



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

**SHORT-TERM RENTAL TASK FORCE
AGENDA**

10:00 AM MEETING

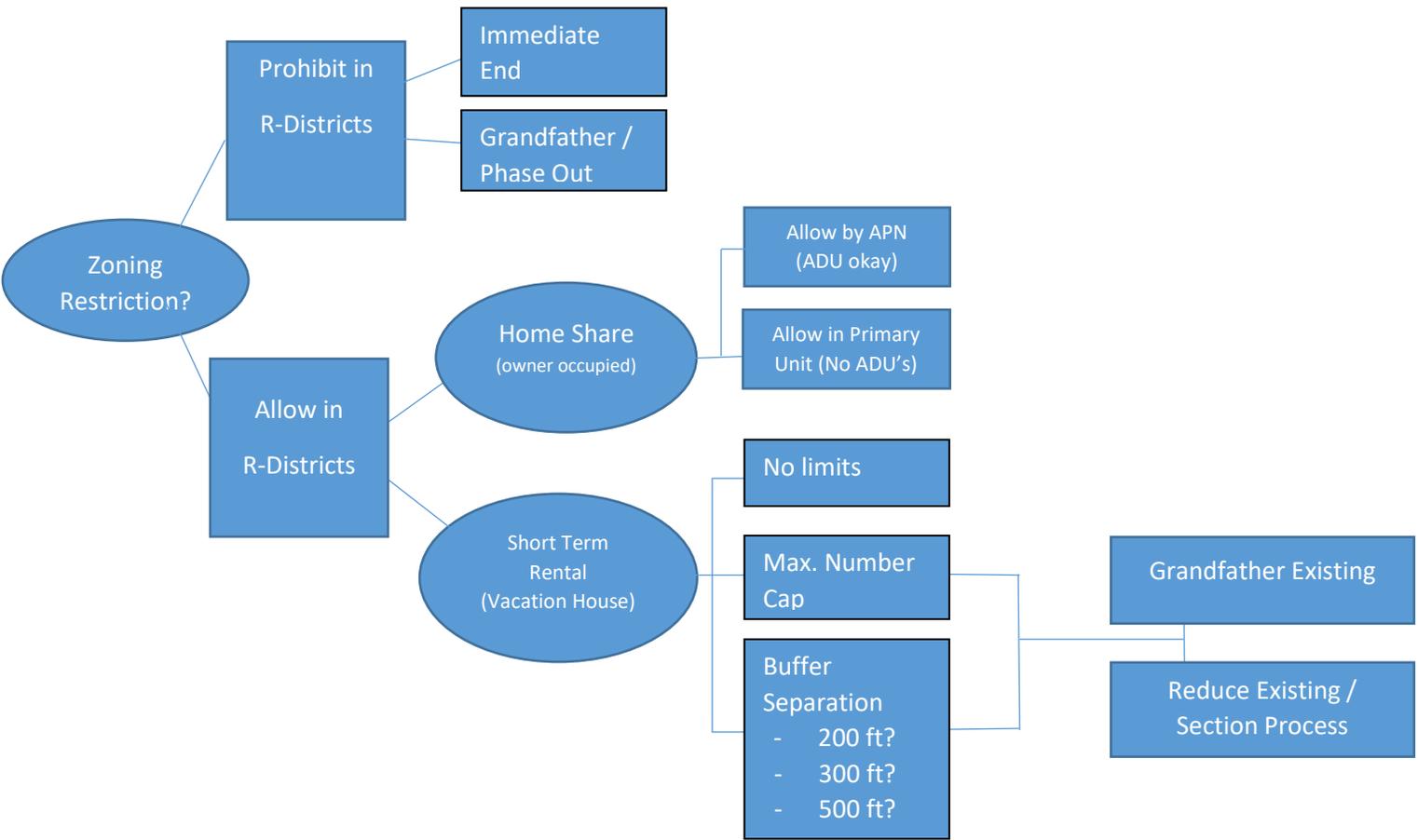
Wednesday, March 27, 2019

**Library/Conference Center Council Chamber
1000 Spring Street, Paso Robles**

Please refrain from cell phone use and turn ringer off during the meeting

- 1. 10:00 AM – CALL TO ORDER**
- 2. Introductions**
- 3. Review of draft 2019 ordinance**
 - a. [2019 draft ordinance](#)
- 4. Recommendations for Revisions to Draft Ordinance**
- 5. Public comment**
- 6. Adjourn**

