



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

**SHORT-TERM RENTAL TASK FORCE
AGENDA**

10:00 AM MEETING

Wednesday, March 20, 2019

**Location: 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**

From: [Jim Cogan](#)
To: [Shonna Howenstine](#)
Subject: FW: STR TF
Date: Wednesday, March 20, 2019 8:24:54 AM

-----Original Message-----

From: Toni Meidl Avina <somaticsource@charter.net>
Sent: Tuesday, March 19, 2019 6:27 PM
To: Jim Cogan <JCogan@prcity.com>
Subject: STR TF

Greetings to Mr. Cogan and the STR Task Force:

I am writing to you regarding the overall permitting process for STR's. My thoughts are as follows:

1. One year permits and not the suggested three year. I believe the city needs to get control of the STR situation. A one year permit will also help those that choose to use their home for a STR for only 6 months to a year and not be obligated to pay for a three year permit. Density must be addressed and the three year permit will make this more difficult to control.
2. City Density STRs must be limited to a set number or a percentage such as 1% of available housing in the city. A possible consequence of having a suggested three year permit, would be to prevent another home owner from obtaining a license if a home is no longer an active STR and the city was not notified. Therefore people on a waiting list for a STR permit would potentially not be able to obtain one.
3. Area/Neighborhood Density of STRs. There needs to be a density limit to areas. Otherwise some streets and neighborhoods will entirely become a hotel zone.
4. All licensed or permitted STR's must have a one time inspection, as noted in the previous ordinances that other cities have adopted. An inspection would verify the condition of the home and ensure the structure is as stated in the permit. An examples delineating between a non hosted accommodation or a home share. I expect that most STRs are very well maintained. however, if the city issues a business license and a STR permit and hasn't inspected the property at least once this is a liability issue.
5. Licensing fees for a STR's versus home sharing should be on a sliding scale. it is important to note that people that rent out a single room, will make less revenue than an entire home that is rented out for a weekend. In addition, the initial inspection process would serve to verify those that wish to operate a full STR versus a home share situation.
6. Neighboring residents must be notified of a home granted a STR permit in their neighborhood. This was in the original ordinance and has suddenly disappeared. As a neighbor of multiple STRs, I want to be notified if a home has been granted a permit to function as a STR. In the notification, information should include the owners names, addresses and all relevant contact information, plus any management agency's similar information, as well as the GNB and the hotline number.

Thank you for your attention to this important matter.

Toni Aviña
Paso Robles Resident

Item Four - Recommendations for Revisions

Appropriate Zoning

My number one recommendation is that this ordinance contains regulations that exclude STRs in our residential neighborhoods. The purpose of zoning is to organize land into compatible usages. Past wisdom dictated the separation of commercial, agriculture, industrial, recreational, and residential areas to enhance the purpose of each zone as well as prevent incompatible aspects and negative impacts they may pose on each other.

Residential zones have always been meant to provide an area in which the occupants could live in relative peace and tranquility, away from the hustle and bustle of commerce, the noise and smells of agriculture, and the congestion and pollution of industry. In every zoning ordinance I have reviewed a residential zone is defined as an area of single or multi-family dwelling units designated for permanent (as compared to transient) usage.

Furthermore, distinction is made between “permanent” and “transient” usage. Transient is defined as occupancy of less than 30 days. So why did our forefathers and past city planners and councils make this distinction? **They wanted to preserve the integrity and stability of the neighborhoods.** They also recognized that certain home businesses were compatible with the residential character of the neighborhood and thus allowed uses that were permanent and not transient by definition. The separation of commercial and residential was foremost in their decisions.

STRs are transient businesses and commercial in nature. They differ from long term rentals in the facts that (1) they many times house unrelated groups and not families (2) this housing is transient, i.e., less than 30 days in duration and (3) they are subject to business licensing and collection of TOT. So by all definitions STRs belong in commercial and not residential zones. They more closely fit the definition of a motel or hostel.

Density and caps on total numbers of STRs

In whatever zones the council decides to allow STRs, the density of those units must be addressed. As the current map demonstrates, the vast majority of STRs are located on the west side of Paso Robles. Some neighborhoods are heavily impacted with multiple units, many times right next to each other. The remaining residents of those neighborhoods have lost the integrity and purpose that they sought when they purchased or build their homes there.

There is also an obligation to families who are seeking to either buy or rent long term in our neighborhoods. For every unit that is used as a STR, the opportunity for a new home buyer or renter is lost. Studies have documented that by decreasing the pool of available units, home prices and rental rates increase, thus putting purchase or rental outside of the means of some families.

We also must consider the motel/hotel industry in our discussions. It has been stated that we have around 1400 rooms available now in Paso Robles and expecting that number to double in the next five years. The development of these businesses incur considerable costs in fees as well as licenses that benefit our city. As the number of STRs in other cities (an example is Pacific Grove) have increased, occupancy rates in local motels and hotels have stagnated.

When you look at logical land usage, it makes more sense to take a couple of acres of land and develop a 200 room hotel than to use that same amount of land for STRs. If you had 10 or

12 homes on that equivalent couple of acres and they had an average of 3.5 bedrooms per home, you would have 35 to 42 available “rooms” to rent out. Certainly the city would make considerably more TOT with the hotel than the STRs. My point is that by limiting the number of STRs and maximizing the occupancy rate of existing and new motel/hotels, the gain in TOT would overwhelmingly make up for the loss of STRs.

So I feel that in future meetings we as a task force take up the issues of zoning, density, and caps; and come up with solid, well thought out recommendations for the planning commission and the city council. We must find balances between neighborhoods, owners of STRs, the city, and the hospitality industry. I feel we can do this if we can find reasonable solutions for each interested party. We must study other cities that have and are facing these issues and learn from their solutions and mistakes.

Dan

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