



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, April 11, 2018
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Michael Spalletta	Commissioner
Ian Oglesby	Commissioner

3. **REVIEW OF AGENDA**

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

4. **PUBLIC COMMENT**

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. **APPROVAL OF MINUTES**

A. **APPROVAL OF MINUTES FROM FEBURARY 14, 2018 AND MARCH 28, 2018**

6. **BUSINESS ITEMS**

A. ELECTION OF OFFICERS

PURPOSE & RECOMMENDATION: Planning Commission will conduct its annual election of Chair and Vice Chair for the Calendar Year 2018.

B. INTRODUCTION OF AN AMENDMENT (FILE NO. SMA-17-03) TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE (ZONING CODE) TO ADOPT SHORT-TERM RENTAL REGULATIONS WITHIN RESIDENTIAL DWELLINGS.

PURPOSE & RECOMMENDATION: The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short-term rentals to minimize any negative impacts on surrounding properties and to ensure the collection and payment of transient occupancy taxes for said short-term rentals.

7. REPORTS FROM COMMISSIONERS

8. REPORTS FROM STAFF

9. ADJOURNMENT

Next Regularly Scheduled Meeting:
April 25, 2018
Seaside City Hall
7:00 p.m.

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<http://cvp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300>
Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

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DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
Wednesday, February 14, 2018
7:00 PM

1. **CALL TO ORDER**

Chair Owens called the meeting to order at 7:00 PM

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

PLANNING COMMISSION

PRESENT: Oglesby, Ross, Owens, Dodson, La Mica

ABSENT: Spalletta

3. **REVIEW OF AGENDA**

No changes were requested.

4. **PUBLIC COMMENT**

Chair Owens invited comments from the public for items not on the agenda and had no requests to speak.

5. **APPROVAL OF MINUTES**

A. **APPROVAL OF THE MINUTES FROM JANUARY 24, 2018**

Minutes were continued as they were not presented prior to the meeting.

6. **BUSINESS ITEMS**

A. **INTRODUCTION OF AN AMENDMENT (FILE No. SMA-17-03) TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE (ZONING CODE) TO ADOPT SHORT TERM RENTAL REGULATIONS WITHIN RESIDENTIAL DWELLINGS.**

Senior Planner Medina presented the item. He spoke to the City Council Study Sessions on September 21st and October 19th where the City Council provided direction to prepare an Ordinance allowing Short Term Rentals within the City of Seaside. A negative declaration was completed and is attached with the draft ordinance. Mr. Medina explained that the ordinance includes provisions to allow for short term rentals for hosted and non-hosted single family dwellings. Economic Development Manager Stearns provided discussion points regarding economic impacts, neighborhood compatibility including parking, noise, safety, cultural enrichment and affordable housing. The draft ordinance does address concentration issues, which limits to 200 permits initially and not more than one half of the residences on a block face, the number of attendees, and noise. Ms. Stearns acknowledged the need for affordable housing in Seaside and indicated there is a provision in the ordinance that requires 50% of the Transient Occupancy Tax would be placed into affordable housing fund for the City of Seaside.

Mr. Medina then outlined the text amendments including the annual permits, maximum occupancy requirements, noise, property maintenance provisions, a good neighbor brochure, and the ability to

revoke any licenses that have three violations in a 12 month period. The negative declaration was circulated for 20 days prior to the public hearing. Mr. Medina spoke to the public comments received on the item and did clarify that an initial study was done and found there would be no significant impact to the environment. Ms. Stearns provided the recommendation and options for discussion for the Commission. She spoke to the goals of finding the correct economic balance for the City, balancing that with the neighborhood character, while keeping the ordinance simple to follow and enforceable. Ms. Stearns and Mr. Medina answered questions from the Commission.

Commissioner Dodson questioned the enforcement of the non-hosted sites. Staff responded that the fees collected will pay for enforcement staffing. Chair Owens questioned how 50% was determined for block concentration and Ms. Stearns explained the definition of a block face and then spoke to his question regarding water usage and the number of people was determined by the CA building code which allows one person per 200 square feet in a dwelling. The Committee also questioned the review process for applications and insurance requirements.

Chair Owens invited comments from the public.

- Kate Mulligan spoke to hosting a STR for two years to help her save her house and questioned the regulations about square footage. She also clarified that STRS pay fees to the companies for an insurance policy per person for the rentals, in addition to her home coverage.
- Jan Leisure Managing Broker at Monterey Rentals said that the CA Coastal Conservancy reported that the majority of residents never stayed overnight on the CA coast citing price as the major reason. Seaside can assist to change this as STRs can provide a cheaper travel option which cannot occur in neighboring cities. Speaking to her experience in the property management business, she said it will add jobs to the community for plumbers, electricians, landscapers, housekeepers and handy men, pest controls, painters, appliance repairs, and a myriad of others. They will eat in local restaurants, shop in the retail and buy gas. Leading to an economic invigoration into the city, by using an existing resource making it work for all the residents.
- John Wizard spoke to the required contributions to the affordable housing fund, the need for enforcement operations and didn't think the revenue generated would be substantial enough to cover costs. He disagreed with the previous speaker that it will be an economic increase but will impact our existing and future hotel developments negatively.
- Dennis, owner of Mal's Market agreed the revenues will not be substantial enough to compete with the Embassy Suites but it will be significant. He indicated his neighbors have thanked him for not renting the property long term because of issues caused with renters. He thinks that homeowners that run STR take better care of their properties than they would with long term renters. He spoke to using the revenues to support community projects, \$30,000 this year alone. He indicated that the community impacts are greater in other capacities.
- Ray Dandridge questioned the ability to regulate and how the 200 permits were distributed between hosted and non-hosted.
- Murray Wygon requested clarification regulations to assist with not exacerbating the parking issue and suggested the fire inspections be handled by the Fire department and the fees be collected through registration fees for consistency of inspection. He commended Seaside for taking a positive position on short term rentals.
- Edwin Baptista is opposed to STRs and spoke to personal issues with STR neighbors. There are noise impacts all hours of the day, and the animals that bark.
- Russ Fletcher Executor of an estate of two former residents spoke in support of STRs but requested that there be a provision included that upon transfer of the title to the beneficiaries that the permit would not be revoked. Also he suggested there should be a requirement of a STR to have dedicated parking, spoke in support increasing the total number of STRS as need develops and supports the Fire Department to inspect the home, as opposed to an independent inspector.