Short-term Rental Decision Tree



From: [Jim Cogan](#)
To: [Bill Haas](#); [Dan Jones](#); [Danna Stroud](#); [Darcy Delgado](#); [Jill Ogorsolka](#); [Jim Cogan](#); [Kathy Bonelli](#); [Mark McConnell \(mark@hearttoheartrealestate.com\)](#); [Scott Laycock](#); [Shonna Howenstine](#); [Warren Frace](#)
Subject: FW: Short term rental comments
Date: Tuesday, March 26, 2019 3:12:05 PM

FYI

From: Wendy McIntire <wmcintire@kitchell.com>
Sent: Tuesday, March 26, 2019 2:50 PM
To: Jim Cogan <JCogan@prcity.com>
Subject: RE: Short term rental comments

Hello Jim,

I do not know how far along the short term rental task force is, but I have an additional comment for consideration by the task force:

Rentals at which the owners are absent and/or do not live on the premises should be considered separately for density and capping because the problems they pose are unique. During the time nobody is at the abode, it's mere vacancy lends it to a target for vandalism and possibly illegal loitering, creating a danger and blight to the neighborhood. Other problems with the absentee owner are in my original email below, highlighted in red italics. An owner living on the premises allows for direct monitoring of behavior and diminishes some of the other issues encountered otherwise. In addition, it would usually mean fewer people descending upon a neighbor as I envision a couple or a single person renting a room or backyard building rather than a large group occupying the entire site.

Thanks,

Wendy McIntire
1912 Park St, Paso Robles

From: Wendy McIntire
Sent: Friday, February 22, 2019 2:08 PM
To: 'jcogan@prcity.com' <jcogan@prcity.com>
Subject: Short term rental comments

Hello Jim Cogan,

I attended the last two Paso Robles city council meetings specifically for the short term rental (STR) discussion. I am not able to participate in the task force due to the scheduled 10:00 am time. Please include my following comments for consideration by the task force and council.

- I live at 1912 Park Street which is zoned T-4N. A lot of the argument to limit and control STRs was concerning R-1 zones. It was my understanding that the initial ordinance was not going to deal with zoning, but now that the task force is going to work on guidelines over the next 2 months, zoning may be a consideration of the ordinance that will be put in place. If so, it needs to be understood that STRs are not just an issue for people living in R-1 zones. There are all types of zones where STRs occur and these neighborhoods are just as affected by STRs, if not more so, due to usually closer building density. The rules, whatever they will be, should be equal for all of us.

- When I moved here in 2009 from San Luis Obispo (an area with a huge Cal Poly student presence), I was pleased to be in a neighborhood that included families and a diverse mix of people. Over the years I've seen the STRs roll in, one right next door to me. The house is well maintained; the owner is meticulous about the people who rent and there has never been a problem with noise or other disturbances. I understand that is an issue for others and may someday be for me. However, my great concern is the amount of rentals. I walk a lot through the neighborhoods and watch homes go up for sale, sold, then quickly fixed up with paint and landscape. The speed at which they are made presentable is usually an indicator of an STR. I currently have 4 (possibly more) that I know of within a block radius. Too many, too close together, are detrimental to the neighborhood. *The neighborhood feel is weakened, affordable rentals are hard to find, and the prospect of buying a home is diminished* because the STR industry is moving in and contributing to making housing a scarce commodity. A retired friend of mine recently moved to Arizona because he could no longer afford to live in our community and I blame STRs in part for this. These reasons and more are why I advocate that the city caps and controls density of STRs everywhere in the city. An immediate moratorium would be best, as I believe there are already too many of these businesses in our town.

Thanks for considering my comments.

Wendy McIntire

March 22, 2019

To: Short Term Rental Task Force

Warren Frace, Community Development Director

Jim Cogan, Assistant City Manager

This letter is being sent in response to the STR meeting on March 22, 2019. First, I would like to thank the City of Paso Robles and the STR Task Force for the commitment to address the STR issue. My name is Scotty Smith and I live at 1719 Stillwater Court, Paso Robles. My wife and I retired in Paso Robles and purchased our home about 6 years ago. There has been an STR operation across the street from us for about one year, and we have experienced the common problems associated with the operation of an STR. The new owners purchased the house and brought in two wine tour buses that were both parked in the driveway while they were dismantled and repaired. I was told by the new owner that the second bus needed extensive engine and transmission repair so it was to be stored on the side of the house and used for parts. I did work with code enforcement, which was very diligent, and the buses were taken away. The operation of the STR did continue. Last summer, there were three construction workers, with separate vehicles, living in the house for three days a week, with travelers filling in a couple of days at a time. There were so many vehicles in the neighborhood that my neighbor had to use his son's truck to block-off space in front of his own home in order to have parking for his family. We have had to endure drunken and disorderly conduct various times. One day, while working in my garage, I witnessed three drunken women returning to the STR after a day of drinking as the fell out of a wine tour bus. They were loud and obnoxious and later stood at the front door yelling obscenities at the pizza delivery kid as he delivered their order. This is not the only incident of this nature. It is common to have this level of contempt and insolence as people come to party with no vested interest in the neighborhood.

