing Field” for all lodging businesses regardless of size
- Create realistic and enforceable regulations
- Provide rules that “fit” Paso Robles

21.34.020. **DEFINITIONS**

A. Additional Occupancy Gathering -

An occurrence or social occasion or other activity that involves a gathering of persons, exceeding the legal number of night-time and day-time occupants (see occupancy table).

B. Additional Occupancy Gathering Permit -

The Administrative Use Permit issued by the City of Paso Robles in response to a completed permit application in addition to a Short-Term Rental License.

C. Agent –

A person authorized by the Owner to act on the Owner’s behalf consistent with the requirements of this ordinance.

D. Applicant –

The owner or agent who submits an application for a Short-Term Rental license.

E. Bed & Breakfast –

A Short Term Rental consisting of 3 to 5 rooms with a San Luis Obispo County Health Permit for food service. Align with current code definitions keep CUP requirement / allow events.

F. Bedroom / Sleeping room -

A legally established area of a Short-Term Rental normally occupied for human habitation, include minimum habitable room requirements of consisting of the following:

1. Four walls to the ceiling, at least one of which is located along an exterior wall with a exiting window with a minimum of 70 square feet and 7 feet minimum width.
2. Ventilation (natural or mechanical)
3. Heating
4. Smoke detector
5. Carbon monoxide detectors.
6. Compliant emergency escape egress window.
7. Exceptions may be granted for “historic” homes where it can be demonstrated the bedroom existed prior to the City requirement for building permits.

G. Business License

A “Business License” refers to a non-regulatory, City Business License Tax as defined in Section 5.04 of the Paso Robles Municipal Code that is required to be obtained by anyone doing business within the City limits and must be renewed annually.

H. City Manager –

The person acting in the capacity of or holding the position of City Manager of the City of El Paso de Robles or the City Manager’s designee.

I. Compensation -

Any consideration of any kind, including without limitation money, services, or goods, of any kind or in any amount.

J. Floor plan –

A scaled drawing showing the size and use of all rooms within a residential dwelling.

K. Good cause –

Good cause defined to clarify the primary findings for the denial, suspension, revocation of a Short-Term Rental license or placement on the city’s Review List.

Any of the following, but not to exclusivity, constitute good cause:

1. The Applicant, Owner, the Owner’s Agent, or the Local Contact Person has failed to comply with any of the terms, conditions, or provisions of this Chapter or any relevant provision of this code;
2. The Applicant, Owner, Owner’s Agent, or Local Contact Person has failed to comply with any special conditions that were placed upon the Short-Term Rental; or

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3. The Short-Term Rental has been operated in a manner that adversely affects the public health, welfare, security or the safety of the immediate neighborhood in which the unit is located.
4. Renters of the unit have displayed a pattern of behavior out of compliance with the short-term rental ordinance.

L. Good Neighbor Brochure –

The document prepared by the City of Paso Robles City Manager that summarizes general rules of conduct, consideration, and respect, including without limitation provisions of the Paso Robles Municipal Code applicable to or expected of all residents of the City including transient visitors.

M. Guest House –

A residential occupancy building with a sleeping room and bathroom that is accessory to a primary single-family residential dwelling and may be attached or detached. A guest house does not include a legally permitted kitchen. Guesthouse are intended to be occupied by the same household as the primary dwelling and may not be leased or rented to a separate household.

N. Homestay –

An owner-occupied and owner-managed short term rental. Same as “home share” or “owner share”.

O. Hotline –

The telephonic service operated by or for the City for the purpose of receiving complaints regarding the operation of any Short-Term Rental. The purpose of the hotline is to forward complaints to the appropriate local contact person or law enforcement agency and to compile the Short-Term Rental /event house data base of all such calls.

P. Hotline data base –

The electronic and/or hard-copy file maintained by the City listing all complaints lodged against short-term rentals, which document at minimum:

1. Time of complaint
2. Nature of the complaint
3. Location of the property named in the complaint
4. Complainant’s name
5. Complainant’s address
6. Complainant’s contact information
7. Steps taken by hotline attendant including:
8. The names & contact information of contacted responsible persons
9. Whether or not law enforcement was contacted
10. Date and times of all incident-related actions

Q. Local contact person –

The owner or agent who is available by phone twenty-four hours per day, seven days per week for the purpose of responding in person within 30 minutes to complaints regarding the condition, operation, or conduct of occupants of a short-term rental.

R. Lessee –

The person or persons having an exclusive lease of a short-term rental for a term of at (30) consecutive days or less with express written consent of the lessor to operate

S. Owner –

The person or persons, owner or owners, holding legal and/or equitable title to short-term rental.

