CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

Th14d

LCP-6-DMR-17-0083-3 (SHORT TERM RENTALS)

JUNE 7, 2018

EXHIBITS

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ORDINANCE NO. 934

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING ZONE CODE AMENDMENT (ZA17-001)/LOCAL COASTAL CODE AMENDMENT (LCPA17-002) BY AMENDING DEL MAR MUNICIPAL CODE CHAPTER 5.04 AND CHAPTERS 30.04, AND 30.10 THROUGH 30.22 AND 30.24 THROUGH 30.26; AND ADDING CHAPTER 30.96 TO THE DEL MAR MUNICIPAL CODE TO ESTABLISH REGULATIONS RELATING TO SHORT TERM RENTALS.

WHEREAS, establishment of new regulations for short term rentals in order to maintain quality of life and minimize the potential for negative effects on residential neighborhoods is an identified City Council priority for the City of Del Mar; and

WHEREAS, on April 17, 2017, the City Council conducted an Interpretation hearing (Interpretation I-17-001) in accordance with Del Mar Municipal Code (DMMC) Section 30.01.020 and determined STRs are not permitted in the R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B, RM-East, RM-West, RM-Central, RM-South, and R-2 residential zones, and that STRs are allowed in the Residential Commercial (RC) Zone; and

WHEREAS, following the City Council Interpretation that STRS are not an allowed use in specified residential zones, the Urgency Ordinance adopted via a series of ordinances April 4, 2016 through December 5, 2016 that established a temporary moratorium on the establishment of new short term rentals is no longer necessary; and

WHEREAS, the City Council directed that staff not begin enforcement against existing non-conforming STRs until new regulations are adopted (forbearance period) and that in order to continue STR operations during the forbearance period, an owner must provide evidence, to the satisfaction of the Planning Director, that the property was used as a short term rental before April 4, 2016 (which marks the initial date of the moratorium); and

WHEREAS, the City of Del Mar is seeking approval of a Zone Code Amendment (ZA17-001) and Local Coastal Program Amendment (LCPA17-002), to amend the Del Mar Municipal Code and Local Coastal Program to establish regulations for short term rentals; and

WHERAS, the proposed amendments are consistent with the City's Local Coastal Program; and

WHEREAS, the proposed amendments would establish allowable zones where short term rentals and similar short term commercial activity would be allowed; and

WHEREAS, the City of Del Mar posted, mailed, and distributed a Notice of Availability of the draft amendments for public review prior to August 25, 2017, in accordance with California Code of Regulations Section 13515 requirements for public participation and agency coordination for Local Coastal Program Amendments; and

EXHIBIT NO. 1
Proposed Ordinance/Resolution
Del Mar LCP #LCP-6-DMR-17-0083-3
California Coastal Commission

WHEREAS, an initial study/environmental checklist was prepared on August 17, 2017, and concluded the regulations involve a negligible or no expansion of existing use, the proposed amendments do not authorize or facilitate any construction or grading to occur, and the proposed code amendments would not have a significant effect on the environment; and

WHEREAS, staff determined that the ordinance is categorically exempt from preparation of an environmental document pursuant to CEQA Guidelines Article 19, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures); and

WHEREAS, a noticed public hearing of the Planning Commission was conducted on September 12, 2017, to provide an opportunity for the public to comment on the proposed Zone Code Amendment/Local Coastal Program Amendment and for the Planning Commission to make a recommendation to the City Council; and

WHEREAS, the Planning Commission voted unanimously to recommend to the City Council that in order to enable the collection of data, PC recommends the City Council extend the forbearance period for existing STRs for 1 year and that existing STRs be required to register to allow the City to collect data and monitor the number of existing STRs, the number of people staying in the STRs, how long people stay in the STRs, the rent collected, information on the number of violations or nuisance complaints for the STRs, the length of time the STR has been in existence, and the location and zone of the STR; and to provide the substantiation and justification for future reasonable STR regulations; and

WHEREAS, the Planning Commission also voted 4-1 (with Chair Bakker voting no) to recommend to the City Council that in regards to the draft ordinance there is no sentiment of the Planning Commission to adopt as is with the exception of Chair Bakker; that the Planning Commission wants data to make an informed decision for the City of Del Mar residents and owners; that the Planning Commission feels that 28 days may be too little time for STRs and that the 7-day minimum may be generally too restrictive; that the Planning Commission is okay with the definitions and with the concept of defining STRs as an accessory use in residential zones; and that the PC recommends no limit on use of a dwelling unit as an STR in the CC, PC or NC zones; and

WHEREAS, the City Council is relying on publicly available data from City staff reports, United States Census data, professionals in the field such as Host Compliance, SANDAG, the Del Mar Community Plan, the Del Mar Housing Element, City Comprehensive Annual Financial Report (CAFR), 22nd District Agricultural Association published figures, and similar data; and

WHEREAS, according to Host Compliance the national market share data shows that short term rental activity increased 13 fold in the years 2008-2015 based on a review of the top four online sites; and

WHEREAS, in the City of Del Mar the number of short term rentals varies seasonally; however, there are likely around 300 to 400 short term rentals operating based on estimate ranges from as low as 130 to as high as 720 that are based on data collected from over 100 online short term rental listing platforms that provide a glimpse of the short term rental activity at various snapshots in time and on additional data from owners who have stated they rent to the same people each year without any advertising; and

WHEREAS, the proposed amendments constitute an amendment to the Implementation Plan of the City's certified Local Coastal Program and following City Council action will subject to review and certification by the California Coastal Commission.

NOW THEREFORE, the City Council of the City of Del Mar hereby ordains as follows:

SECTION ONE

That Section 5.04.050 of the Municipal Code relating to business licenses be amended as follows:

5.04.050 Exemption: Dwelling Unit.

This Title does not apply to the following activities within a dwelling unit:

A. A facility licensed under the California Community Care Facilities Act (Health and Safety Code Section 1500, et seq.) to provide care for six or fewer persons, exclusive of members of the household.

B. Home exchange

C. Home sharing or room rental

D. Short term rental of a dwelling unit as an accessory use for up to 28 days maximum per year

SECTION TWO

That Section 30.04.010 of the Municipal Code be amended as follows:

30.04.010 Definitions "H" Words and Phrases Defined.

A. through B. [No change]

C. Home Exchange. Home Exchange. A type of accommodation in a legal dwelling unit in which two parties agree to offer exclusive use of each other's homes for living and sleeping purposes for a set period of time whereby the agreement

involves the exchange of homes, and may include use of the vehicles associated with those homes, with no additional monetary exchange or other consideration exchanged between the parties. Also known as home swapping.

D. Home Occupation [No change in text.]

E. Home Sharing. A type of visitor accommodation in a legal dwelling unit whereby a room or multiple rooms are rented to guests for less than 30 consecutive days for temporary living or sleeping purposes within a portion of the primary residence of the property owner or tenant.

F. Hotel. A building or group of buildings on a property in which there are six or more guest rooms used or designed to be used for sleeping purposes that are rented for less than 30 consecutive days. This term does not include time shares or fractional ownership interests.

SECTION THREE

That Section 30.04.130 of the Municipal Code be amended as follows:

30.04.130 "M" Words and Phrases Defined.

A. through B. [No change]

C. Mezzanine or Mezzanine Floor. [No change to text as added prospectively by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

D. Motel. A group of attached or detached buildings containing six or more guest rooms used or designed to be used for sleeping purposes, that are rented for less than 30 consecutive days, and where a majority of the guest rooms open individually and directly to the outside. This term does not include time shares or fractional ownership interests. [Subsection relettered from E. to D.to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

E. Motor Vehicle [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

F. Multiple Dwelling Unit [No change in text to Subsection as added by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION FOUR

That Section 30.04.180 of the Municipal Code be amended as follows:

30.04.070 "S" Words and Phrases Defined.

A. [No change]

B. Service Road [No change in text to Subsection relettered from D. to B. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. Service Station [No change in text to Subsection relettered from E. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

D. Setback Line [No change in text to Subsection relettered from F. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

E. Short Term Rental. A type of visitor accommodation in a legal dwelling unit whereby the dwelling unit is rented for less than 30 consecutive days for temporary living or sleeping purposes. Short term rental includes any contract or agreement that initially defined the rental term to be 30 consecutive days or more and that was subsequently amended to a term less than 30 consecutive days, either orally or in writing, to permit the occupant(s) of the rental to surrender the subject dwelling unit before expiration of the initial rental term.

F. Sign [No change in text to Subsection relettered from H. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to F. to add new definition of short term rental]

G. Single Dwelling Unit [No change in text to Subsection as added by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to G. to add new definition of short term rental]

H. Story [No change in text to Subsection relettered from I. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I. to add new definition of short term rental]

I. Story, Two or More [No change in text to Subsection relettered from K. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance

adopted October 2, 2017 and subsequently relettered from H. to I. to add new definition of short term rental]

J. Street [No change in text to Subsection relettered from L. to I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to J. to add new definition of short term rental]

K. Street Frontage [No change in text to Subsection relettered from M. to J. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from J. to K. to add new definition of short term rental]

L. Structural Alterations [No change in text to Subsection relettered from N. to K. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from K. to L. to add new definition of short term rental]

M. Structure [No change in text to Subsection relettered from O. to L. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from L. to M. to add new definition of short term rental]

N. Studio [No change in text to Subsection as added by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from R. to N. to add new definition of short term rental]

O. Subdivider [No change in text to Subsection relettered from P. to M. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from M. to O. to add new definition of short term rental]

P. Subdivision [No change in text to Subsection relettered from Q. to N. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from N. to P. to add new definition of short term rental]

Q. Subdivision Map Act [No change in text to Subsection relettered from R. to O. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from O. to Q. to add new definition of short term rental]

R. Substantial Construction [No change in text to Subsection relettered from S. to P. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance

adopted October 2, 2017 and subsequently relettered from P. to R. to add new definition of short term rental]

S. Substantial Slope [No change in text to Subsection relettered from T. to Q. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from Q. to S. to add new definition of short term rental]

T. Supportive Housing [No change in text to Subsection relettered from U. to S. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from S. to T. to add new definition of short term rental]

SECTION FIVE

That Section 30.10.030 of the Municipal Code be amended as follows:

30.10.030 Allowable Uses.

The allowable uses in the R1-40 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more; and

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION SIX

That Section 30.10.040 of the Municipal Code be amended as follows:

30.10.040 Accessory Uses.

The following accessory uses may be established in the R1-40 Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.10.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

   b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. On lots which do not meet the minimum lot size specified for the underlying zone, garage(s) to accommodate not more than [a total] of three vehicles. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from B. to E.]