During the meeting last week, I heard a few arguments from members advocating the operation of an STR in Paso Robles.

Arguments pros and cons

1. (Pro) STR operators expressing their property rights. (Con) We all have property rights, but let us not forget that these rights do not come without encumbrance. I cannot operate defined commercial enterprises out of my house per city regulation. This argument on prima facie value falls short. I am not allowed to

- operate an automotive repair facility from my garage. This is reasonable as it is not compatible with residential use, would be a nuisance to neighbors, and is not in keeping with the preservation of a residential neighborhood zoned as R-1.
2. (Pro) STR operators argue that they are helping the City of Paso by providing an additional revenue base. (Con) This is true. But at what cost and at whose expense? Is this additional revenue targeted for improvements to the specific neighborhoods that are impacted by adverse conditions that accompany the STR? (drunk and disorderly strangers, parking issues, trash, DUI, all of which I have experienced). It is understandable that the city may look at an STR as a new source of revenue, but residents of the community are being asked to sacrifice protection through zoning requirements to generate this income.
 3. (Pro) STR operators view of providing an alternative to the high cost of housing. (con) There are many problems with this argument. The STR operator is not providing any beneficial service to the city regarding affordable housing. In fact, these operators, and the city by allowing the operation, are contributing to the increase in house prices by creating demand for a commercial venture in R-1 with no regulation. These properties are routinely advertised as "Home for sale in Paso... makes a great vacation rental". If anybody is contributing to the city coffer, it is the residents of the impacted neighborhoods by absorbing the impact with no return. The operator enjoys income, tax benefits, and the appreciation of an asset while the neighborhood endures the negative ramifications associated with the STR. A benefit for one with no vested interest in the neighborhood at the expense of many who do.

Litigation exposure for the City of Paso Robles

My concern, in this area, is the City of Paso Robles has opened the door to what may be an extensive legal problem for not only the constituents, but also the city itself. The problems for residents have already been stated which lead to the degradation of neighborhoods and the appearance of the city to prioritize revenue over the protection of residents through zoning requirements. The primary focus of these cases will be the allowance of motels to be operated in existing R-1 zones. Through my very limited research, it is apparent that litigation is on the horizon if the city approves the operation of an STR in any R-1. With current limited resources, many departments will be adversely impacted such as Planning, Code Enforcement, Police, Fire and most notably the City Attorney. An additional problem will be existing licenses that have been issued while the city cannot define what an STR is, where it fits into zoning requirements, and what regulations apply and how the regulations are to be enforced. When litigation is initiated for injury to the public,

the law firms will assign liability not only to the operator, but also the City of Paso as it is the city which has the deep pockets.

Conclusion and Remedy

As many municipalities grapple with the STR issue, it has been subjugated by arguments to give the impression that is emotional and complex. The emotions expressed by residents are due to the perception of betrayal for not enforcing protection of R-1 zoning. Cities have a longstanding practice of investing many resources towards long term planning to ensure the well- being, safety and quality of life within the city. People come to Paso, as I did, to escape the impacts of metropolitan areas. Crime, weather, schools, safety in retirement and above all, density to name a few. People expect the right to live in a residential neighborhood without the interference, and burden, of a commercial motel operation doors away. This is the fabric of our community. This is not complex.

I propose a remedy that addresses both the desire to operate an SRT, and to protect the residents under R-1 zoning. Operation of an STR is to be prohibited in any zone designated R-1. Operation in other zones will be subject to regulation which will be defined as the process moves on. Prohibition of an operation of an STR in R-1 eliminates confusion and anxiety of home owners in R-1, at the same allowing operation in appropriate areas. This is not only wise, but also fair.

Thank you for your time and consideration,



Scotty Smith

1719 Stillwater Court Paso Robles

Scottysmith35@gmail.com

(805) 226-8034



NOTE ATTACHED

This is just one example of the problems associated with the operation of an STR. These vehicles are not the two wine tour buses that I wrote about in the attached letter. These motor-homes came into the neighborhood a couple of weeks ago, and stayed for about two or three days. More vehicles followed after they arrived. There were six to eight young males from Holland in the motor-homes. They approached me in my garage to look at my classic car as I was working on it and they took pics of my car and garage with phones. Later in the day, they drank in the front yard, and back yard, and became increasingly loud and obnoxious. With no vested interest in my neighborhood, and no supervision, they partied and left. I expect an increase in this activity when summer comes, as I experienced this last year.