- Ralph Hays spoke on the benefits of STRs where he has used them around the world which has given him the ability to travel world wide because of the cost effectiveness of the industry. It brings in diversity and enriches the community. The impact on hotels are negligible as they are different constituents and would allow economic diversity to partake in the area.
- Donna Kaufman spoke in support of the draft ordinance and to her excellent reviews from guests and neighbors. What would help them as hosts would be for the TOT to be administered through the Company and the City as it would allow the STRS to have the line item on the cost of the stay, and it would not be rolled into the costs.
- Cookie Siandro spoke in support of the STRs and spoke to the financial benefit that has allowed her medically ill mother to support herself. The parking isn't an issue in her opinion and he spoke to other's comments, that this is a mechanism to allow people to keep their homes. She spoke against a Council Member's comments that those who have STRs are privileged and she said that is in fact not the case.

Commissioner Oglesby questioned if there was a regulation that precluded hosted from getting non-hosted permits, clarified that fire and safety inspections have not been determined or written in the ordinance. He requested modification in the ordinance regarding painting, and adding a definition of the block face for the streetscape. He did express concern regarding the traffic, noise and other impacts. He also requested to see the enforcement mechanism strengthened regarding nuisances.

Commissioner Ross spoke questioned the enforcement responsibility to which City Attorney Freeman indicated we would rely upon complaints, but that we are a 24 hour city, and primary responsibility would be the Code Enforcement and Economic Development departments. Commissioner La Mica questioned the TOT allocation and how those funds would be distributed to which staff responded that the NIPC would be responsible to advise the City Council on where they recommend the funds be expended.

Ms. Stearns clarified the actual expenses to be incurred, the adopt-ability and timing and comments made were inaccurate. Fees would be to assess compliance with the application, inspections, checking ownership records, etc. The projected revenue was based on minimal months after ordinance becomes effective, not a whole calendar year.

Commissioner Dodson spoke in support of Mr. Fletcher's comments regarding changing ownership when it is not a sale requesting a contingency placed that if it is transferred to a trust, that would be waived.

Chair Owens expressed frustration that the use is illegal yet still occurring, and thinks that the 50% block face is too many, and will hurt the long term rental property inventory. He also expressed concern with the ability to enforce, believing that allowing STRS will change our community character and will exacerbate the water situation. He recommended overnight stays should be a minimum of a weekend stay.

Commissioner Oglesby requested that staff look toward some requirement to mandate the revenue gets pushed back into the neighborhood blocks that are impacted by the STRs.

City Attorney Freeman requested clarification from the Commission direction. The Commission responded that Commissioners Oglesby, Dodson and La Mica are in support of both hosted and non-hosted uses. Commissioners Ross and Owens are opposed to allowing non-hosted.

Commissioner Dodson spoke to the dependence STRs have upon the reviews provided by customers and that is an incentive for compliance. Staff indicated they will rework the ordinance, re-notice the item and bring it back on March 14th.

7. **REPORTS FROM COMMISSIONERS & STAFF**

Chair Owens requested follow up regarding signage from the bed store to which staff reported it is an ongoing enforcement issue. The property owner has been notified of their violation. Commissioner La Mica questioned how long a storage unit can be on the street to which Mr. Medina said it should be 30 to 60 days.

9. **ADJOURNMENT**

On motion, the meeting was adjourned at 8:17 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

John Owens, Chair



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER

Wednesday, March 28, 2018
7:00 PM

1. **CALL TO ORDER**

Chair Owens called the meeting to order at 7:00 PM.

PLANNING COMMISSION

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

PRESENT: Owens, Ross, Dodson, Spalletta

ABSENT: Oglesby, La Mica

3. **PUBLIC COMMENT**

Chair Owens invited comments from the public and had no requests to speak.

4. **REVIEW OF AGENDA**

No changes were requested.

5. **APPROVAL OF MINUTES**

A. **FEBRUARY 28, 2018**

On motion by Commissioner Keith Dodson and seconded by Vice Chair Michael Spalletta and passed by the following vote the Planning Commission Approved the minutes as presented

RESULT:	Approved
MOVER:	Commissioner Keith Dodson
SECONDER:	Vice Chair Michael Spalletta
AYES:	John Owens, Denise Ross, Keith Dodson, Michael Spalletta, Ian Oglesby
NOES:	None
ABSENT:	Arlington La Mica

6. **BUSINESS ITEMS**

A. **REVIEW, DISCUSS, PROVIDE DIRECTION AND MAKE A RECCOMENDATIONS ON THE PLANNING COMMISSION ANNUAL WORK PLAN FOR ADOPTION BY THE CITY COUNCIL**

Senior Planner Medina reported that the City Council adopted the Board and Commissions handbook that includes a requirement and a template to adopt an annual work plan. He outlined the elements of the work plan to include historical background, fiscal year work plan, prior year accomplishments and ongoing projects. Mr. Medina spoke to the proposed work plan elements. Proposed work plan items included the following:

- Itinerant vendor regulations
- Amending fence regulation
- Adopting short term rental regulations
- West Broadway Urban Village Updates
- Sign Code business surveys
- Zoning Code clean up
- Review and adoption of the General Plan Update
- Field Trips
- Potential annual recognition awards

Mr. Medina asked for direction from the Commission. The Commission requested consideration of adding the following topics to the work plan:

- Addressing the lack of sidewalks in main city areas and conflicts with pedestrian access, connections to schools, parks and business
- Add an element that address East Broadway to identify ways to motivate development
- Water Allocation ordinance priorities
- Identification of newly passed bills regarding housing elements and analysis for inclusion into Seaside regulations.
- Consider requirements for adding regulations for collecting storm water for residential projects
- Requested a report on the priority of road improvements and the process for Capital improvement project.

Mr. Medina spoke to an added work plan item to invite experts from fields of land use planning to provide the committee with tools and planning techniques for industry best practices. Chair Owens requested consideration to allow residents to partner with the City prior to road improvements to cut into the driveway aprons. Staff indicated they would pass on this request to Public Works.