F. On lots which meet or exceed the minimum lot size specified for the underlying zone, a garage(s) to accommodate not more than [a total of] four vehicles. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to F.]

G. A carport to accommodate not more than one vehicle, so long as the lot does not contain the maximum number of garage parking spaces allowed for the property pursuant to the provisions of Chapter. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to G.]

H. Off-street parking for a permitted use. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

I. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

J. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J. to add new definition of short term rental]

K. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from J. to I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

L. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [No change in text to Subsection relettered from K. to J. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from J. to L.]

M. Home occupation as authorized by this Code. [No change in text to Subsection relettered from U. to S. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from S. to T.]

N. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from L. to N.]

SECTION SEVEN

That Section 30.11.030 of the Municipal Code be amended as follows:

30.11.030 Allowable Uses.

The allowable uses in the R1-14 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION EIGHT

That Section 30.11.040 of the Municipal Code be amended as follows:

30.11.040 Accessory Uses.

The following accessory uses may be established in the R1-14 Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.11.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory

Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

SECTION NINE

That Section 30.12.030 of the Municipal Code be amended as follows:

30.12.030 Allowable Uses.

The allowable uses in the R1-10 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION TEN

That Section 30.12.040 of the Municipal Code be amended as follows:

30.12.040 Accessory Uses.

The following accessory uses may be established in the R1-10 Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.12.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory

Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

SECTION ELEVEN

That Section 30.13.030 of the Municipal Code be amended as follows:

30.13.030 Allowable Uses.

The allowable uses in the R1-10B Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION TWELVE

That Section 30.13.040 of the Municipal Code be amended as follows:

30.13.040 Accessory Uses.

The following accessory uses may be established in the R1-10B Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.13.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

   b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

   c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

SECTION THIRTEEN

That Section 30.14.030 of the Municipal Code be amended as follows:

30.14.030 Allowable Uses.

The allowable uses in the R1-5 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION FOURTEEN

That Section 30.14.040 of the Municipal Code be amended as follows:

30.14.040 Accessory Uses.

The following accessory uses may be established in the R1-5 Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.14.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per

bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to

match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

SECTION FIFTEEN

That Section 30.15.030 of the Municipal Code be amended as follows:

30.15.030 Allowable Uses.

The allowable uses in the R1-5B Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION SIXTEEN

That Section 30.15.040 of the Municipal Code be amended as follows:

30.15.040 Accessory Uses.

The following accessory uses may be established in the R1-5B Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.15.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per

bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

   b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

   c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

SECTION SEVENTEEN

That Section 30.16.030 of the Municipal Code be amended as follows:

30.16.030 Allowable Uses.

The allowable uses in the RM-East Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION EIGHTEEN

That Section 30.16.040 of the Municipal Code be amended as follows:

30.16.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the

limitations for short term rental of a dwelling unit identified in Section 30.16.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

SECTION NINETEEN

That Section 30.17.030 of the Municipal Code be amended as follows:

30.17.030 Allowable Uses.

The allowable uses in the RM-West Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION TWENTY

That Section 30.17.040 of the Municipal Code be amended as follows:

30.17.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.17.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

   b. The total number of days the dwelling unit is used for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

   c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

SECTION TWENTY ONE

That Section 30.18.030 of the Municipal Code be amended as follows:

30.18.030 Allowable Uses.

The allowable uses in the RM-Central Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION TWENTY TWO

That Section 30.18.040 of the Municipal Code be amended as follows:

30.18.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.18.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

SECTION TWENTY THREE

That Section 30.19.030 of the Municipal Code be amended as follows:

30.19.030 Allowable Uses.

The allowable uses in the RM-South Zone are:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. A duplex with attached dwelling units, or with two unattached dwelling units where design constraints make attachment impractical, including long-term rental of a dwelling unit for 30 consecutive days or more.

C. Multiple dwelling units, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through G. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION TWENTY FOUR

That Section 30.19.040 of the Municipal Code be amended as follows:

30.19.040 Accessory Uses.

A. Accessory uses that are lawful in the RM-East, RM-West or RM-Central Zones may be established in the RM-South Zone, except that Accessory Dwelling Units are not permitted.

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.19.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

SECTION TWENTY FIVE

That Section 30.20.030 of the Municipal Code be amended as follows:

30.20.030 Allowable Uses.

The allowable uses in the R2 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

SECTION TWENTY SIX

That Section 30.20.040 of the Municipal Code be amended as follows:

30.20.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.20.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

SECTION TWENTY SEVEN

That Section 30.21.030 of the Municipal Code be amended as follows:

30.21.030 Allowable Uses.

The following uses are allowable in the RC Zone:

A. through B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. Short Term Rental of a dwelling unit, subject to the Chapter 3.12 Transient Occupancy Tax requirements as applicable

D. Home Exchange

E. Home Sharing or room rental in a dwelling unit

SECTION TWENTY EIGHT

That Section 30.22.050 of the Municipal Code be amended as follows:

30.22.050 Accessory Uses.

A. One dwelling unit as accessory to and on the same site as that of a permitted use, in accordance with the accessory use regulations and parking requirements of the R2 Zone, except that short term rental of a dwelling unit, home exchange, and home sharing or room rental in a dwelling unit shall be allowed in accordance with the use regulations of the RC zone.

B. through C. [No change]

SECTION TWENTY NINE

That Section 30.24.030 of the Municipal Code be amended as follows:

30.24.030 Allowable Uses.

The following uses are allowable in the NC Zone:

A. through C. [No Change]

D. Any similar enterprise or business which conforms to the description and purpose of the NC Zone, and is not detrimental to the welfare of the community.

SECTION THIRTY

That Section 30.24.040 of the Municipal Code be amended as follows:

30.24.040 Accessory Uses.

The following accessory uses may be established in the NC Zone:

A. through B. [No change]

C. One dwelling unit as accessory to and on the same site as that of a permitted use, in accordance with the accessory use regulations and parking requirements of the R2 Zone, except that short term rental of a dwelling unit, home exchange,

and home sharing or room rental in a dwelling unit shall be allowed in accordance with the use regulations of the RC zone.

SECTION THIRTY ONE

That Section 30.25.030 of the Municipal Code be amended as follows:

30.25.030 Allowable Uses.

The following uses are allowable in the PC Zone:

A. through C. [No Change]

D. Any similar enterprise or business which conforms to the description and purpose of the PC Zone, and is not detrimental to the welfare of the community.

SECTION THIRTY TWO

That Section 30.25.040 of the Municipal Code be amended as follows:

30.25.040 Accessory Uses.

The following accessory uses may be established in the PC Zone:

A. through B. [No change]

C. One dwelling unit as accessory to and on the same site as that of a permitted use, in accordance with the accessory use regulations and parking requirements of the R2 Zone, except that short term rental of a dwelling unit, home exchange, and home sharing or room rental in a dwelling unit shall be allowed in accordance with the use regulations of the RC zone.

SECTION THIRTY THREE

That Section 30.26.030 of the Municipal Code be amended as follows:

30.26.030 Allowable Uses.

The following uses are allowable in the VC Zone:

A. Hotels and motels

B. Boardinghouses and lodginghouses.

C. Any similar enterprise or business which conforms to the description and purpose of the VC Zone, and is not detrimental to the welfare of the community, including short term rentals.

SECTION THIRTY FOUR

That Section 30.26.040 of the Municipal Code be amended as follows:

30.26.040 Accessory Uses.

The following accessory uses may be established in the VC Zone:

A. through B. [No change]

C. A manager's unit with kitchen facilities.

SECTION THIRTY FIVE

That a new title for Chapter 30.96 of the Municipal Code be added as follows:

Chapter 30.96 Registry of Residential Property Used for Short Term Commercial Activity per the Applicable Zone

SECTION THIRTY SIX

That new Section 30.96.010 of the Municipal Code be added as follows:

30.96.010 Purpose and Intent

The purpose of Chapter 30.96 is to establish a process for an owner to register their property if they choose to rent their dwelling unit short term, rent a room in their dwelling unit short term, or participate in a short term commercial home exchange as an accessory use in a residential zone. The intent of the registry requirement is to create a database of participating residential properties used for short term commercial activity in order to facilitate enforcement of the Municipal Code and maintain the residential character of the dwelling unit and surrounding neighborhood.

SECTION THIRTY SEVEN

That new Section 30.96.020 of the Municipal Code be added as follows:

30.96.020 Requirement to Register

A. Prior to engaging in a rental agreement for short term commercial activity in a residential zone, any person transacting and carrying on short term rental of a dwelling unit, short term home sharing room rentals, or short term commercial home exchange as an accessory use per the applicable residential zone shall register their property with the City as follows:

1. Submit an application form for registry prior to renting out accommodations short term

2. Identify the property owner name and address

3. Identify the dates the dwelling unit will be made available to be used as a short term rental, short term home sharing room rental, and/or short term commercial home exchange within a calendar year. If the dates of short term commercial activity change, the owner shall update the registry with the modified dates.

4. Provide information for a local contact to serve as the point of contact on a 24 hour basis during times of active rental/exchange agreements. The contact shall be available for on-call response to complaints and resolution of violations within a 24 hour period in accordance with Good Neighbor Policy best practices.