A handwritten signature in black ink, consisting of a stylized, cursive letter 'A' followed by a horizontal line extending to the right.

ORDINANCE NO. XXXX N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTIONS 21.23A.010, 21.23A.020, 21.23A.030, AND 21.23A.050,
REPEALING SECTIONS 21.15.210, 21.15.220, 21.15.230, and 21.15.240 OF CHAPTER 21.15,
AND ADDING CHAPTER 21.34 TO THE PASO ROBLES MUNICIPAL CODE REGARDING
SHORT-TERM RENTALS

(City of Paso Robles - Short-Term Rental Ordinance)

WHEREAS, the growing popularity of “home-sharing” and other short-term vacation rentals, through the use of websites such as Airbnb, VRBO, and Homeaway, allow individual homeowners, landlords, and tenants to list homes, apartments, and rooms for rent at the price and duration of their choosing; and

WHEREAS, the City Council finds that unregulated “home-sharing” and use of existing housing as short-term rentals can escalate the demand for City services and create adverse impacts in residential zones; and

WHEREAS, in 2016 the City conducted several community workshops attended by operators of short-term rentals and concerned neighbors; and

WHEREAS, a Short-Term Rental Task Force met eight times to review issues related to short-term vacation rentals and explore potential policies; and

WHEREAS, there was a consensus that there should be a reasonable balance between the regulation of short-term rental operations, which pay transient occupancy tax (“TOT”) to the City, and the recognized need to protect the character of residential neighborhoods; and

WHEREAS, the Short-Term Rental Task Force submitted an outline of items to be addressed in a short-term rental ordinance; and

WHEREAS, the Short-Term Rental Task Force also issued a statement that it felt it was beyond its scope of responsibility and expertise to address whether the ordinance should limit the number and location of short-term vacation rentals and recommended that the Planning Commission and City Council thoroughly examine those issues; and

WHEREAS, the proposed ordinance is beneficial to the public health, safety and general welfare of the community as it establishes performance standards to ensure the compatibility between short-term vacation rentals and the residential character of neighborhoods in which they may be located;

WHEREAS, on October 10, 2017 the Planning Commission held a public hearing to consider the proposed Short-Term Rental Ordinance and continued the hearing to October 24, 2017 with direction to staff to further analyze the section of the ordinance prohibiting transfers of permits and the 3-year term;

WHEREAS, on October 24, 2017 the Planning Commission reconvened the public hearing to consider a recommendation the City Council on the proposed Short-Term Rental Ordinance; and

WHEREAS, on November 7, 2017 the City Council held a duly noticed public hearing to consider a recommendation from the Planning Commission and heard public testimony on the proposed Short-Term Rental Ordinance; and

WHEREAS, the City Council deferred taking action on the proposed ordinance in November 2017;
and

WHEREAS, these issues were re-examined and addressed by the Planning Commission in a public hearing; and

WHEREAS, between November, 2016 and January, 2019, the number of business licenses issued by the City for short-term rentals has increased from 167 to 307; and

WHEREAS, due to the significant increase in the number of business licenses issued to short-term rentals and additional community concerns regarding the impacts of short-term rentals upon their neighborhoods, the City Council held a duly noticed public hearing on February 5, 2019 to consider the proposed Short-Term Rental Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adopts the recitals of this Ordinance as true and correct, and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

Section 2. This ordinance is Statutorily Exempt from CEQA consistent with Section 15061.b.3, that there no possibility the activity in question may have a significant effect on the environment.

Section 3. Part II (Bed and Breakfast Establishments) of Chapter 21.15 of the Paso Robles Municipal Code is hereby repealed in its entirety, specifically Sections 21.15.210, 21.15.220, 21.15.230, and 21.15.240.

Section 4. The following sections in Chapter 21.23A are hereby amended as follows:

Section 21.23A.010 - Purpose: Paragraph O. is hereby added to read as follows:

O. Short-Term Rental Permits

Section 21.23A.020 - Authority to make decisions: – Sub-paragraph l. to Paragraph C.1 is hereby added to read as follows:

- l. Appeals to modify or overrule decisions of the Director of community development with respect to the issuance, denial or revocation of Short-Term Rental Permits, in accordance with Chapter 21.34.

Section 21.23A.030 – Hearing requirements: Paragraph O. is hereby added to read as follows:

- O. Appeal of Short-Term Rental Permits. Public hearings, noticed as prescribed by Section 21.23A.040(A) shall be conducted by the planning commission.