Also discussed was coordinating with the Commission Chair regarding establishment of an agenda review for better agenda management.

7. REPORTS FROM COMMISSIONERS

Chair Owens requested an update on the cannabis dispensary permits expressing concern that the City did not establish a fee per square foot.

Commissioner Spalletta spoke in support of the speed of work that is occurring on Broadway, to which staff informed the Commission that work is still on schedule.

8. REPORTS FROM STAFF

Senior Planner Medina reported the new Community and Economic Development office location called Seaside Creates is open on Broadway Avenue.

9. ADJOURNMENT

Having no further business the meeting was adjourned at 8:06 PM.

Respectfully submitted,



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.B.

TO: Planning Commission

BY:

DATE: April 11, 2018

**SUBJECT: INTRODUCTION OF AN AMENDMENT (FILE NO. SMA-17-03) TO
CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE (ZONING
CODE) TO ADOPT SHORT-TERM RENTAL REGULATIONS
WITHIN RESIDENTIAL DWELLINGS.**

PURPOSE

The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short-term rentals to minimize any negative impacts on surrounding properties and to ensure the collection and payment of transient occupancy taxes for said short-term rentals.

RECOMMENDATION

Review the draft short-term rental ordinance (Attachment 1), accept public comment, and forward the recommendation to the City Council.

BACKGROUND

The City Council discussed concerns regarding the use of residential dwellings as a short-term rental at special study sessions held on September 21, 2017 and October 19, 2017 and whether to pursue an Ordinance regulating this type of land use. The City's current regulations are silent with respect to use of a dwelling as a short-term transient use. A transient use subject to the collection of a transient occupancy tax (TOT) would be from one day to no longer than thirty days. At the October 19, 2017 City Council Study Session, the Council directed staff to draft an ordinance putting in place regulations on the use of residential dwellings as a short-term rentals.

On February 14, 2018, the Planning Commission held its initial review of a proposed Draft Ordinance and Initial Study/Negative Declaration for short term regulations. At this public hearing the Planning Commission deliberated key issues identifying positive benefits and negative impacts. The primary issues included:

Positive Benefits

Short Term Rentals will provide job opportunities for plumbers, electricians, landscapers, housekeepers, pest control, painters, appliance repairs and other type of general building maintenance tasks.

Short Term Rentals will attract visitors who will eat at local restaurants, shop in retail, and purchase gas.

Short Term Rentals would enable a financial benefit to private property owners and also provide added revenue to the City through the collection of Transient Occupancy Tax.

Short Term Rentals will serve as a positive attraction of regional visitors

Negative Impacts

Code enforcement actions to address off-street parking and noise disruptions within single family neighborhoods.

Removal of dwelling units from the housing stock.

Impacts on hotels/motels.

After receiving public testimony on the Ordinance and completing its deliberation on the Draft Ordinance, the Planning Commission acted to continue the item to a future meeting in order for City staff to return with an updated Ordinance.

DISCUSSION

Based on the feedback received from the general public and Seaside residents at the prior study sessions/Public Hearing, public inquiries received on short-term rentals, and research of other cities/counties adopted development standards for short-term rentals, the following discussion points have been evaluated in the development of the proposed ordinance:

Economic Impacts

Property owners will receive rental income, which helps with mortgage payments. The City of Seaside will collect transient occupancy tax, which is 12%. The City of Seaside also benefits from additional sales tax generated by the occupants spending money in Seaside. The City of Seaside will collect fees for short-term rental applications, however these are to cover the costs of processing applications and additional management of short-term rentals within Seaside.

Neighborhood Compatibility

Parking availability is a concern for neighboring residents. The intent is the short-term

rental unit will maximize the use of their driveway, and information will be posted inside, as well as a Good Neighbor brochure outlining the available on-site parking.

Over-concentration of short-term rentals is a concern, and the ordinance limits the number of permits initially to 200. Council will establish the maximum number annually. The ordinance also addresses concentration by limiting short-term rentals on a block face to not exceed half the dwellings.

The maximum number of occupants in a short-term rental will be consistent with currently adopted building codes.

Noise

The City of Seaside Municipal Chapter 9.12 Regulating Noise includes quiet hours from 10 pm to 7 am. The short-term rental owner is required to have a local contact person who will respond within 60 minutes to address complaints. Neighbors will be notified how to reach the local contact person.

Safety

Short-term rentals must be inspected for fire and building safety.

Cultural Enrichment

Short-term rentals, especially hosted, tend to facilitate a sharing of cultures between the visitors and the host.

Affordable Housing

More affordable housing in Seaside is needed, and the 50% of the transient occupancy tax collected will be directed to the City of Seaside Housing Fund.

Water Allocation

The Monterey Peninsula Water Management District require any additional water use from a jurisdiction for the use of a dwelling unit being used as a short term rental. The renting of a dwelling or rooms within a dwelling is considered as a standard residential use and would not require a hotel water factor to be applied.

SUMMARY

Regulating short-term rentals is complicated and challenging. It is important to create simple, sensible and enforceable local policies that balance the rights of homeowners and renters, with the interests of neighbors and other community members who may only experience the unintended consequences of short term rentals. Effective short-term rental regulation starts with policy objectives and an understanding of which regulatory requirements can be enforced. It is important to keep it simple for property owners to comply with the regulations. Most property owners want to be in compliance, however, the experiences of other agencies indicates that if the regulations are too complex, property owners do not comply. The proposed ordinance strives

to protect neighborhoods, housing stock, and still allow short-term rentals, with appropriate limits.

From the discussion at the City Council study sessions and information obtained from other cities, City staff has drafted a proposed ordinance attached to this staff report (Attachment 1) which seeks to provide a balance between private property owner interests and the protection of the general health, safety, and welfare of the community.