B. It shall be unlawful to advertise or solicit guests (staying for less than 30 days) for short term rental of a dwelling unit or home sharing room rental in a residential zone without registering the dwelling unit in accordance with Chapter 30.96.

SECTION THIRTY EIGHT

The City Council finds that approval of this ordinance is categorically exempt from the preparation of an environmental document pursuant to the California Environmental Quality Act under CEQA Guidelines Article 19, Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures). The regulations involve a negligible or no expansion of existing use and do not authorize or facilitate any construction or grading to occur. The City Council bases this finding upon the record prepared by the City and the City's analysis of the potential environmental effects of this ordinance, including the Initial Study/Environmental Checklist prepared on August 17, 2017, which concluded the code amendments would not have a significant effect on the environment.

SECTION THIRTY NINE

This Ordinance was introduced by the City Council on October 16, 2017.

SECTION FORTY

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION FORTY ONE

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 FORTY TWO

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 6th day of November 2017.

Terry Sinnott, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No.934, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6th day of November, 2017, by the following vote:

AYES:	Deputy Mayor Worden, Council Members Druker, Haviland, and Parks
NOES:	Mayor Sinnott
ABSENT:	None
ABSTAIN:	None

Ashley Jones,
Administrative Services Director/City Clerk
City of Del Mar

Exemption from a Business License (DMMC Title 5): The amendment clarifies the types of commercial activities in a dwelling unit that are exempt from a business license. (See definition of business DMMC 30.04.020(N))

5.04.050 Exemption: Dwelling Unit.

This Title does not apply to the following activities within a dwelling unit:

A. ~~a~~ A facility licensed under the California Community Care Facilities Act (Health and Safety Code Section 1500, et seq.) to provide care for six or fewer persons, exclusive of members of the household.

B. Home exchange

C. Home sharing or room rental

D. Short term rental of a dwelling unit as an accessory use for up to 28 days maximum per year

ZONING CODE DEFINITIONS: The amendment adds new definitions and amends existing zoning definitions.

30.04.080 "H" Words and Phrases Defined

A through B [No change]

C. Home Exchange. A type of accommodation in a legal dwelling unit in which two parties agree to offer exclusive use of each other's homes for living and sleeping purposes for a set period of time whereby the agreement involves the exchange of homes, and may include use of the vehicles associated with those homes, with no additional monetary exchange or other consideration exchanged between the parties. Also known as home swapping.

~~C.~~ D. Home Occupation [No change in text]

E. Home Sharing. A type of visitor accommodation in a legal dwelling unit whereby a room or multiple rooms are rented to guests for less than 30 consecutive days for temporary

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living or sleeping purposes within a portion of the primary residence of the property owner or tenant.

~~D.~~F. Hotel. A building or group of buildings on a property in which there are six or more guest rooms used or designed to be used for sleeping purposes that are rented for less than 30 consecutive days. ~~where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.~~ ~~"Hotel" shall include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and similar buildings where human beings are housed and detained under legal or medical restraint.~~ This term does not include time shares or fractional ownership interests.

30.04.130 "M" Words and Phrases Defined

A. Manufactured Home [No change]

B. Marquee [No change]

C. Mezzanine or Mezzanine Floor. [No change to text as added by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

D. Motel ~~or Tourist Court~~. A group of attached or detached buildings containing six or more guest rooms used or designed to be used for sleeping purposes, that are rented for less than 30 consecutive days, and ~~individual sleeping or living units~~ where a majority of ~~such units~~ the guest rooms open individually and directly to the outside~~, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, including auto courts and motor lodges~~. This term does not include time shares or fractional ownership interests. [Subsection relettered from E. to D.to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

E. Motor Vehicle [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

F. Multiple Dwelling Unit [No change in text to Subsection as added by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.04.180 "S" Words and Phrases Defined

A. Screening [No change]

B. Service Road [No change in text to Subsection relettered from D. to B. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. Service Station [No change in text to Subsection relettered from E. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

D. Setback Line [No change in text to Subsection relettered from F. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

E. Short Term Rental. A type of visitor accommodation in a legal dwelling unit whereby the dwelling unit is rented for less than 30 consecutive days for temporary living or sleeping purposes. Short term rental includes any contract or agreement that initially defined the rental term to be 30 consecutive days or more and that was subsequently amended to a term less than 30 consecutive days, either orally or in writing, to permit the occupant(s) of the rental to surrender the subject dwelling unit before expiration of the initial rental term.

~~E.~~F. Sign [No change in text to Subsection relettered from H. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to F. to add new definition of short term rental]

~~F.~~G. Single Dwelling Unit[No change in text to Subsection as added by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to G. to add new definition of short term rental]

~~G.~~H. Story No change in text to Subsection relettered from I. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I. to add new definition of short term rental]

~~H.~~I. Story, Two or More[No change in text to Subsection relettered from K. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to I. to add new definition of short term rental]

~~I.~~J. Street[No change in text to Subsection relettered from L. to I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to J. to add new definition of short term rental]

~~J.~~K. Street Frontage[No change in text to Subsection relettered from M. to J. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from J. to K. to add new definition of short term rental]

~~K.~~L. Structural Alterations [No change in text to Subsection relettered from N. to K. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from K. to L. to add new definition of short term rental]

~~L.~~M. Structure [No change in text to Subsection relettered from O. to L. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from L. to M. to add new definition of short term rental]

~~R.~~N. Studio [No change in text to Subsection as added by the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from R. to N.]

~~M.~~O. Subdivider[No change in text to Subsection relettered from P. to M. to match Accessory Dwelling Unit and Junior

Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from M. to O. to add new definition of short term rental]

~~N.~~P. Subdivision[No change in text to Subsection relettered from Q. to N. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from N. to P. to add new definition of short term rental]

~~O.~~Q. Subdivision Map Act[No change in text to Subsection relettered from R. to O. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from O. to Q. to add new definition of short term rental]

~~P.~~R. Substantial Construction [No change in text to Subsection relettered from S. to P. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from P. to R. to add new definition of short term rental]

~~Q.~~S. Substantial Slope [No change in text to Subsection relettered from T. to Q. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from Q. to S. to add new definition of short term rental]

~~S.~~T. Supportive Housing [No change in text to Subsection relettered from U. to S. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from S. to T. to add new definition of short term rental]

ZONES: The amendment identifies the uses allowed in specified residential and commercial zones.

Single Dwelling zone: R1-40

30.10.030 Allowable Uses.

The allowable uses in the R1-40 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.10.040 Accessory Uses.

The following accessory uses may be established in the R1-40 Zone

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.10.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not

exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

   b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

   c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~B.~~E. On lots which do not meet the minimum lot size specified for the underlying zone, garage(s) to accommodate not more than [a total] of three vehicles. [No change in text to match the Accessory Dwelling Unit and Junior Accessory

Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from B. to E.]

~~C.~~F. On lots which meet or exceed the minimum lot size specified for the underlying zone, a garage(s) to accommodate not more than [a total of] four vehicles. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to F.]

~~D.~~G. A carport to accommodate not more than one vehicle, so long as the lot does not contain the maximum number of garage parking spaces allowed for the property pursuant to the provisions of Chapter. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to G.]

~~E. The renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

~~F.~~H. Off-street parking for a permitted use [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

~~G.~~I. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

~~H.~~J. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently

relettered from H. to J. to add new definition of short term rental]

~~I.~~K. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from J. to I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

~~J.~~L. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line~~; and~~. [No change in text to Subsection relettered from K. to J. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from J. to L.]

~~K.~~M. Home occupation as authorized by this Code. [No change in text to Subsection relettered from U. to S. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from S. to T.]

~~L.~~N. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from L. to N.]

Single Dwelling zone: R1-14

30.11.030 Allowable Uses

The allowable uses in the R1-14 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

DRAFT

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.11.040 Accessory Uses

The following accessory uses may be established in the R1-14 Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. The renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.11.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory

Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

~~G.~~I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line~~; and~~. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

~~H.~~J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

~~I.~~K. A licensed Family Child Care Home within an occupied singe dwelling unit per California Health and Safety Code section

1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

Single Dwelling zone: R1-10

30.12.030 Allowable Uses

The allowable uses in the R1-10 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.12.040 Accessory Uses

The following accessory uses may be established in the R1-10 Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. The renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.12.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

~~G.~~I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window

or door of any building used for human habitation, nor within 40 feet of any adjacent property line~~; and~~.
[Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

~~H.~~J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

~~I.~~K. A licensed Family Child Care Home within an occupied singe dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

Single Dwelling zone: R1-10B

30.13.030 Allowable Uses

The allowable uses in the R1-10B Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.13.040 Accessory Uses

The following accessory uses may be established in the R1-10B Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. The renting of not more than one room to not more than one person, or the providing of table board to one person, or~~

~~both. This limitation shall not apply to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.13.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

   a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

   b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

   c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in

text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

~~G.~~I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

~~H.~~J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

~~I.~~K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

Single Dwelling zone: R1-5

30.14.030 Allowable Uses

The allowable uses in the R1-5 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.14.040 Accessory Uses

The following accessory uses may be established in the R1-5 Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. The renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.14.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory

Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

~~G.~~I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

~~H.~~J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

~~I.~~K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match

Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

Single Dwelling zone: R1-5B

30.15.030 Allowable Uses

The allowable uses in the R1-5B Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. and C. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.15.040 Accessory Uses

The following accessory uses may be established in the R1-5B Zone:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. The renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.15.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to Subsection relettered from D. to C. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to Subsection relettered from E. to D. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. The keeping of not more than one horse for each acre of land held in contiguous, single ownership. [No change in text to Subsection relettered from F. to E. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. The keeping of dogs, cats, and other household pets normally kept within the house. [No change in text to Subsection relettered from G. to F. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

~~G.~~I. The keeping of other domestic animals, providing however, that no such animal or any pen, coop, stable, or barn shall be located, kept or maintained within 75 feet of any window

or door of any building used for human habitation, nor within 40 feet of any adjacent property line. [Subsection relettered from H. to G. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from G. to I.]