Section 21.23A.050 – Effective date of decisions: Paragraph O is hereby added to read as follows:

- O. Short-Term Rental Permit Appeals. Fifteen calendar days following planning commission adoption of a resolution specifying the decision made; provided that an appeal has not been filed to the city council and that the city council has not called the Short-Term Rental Permit up for council hearing.

Section 5. Chapter 21.34 is hereby added to the Municipal Code of the City of El Paso de Robles as follows:

CHAPTER 21.34 SHORT-TERM RENTAL PERMITS

21.34.010 Scope, Purpose and Findings.

A. The purpose of this Chapter is to document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any short-term rental use within the city.

B. The city council hereby finds that unregulated transient occupancy uses in residential and non-residential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

C. The city council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purpose of this Chapter is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts to surrounding neighbors of transient uses in residential neighborhoods and zoning districts, such as traffic congestion, street parking, and noise, and to ensure the health, safety and welfare of renters and guests patronizing short-term rentals.

D. The provisions of this Chapter will also benefit the public welfare by providing an additional source of revenue to the city, as operators of short-term rentals are required to pay transient occupancy tax to the city, which will offset some of the additional costs of providing services to the renters.

E. The city council hereby finds that the city’s regulation of short-term rental uses in accordance with this Chapter is a valid exercise of the city’s police power in furtherance of the legitimate governmental interests documented in this Chapter.

21.34.020 Definitions

A. “Applicant” means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium, who seeks or seek approval of a Short-Term Rental Permit under the authority of this Chapter.

B. “Authorized Agent” means the person specifically authorized by an Owner, in writing, to represent and act on behalf of the Owner and to act as an operator, manager and contact person of a Non-Hosted Accommodation, and, along with the Owner, to provide and receive any notices identified in this Chapter on behalf of the Owner.

C. “Bed and Breakfast” means a Homeshare with no more than five (5) bedrooms, a permit issued by the San Luis Obispo County Health Department for food service, and which may be used for special events only when special events are authorized by a conditional use permit issue in compliance with this Code.

D. “Bedroom” means any habitable room with no less than 70 square feet of floor area and no dimension less than seven (7) feet, in a dwelling, with at least one wall located along an exterior wall with a window that can be used for emergency egress, and equipped with ventilation,

heating, smoke detector and carbon monoxide detector. Egress window requirements shall be based on the California Building Code requirements at the time of original construction of the room.

E. “Director” means the Director of Community Development of the City, or a designee of the Community Development Director or City Manager.

F. “Enforcement Officer” means the Director, chief building official, fire marshal, city manager or any other city employee designated by the Director or city manager to enforce this Chapter.

G. “Good Neighbor Brochure” means a handbook prepared by the city regarding the general rules of conduct to be followed by Renters and applicable provisions of the Paso Robles Municipal Code.

H. “Guest” means an invitee of a Renter or other person visiting a Renter of a Short-Term Rental unit who does not rent the unit.

I. “Homeshare” means a Short-Term Rental structure in which the Owner both resides and remains during the time a Renter is occupying the Short-Term Rental unit.

J. “Hotline” means the telephonic service maintained by the city for the purpose of receiving complaints regarding the operation of any Short-Term Rental.

K. “Hotline Contact” means the person designated on the Permit who shall be available by telephone 24 hours a day, 7 days a week during the entire time a Short-Term Rental property is occupied by a Renter.

L. “Non-Hosted Accommodation” means a Short-Term Rental structure that is not occupied by either the Owner or an Authorized Agent while it is being occupied by a Renter.

M. “Owner” means the person or entity holding fee title to the real property that is the subject of a Short-Term Rental Permit.

N. “Permit” means the permit issued by the city, in accordance with the procedures set forth in this Chapter, allowing an Owner or Authorized Agent to rent a Short-Term Rental unit at the specified location.

O. “Permittee” means the person or entity to whom a Permit is issued pursuant to this Chapter.

P. “Renter” means a person, not an Owner or Authorized Agent, renting or occupying a Short-Term Rental property in accordance with the terms of this Chapter. For purposes of Chapter 5.06, “Renter” shall have the same meaning as “Transient,” as defined in Section 5.06.020.

Q. “Short-Term Rental” means any habitable structure constructed for residential occupancy under the California Building Code for which a rental contract for occupancy has been made for a term of 30 days or less and which the Short-Term Rental use is permitted to operate, pursuant to a current and valid Permit on file with the city.

21.34.030 Permit Requirements

A. No Owner may operate, or allow a subject property to be operated, as a Short-Term Rental unless and until it has been issued (1) a Permit issued by the city in accordance with this Chapter 21.34; and (2) a business license tax certificate, pursuant to Chapter 5.04 of the Paso Robles Municipal Code. Together, the Owner and Owner’s Authorized Agent shall be responsible for applying for and for renewing the business license tax certificate and the Permit.