Some key elements of the short-term rental ordinance include:

- Limited to 200 permits, 75 hosted and 75 non-hosted, adjusted annually by Council

- Not more than half of a block face may be short-term rentals

- The definitions of hosted and non-hosted short-term rentals are established

- Good neighbor brochures and information inside that include: operator name and number, local contact person, phone numbers for Police and Code Enforcement, maximum number of on-site parking spaces, trash pick-up day, a copy of City of Seaside Noise Regulations, and notification that a guest, local contact person, responsible person and/or owner may be fined in accordance with this ordinance

- Notice will be given to all neighbors within a 100 foot radius regarding the short-term rental permit

The short-term rental ordinance provides the regulatory framework to legalize and regulate both hosted and non-hosted short-term rentals. It clarifies the transient occupancy tax obligations of short-term rentals. It outlines requirements essential to maintain the character of Seaside neighborhoods and provides for enforcement. The short-term rental ordinance strives to balance the interests of the short-term rentals while maintaining the context of the current Seaside neighborhoods.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), an Initial Study (IS) and an accompanying Negative Declaration (ND) have been prepared for the proposed ordinance. The document was circulated for 20-day public review period between Thursday, January 11, 2018 through Tuesday, January 31, 2018. The IS/ND is provided as Attachment 2. Provided as Attachment 3 are four written comments which were received in response to the City's intent to issue a Negative Declaration on the proposed Ordinance prior to the close of the public review period on January 31, 2018. The written comments speak directly to the land use and public policy impacts of the Ordinance and do not have any comment related to whether the adoption of Short Term Rental regulations would have a direct impact on the environment.

FISCAL IMPACT

The Transient Occupancy Tax from short-term rentals is budgeted at \$50,000 for 2017-18, although the actual amount may be lower, as the fiscal year is ending soon. The fee income will also impact the General Fund positively. Fee is not set at this time, to be determined by Council.

ATTACHMENTS

Attachment 1. Proposed Ordinance
Attachment 2. Initial Study/Negative Declaration
Attachment 3. Public Comments on the IS/ND

FISCAL IMPACT

ATTACHMENTS

1. Attachment 1 - Short Term Rental Draft Resolution_4
 2. Attachment 2 - Initial Study-Negative Declaration
 3. Attachment 3 - Public Comment Letters
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RESOLUTION No. 18-xx

**A RESOLUTION OF THE CITY OF SEASIDE
RECOMMENDING THE ADOPTION OF AN ORDINANCE TO
THE CITY COUNCIL OF THE CITY OF SEASIDE ADDING
SECTION 17.52.251 ENTITLED, "SHORT-TERM RENTAL"
TO THE SEASIDE MUNICIPAL CODE (SMC)**

FINDINGS

1. There has been an increase in privately-owned residential dwelling being used as short-term rentals if the City of Seaside. Online host sites such as Vacation Rentals by Owner (VRBO), Airbnb and others have become an increasingly popular means to market homes available for transient use.

2. Short-term rentals provide a benefit to the City by expanding the number and type of lodging facilities and will provide increased transient occupancy tax (TOT) revenue to the City.

3. Unregulated short-term rentals introduce the possibility for adverse consequences including a reduction in affordable housing and the commercialization of residential neighborhoods.

4. This Ordinance can ensure Neighborhood compatibility, facilitate economic growth within the City and protect the health, safety and general welfare of the City's residents.

5. On September 21, 2017, and October 19, 2017, the City Council held special study sessions to discuss concerns regarding the use of residential dwellings as a short-term rental, and whether to pursue an Ordinance regulating this type of land use. A transient use subject to the collection of a transient occupancy tax (TOT) would be rental from one day to no longer than thirty days. Other discussion points were economic impacts, neighborhood compatibility, noise, safety, cultural enrichment and affordable housing.

6. The Planning Commission reviewed this Ordinance on February 14, 2018 and APRIL 11, 2018 and recommends that the City Council adopt it.

7. The City prepared an Initial Study and Mitigated Negative Declaration to review ordinance pursuant to the California Environmental Quality Act (CEQA), and this Ordinance has been mitigated to a point where the proposed project will not have the potential to significantly degrade the environment; will have no significant impact on long-term environmental goals; will have no significant cumulative effect upon the environment; and will not cause substantial adverse effects on human beings, either directly or indirectly.

8. The proposed Ordinance is consistent with the City's General Plan and the Local Coastal Program in that the practice of short-term rentals does not constitute a change in residential land use as described in the Land Use Element of the General Plan, and would provide additional opportunities for visitor serving accommodations consistent with the coastal act.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. The foregoing factual recitals are adopted as findings of the City Council.

SECTION 2. A new Municipal Code Section 17.52.251 entitled, "Short-Term Rental" shall be added by the addition of all text shown as follows:

17.52.251.E Definitions. For the purpose of this Section certain terms used herein shall have the meanings set forth in this chapter, and such meaning shall prevail in case of conflict with the definitions set forth in SMC.

- (1) "Person" means an individual, a group of individuals, or an association, firm partnership, corporation or other entity, public or private.
- (2) "Owner" means the person who possesses title to a transient use site.
- (3) "Owner representative" means any person authorized by the owner to fully manage the transient use site.
- (4) "Local Contact Person" shall be the person designated by the owner or the owner's authorized representative who shall be available twenty-four hours per day, seven days per week for the purpose of responding within sixty minutes to complaints related to the short-term rental and taking remedial action to resolve such complaints.
- (5) **"Remuneration" means compensation, money, rent, or other** bargained for consideration given in return for occupancy, possession or use of real property.
- (6) "Residential property" means any dwelling unit, except those dwelling units lawfully established as second units established pursuant to SMC Section or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use.
- (7) "Hosted short-term rental" means a dwelling unit where the owner with the majority interest in the residential property, or an owner holding an equal share interest if no other owner owns a greater interest, occupies a dwelling unit as his or her principal residence and offers the dwelling or a habitable portion thereof for transient occupancy by others.

(8) "Non-hosted short-term rental" means a dwelling unit that is offered for transient occupancy where the owner is does not occupy the dwelling unit that offered for transient occupancy as his or her principal residence.

(9) "Guest" means the overnight occupant (s) renting the short-term rental for a specified period and the visitors of the overnight occupants.

(10) "Good Neighbor Brochure" means a brochure, available from the City, to be given to guests, which includes a summary of the City's regulations relating to short-term rentals.

(11) "Transient" means a period of not less than one (1) day and one (1) night, nor more than thirty (30) consecutive calendar days.