~~H.~~J. Home occupation as authorized by this Code. [No change in text to Subsection relettered from I. to H. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from H. to J.]

~~I.~~K. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to Subsection I. to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from I. to K.]

Multi dwelling zone: RM-East

30.16.030 Allowable Uses.

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.16.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. For each dwelling unit, the renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.16.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

Multi dwelling zone: RM-West

30.17.030 Allowable Uses.

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.17.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. For each dwelling unit, the renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.17.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and

Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

Multi dwelling zone: RM-Central

30.18.030 Allowable Uses.

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.18.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. For each dwelling unit, the renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.18.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

Multi dwelling zone: RM-South

30.19.030 Allowable Uses.

The allowable uses in the RM-South Zone are:

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

B. A duplex with attached dwelling units, or with two unattached dwelling units where design constraints make attachment impractical, including long-term rental of a dwelling unit for 30 consecutive days or more.

C. Multiple dwelling units, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through G. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.19.040 Accessory Uses.

A. Accessory uses that are lawful in the RM-East, RM-West or RM-Central Zones may be established in the RM-South Zone, except that Accessory Dwelling Units are not permitted.

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.19.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

Multi dwelling zone: R2

30.20.030 Allowable Uses.

The allowable uses in the R2 Zone are:

A. A single dwelling unit on each building site, including long-term rental of a dwelling unit for 30 consecutive days or more

B. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

C. A duplex with attached dwelling units, or with two unattached dwelling units in instances where design constraints make attachment impractical on each building site having 5,000 square feet or more of lot area, including long-term rental of a dwelling unit for 30 consecutive days or more

D. through F. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

30.20.040 Accessory Uses.

A. [No change in text to match the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017]

~~B. For each dwelling unit, the renting of not more than one room to not more than one person, or the providing of table board to one person, or both. This limitation shall not apply to an Accessory Dwelling Unit where a permit has been issued pursuant to Chapter 30.91.~~

B. Home Exchange, except that short term home exchange of a commercial nature for less than 30 consecutive days such as a commercial exchange secured through a third party service is allowed as an accessory use subject to all the limitations for short term rental of a dwelling unit identified in Section 30.20.040(C).

C. Short Term Rental of a dwelling unit subject to the following limitations:

1. The rental term shall be a minimum of 7 consecutive days.

2. The total number of days the dwelling unit is rented as a short term rental shall not exceed 28 days per calendar year.

3. Prior to engaging in an agreement for Short Term Rental, the owner shall register the property with the City in accordance with Chapter 30.96.

4. The maximum number of cars permitted for the rental shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

5. The maximum number of occupants permitted for the rental, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

D. Home Sharing or room rental subject to the following limitations:

1. The dwelling unit must be the primary residence for the owner or tenant who resides in the dwelling unit.

2. The maximum number of cars permitted shall in no case exceed the number of existing (unobstructed and unoccupied) off-street parking spaces for the property.

3. The maximum number of occupants permitted, shall comply with maximum California Building Code occupancy requirements and shall generally not exceed two people per bedroom, or a total of two people per bedroom plus an additional two people for the dwelling unit as a whole, as applicable.

4. If the rental term for the Home Sharing or room rental is less than 30 consecutive days, then the following limitations shall apply:

a. The minimum rental term for a Home Sharing or short term room rental shall be 7 consecutive days.

b. The total number of days the dwelling unit is rented for Home Sharing or short term room rental shall not exceed 28 days per calendar year.

c. Prior to engaging in an agreement for Home Sharing or room rentals less than 30 consecutive days, the owner shall register the property with the City in accordance with Chapter 30.96.

~~C.~~E. Off-street parking for a permitted use. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from C. to E.]

~~D.~~F. Recreational facilities intended for the use of on-site residents, including swimming pools, saunas, tennis courts, and exercise rooms. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from D. to F.]

~~E.~~G. Home occupation as authorized by this Code. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from E. to G.]

~~F.~~H. A licensed Family Child Care Home within an occupied single dwelling unit per California Health and Safety Code section 1596.70. [No change in text to match Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance adopted October 2, 2017 and subsequently relettered from F. to H.]

Residential Commercial Zone:

Chapter 30.21 RESIDENTIAL-COMMERCIAL ZONE (RC)

30.21.030 Allowable Uses.

The following uses are allowable in the RC Zone:

A. Any use allowable in the R2 Zone; provided, however, that at least sixty percent of the floor area, exclusive of parking, shall be for such R2 zoned use.

B. Any primary use (not requiring a conditional use permit) allowed in the CC Zone; provided, however, that not more than forty percent of the floor area, exclusive of parking, shall be for such CC zoned use.

C. Short Term Rental of a dwelling unit, subject to the Chapter 3.12 Transient Occupancy Tax requirements as applicable

D. Home Exchange

E. Home Sharing or room rental in a dwelling unit

Commercial Zones: CC, NC, PC, VC (BC does not allow dwellings)

Chapter 30.22 CENTRAL COMMERCIAL ZONE

30.22.050 Accessory Uses.

A. One dwelling unit as accessory to and on the same site as that of a permitted use, in accordance with the accessory use regulations and ~~conforming to the~~ parking requirements of the R2 Zone, except that short term rental of a dwelling unit, home exchange, and home sharing or room rental in a dwelling unit shall be allowed in accordance with the use regulations of the RC zone.

B. through C. [No change]

Chapter 30.24 NORTH COMMERCIAL ZONE (NC)

30.24.030 Allowable Uses.

[No Change intro]

A. through C. [No Change]

~~D. One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.~~

~~E.~~ D. Any similar enterprise or business which conforms to the description and purpose of the NC Zone, and is not detrimental to the welfare of the community.

30.24.040 Accessory Uses. The following accessory uses may be established in the NC Zone:

A. Accessory uses customarily incidental to the above, including accessory storage of commodities sold on the premises.

B. Off-street automobile parking as an accessory use to any permitted use.

C. One dwelling unit as accessory to and on the same site as that of a permitted use, in accordance with the accessory use regulations and parking requirements of the R2 Zone, except that short term rental of a dwelling unit, home exchange, and home sharing or room rental in a dwelling unit shall be allowed in accordance with the use regulations of the RC zone.

Chapter 30.25 PROFESSIONAL COMMERCIAL ZONE (PC)

30.25.030 Allowable Uses. The following uses are allowable in the PC Zone:

A. through C. [No Change]

~~D. One dwelling unit as accessory to and on the same site as that of a permitted use, and conforming to the parking requirements of the R2 Zone.~~

~~E.~~ D. Any similar enterprise or business which conforms to the description and purpose of the PC Zone, and is not detrimental to the welfare of the community.

30.25.040 Accessory Uses. The following accessory uses may be established in the PC Zone:

A. Accessory uses customarily incidental to the above.

B. Off-street automobile parking as an accessory use to any permitted use.

C. One dwelling unit as accessory to and on the same site as that of a permitted use, in accordance with the accessory use regulations and parking requirements of the R2 Zone, except that short term rental of a dwelling unit, home exchange, and home sharing or room rental in a dwelling unit shall be allowed in accordance with the use regulations of the RC zone.

Chapter 30.26 VISITOR COMMERCIAL ZONE (VC)

30.26.030 Allowable Uses.

The following uses are allowable in the VC Zone:

A. Hotels~~,~~ and motels, ~~and tourist auto courts~~.

B. Boardinghouses and lodginghouses.

~~C. Kitchen facilities in connection with the manager's unit.~~

~~D. Kitchen facilities for the individual guest units, providing not more than fifty percent of the individual guest units contain such kitchen facilities.~~

~~E.~~ C. Any similar enterprise or business which conforms to the description and purpose of the VC Zone, and is not detrimental to the welfare of the community, including short term rentals.

30.26.040 Accessory Uses.

The following accessory uses may be established in the VC Zone:

A. Accessory uses customarily incidental to the allowable uses, including recreation facilities and required off-street parking.

B. A public dining room and coffee shop/restaurant as accessory uses to an allowable use, provided that not more than one-third of the total floor area is devoted to such accessory use.

C. A manager's unit with kitchen facilities.

New Registry Requirement: Required for specified types of short term commercial activity in residential zones.

Chapter 30.96 Registry of Residential Property Used for Short Term Commercial Activity per the Applicable Zone

30.96.010 Purpose and Intent

The purpose of Chapter 30.96 is to establish a process for an owner to register their property if they choose to rent their dwelling unit short term, rent a room in their dwelling unit short term, or participate in a short term commercial home exchange as an accessory use in a residential zone. The intent

of the registry requirement is to create a database of participating residential properties used for short term commercial activity in order to facilitate enforcement of the Municipal Code and maintain the residential character of the dwelling unit and surrounding neighborhood.

30.96.020 Requirement to Register

A. Prior to engaging in a rental agreement for short term commercial activity in a residential zone, any person transacting and carrying on short term rental of a dwelling unit, short term home sharing room rentals, or short term commercial home exchange as an accessory use per the applicable residential zone shall register their property with the City as follows:

1. Submit an application form for registry prior to renting out accommodations short term

2. Identify the property owner name and address

3. Identify the dates the dwelling unit will be made available to be used as a short term rental, short term home sharing room rental, and/or short term commercial home exchange within a calendar year. If the dates of short term commercial activity change, the owner shall update the registry with the modified dates.

4. Provide information for a local contact to serve as the point of contact on a 24 hour basis during times of active rental/exchange agreements. The contact shall be available for on-call response to complaints and resolution of violations within a 24 hour period in accordance with Good Neighbor Policy best practices.

B. It shall be unlawful to advertise or solicit guests (staying for less than 30 days) for short term rental of a dwelling Unit or home sharing room rental in a residential zone without registering the dwelling unit in accordance with Chapter 30.96.