Table 21.34.030.1. Short Term Rental Permitting Table

Rental Type	Homeshare Permit	Non-Hosted Accommodation Permit
Short-Term Rental	Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> • Primary dwelling • Second Units • Guest Houses • Multi-family residential apartments 	Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> • Primary dwelling • Second Unit Interpretations: <ol style="list-style-type: none"> 1. Multi-family residential apartment units may not be used as Non-Hosted Short-Term Rentals. 2. No more than two (2) Non-Hosted Short-Term Rental Permits will be issued per legal parcel.
Bed & Breakfast - Food Service	Conditional Use Permit San Luis Obispo County health permit	Not permitted

B. The application form for a Permit shall be available from the Community Development Department. A separate Permit application is required for each rental address or individual rental unit. The Owner (for a Homeshare Permit) or the Owner and registered Authorized Agent (for a Non-Hosted Accommodation Permit) shall be required to provide, maintain and keep current the following information on the Permit application:

1. Name and contact information (including home/business telephone numbers, mobile phone numbers, email address and permanent mailing address) of the Owner and Authorized Agent, if any, of the Short-Term Rental property.
2. Identification of whether the Short-Term Rental is a Homeshare and/or Non-Hosted Accommodation.
3. Address of the Short-Term Rental property.
4. Floor plan (to scale) showing all interior rooms and location of each Bedroom with number of beds (including sofa beds or hide-a-beds) to be rented as part of the Short-Term Rental and approximate square footage in the Short-Term Rental property, and the maximum number of overnight Renters, subject to the limitations set forth in Section 21.34.030 D., below.

5. Site plan showing entire property on which Short-Term Rental unit is located, including the power panel disconnect, house water main valve, number and location of designated on-site parking spaces available (including garage parking) for use by Renter(s) and storage location of trash containers and scheduled day for trash pickup.
 6. Evidence satisfactory to city that each Bedroom meets all local building and safety code requirements.
 7. Acknowledgement that the Owner, and the Authorized Agent, if any, has read all regulations pertaining to the operation of a Short-Term Rental, including this Chapter, the city's business license tax requirements (Chapter 5.04), the city's transient occupancy tax requirements (Chapter 5.06), City Council Resolution 17-082 creating the Paso Robles Tourism Improvement District and agreement to pay the required assessments thereunder, the San Luis Obispo County Visitors and Conference Bureau (dba Visit SLO CAL) and agreement to pay the required assessments thereunder, and to comply with any additional administrative regulations promulgated by the Director to implement this Chapter.
 8. The name and all forms of contact information of the registered contact person (who may be the Owner or the Authorized Agent, if any) who shall be available by telephone 24 hours a day, 7 days a week, and who shall be able to respond within 30 minutes of receipt of a complaint while the Short-Term Rental property is occupied by a Renter.
 9. Any other information as the Director deems reasonably necessary to administer this Chapter.
 10. Acknowledgement and agreement that any and all use of the property for Short-Term Rental shall cease upon transfer of the property, expiration of the Permit, or revocation of the Permit, pursuant to Section 21.34.060.
 11. Agreement to hold harmless, indemnify and defend the city against any claims or litigation arising from the issuance of the Permit.
 12. Agreement to pay any costs to enforce the conditions of the Permit, including, but not limited to any city authority response to nuisance complaints, or inspections of the Short-Term Rental Property.
 13. Any other information as the director deems reasonably necessary to administer the provisions of this Chapter.
 14. Certification under penalty of perjury as to the accuracy of the information provided on the Permit application and agreement to comply with all conditions of the Permit and this Chapter.
- C. Permit Application Process.
1. Processing Fee. The city council, by resolution, shall specify from time to time, in its master fee schedule, the amount of the Permit application and processing fee, based upon the city's reasonable estimated costs for processing and reviewing the

Permit application materials and maintaining the Hotline. The Permit application and processing fee shall be non-refundable.