T. Owner-occupied –

The owner or agent that occupies the premise of a home share during the entire rental period.

U. Primary Dwelling –

A single family house in an R-1 zone or multiple units in a multi-family zone (i.e. duplex/triplex units).

V. Property –

A residential legal lot of record on which an event house, homestay, or vacation rental is located.

W. Property Manager –

See agent.

X. Rent -

The gross amount of compensation charged, whether or not received, for the occupancy of space in a vacation rental valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. "Rent" shall include all charges to the transient associated with the occupancy of space in a short-term rental, including room rental rates, booking fees (collected by owner), cleaning charges, resort fees, and other similar costs. Refundable security deposit and 3rd party insurance shall not be considered rent.

Y. Renter –

Any person staying in a Short Term Rental.

Z. Responsible person -

A renter of a Short-Term Rental who is at least twenty-one years of age and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provisions of this chapter and/or this code.

AA. Second Unit

A legally established attached or detached second dwelling unit, on a single-family residential zoned lot with a primary dwelling. The second unit must have a kitchen, bathroom and sleeping room and is

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intended to be occupied by a second household that is independent of the household in the primary dwelling.

BB. Short Term Rental –

One or more residential dwellings, including either a single-family detached or multiple-family attached unit, or any portion of such a dwelling, rented for occupancy or for which compensation is received, for purposes of dwelling, lodging, or sleeping purposes for a period of thirty (30) consecutive days or less, other than ongoing month-to-month tenancy granted to the same renter for the same unit.

CC. Short-term rental License (“License”) –

References to the “license” within this section refers to any form or approval granted by the City to operate a Short-Term Rental.

DD. Short Term rental permit application –

The registration form required for submission to the city of Paso Robles in order to operate a short-term rental within the Paso Robles city limits pursuant to the city’s SRTTO.

EE. Site Plan -

A scaled drawing showing the entire lot area, building footprint, and off-street parking space(s).

FF. Transient Occupancy Tax –

Refers to the taxing requirements of section 5.06 of the Paso Robles Municipal Code. BID / County TMD application??

GG. Unit –

A house or room used as a Short-Term Rental.

HH. Vacation Rental House –

A Short Term Rental not occupied by the owner.

II. Review List –

A compilation of Short-Term Rentals the City Manager has identified on the basis of good cause as properties that warrant a higher level of oversight, scrutiny, review, or monitoring.

21.34.030. LICENSING REQUIREMENT

A. License Requirement

No Owner of a Short-Term Rental shall rent that unit for a period of 30 consecutive days or less without a valid Short-Term Rental License pursuant to this Chapter. The Owner or Agent shall submit an application to the City to license the property as a Short Term Rental. The licensing and permitting of Short Term Rentals shall comply with Table 21.34.030.1.

Table 21.34.030.1. Short Term Rental Licensing and Permitting Table

Rental Type	Home Share License (owner occupied)	Vacation House License
Short Term Rental	Short-Term Rental License may be issued for the following: (staff ministerial) <ul style="list-style-type: none"> • Primary dwelling • Second Units • Guest Houses 	Short-Term Rental License may be issued for the following: (staff ministerial) <ul style="list-style-type: none"> • Primary dwellings • Second Units
Short-Term Rental with Additional Occupancy Gathering	Administrative Use Permit (staff hearing with consideration of underlying zoning) The Community Development Director may, without hearing, approve one Additional Occupancy Gathering per calendar year.	Administrative Use Permit (staff hearing with consideration of underlying zoning) The Community Development Director may approve, without hearing, one Additional Occupancy Gathering per calendar year. A performance deposit shall be posted with the City of Paso Robles per Council adopted fee schedule.
Short-Term Rental with Parking Exception	Administrative Use Permit (staff hearing with consideration of underlying zoning)	Administrative Use Permit (staff hearing with consideration of underlying zoning)
Bed & Breakfast Additional Occupancy Gathering and Food Service (San Luis Obispo County health permit)	Conditional Use Permit (Planning Commission hearing)	Not permitted

B. Business License Required

In addition to the licensing / use permit requirements shown in Table 21.34.030.1. all Short-Term Rentals shall also obtain a Business License that must be renewed annually.

C. Application submittal requirements

1. Name, address, email, telephone of owner
2. Name, address, email, telephone of agent
3. Address of short term rental property
4. Identify the type of short term rental
 - a. Vacation rental house
 - b. Home share
 - c. Food Service (Bed and Breakfast)
5. Scaled floor plan indicating all interior rooms and numbering of all legally permitted bedrooms (sleeping rooms)
6. Site Plan Showing entire property and all on-site parking available for the short-term rental.
7. Acknowledgement requirement to maintain a valid business license and pay transient occupancy taxes.
8. Agreement to allow City site review with notice.