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
VOICE (415) 904- 5200
FAX (415) 904- 5400
TDD (415) 597-5885

December 6, 2016

TO: Coastal Planning/Community Development Directors

SUBJECT: Short-Term/Vacation Rentals in the California Coastal Zone

Dear Planning/Community Development Director:

Your community and others state and nationwide are grappling with the use of private residential areas for short-term overnight accommodations. This practice, commonly referred to as vacation rentals (or short-term rentals), has recently elicited significant controversy over the proper use of private residential stock within residential areas. Although vacation rentals have historically been part of our beach communities for many decades, the more recent introduction of online booking sites has resulted in a surge of vacation rental activity, and has led to an increased focus on how best to regulate these rentals.

The Commission has heard a variety of viewpoints on this topic. Some argue that private residences should remain solely for the exclusive use of those who reside there in order to foster neighborhood stability and residential character, as well as to ensure adequate housing stock in the community. Others argue that vacation rentals should be encouraged because they often provide more affordable options for families and other coastal visitors of a wide range of economic backgrounds to enjoy the California coastline. In addition, vacation rentals allow property owners an avenue to use their residence as a source of supplemental income. There are no easy answers to the vexing issues and questions of how best to regulate short-term/vacation rentals. The purpose of this letter is to provide guidance and direction on the appropriate regulatory approach to vacation rentals in your coastal zone areas moving forward.

First, please note that vacation rental regulation in the coastal zone must occur within the context of your local coastal program (LCP) and/or be authorized pursuant to a coastal development permit (CDP). The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply. We do not believe that regulation outside of that LCP/CDP context (e.g., outright vacation rental bans through other local processes) is legally enforceable in the coastal zone, and we strongly encourage your community to pursue vacation rental regulation through your LCP.

The Commission has experience in this arena, and has helped several communities develop successful LCP vacation rental rules and programs (e.g., certified programs in San Luis Obispo and Santa Cruz Counties going back over a decade; see a summary of such LCP ordinances on our website at:
https://documents.coastal.ca.gov/assets/la/Sample_of_Commission_Actions_on_Short_Term_Rentals

EXHIBIT NO. 3
CCC Guidance Letter on STR
Del Mar LCP #LCP-6-DMR-17-0083-3
California Coastal Commission

.pdf). We suggest that you pay particular attention to the extent to which any such regulations are susceptible to monitoring and enforcement since these programs present some challenges in those regards. I encourage you to contact your local district Coastal Commission office for help in such efforts.

Second, the Commission has not historically supported blanket vacation rental bans under the Coastal Act, and has found such programs in the past not to be consistent with the Coastal Act. In such cases the Commission has found that vacation rental prohibitions unduly limit public recreational access opportunities inconsistent with the Coastal Act. However, in situations where a community already provides an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate. In any case, we strongly support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for vacation rentals, while providing appropriate regulation to ensure consistency with applicable laws. We believe that appropriate rules and regulations can address issues and avoid potential problems, and that the end result can be an appropriate balancing of various viewpoints and interests. For example, the Commission has historically supported vacation rental regulations that provide for all of the following:

- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.).
- Limits on the types of housing that can be used as a vacation rental (e.g., disallowing vacation rentals in affordable housing contexts, etc.).
- Limits on maximum vacation rental occupancies.
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period.
- Requirements for 24-hour management and/or response, whether onsite or within a certain distance of the vacation rental.
- Requirements regarding onsite parking, garbage, and noise.
- Signage requirements, including posting 24-hour contact information, posting requirements and restrictions within units, and incorporating operational requirements and violation consequences (e.g., forfeit of deposits, etc.) in rental agreements.
- Payment of transient occupancy tax (TOT).
- Enforcement protocols, including requirements for responding to complaints and enforcing against violations of vacation rental requirements, including providing for revocation of vacation rental permits in certain circumstances.

These and/or other provisions may be applicable in your community. We believe that vacation rentals provide an important source of visitor accommodations in the coastal zone, especially for larger families and groups and for people of a wide range of economic backgrounds. At the same time we also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise

and traffic impacts. We also recognize concerns regarding the impact of vacation rentals on local housing stock and affordability. Thus, in our view it is not an 'all or none' proposition. Rather, the Commission's obligation is to work with local governments to accommodate vacation rentals in a way that respects local context. Through application of reasonable enforceable LCP regulations on such rentals, Coastal Act provisions requiring that public recreational access opportunities be maximized can be achieved while also addressing potential concerns and issues.

We look forward to working with you and your community to regulate vacation rentals through your LCP in a balanced way that allows for them in a manner that is compatible with community character, including to avoid oversaturation of vacation rentals in any one neighborhood or locale, and that provides these important overnight options for visitors to our coastal areas. These types of LCP programs have proven successful in other communities, and we would suggest that their approach can serve as a model and starting place for your community moving forward. Please contact your local district Coastal Commission office for help in such efforts.

Sincerely,

STEVE KINSEY, Chair
California Coastal Commission

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

September 11, 2017

Amanda Lee
City of Del Mar
Planning and Community Development
1050 Camino del Mar
Del Mar, CA 92014

Re: Proposed amendments to the Del Mar Municipal Code and Local Coastal Program related to short-term rentals

Dear Ms. Lee:

On August 23, 2017, City staff informed Commission staff that a draft of the proposed Zone Code Amendment ZA-17-001/Local Coastal Program Amendment LCPA-17-002 related to the regulation of short-term rentals was available for public review. Commission staff has reviewed the proposed amendment and appreciates the opportunity to provide comments on this emerging issue scheduled for consideration at the 9/12/17 Planning Commission hearing.

Commission staff understands the proposed amendment would define a short-term rental as a dwelling unit rented for less than 30 consecutive days and it would require a short-term rental be rented for a minimum of 7 consecutive days and for no more than 28 days per year. These requirements would apply to the following zones: single dwelling and duplex/multi-dwelling unit zones, the Central Commercial (CC) zone, the North Commercial (NC) zone, and the Professional Commercial (PC) zone. Commission staff further understands that short-term rentals would be allowed without time limits in the Residential Commercial (RC) and Visitor Commercial (VC) zones. However, in reading the regulations for the VC zone, the allowance for short-term rentals should be clarified. In addition, commercial home exchanges and home sharing/room rentals of less than 30 days would be subject to the same minimum and maximum stay requirements as short-term rentals. Consequently, the proposed amendment makes all potential short-term rentals available for less than one full month per year.

In general, the Coastal Act requires public access to be protected, provided, and maximized for all. Short-term rentals provide overnight accommodations that support increased coastal access opportunities. In addition, Section 30213 of the Coastal Act requires:

> *Lower cost visitor and recreation facilities shall be protected, encouraged, and where feasible, provided …*

Lower cost visitor and recreational facilities help ensure maximum public access because without lower cost visitor serving facilities, members of the public with low or moderate incomes would be more limited in their ability to access and recreate at t

EXHIBIT NO. **4**
CCC Staff Comment Letter
Del Mar LCP #LCP-6-DMR-17-0083-3
California Coastal Commission

term rentals may serve as a more affordable option of overnight accommodations than traditional hotels, especially for families interested in kitchen facilities, expanded living space, and large family gatherings.

Due to their function as a high priority visitor-serving use, this agency has generally interpreted local zoning ordinances in a broad fashion and found that short term rentals or vacation rentals are a form of residential use, permitted by right, in any residentially zoned area unless such uses are specifically prohibited or otherwise restricted. The standard of review for the proposed amendment is the City's certified Land Use Plan (LUP), which recognizes the requirement to ensure that all land use activities conform with the policies of the Coastal Act. Further, the City should analyze the proposed changes for conformity with LUP goals and policies, including:

> GOAL IV-A *Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, degrading the City's natural resources, or causing substantial adverse impacts to adjacent private properties*.
>
> Policy II-6 *Encourage visitor-serving and recreation-oriented businesses that blend harmoniously with the traditional small-town character of the community.*
>
> GOAL V-B *Provide the public with quality overnight accommodations and other visitor-serving facilities which enhance the unique village character of the community.*
>
> Policy V-10 *The City shall ensure that development of visitor-serving facilities is compatible with surrounding development and is consistent with the policies of this Land Use Plan intended to preserve environmentally sensitive resources.*

Based on the above Coastal Act and certified LUP goals and policies, Commission staff has serious concerns about, and would not likely support, the proposed adoption of a minimum 7-day stay and maximum 28 days for short-term rentals in residential and commercial zones. This agency understands and appreciates that short-term rentals may raise a number of neighborhood character and enforcement issues. However, given the proposed amendment, a person would not be able to stay in a short-term rental in Del Mar for a weekend getaway, which may be the only time he/she can take off from work or school and spend time on the coast. Thus, while some regulatory controls and management provisions for short-term rentals may be needed, the proposed amendment appears overly restrictive and would not provide the public with adequate and affordable visitor-serving facilities.

The Commission has circulated a memorandum to all coastal communities and expressed its recognition that each community is unique and may address this issue differently. As part of any proposed amendment, Commission staff strongly recommends that the City's analysis and rationale to support its proposal include an updated inventory and mapping of existing overnight accommodations, including short-term rentals, be conducted to gain

an accurate assessment of the type, location, capacity, ownership and price range of the various forms of accommodations available to visitors. Utilization studies would also be helpful to understand existing demand for these accommodations and evaluate whether the current supply is adequate to meet current and future needs. It would also be helpful to compare overnight accommodations in Del Mar with those in other coastal communities in the region. This data is necessary to properly analyze whether any proposed amendment is appropriate.

We look forward to working with the City to develop a short-term rental ordinance that promotes and expands affordable coastal visitor opportunities while also addressing neighborhood concerns. These comments are provided by staff; and, ultimately, it will be the Commission's decision based on the information available and the public process. If you have any questions, please don't hesitate to contact me at the above office.