(12) "Responsible tenant/guest" means a person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the transient use site, and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the transient use site, including but not limited to, all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental.

(13) "Transient use of residential property" means the commercial use by any person of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than thirty (30) consecutive calendar days.

(14) **"Transient use site" and "transient use" mean property** occupied and used for transient or short-term rental purposes.

(15) "Use" means the purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(16) "Blockface" means the aggregate of all the building facades on one side of a block.

(b) Transient use of residential property for remuneration is prohibited except (1) as otherwise expressly permitted by this title, or (2) when such use is permitted by a transient use permit issued in accord with SMC Section 17.52.252.

(c) Liability and Enforcement.

(1) Any owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property in violation of the provisions of this chapter is guilty of an infraction. for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(2) Any owner, owner representative, responsible tenant, or other person who uses, or allows the use of, residential property in violation of the provisions of this chapter is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(3) Violations of this Ordinance shall be treated as a public nuisance and strict liability offense regardless of intent.

(4) A violation of any provision of this Ordinance by any of the guests, owners or operators shall constitute grounds to suspend or revoke a short-term rental permit.

SECTION 3. A new SMC Section 17.52.252 entitled, "Short-Term Rental Permit", shall be added as follows:

17.52.252.A Statement of Purpose.

The purpose of this chapter is to establish a permitting process, together with appropriate standards that regulate short-term rental of single-family and multi-family dwellings in residential districts, to minimize negative secondary effects of short-term rental use on surrounding neighborhoods; and to preserve the character of neighborhoods in which any such use occurs. This chapter addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of permits issued to ensure long-term availability of the affordable housing stock. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

This chapter shall not provide any property owner with the right or privilege to violate any private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this chapter.

The City Council finds adoption of a comprehensive code to regulate issuance of, and conditions attached to, short-term rental is necessary to protect the public health, safety and welfare. The purposes of this chapter are to provide a permitting system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses on residential neighborhoods.

The City Council finds the regulation of short-term rental uses, including its non-transferability provisions, to be a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.52.252.B Definitions.

(a) The terms "personal", "owner", "owner representative", "local contact person", "remuneration", "residential property", "hosted short-term rental", "non-hosted short-term rental", "guest", "Good Neighbor Brochure 11", "transient", "responsible tenant/guest", "transient use of residential property", "transient use site", "transient use", "use" and "blockface" as used in this chapter shall be given the same definition as those definitions set forth in SMC Section 17.52.251.

17.52.252.C Allowed Use.

(a) Transient use of residential property for remuneration is allowed pursuant to SMC Section 17.52.251 or this chapter; provided that a separate Short-Term Rental Permit has first been granted and validly maintained for each transient use site.

(b) Each transient use must meet all the requirements of this Section. Short-Term Rental Permits are issued for a term. No guarantee is given or implied that Short-Term Rental Permit will be extended or renewed for a term subsequent to its expiration.

(c) For the purposes of this Section the City recognizes and sets discrete requirements for each of two different classes of Short-Term Rental Permits. These are Hosted Short-Term Rental and Non-Hosted Short-Term Rental.

(d) Each contract or tenancy that allows transient use shall identify the name, address, phone number and e-mail contact information of at least one responsible tenant who has been informed of, and has agreed to abide by, occupancy, parking and other limits that apply to that transient use. The owner or owner representative shall make a record of the motor vehicle license number of each motor vehicle used by an occupant of the transient use site, and shall upon request provide that information to the City Manager or his/her delegated agent.

(e) For each initial Short-Term Rental Permit, and each permit renewal, the applicant and each property owner shall submit an inspection report to the City that provides and verifies information, in the form and manner required by the Chief Building Official, to ensure the property is safe and habitable for its intended use, including verification of adequate egress from sleeping quarters and common area, installation of accessible fire extinguishers, and a carbon monoxide alarm on each level, and that the property exists in accord with appropriate land use and building permits.

(f) The owner or owner representative shall cause notice of the application or any permit renewal, and of any hearing on the application or renewal, to be posted and mailed to notify neighbors within 100 feet of the short-term rental permitted site. The notice shall include a statement of the maximum number of guests permitted to stay in the short-term rental.

17.52.252.D Rental Permit Caps and Density Limits.

(a) Rental Permit Caps. The number of permits to be issued by the City of Seaside in 2018 and 2019 will not exceed 200, with not less than 75 permits reserved for hosted short-term rentals and not less than 75 permits reserved for non-hosted short-term rentals, assigned on a first-applied, first permitted basis. If applications exceeding this number are received the City Manager shall place the excess number on a short-term rental permit waiting list and process those in order of receipt as permits become available.

In years 2020 and beyond the City Council will establish the maximum allowable number of hosted and non-hosted short-term rental permits annually by Resolution at the second regularly scheduled City Council meeting in January, and in doing so, will project forward the maximum allowable number of hosted and non-hosted short-term rental permits and not less than three (3) years into the future.

(b) Density Limit. Non-hosted short-term rental permits shall not be issued if granting that short-term rental permit would cause the non-hosted short-term density limit to fifty percent (50%) per blockface on which it is located.

17.52.252.E Limits on Transient Use.

Transient use of residential property for remuneration allowed by SMC Section 17.52.251 or this Section shall be subject to each and every limitation in this Section:

(a) Each contract or tenancy that enables transient use shall be in writing, and identify thereon the name, address, phone number and e-mail contact information of:

(1) the owner;

(2) the owner representative; and

(3) at least one responsible tenant occupying the transient site who shall be responsible for all limits required by this section.

(b) Each contract or tenancy that all transient use shall identify the name, address, phone number and e-mail contact information of at least one responsible tenant who has been informed by the owner or owner representative of the occupancy, parking and other limits that apply to transient use by this Section and shall be informed of residential parking and noise limits, including but not limited to SMC Section 9.12, the City codes that regulate unlawful noises.

(c) Trash and refuse shall not be left stored within public view, except in proper containers for purpose of collection by the City's authorized waste hauler.

(d) A short-term rental shall not change the residential character of the outside appearance of the residence including color, material, lighting or any advertising mechanism, including **"vacation rental" signs.**

(e) Guests of the short-term rental shall comply with City of Seaside Municipal Code Chapter 9.12 regulating noise, including quiet hours between the hours of 10:00 p.m. and 7:00 a.m.