2. Review. Upon review of the materials submitted with the Permit application, the Director shall determine whether a Permit will be issued or the application is incomplete and notify the Applicant within 60 days. If the Director determines that the Permit may be issued upon compliance with certain conditions, the Director shall notify the Applicant in writing of the nature of the conditions that must be satisfied in order to receive a Permit. If the Director determines that the Permit should be denied, the Director shall notify the applicant in writing of the reasons for the denial. The decision of the Director may be appealed to the planning commission pursuant to the procedures set forth in Chapter 21.23A.
3. Permit Renewal. No earlier than 12 months and at least sixty (60) days prior to the expiration of a Permit, the Owner and the Authorized Agent, if any, of a Short-Term Rental shall submit an application to renew the Permit on a form available from the city, along with a renewal fee in an amount to be established by resolution of the city council in the city's master fee schedule. The Owner or Authorized Agent shall identify any notice of violation or concern (including any compliance or citation issued by the city) issued for the Short-Term Rental use during the Permit Term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the Permit is ineligible for renewal. The Applicant or any interested person may appeal the decision of the Director to the planning commission pursuant to the procedures set forth in Chapter 21.23A.
4. Permit Transfer Prohibited. No Permittee shall transfer, or attempt to transfer, a Permit to any other person.

D. Permit Conditions. Each Permit issued pursuant to this Chapter shall be subject to all of the following conditions:

1. The term of each Permit issued pursuant to this Chapter shall be for three (3) years. Upon the expiration or lapse of any Permit, it shall be of no further force or effect.
2. A copy of the Permit shall be posted in a prominent location inside the Short-Term Rental unit.
3. The Permittee shall require any Renter to sign an agreement acknowledging receipt of the Good Neighbor Brochure and agreement to comply with its terms. If the rental is through a third party hosted on-line platform, the Permittee shall require the third party to provide an on-line link to the Good Neighbor Brochure and a mechanism by which a Renter shall provide an acknowledgement of receipt of the Good Neighbor Brochure and agreement to comply with its terms.
4. The Permittee shall require Renters to utilize the designated on-site parking spaces, to the maximum extent possible.

5. The Permittee shall limit (i) parking on public streets, (ii) overnight occupancy, and (iii) daytime guests of the Short-Term Rental property to the numbers specified in the following table:

Table 21.34.030.2 Short-Term Rental Parking and Occupancy Limits

# of Bedrooms	Maximum # of Vehicles Parked on Public Streets	Total # of Overnight Occupants (9 pm. to 7 a.m.)	Maximum # of Daytime Occupants (7 a.m. to 9 p.m.)
0	1	2	4
1	1	4	6
2	2	6	9
3	2	8	12
4	3	10	15
5	3	12	18

6. The Permittee shall provide access to the garage of the Short-Term Rental if the garage has been included in the determination of the number of available on-site parking spaces.
7. It is the intent of the city to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency vehicle access area.
8. The Permittee shall provide appropriate refuse and recycling service for the Short-Term Rental property. Property shall be free of debris both onsite and in the street. Refuse and recycling cans shall be maintained in a clean and sanitary condition, stored in the approved onsite location, moved to the pickup location no more than 24 hours prior to trash pickup, and returned to storage no more than 24 hours after pickup.
9. The Permittee shall post in a conspicuous interior location near the entry door, an informational sign for Renters with important notices, rules and regulations; immediate contact information for Owner/Agent, Police, and Emergency Services; Hotline telephone number; emergency procedures (including signage in a form comprehensible to the visually-impaired); site address; maximum allowed number of permitted overnight renters, daytime occupants, and vehicles; neighborhood quiet time regulations; and trash pickup instructions and trash pickup days.
10. The Permittee shall ensure that the Renters and/or Guests of the Short-Term Rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code, including but not limited to noise regulations contained in Chapter 9.07 (Prohibited Conduct), or any state law pertaining to noise or disorderly conduct; provided, however, that the city does not intend to authorize, and the city does not authorize, the Permittee to act as a peace officer or place himself or herself in harm's way.

11. The Permittee shall, upon notification that Renters and/or Guests of the Short-Term Rental property have violated any Permit conditions (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law), promptly act to stop the violator(s) and prevent a recurrence of the violation.
12. The Permittee shall not allow the Short-Term Rental property to be used for any gathering where the number of persons will exceed the permitted daytime occupancy limits, as set forth in this Section, unless an approved city use permit for a special event has been obtained.
13. The Owner (for a Hosted Accommodation) and the Authorized Agent (for a Non-Hosted Accommodation) must be available to respond to any nuisance complaints by telephone, mobile phone, text and/or email, at all times when the Short-Term Rental is rented, 24-hours a day.
14. The Permittee shall allow the city, upon 24-hour notice from the city, to inspect, with cause, the Short Term Rental for compliance with the requirements of this Chapter. Permittee shall pay an inspection fee in an amount set by the city council by resolution for the city's master fee schedule based on the estimated reasonable cost to perform the inspection.