Sincerely,

Sarah Richmond
Coastal Planner

cc: Karl Schwing, Deputy Director
Deborah Lee, District Manager
Gabriel Buhr, Coastal Program Manager

Amanda Lee

From: Kyle Salonga [redacted]
Sent: Monday, October 09, 2017 6:34 AM
To: Amanda Lee
Cc: Paul Hetherington
Subject: Re: Host Compliance/Del Mar - All Team Value Meeting Summary and Next Steps

Hi Amanda,

Hope you're well. Paul asked me to follow to provide the low/high range of the average nightly rate of short-term rentals in Del Mar as we thought this may prove useful in your conversations. After an updated analysis, we found average to be $331 USD/night. Please find breakdown below:

Uniques	Nightly Rate
1	$0-$50
10	$50-$100
43	$100-$200
85	$200-$400
133	$400+
11	not provided

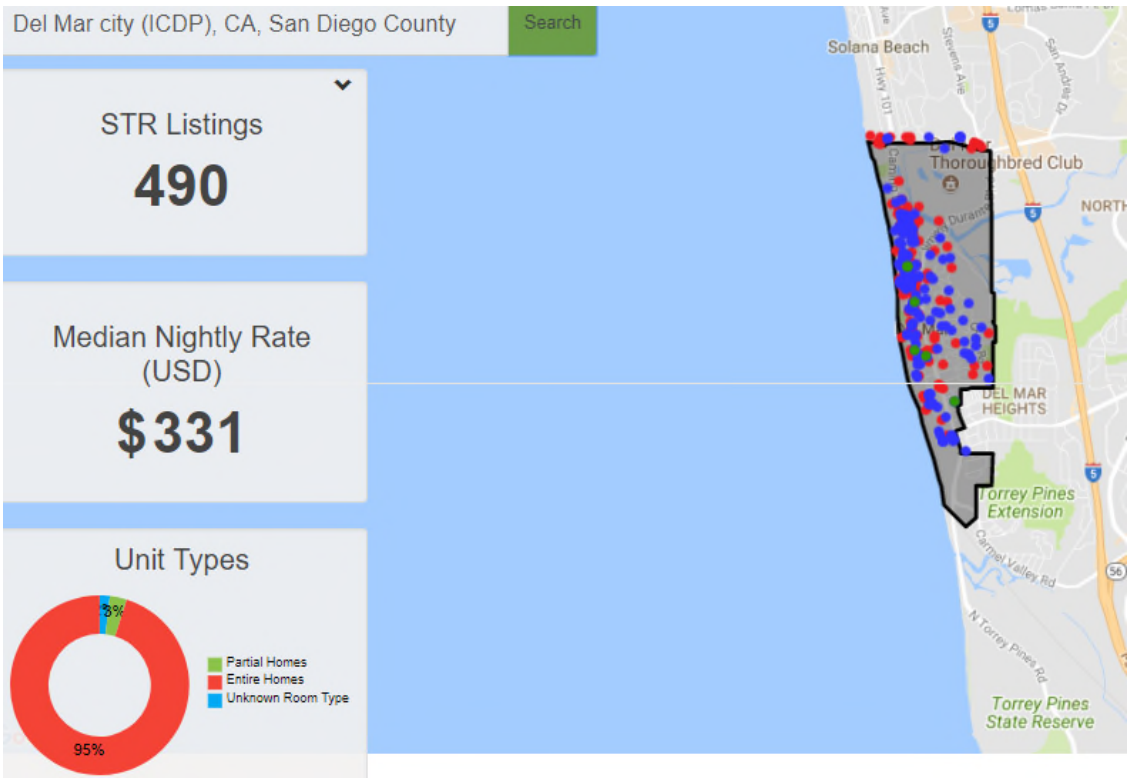


EXHIBIT NO. 5
City STR Data
Del Mar LCP #LCP-6-DMR-17-0083-3
California Coastal Commission

September 27, 2017

VIA E-MAIL - *alee@delmar.ca.us*

Amanda Lee
Senior Planner
City of Del Mar Planning and Community Development
1050 Camino del Mar
Del Mar, CA 92104-2698

RE: Airbnb Host Community in Del Mar

Dear Ms. Lee:

We write to share information about the Airbnb Host Community in the City of Del Mar. We understand that the Del Mar Planning Commission recently met to discuss Short Term Rental recommendations and that one of the outcomes of that meeting was to gather information about economic activity generated by Short Term Rentals in Del Mar.

As you may know, Airbnb was created out of the economic dislocation of the Great Recession and has always been powered by everyday people who use what is typically their greatest expense -- their homes -- as a way to generate extra income to pay for things like their mortgage, medicine, student loans, or to save money for retirement. As the City Council considers policies affecting short term rentals, we urge Members to consider the economic impact of vacation rentals to the city, as well as income generated by Del Mar residents as a tool to help citizens make ends meet.

Attached is a short report about the Airbnb Host Community in the City of Del Mar. As set forth in the report:

- There are 150 hosts in the City of Del Mar, who welcomed about 5,000 guests last year.
- A typical host earns $7,300 annually, helping them to offset the rising cost of housing.
- The average trip length for guests in Del Mar is 5 days.

888 Brannan Street
Third Floor
San Francisco, California 94103
United States

airbnb

In addition to providing an important source of income for our individual hosts, we recognize the potential of vacation rentals in providing much-needed revenue to cities like Del Mar. That's why we proactively sign agreements with cities and counties that allow us to collect and remit taxes on our hosts' behalf. As of September 1, Airbnb is collecting and remitting TOT in over 250 jurisdictions in the US, including the cities of San Diego, Malibu, and Santa Monica.

Many of our guests have access to lower cost lodging options in Del Mar, allowing coastal access to those who may not otherwise afford to visit the beach. In the past year, Del Mar residents hosted five thousand inbound guests. These visitors' significant economic contribution of tourism directly benefit Del Mar's small businesses. Airbnb guests spend most of their money in the neighborhoods where they stay, and 75% of listings are outside traditional hotel districts. Moreover, 35% of the people who travel on Airbnb say they would have stayed home or would not have stayed as long but for Airbnb. This results in billions of dollars of positive economic impact in cities across the country.

On behalf of Airbnb and our Del Mar hosts, I urge you and members of the City Council to consider the Planning Commission's recommendations for regulations that support responsible hosting and examining the economic value it provides to households and businesses in Del Mar. We hope that the City of Del Mar will follow the lead of municipalities around the world that have crafted common sense regulations. We look forward to working with you as you continue to examine the regulatory structure that best serves your residents.

All the best,

Marisa Moret
Public Policy

Attachment

888 Brannan Street
Third Floor
San Francisco, California 94103
United States

Overview of the Airbnb Community in Del Mar, California, United States

The following page captures the Airbnb community in Del Mar, California, United States

HOSTS

CURRENT ACTIVE HOSTS
as of August 1, 2017
150

AVERAGE HOST AGE
47

ANNUAL EARNINGS FOR A TYPICAL HOST
$7,300

GUESTS

INBOUND GUEST ARRIVALS IN THE PAST YEAR
5,000

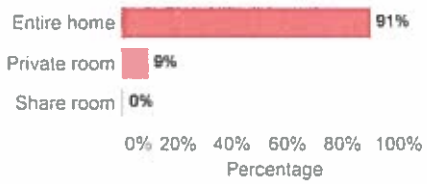
AVERAGE LENGTH OF STAY PER GUEST
5

OUTBOUND GUEST ARRIVALS IN THE PAST YEAR
4,000

LISTINGS

NIGHTS HOSTED PER YEAR FOR A TYPICAL LISTING
24

CURRENTLY ACTIVE LISTINGS BY TYPE



Note: All data above is drawn from Airbnb proprietary bookings data. Data based on the one year period preceding August 1, 2017

airbnb

Table 1: Summary of Commission Decisions on Short-Term Rentals, 2000-2018

Community	Date Heard	Policy Type	Outcome	Description
County of Santa Barbara LCP-4-STB-17-0086-3	5/2018	Residential Ban	Denied	County proposed to allow STRs within most commercial zones and prohibit them within residential zones, except for a small STR Coastal Historic Overlay area near Miramar Beach. Homestays (owner on-site) would be allowed in most residential zones.
City of Santa Cruz LCP-3-STC-17-0073-2-Part B	4/2018	Cap	Approved as submitted	City proposal defined two types of STRs (hosted and non-hosted). Applied a City-wide ban on new "non-hosted" and cap of 250 "hosted". Existing, active, TOT-paying STRs were grandfathered (both types), but counted towards the 250 cap. Also imposed operational standards. Housing affordability crisis.
City of Laguna Beach LCP-5-LGB-16-0055-1	12/2017	Residential Ban	Denied	Proposed total ban on STRs in all residentially zoned areas. Modifications replaced residential ban with operational standards.
San Mateo County LCP-2-SMC-17-0051-2	12/2017	Operational Standards Only	Approved as submitted	Imposed operational standards only. Vacation rentals had not previously been allowed in the unincorporated areas of the county.
City of Eureka LCP-1-EUR-16-0046-2	11/2017	Operational Standards Only	Approved with modifications	Allowed STRs in most zoning districts (residential and commercial) and established a permit program; modifications consisted of operational standards related to parking, as well as clarifying language and minor error corrections.
Mendocino County LCP-1-MEN-14-0840-1	6/2017	Residential Ban; Cap	Approved with modifications	Amendment to the Mendocino Town Plan (i.e., not jurisdiction-wide) placed a cap on each type of defined visitor lodging (i.e., not just STRs) and allowed elimination through attrition of STRs located in designated residential areas. The Commission supported the cap on the total number of visitor serving lodging units because of the proportionally high number of visitor serving units (267) to residential units (422) in this small community, and because lower-cost visitor-serving units are abundant in Fort Bragg, and there are several campgrounds very close by.
City of Trinidad LCP-1-TRN-16-0065-1	6/2017	Neighborhood Cap + Operational		After the more permissive STR LCPA approved in 2015 proved inadequate in addressing problems with STRs related