(f) The owner or owner representative shall post the following information in a prominent location within the short-term rental:

(a) owner or owner representative name and telephone number

(b) local contact person name and telephone number;

(c) telephone number for the Seaside Police Department and Seaside Code Enforcement;

(d) the maximum number of parking spaces available onsite;

(e) trash pick-up day and applicable rules and regulations;

(f) a copy of City of Seaside Noise Regulations;

(g) a copy of the Good Neighbor Brochure; and

(h) Notification that a guest, local contact person, responsible person or owner may be cited and/or fined by the City in accordance with this Ordinance.

(g) The transient use site:

(1) shall be used and maintained in a manner consistent with the character of the neighborhood;

(2) shall not impair the desirability of investment or occupation of the surrounding neighborhood; and

(3) shall not have displayed thereon any sign that indicates the property is used or available for transient or short-term rental purposes.

(h) Owner and Owner representative shall each use their best efforts, and respond in a reasonable and timely manner, to ensure that every occupant of the transient use site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.

(i) Local contact person shall be on-call full-time (24 hours per day, 7 days per week) to manage the property and shall be able to be physically present at the transient use site within sixty (60) minutes of request during any time the property is occupied for transient use. Within 24 hours of the time an initial call is attempted the owner, owner representative or local contact person shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any violation. Failure to respond timely to two (2) or more complaints regarding guest violations is grounds for penalties as set forth in this chapter. The owner, owner representative or local contact person shall be subject to all administrative, legal and equitable remedies available to the City for failing to respond within sixty (60) minutes of request.

(j) The maximum number of occupants aged 18 or older authorized to stay overnight at any transient use site shall be limited two 2 (two) persons per bedroom, plus one additional person

(k) Each designated on-site parking space at a transient use site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guests of the site.

(l) Amplified sound that is audible beyond the property boundaries of the transient use site is prohibited.

(m) Commercial functions, and other similar events are prohibited at the transient use site.

17.52.252.F Short-Term Rental Permit.

It is unlawful for any person to transact and carry on any business relating to or supporting the transient use of residential property in the City without first having procured a Short-Term Rental Permit from the City, and paying the permit fee and any other fees associated with approval of an application for a permit, hereinafter prescribed, and also without complying with any and all applicable provisions of this Section. A short-term rental permit, however, shall not be required for any lawfully established bed and breakfast inn, motel, hotel, or timeshare development.

17.52.252.G Display of Short-Term Rental Permit.

The owner or owner representative shall cause a copy of the transient use license to be displayed in a prominent location within the interior of the transient use site, and shall provide a copy to each responsible tenant. Each internet or online advertisement, sign, circular, card, telephone book, or newspaper advertisement that indicates or represents a transient use site is available for transient or short-term rental purposes shall prominently display thereon the transient use permit number assigned to that site by the City of Seaside.

17.52.252.H Separate Properties.

A separate short-term rental permit shall be obtained for each separate transient use site. A single short-term rental permit may be issued for multiple residential dwelling units under identical ownership at a single site. In all other circumstances, a separate permit shall be required for each transient use site. A transient use permit shall authorize the permitted owner to transact and carry on transient use of residential property only at the location and in the manner and subject to the limits designated in such permit.

17.52.252.I Contents of Permit.

Every person required to have a permit under the provisions of this Section shall make application to the City and tender payment of the prescribed application and permit fee. Thereafter in accord with the provisions of this Section the City shall issue to such person a permit which shall contain the following information:

(a) the name and contact information of the owner to whom the permit is issued, and the name and contact information for the owner representative, if any;

(b) the transient use site to be permitted, and whether the permit is for a hosted short-term rental or a non-hosted short-term rental;

(c) the date of expiration of such permit;

(d) the maximum number of occupants aged 18 or older who are authorized to stay overnight at that transient use site in accordance with the number of bedrooms on site;

(e) the maximum number of motor vehicles allowed for use by overnight guests at that transient use site based upon the available on-site parking as shown on the application site plan; and

(f) such other administrative information as may be necessary for the enforcement of the provisions of this Section.

17.52.252.J

Application - First Permit.

Each short-term rental permit shall be in the name of the owner of the real property upon which the short-term rental use is to be permitted, and shall be valid for a period of one (1) year from the date of issuance. When a person first makes an application for a permit pursuant to this Section such person shall furnish to the City a sworn Affidavit upon a form provided by the City, setting forth the following information:

(a) the address of the transient use site to which the permit shall apply, and all places of residence of the owner(s) of the transient use site;

(1) In the event an application is made for issuance of a permit to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning the business;

(2) In the event an application is made for the issuance of a permit to a corporation or a partnership, the application shall set forth the names and places of residence of the principal officers and all partners thereof.

(b) each application shall set forth such information as may be therein required by the City and deemed necessary to estimate the annual transient occupancy tax to be charged for that property;

(c) the owner and applicant shall maintain a City business license at all times, and shall agree to collect and remit transient occupancy taxes on all gross receipts pertaining to the transient use site;

(d) each application shall identify the name, address, phone number and e-mail contact information of the owner and the owner representative;

(e) each application shall include a site plan which labels each room and the structure of the property, including the number of bedrooms and the number of off-street parking spaces;

(f) the owner shall affirm that smoke detectors are installed on all levels in all sleeping quarters and common areas, and that fire extinguishers are accessible to protect the health and safety of the guests of the transient use site, and the applicant shall provide access and information to the fire inspector as needed to ensure health and safety for occupants of the transient use site; and

(g) such further information which the City may require to enable proper administration of the permit.

The applicant shall remit all required annual fees in accord with the master fee schedule set by City Council Resolution. The applicant shall agree to renew and/or amend the permit in accord with the requirements of this Section, and if there is a change in any material fact stated in the application.

17.52.252.K Renewal of Permit.