E. Rental Agreements. The Permittee shall enter into a written rental agreement with the Renter of any Short-Term Rental property, or shall enter into an agreement provided by a third party hosted on-line platform, which agreement shall, at a minimum, include the following:

1. The name, address, mobile phone, text and email address of the Renter.
2. The terms and conditions of the rental agreement, including occupancy limits, noise prohibitions and vehicle parking requirements.
3. Acknowledgment by the Renter that he or she is legally responsible for compliance by all occupants of the Short-Term Rental and any guests with the conditions of this Section and the terms of the rental agreement.
4. Acknowledgment by the Renter of receipt of a copy of the Good Neighbor Brochure.
5. Acknowledgment and agreement that the City may inspect the Short-Term Rental property, for cause, upon 24-hours' notice.

F. Grace Period.

All Owners who on the effective date of the ordinance enacting this Chapter 21.34 have a city business license tax certificate and own or operate a Short-Term Rental property within the city shall have thirty (30) days from the effective date of the ordinance adopting this Chapter 21.34 to apply for a Permit to operate a Short-Term Rental within the city. Any Owner of a property that is being or has been operated as a Short-Term Rental on the effective date of the ordinance enacting this Chapter 21.34 who fails to submit a complete application for a Permit within the time set forth herein shall not be entitled to apply for a Permit or be authorized to operate that property as a Short-Term Rental for a six-month period after the expiration of the application window.

21.34.040 Occupancy and Guest Limits for Short-Term Rentals.

The number of overnight occupants and guests for each Short-Term Rental property shall be limited in accordance with Table 21.34.030.2 and state law, based on the number of Bedrooms identified in the Short-Term Rental Permit.

21.34.050 Short-Term Rental Hotline

A. The city shall establish and maintain a non-emergency Hotline telephone number for the express purpose of receiving complaints regarding the operation of any Short-Term Rental property, and forwarding those complaints to both the Owner and Authorized Agent, if any, for that Short-Term Rental property for immediate resolution of the complaint, and/or, if necessary, to the Paso Robles Police Department if the complaint has not been resolved within one (1) hour of the initial call to the Hotline. Owner/Authorized Agent will be responsible for paying any and all city costs incurred in response to the complaint. The Hotline number and the city complaint policy shall be included in all Permits, the Good Neighbor Brochure, and in all rental agreements for all Short-Term Rental properties. In addition, the city shall post the Hotline number on the city website.

B. The city / Hotline shall maintain a record of complaints received on the Hotline that shall include the following information:

1. Date and time of complaint;
2. Nature of complaint;
3. Address of the Short-Term Rental property that is the subject of the complaint;
4. Complainant's name, address and contact information; and
5. Actions taken by the Hotline attendant in response to the complaint including, but not limited to: persons contacted, including law enforcement, if applicable, and date and time of actions taken in response to complaint.
6. Corrective action taken by Owner/Authorized Agent in response to complaint.

C. The Owner or Authorized Agent shall respond within thirty (30) minutes of being notified of a complaint and promptly thereafter notify the Hotline attendant of the corrective action taken and results obtained.

21.34.060 Enforcement

A. Revocation of Permit. At any time during the term of permit, the Director is authorized to initiate proceedings to revoke a Permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director determines in his or her discretion that (i) the Permittee provided materially false or misleading information in any submittal required under this Chapter; or (ii) the Permittee is in violation of, or has failed to comply with, any requirements of this Chapter or the Permit more than twice in any 180-day period; or (iii) the Permittee fails to maintain an active business license tax certificate per Chapter 5.04. In the event the Director determines that any of the conditions described above exists, the Director is authorized to issue an order specifying the violations to be cured. If the Permittee fails to cure the violations identified in the order within the time period specified, the Director may pursue any of the remedies set forth in Title 1 of this Code, including but not limited to the issuance of an administrative citations, revocation of permit, criminal

prosecution, and/or civil action in accordance with Chapter 1.03. The Applicant or any interested person may appeal the decision of the Director to the planning commission pursuant to the procedures set forth in Chapter 21.23A.

B. Operating without a Permit. Operating a Short-Term Rental without a permit is a violation of the Paso Robles Municipal Code and subject to the enforcement process and penalties of Section 1.02.010. Each Owner and/or Authorized Agent is guilty of a separate offense for each and every day during any portion of which the violation of this chapter or any rule or regulation promulgated there under is continued.

C. Pursuant to California Government Code Section 38771, the city council hereby declares the following condition to constitute a public nuisance: operating and/or maintaining a Short-Term Rental without a valid Permit.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 8. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk. Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 36933.

INTRODUCED at a regular meeting of the City Council held on February 19, 2019, for first reading by the City Council of the City of El Paso de Robles, and adopted on the ___ day of _____, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

Attest:

Kristen L. Buxkemper, Deputy City Clerk