EXHIBIT NO. 6
Summary of CCC Decisions on STRs, 2000-2018
Del Mar LCP #LCP-6-DMR-17-0083-3
California Coastal Commission

		Standards		to the City's extremely small size (~360), the City proposed caps for two of three STR types in one or two zoning districts each, leaving the third STR type and some zoning districts uncapped. The City demonstrated that its existing stock of STRs was operating well below maximum occupancy, and that occupancy rates for Trinidad STRs were low relative to those in other coastal cities. These data indicated that the proposed limits would not materially impact public access to the coast.
Santa Cruz County LCP-3-16-0052-1	12/2016	Neighborhood Cap + Operational Standards	Approved with modifications	Applied operational standards and per block/area caps as in effect for Seacliff/Aptos and Live Oak to a new Davenport/Swanton Designated Area. Modifications were minor and technical.
City of Carpinteria LCP-4-CPN-16-0024-1	12/2016	Neighborhood Cap + Operational Standards	Approved as submitted	Established a new vacation rental overlay district in a coastal, tourist-oriented district where most STRs are currently located, and capped the number of one type of STR allowed within five sub-areas of the overlay district. Caps were slightly higher than current STR levels. The other type of STR ("homestays") was allowed in all residential districts. Some operational standards related to occupancy and parking also applied
City of Dana Point LCP-5-DPT-MAJ-14-0105-1	4/2016	Operational Standards Only	Approved with modifications	Allowed STRs in all zoning districts allowing residential uses, subject to operational standards. Modifications clarified that any changes to operational standards that would limit or prohibit STRs would require LCPA review by incorporating relevant municipal code sections into the IP.
Santa Cruz County LCP-3-SCO-15-0008-1 Part A	5/2015	Neighborhood Cap + Operational Standards	Approved as submitted	Fine-tuned operational standards imposed by 2011 LCPA and expanded percent caps to some parts of the Seacliff/Aptos area (with an exception for areas that have historically had a very high concentration of STRs).
City of Trinidad LCP-1-TRN-14-0846-1	3/2015	Operational Standards Only	Approved as submitted	Imposed operational standards targeting parking, occupancy, and water use (due to septic concerns).
San Luis Obispo County No. 1-12	11/2013	Neighborhood Cap + Operational Standards	Approved as submitted	Imposed additional operational standards and extended density restrictions to Avila Beach (while also adjusting distances for Cambria and Cayucos). Changes were informed by a five-year review of STRs in the County.

City of Solana Beach	3/2012	Minimum Stay	Approved with modifications	Permitted short-term vacation rentals in all residential zones but specified a minimum seven-day stay. The Commission found that the City's small size and lack of services and activities typically associated with a vacation destination in its residential neighborhoods were distinguishing factors, and noted that a seven-day minimum still ensured some STR opportunities in Solana Beach.
City of Pismo Beach LCP PSB-1-10 Part 2	12/2011	Residential Ban	Denied	The City proposed a total ban on STRs in all residentially zoned areas.
Santa Cruz County No. 1-11 Part 3	7/2011	Neighborhood Cap + Operational Standards	Approved as submitted	Allowed STRs in all zoning districts that allow stand-alone residential uses and imposed operational standards. The County imposed block-level and neighborhood-level percent caps in one neighborhood (Live Oak) only.
City of Encinitas ENC-MAJ-1-06	11/2006	Residential Ban	Approved with modifications	The City attempted to prohibit vacation rentals in all residential zones a second time; the Commission approved modifications allowing STRs west of Highway 101 and prohibiting them east of Highway 101. The LCPA ultimately expired (i.e. modifications were not accepted by the City).
City of Encinitas ENC-MAJ-2-05	10/2005	Residential Ban	(Withdrawn)	The City attempted to prohibit vacation rentals in all residential zones.
Humboldt County No. HUM-MAJ-1-98-C	9/2005	Allowed – Limited Area	Approved with modifications	Proposed amendment would have allowed vacation rentals in one area (Shelter Cove). Note that this was proposed before STRs became more controversial, so the limit was not intended to curtail STRs in the County; rather, the County was seeking to expand STRs. The Commission was concerned that the County had not taken impacts to infrastructure from increased STR use into account, and proposed modifications addressing water, sewer, and the need for operational standards. The LCPA ultimately expired (i.e. modifications were not accepted by the County).
City of Imperial Beach IMB-MAJ-1-03	2/2004	Allowed – Limited Area	Approved as submitted	Allowed new STRs in three mixed-use/commercial districts serving the coast and grandfathered existing STRs in one residential district near the coast. This LCPA was largely the same as the proposal that preceded it but for the grandfathering provision. The City's effort to restrict STRs seems to have been in response to noise- and parking-related complaints. Note that this was also before STRs became more

				controversial.
San Luis Obispo County No. 1-01 Part A	9/2003	Neighborhood Cap + Operational Standards	Approved with modifications	Allowed STRs in most land use categories and imposed some operational standards. The Commission imposed a distance-based density limit, in line with LCP standards for B&Bs, for Cambria and Cayucos, along with other operational standards.
City of Imperial Beach IMB-MAJ-1-02-A	9/2002	Residential Ban	Denied	Proposed limiting STRs to the commercial overlay district providing the bulk of the city's visitor-serving amenities and coastal recreation opportunities.

RESOLUTION 2017-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR CONCERNING AN INTERPRETATION (I17-001) OF THE DEL MAR MUNICIPAL CODE REGARDING WHETHER SHORT-TERM RENTALS (STRs) ARE AN ALLOWED USE WITHIN THE CITY OF DEL MAR'S RESIDENTIAL ZONES.

WHEREAS, The Planning Director for the City of Del Mar requested that the Planning Commission interpret the Del Mar Zoning Code pursuant to Del Mar Municipal Code (DMMC) Section 30.01.020 to clarify whether Short-Term Rentals are an allowed use in residential zones under the DMMC; and,

WHEREAS, the Planning Commission is authorized to interpret the language of the Zoning Code and such interpretations control future development and land use within the City unless that interpretation is appealed to the City Council, in which case, the determination by the City Council is final and controlling; and,

WHEREAS, on February 14, 2017, the Planning Commission held a noticed public hearing on Interpretation I17-001, concerning application of the Zoning Code to Short-Term Rentals operating in residential zones within the City of Del Mar and determined that since STRs are not defined in the Zoning Code, no interpretation could be made; and,

WHEREAS, two interested parties appealed the Planning Commission's determination to the City Council and on March 20, 2017 the City Council voted to hear the appeal; and,

WHEREAS, on April 17, 2017, the City Council held a noticed public hearing on Interpretation I17-001, concerning application of the Zoning Code to Short-Term Rentals operating in residential zones within the City of Del Mar; and,

WHEREAS, at the public hearing, all persons desiring to be heard were heard by the City Council; and,

WHEREAS, the City Council considered the evidence submitted to it including without limitation:

a. Information submitted by the public;
b. Oral testimony from staff, the appellants, and the public;
c. The record of the Planning Commission proceedings;
d. Historical City documents;
e. Staff reports, and a PowerPoint presentation, dated April 17, 2017, which, with their exhibits and attachments, are incorporated by this reference as though fully set forth herein; and
f. Additional information submitted during the hearing.

EXHIBIT NO. 7
City Council Interpretation Resolution
Del Mar LCP #LCP-6-DMR-17-0083-3
California Coastal Commission

WHEREAS, at said public hearing, the City Council discussed and considered the issues related to Short-Term Rentals including, but not limited to, the various types of short-term rental/vacation uses, the historical patterns of local transient and vacation rentals, the history and provisions of the Community Plan and the Zoning Code, the ranges of duration of stay, the allowed uses in the residential zones, the uses that share similarities with allowed residential, visitor serving or commercial uses, the definitions set forth in the DMMC, and other matters;

WHEREAS, The City Council received the advice of its City Attorney on the rules of statutory construction and on other legal matters relevant to the interpretation.

NOW THEREFORE, BE IT RESOLVED by the City Council of Del Mar, California as follows:

Section 1: City Council Findings

A legislative interpretation of the City Zoning Code by the City Council does not legally require formal findings. Nevertheless, the City Council desires to explain its reasoning on this matter. Accordingly, it sets forth the following principal findings, recognizing that these findings may not address all issues and contentions raised by proponents or opponents, and further recognizing that the City Council's final interpretations are based on its review of the available evidence and contentions submitted to it for consideration.

1. For purposes of this interpretation "Short-term Rentals" is the common term associated with the rental of a residential dwelling or residential accessory structure in a residential zone for fewer than 30 days catering to customers who are not dwelling in the residence on a permanent or regular basis, but utilizing it for vacation, transient, or temporary occupancy.

2. This code-interpretation process, as advised by the City Attorney, is a legislative function and not quasi-judicial. This is because this is a forward-looking interpretation of the existing Zoning Code as it applies to all residential zones rather than an application of the Code to a specific existing use or applicant. The City Council notes that there is no applicant before it or before any other City commission or department.

3. The task before the City Council is to interpret the Zoning Code as it applies to Short-term Rentals in all residential zones. Given the Zoning Code must by law be consistent with the Community Plan, and given that the expressed intent of the Zoning Code (Section 30.01.010B) is to implement the Community Plan, the City Council finds that reading the Community Plan and Zoning Code together as a whole is the appropriate way to render the required interpretation.

The Del Mar Community Plan sets its overall goal as: "Preserve and enhance the special character of Del Mar, the elements of which are a village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach."

4. The City Council finds that this overall goal, as well as the other goals and objectives of the Community Plan, read in their entirety and in context, make it clear that Short-Term Rentals are appropriate uses in the visitor serving areas and in some commercial areas but not in the residential areas. The historical acknowledgement in the Community Plan that some transient use was existing in the Beach Colony area does not change this conclusion.