(a) In all cases, the applicant for the renewal of a permit shall submit to the City on or before July 1, 2018 an application for renewal containing a sworn Affidavit upon a form to be provided by the City setting forth such information concerning the applicant's transient occupancy activity during the preceding calendar year as may be required by the City to enable the City to verify the amount of the transient occupancy tax paid by said applicant pursuant to the provisions of this Section. Evidence that a site has not been used for at least ninety (90) days for transient use during the preceding twelve (12) months shall cause non-renewal of a non-hosted short-term rental permit, and the applicant may request a hosted short-term rental permit.

(b) The applicant shall remit the annual permit fee as set by Resolution at the same time as the renewal application. The applicant shall submit an annual sworn Affidavit affirming that smoke detectors are installed and maintained on all levels in all sleeping quarters and common areas and that fire extinguishers are accessible, and a carbon monoxide alarm is installed on each level. The applicant shall provide access and information to the

inspector as may be needed to ensure health and safety for guests of the transient use site, in order to verify adequate egress from sleeping quarters and common area, and installation of accessible fire extinguishers, and a carbon monoxide alarm on each level.

17.52.252.L Change to permit information.

(a) A request to amend any information provided on the permit issued pursuant to this Section shall be made within fourteen (14) days of any change of owner, a change of the owner representative, a change in any material fact upon which the permit was issued, or if any other person acquires an ownership interest in the transient use site.

(b) In the event that the transient use site ownership transfers to an immediate family member by means of a gift or testamentary transfer the new owner of the property shall also acquire ownership of the existing short-term rental permit until its expiration without paying additional fees. The new property owner shall, within fourteen (14) days of transfer of ownership of the transient rental site, update the information provided on the permit issued.

17.52.252.N Evidence of transient occupancy of residential property.

When any owner, owner representative or other person makes **use of internet services, signs, circulars, cards, telephone books, or newspapers and/or advertises, holds out, or represents** that he or she allows transient occupancy of residential property in the City, and such person fails to provide a sworn Affidavit to the City that he or she does not allow transient occupancy of residential property in the City after being requested to do so, by the City, then such information shall be considered *prima facie* evidence that he or she is conducting a business in the City by allowing transient occupancy of residential property. Until proper evidence to the contrary is presented to the City, the City shall be entitled to presume that residential property is subject to the permit required by this Section, and/or that the transient use of residential property has occurred at the subject property.

17.52.252.O Statement and records.

No statement shall be conclusive as to the matters set forth therein, nor shall the filing of such statement keep the City from collecting by appropriate action taxes and/or fees that are due and payable hereunder. In the event that the City deems it necessary, the City may require that an already permitted owner, or applicant for a permit, submit verification of financial information necessary to calculate the transient

occupancy tax due, or at the option of the already permitted owner or applicant, may authorize the City to examine records or business transactions to compute the transient occupancy tax that is owed.

17.52.252.P Failure to file statement or corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City the permitted owner or applicant fails to file a corrected statement, or if any person subject to the tax imposed by this Section fails to apply for a permit, the City may determine the amount of tax due from such person by means of such information as City may be able to obtain and shall give written notice thereof to such person. Delinquent payment shall be subject to penalties calculated in the same manner as set forth in SMC Section 3.24.

17.52.252.Q Transient Occupancy Tax.

The owner or owner representative shall comply with all the requirements of SMC Chapter 3.24 "Transient Occupancy Tax". For the purposes of SMC Chapter 3.24, a short-term rental shall qualify as a "hotel". The City Manager or designee shall be responsible for the enforcement of the provisions of Chapter 3.24.

Fifty percent (50%) of the Transient Occupancy Tax collected from short-term rentals shall be set aside in the City of Seaside Housing Fund to be used to assist with affordable housing in accordance with the direction of the City Council; and fifty percent (50%) of the Transient Occupancy Tax collected from short-term rentals shall be directed to community and neighborhood improvements, with recommendations to the City Council by the Neighborhood Improvement Commission.

17.52.252.R Appeal of Tax.

Any person aggrieved by any decision of the City with respect to the amount of the transient occupancy tax or fees associated thereto may appeal to the administrative enforcement hearing office panel by filing a notice of appeal with the City Clerk within fifteen (15) calendar days after receipt of written notice from the City. The hearing officer assigned by the panel shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing in the United States Post Office at Seaside, California, postage prepaid, addressed to such person at his or her last known address. The hearing officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provisions of this section.

17.52.252.S Additional Power of City.

In addition to all other power conferred upon the City, the property owner/applicant shall have the power, for good cause shown:

(a) to extend the time for filing any required sworn Affidavit or application for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued; and

(b) whenever any fee, tax or penalty pursuant to this Section is due and payable but has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, such amounts shall constitute a lien against the real property, and be subject to the processes set forth in the SMC

17.52.252.T Permit Non-transferrable - Changed Location.

No permit issued pursuant to this Section shall be transferable to any other person or location.

17.52.252.U Permit Denial or Revocation.

Any application for a permit may be denied, and any permit issued pursuant to this Section may be revoked. Substantial evidence shall be presented as to why the application should be denied, or the license should be revoked for any reasons, including but not limited to:

(a) a false material statement or misrepresentation has been made in, or in support of, the application;

(b) a change occurs in any material fact upon which the permit was issued that has not been reported to the City as a change to the required license content within fourteen (14) days;

(c) the transient use site, or any other location owned by the owner or applicant, has been the site of a violation of any provision of law, or otherwise fails to meet sanitation or health standards of the neighborhood, within the twelve (12) months immediately preceding;

(d) the owner, owner representative or applicant has been convicted of any crime involving moral turpitude;

{e) the owner, owner representative or applicant has failed to **timely** respond to two (2) or more complaints within the twelve (12) months immediately preceding; and

(f) the owner, applicant, guest or any occupant of a transient use site regularly engages in disorderly conduct, violates provisions of this code or any state law pertaining to noise, disorderly conduct, or uses illegal drugs.

17.52.252.V Appeal of Revocation of Suspension.

Any person who has been denied a permit or to whom notice of revocation of suspension of a permit has been mailed may appeal to the administrative enforcement hearing panel under SMC Section 2.58, pursuant to a request for hearing under SMC Section 2.58. Notice of the proceeding shall conform to SMC Section 2.58.080, and the hearing shall conform to the process set in SMC Section 2.58.090. The hearing officer shall **have** authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this Section. Any applicant or permit holder whose permit shall have been denied or revoked shall be ineligible for a two (2) year period from applying for a new permit. No person whose permit has been revoked shall continue to engage in, or carry on, the activity for which the permit was granted unless and until such permit has been reinstated or reissued. The decision of the hearing officer shall be final. Notice of the decision, and the opportunity for judicial review, shall conform to SMC Section 2.58.180.