D. City Review Process

The City shall review all complete applications consistent with the licensing requirements of Table 21.34.030.1.

E. Transferability

1. Upon change of property ownership, the new property owner shall be required to apply for a new short-term rental license, Additional Occupancy Gathering Administrative Use Permit and Parking Exception Administrative Use Permit.
2. Conditional Use Permit granted for Bed and Breakfasts shall transfer with the land upon sale.

21.34.040. RESPONSIBLE PARTY DESIGNATION

A. Owner

The owner shall be responsible for compliance with all sections of this ordinance. The owner may authorize, in written notification to the City, a third party to act as their agent. The owner shall be responsible for any penalties resulting from any failures of an agent to comply with the ordinance.

B. Agent

Any Agent authorized by the Owner shall actively ensure compliance with all sections of this ordinance

C. Renter / Responsible Person

The Owner or Agent shall enter into a written rental agreement with a Responsible Person that includes the following:

1. The Responsible Person will provide the Responsible Person's name, age, address, and a copy of a government issued identification.
2. Establishes the terms and conditions of the rental agreement, including occupancy limits, noise prohibitions, and vehicle parking requirements.
3. Requires the Responsible Person to acknowledge and agree that he or she is legally responsible for compliance of all occupants of the Short-Term Rental or their guests with all provisions of this Chapter and the Paso Robles Municipal Code.
4. Acknowledges the Responsible Person has received a printed copy of the "Good Neighbor Brochure" and agrees to comply with the requirements.
5. The Responsible Person provides number of all guests.
6. The Responsible Person provides a list of all guests' vehicles, including license plate numbers.
7. Each rental agreement shall be maintained by the Owner or the Owner's Agent for a minimum of two (2) years and shall be readily available for inspection upon request of the City Manager.

D. Display of License Number

All short-term rentals shall be issued a unique identification license number by the City and subject to the following display requirements:

1. Internet, television, radio and print advertising – The license number shall be included will all internet, television, radio or print advertising of the unit.
2. Permit display inside unit – The City license shall be prominently displayed in the rental unit in a location visible to any renter.
3. Exterior posting – The license number may be displayed on the exterior of the unit at the owner's option. The display area shall not to exceed 1 square foot and list only the license number. No additional commercial signage permitted.
4. The Planning Commission may approve a 2 square foot per side commercial sign for Bed and Breakfasts in conjunction with a conditional use permit.

21.34.050. OPERATIONAL REQUIREMENTS

A. Owner Responsibility

The Owner shall use reasonably prudent business practices to ensure the short-term rent unit complies with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws and codes.

B. Occupancy Table

The Owner shall limit both daytime and night occupancy consistent with Table 5.2.1. The number of bedrooms shall be shown on a floor plan submitted by the owner and verified by the City as legally permitted sleeping rooms. A short term rental shall not exceed five (5) bedrooms¹.

Table 21.34.050.1. Maximum Short Term Rental Occupancy Table

Number of Bedrooms (sleeping rooms)	Off-street parking requirement Exception to parking standards may be granted with Administrative Use Permit (need exception process for Downtown historic sites , commercial)	Total of Overnight Occupants (10 p.m. to 7 a.m.)	Additional Daytime Occupants (7:00 a.m. to 10:00 p.m.)	Total Daytime Occupants Exception to occupant limits may be granted with Administrative Use Permit (Additional Occupants Gathering Permit)
0	1	2	2	4
1	1	4	2	6
2	2	6	3	9
3	3	8	4	12
4	4	10	5	15
5	4	12	6	18

C. Transient Occupancy Tax Payment

The Owner shall comply with all provisions of Chapter 5.06 of the Municipal Code concerning transient occupancy taxes, including, but not limited to, submission of a monthly return. The monthly return shall be filed each month regardless of whether the Short-Term Rental unit was rented or not during each such month.

D. Inspection requirement

The owner shall submit a self-certification statement that the property meets minimum life-safety standards for sleeping rooms (see definitions).

E. Compliance with City Noise Standards

The owner shall notify all renters of the City’s noise ordinance requirements. All Short Term rentals shall comply with the requirements of the City’s noise ordinance.

F. Good Neighbor Brochure

The City shall prepare a Good Neighbor Brochure of best practices for the operation of short term rentals. The owner shall provide the Responsible Person or post within the Unit one physical copy of the Good Neighbor Brochure. The Brochure will address the following neighborhood compatibility issues:

¹ The Americans with Disability Act provides an exception from the Public Accommodations definition for owner occupied establishments of not more than five (5) rooms.