5. The City Council finds that the Community Plan has many goals and programs to separate residential areas from visitor serving and commercial areas, including but not limited to, a stated goal to preserve the character of the City's residential neighborhoods as residential areas and to adopt controls to prevent commercial development, which is incompatible with residential uses.

6. The Del Mar Zoning Code is structured as a permissive zoning ordinance. Only those uses expressly authorized, or found to be authorized by formal interpretation, are considered allowed. The City Council finds that its Zoning Code has consistently been interpreted and applied as a permissive code over its history. The City Council further notes that the advice of its Planning Department and City Attorney are that the Del Mar Zoning Code is permissive, and that the structure of the Code itself indicates it is permissive.

7. The definitions and other provisions of the Zoning Code applicable to the residential zones, when read in their entirety and in context, make it clear that Short-Term Rentals are not allowed in the residential zones, except in the Residential Commercial (RC) Zone. The definitions distinguish between residential and visitor serving uses. Among other provisions of the Zoning Code the City Council notes that a "Dwelling" is defined in the Del Mar Zoning Code as a "building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple dwellings, but not including hotels, boardinghouses, lodginghouses and all forms of vehicles including immobilized vehicles."

8. The Del Mar Zoning Code identifies 11 residential zones (very low density residential to high density mixed residential), all of which allow single and/or multi-family dwelling units for residential purposes as an explicitly allowed use, but not transient or visitor-serving commercial uses.

9. The regulatory framework contained in the Zoning Code does not expressly or impliedly allow Short-Term Rentals in residential zones and the most logical overall reading of the Code is that Short-Term Rentals are not an allowed use in

the residential zones as a principal use, as an accessory use, or as a Home Occupation.

10. The Del Mar Zoning Code identifies a Residential-Commercial Zone (RC Zone), designed to be used as a transition between commercial and residential activities with allowed uses of residential and retail office activities. The City Council finds that Short-Term Rentals are an allowed use in the RC Zone due to its commercial nature.

11. The use of residential dwellings as Short-Term Rentals is transient in nature and more similar to a visitor serving commercial use such as a hotel, motel, lodging house, or boardinghouse, or other commercial use than to a residential use.

12. There are important distinctions between residential uses as allowed in the residential zones and "Visitor uses" not allowed in those zones but which are allowed in the Visitor Commercial (VC) and some other commercial zones. Both the Community Plan and the City's Zoning Code draw this distinction and assign these uses to different areas and zones. These distinctions include but are not limited to:

    a. A resident is someone who has some or all of the following characteristics:
        i. Owns the property, or is a long term tenant with the intent to occupy longer than 29 days;
        ii. Considers the dwelling home;
        iii. May register to vote at the address;
        iv. Is likely to engage in community activities such as neighborhood watch, the local school system, City committees, etc.;
        v. As a renter, is entitled to protection as a tenant under California law and can only be removed through eviction proceedings;
        vi. Is a "neighbor" forming part of, and contributing to, the fabric of a residential neighborhood.

    b. A visitor is someone who has some or all of the following characteristics:
        i. Does not own the property and intends to occupy for less than 30 days;
        ii. Is visiting or on vacation and has a home elsewhere;
        iii. As a short-term visitor is not qualified to vote at this address;
        iv. May engage in his/her home community elsewhere, but does not meaningfully engage in the Del Mar community while visiting Del Mar;
        v. Is not protected by the provisions of California law protecting tenants, but can be removed without eviction proceedings, and has only licensee rights to the STR property;
        vi. Is a temporary visitor and not a neighbor to others in the residential area.

13. The City Council finds that a neighborhood of residents, be they owners or tenants (renting 30 days or more), is different from a neighborhood of short-term visitors. The City Council further finds that the distinction is important, that both the Community Plan and the Zoning Code, read together as a whole, draw this distinction, and for reasons of good planning and protection of the community's health and welfare assign these different uses to separate areas and zones.

14. The City Council has considered the arguments made in support of the position that Short-Term Rentals are an allowed principal or accessory use in the residential zones, but finds them unpersuasive. These arguments include but are not limited to the following:

    a. **Lack of Enforcement creates a right to Short-Term Rentals**. The City Council notes the difference between mere lack of enforcement and a consistent administrative interpretation and application of code language. Mere lack of enforcement does not create a right to continue violations, nor does it provide evidence of the City's administrative construction and application of the code provisions at issue. Therefore, evidence of mere lack of enforcement does not aid in this formal zoning interpretation. The City Council further finds that there is no consistent history in Del Mar of an administrative interpretation or application of the Community Plan or DMMC that Short-Term Rentals are allowed in residential zones.

    b. **Proposition J.** The City Council has fully considered the 2009-2010 City proceedings leading up to the placing of Proposition J on the ballot in 2010. The City Council finds that the Proposition J effort was comprised of three components (1) the ballot measure proposing to impose a tax on vacation rentals (a ballot measure was required by state law to impose the tax) (2) An ordinance amendment to, for the first time, expressly allow Short-Term Rentals in residential zones (ballot approval not required) (3) An ordinance to impose a regulatory framework, for the first time, allowing and regulating Short-Term Rentals (ballot approval not required). The City Council notes that the ballot Measure was voted down and that the other two ordinance amendments were never adopted. The draft ordinances and accompanying staff reports, minutes, and discussion as reflected in the record make clear that at the time it was acknowledged that Short-Term Rentals were not allowed in the residential zones and that the ordinance amendments were needed to allow them.

    c. **Drawing a line at 30 days is arbitrary**. The City Council finds that an essential part of zoning is "line drawing" which is found in other zoning aspects such as height limits and setbacks. Distinguishing between Short-Term Rentals for fewer than 30 days and long-term rentals for 30 days or more is reasonable and rational. This 30-day distinction is used in other

contexts, including in the City's tax code and in state and federal landlord and tenant law.

d. **The right to rent one's home short-term is a protected property right that must be allowed in residential zones**. The City Council finds that renting one's home for 30 days or longer is a residential use allowed in the Residential zones, while hiring out one's house for 29 days or fewer is a commercial, transient use which, is not allowed in the residential zones. The City Council further finds that Short-Term Renting is a business, as defined by the Code, and is not allowed in the residential zones.

e. **Code language allowing rentals in some circumstances implies Short-Term Renting is allowed**. The City Council finds that the Zoning Code does in some circumstances allow "the renting of not more than one room to not more than one person" as an accessory use, and in some zones the renting of an allowed second unit. The relevant zones where these provisions apply are set forth in the staff reports contained in the record. The City Council further finds that the most logical interpretation of the language allowing renting of a second unit is that such renting must be 30 days or longer. Such long-term renting is residential in nature and is an allowed use in the residential zones consistent with the Community Plan and the purposes of the residential zones. Short-Term Renting for 29 days or less is not residential in nature, but rather is visitor serving/commercial, a different use not allowed in residential zones, except in the RC zone.

   Language allowing the renting of "one room to not more than one person" as an accessory use in some zones with no length of time specified is most logically interpreted as also calling for long-term renting of 30 days or more. Such long-term renting is a residential use while Short-Term Renting is a visitor serving/commercial use not consistent with the intent and purpose of the Community Plan and Zoning Code for an accessory use in these residential zones. The City Council further notes that the Code's express language allowing the renting of not more than one room to not more than one person in some zones is most logically read under rules of statutory construction to exclude other types of non-expressed rental arrangements. The Council further notes that the renting of one room to one person would not accommodate the vast majority of Short-Term Rentals which typically cater to more than one person at a time and involve more rooms or the entire house.

f. **Where day care and similar uses are allowed in residential zones it is logical that Short-term Renting would also be allowed**. The City Council finds that "Care Facilities," including day care facilities serving not more than 6 persons, are allowed by state law in residential zones, and that the Del Mar Zone Code's allowance of such uses is required to

implement this controlling state law. In contrast, there is no equivalent state law directing that Short-Term Rentals must be allowed.

g. **Short-Term Rentals are occurring without harm to neighborhoods, provide important alternative accommodation opportunities, and bring economic benefits to the City and its residents.** The City Council finds that its task in rendering an interpretation of the Zoning Code is limited to discerning the meaning of the Code as currently written, relying on the plain meaning of the code language where possible, and considering the applicable rules of statutory construction to discern the intent behind the words where needed. The City Council finds that the policy considerations regarding the arguments, pro and con, concerning Short-Term Rentals are generally not relevant to rendering the required interpretation.

h. **The California Coastal Act and the Coastal Commission require that Del Mar allow Short-Term Rentals in its residential zones.** The City Council finds that the City of Del Mar has a fully approved Local Coastal Program ("LCP") certified by the Coastal Commission in compliance with the Coastal Act. The City Council further notes that the relevant provisions of Del Mar's Community Plan and Zoning Code are contained in that certified LCP. The certified LCP does not designate Short-Term Rentals as an allowed use in the residential zones. As such, interpretation of the Zoning Code is a local, legislative function neither in violation of the City's certified LCP nor in need of a Coastal Development permit or an LCP Amendment.

Section 2: Pursuant to the above findings, the City Council of the City of Del Mar interprets I17-001 based on the deliberations of April 17, 2017, and determines that Short-Term Rentals are not an allowed use in the R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B, RM-East, RM-West, RM-Central, RM-South and R2 Zones. The City further determines that Short-Term Rentals are an allowed use in the RC Zone.

PASSED, APPROVED AND ADOPTED by a majority of the City Council, vote of four to one, at a Regular Meeting of the City Council of the City of Del Mar, held on the 1st day of May, 2017.

Terry Sinnott, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Ashley Jones, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2017-29, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the this 1st day of May 2017, by the following vote:

AYES:	Deputy Mayor Worden, Council Members Druker, Haviland, and Parks
NOES:	Mayor Sinnott
ABSENT:	None
ABSTAIN:	None

Ashley Jones
Administrative Services Director/City Clerk
City of Del Mar

EXHIBIT NO. **8**

Neighborhoods Map

Del Mar LCP #LCP-6-DMR-17-0083-3

California Coastal Commission