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1. Trash and recycling storage and pick-up procedures
2. Parking requirements (on-site and off-site)
3. Noise
4. Occupancy limits and rules (day and night)
5. Local activity information and contacts
6. Best Practices for Pets
7. Recreation Vehicle / boat / trailer parking rules

G. Hotline Response requirement /

1. Owner/Agent shall respond in 30 minutes to a property complaint and to notify call center of the results.
2. If call center receives no response or follow-up from the Owner/Agent within 30 minutes, the call center will forward the complaint to the Paso Robles Police Department.
3. If address is not on the City's Short-Term Rental License list, the Call Center will call the Police Department immediately.

H. City Manager Authority

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Chapter for the purpose of interpreting, clarifying, and enforcing the requirements of this Chapter.

21.34.060. VIOLATION AND ENFORCEMENT

A. Warnings

Short-term rental operators or renters that fail to comply with the short-term rental ordinance may be issued verbal or written warnings or correction. Gross violations may be subject to citation without warning.

B. Citations

Administrative citations shall be issued for multiple and/or gross violations of the noise, parking or occupancy requirements of this code consistent with PRMC 1.03.010.

C. Review List

Short-Term Rentals units with multiple warnings and/ or citations shall be added the City Manager Review list. A performance bond shall be posted with the City for short-term rentals units on the Review List.

D. Revocation

The City Manager may suspend or revoke a Short-Term Rental License for units on the Review List that continue to be out of compliance with Ordinance. Any revocation or suspension determination maybe appealed to the Planning Commission.

E. Reinstatement

Property owners may apply for re-instatement of a Short-Term Rental license no sooner than 1-year from the date of revocation. A performance bond shall be posted with the City for short-term rentals unit licenses that have been reinstated.

Attachment 2

Recommended by short-Term Rental Task Force

September 7, 2016

Statement Concerning Density of Short Term Vacation Rentals

The task force, at various times during our sessions, discussed the issues of density and overall numbers of vacation rental units in our community. While researching other communities' ordinances governing vacations rentals, we found that some communities have no density or number limitations, while others have very strict and specific restrictions. The decision to include or exclude such limits was guided by the needs and desires of each individual community.

In some communities, the inclusion of density and number limitations occurred through the amendment process *after* the initial ordinance governing vacation rentals was instituted, including several long-standing regulations. These decisions were the direct result of complaints and referendums by local residents and businesses. Noise, lack of parking, reduction in affordable housing, and loss of neighborhood identity were common themes of these community actions.

Some examples of these actions include the following:

1. In a news story aired 23 February 2016 on KXAN, the Austin, Texas NBC television affiliate reported: "In a special meeting on Tuesday, the Austin City Council voted 6-5 to stop the allowance of Type 2 short-term rentals. Type 2 short-term rentals are homes that are not occupied by the homeowner.

The ordinance stops licensing any future Type 2 STRs, but those already licensed will be allowed to continue operating, at least for the time being. The council said the plan is to ultimately phase out Type 2 STRs permanently." Availability of local housing to residents was the primary deciding factor in the majority vote.

2. Durango (CO), whose vacation rental ordinance dates back to 1989 has seen three revisions of its code, the most recent of which occurred in 2015, when the Durango City Council (from its Web site) "Following significant public outreach, research on the issue" decided an overall number of vacation rentals that will be allowed in its EN-1 and EN-2 zone districts. Additionally, the Council instituted a strict buffer to prevent clustering of vacation rentals.

3. Carlsbad (CA) has approached community dissatisfaction with vacation rentals by limiting non-owner occupied rentals to its coastal zone, which already supports a robust tourist infrastructure.
4. Palm Springs (CA), after which our vacation rental ordinance was modeled is now considering an ordinance to prohibit converting apartments into vacation rentals while also imposing a moratorium on vacation rental homes. On 13 July 2016 the City Council voted 4-0 on an "urgency ordinance" to place a moratorium on apartment buildings of five or more units from becoming a vacation rental.

In one of our last sessions, the task force committee agreed that including language pertaining to density and numbers in the draft ordinance was beyond our responsibility and expertise. This discussion and subsequent decision should encompass accurate staff input concerning existing vacation rental numbers and locations, public input, and a study of comparable communities' actions when faced with similar issues.

Therefore, the task force committee recommends that both the Planning Commission and the City Council thoroughly examine the pros and cons of limiting density and numbers; and decide if density and numbers language should be included proactively in the final ordinance or retroactively through an amendment process if required.