17.52.252.W Penalties.

Penalties as set forth in SMC Section 17.80.050 may be imposed for failure to comply with the provisions of SMC Section or this Section, with respect to:

{a) Any owner, owner representative, or person who transacts or carries on any activity relating to or supporting the transient use of residential property in the City without first having procured and complied with a transient use permit from the City to do so, and paying all applicable permit fees shall be subject to administrative penalties as set forth in SMC Section 17.80.050.A, including administrative penalties imposed by a hearing officer for violation of any provisions of this Code in an amount not to exceed a maximum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) per day for each continuing violation, exclusive of administrative costs, interest and restitution for compliance reinspections, for any related series of violations, and/or forfeiture of all rents received during the period transient use was allowed without a transient use permit, whichever amount is greater;

(b) Any owner, owner representative, or person who carries on any activity that advertises to the surrounding neighborhood that the site has been permitted to allow, or is used for, transient occupancy, and who has failed to timely remedy this violation in response to two (2) or more complaints, shall be subject to administrative penalties;

(c) Any owner, owner representative, responsible tenant or person who allows a transient use site to be used or maintained in a manner detrimental to the peace, public health, safety or general welfare of persons or property of the neighborhood or the public, and fails to timely remedy this violation in response to two or more complaints;

(d) Any owner, owner representative, responsible tenant or person who allows impermissible or inappropriate behavior at the transient use site or action that exceed the limits on transient use following two (2) or more complaints;

(e) Limits upon administrative penalties in SMC Section shall not apply to any violation of this Section.

17.52.252.X **Liens.**

Whenever the amount of any penalty, forfeiture, and/or administrative cost imposed by a hearing officer pursuant to this Section or to SMC Section has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, this obligation shall constitute a lien against the real property on which the violation occurred, and be subject to the processes set forth in SMC.

Attachment 2



CITY OF SEASIDE
**Notice of Availability and Intent to
Adopt a Negative Declaration**

Project Title: Seaside Municipal Code Amendment No SMC 17-03
Lead Agency: City of Seaside
Project Location: Citywide
APN#: Citywide
Permit Type: Municipal Code Amendments

Project Description: The City of Seaside is proposing text amendments to the Seaside Municipal Code (SMC) by amending Chapter 17 of the Seaside Municipal Code (SMC) in order to establish regulations for the use of privately owned residential dwellings as short-term rentals and to ensure the collection and payment of transient occupancy taxes for the use of dwellings as short-term rentals.

Public Review Period: Thursday, January 11, 2018 through Tuesday, January 30, 2018.

Written Comments or questions should be sent to:

Rick Medina, Senior Planner
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Any person wishing to comment on this matter must submit such comments, in writing, to the City prior to the closing date on January 30, 2018. Public comments may also be entered into the public record on the amendments at the duly noticed public hearing dates when considered by the Planning Commission and City Council.

Negative Declaration

Notice is hereby given that the project described above has been reviewed in accordance with State of California Public Resources Code, the California Environmental Quality Act, the City of Seaside General Plan, and Title 17 of City of Seaside Municipal Code. Based on this review, a Proposed Negative Declaration is hereby made on this project. The reason for this determination is that the project will not result in significant adverse impacts to the environment. The Proposed Negative Declaration and Initial Study are on file at the Seaside Community Development Department, 440 Harcourt Avenue, Seaside, CA, 93955 (831) 899-6726 and on the City's website at <https://www.ci.seaside.ca.us/CivicAlerts.aspx?AID=171>

Public Hearing

The first public hearing on the proposed amendments and Negative Declaration will be held by Planning Commission on Wednesday, February 14, 2018 at 7:00 PM in the Seaside City Hall Council Chambers located at 440 Harcourt Avenue, Seaside, CA 93955. Subsequent review by the City Council has not yet been determined.

A handwritten signature in blue ink that reads "Rick Medina".

Rick Medina
Senior Planner

A handwritten date in blue ink that reads "1-11-18".

Date

*City of Seaside
January 2018*

*Text Amendment for Short Term Rentals
Initial Study/Proposed Negative Declaration*

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CITY OF SEASIDE
Initial Study/Environmental Checklist

A. PROJECT DATA

1.	Project title:	Municipal Code Amendment
2.	Lead agency name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93950
3.	Contact person and phone number:	Rick Medina, Senior Planner (831) 899-6832
4.	Date Prepared	December 21, 2017
5.	Project location:	City of Seaside County of Monterey, California. Regional Location Map is provided as Figure 1. General Plan Land Use Map for the City is provided as Figure 2.
6.	Project sponsor's name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93955 (831) 899-6825
7.	General plan designation:	Citywide
8.	Zoning:	Citywide
9.	Description of project:	The purpose of this ordinance is to establish regulations for the use of privately owned residential dwellings as short-term rentals to minimize any negative impacts on surrounding properties and to ensure the collection and payment of transient occupancy taxes. Proposed text amendments are provided in the Draft Ordinance provided as Exhibit "A".
10.	Surrounding land uses and setting:	Citywide.
11.	Other public agencies whose approval is required	None.

B. PROJECT DESCRIPTION

This document has been prepared to present project information and to evaluate the potential environmental effects of text amendments to the Seaside Municipal Code (SMC) amending Chapter 3 and Chapter 17 of the Seaside Municipal Code (SMC) in order to establish regulations for the use of privately owned residential dwellings as short-term rentals. Through the adoption of short-term rental standards it is intended to minimize any negative impacts on surrounding properties and to ensure the collection and payment of transient occupancy taxes. The proposed text amendments are listed in the Draft Ordinance provided as Exhibit “A” of the Initial Study. The adoption of the proposed text amendments would also serve to enhance the visual character and quality of life within the community and to provide a safe, livable environment for both the citizens of Seaside and its visitors alike.

C. LEAD AGENCY

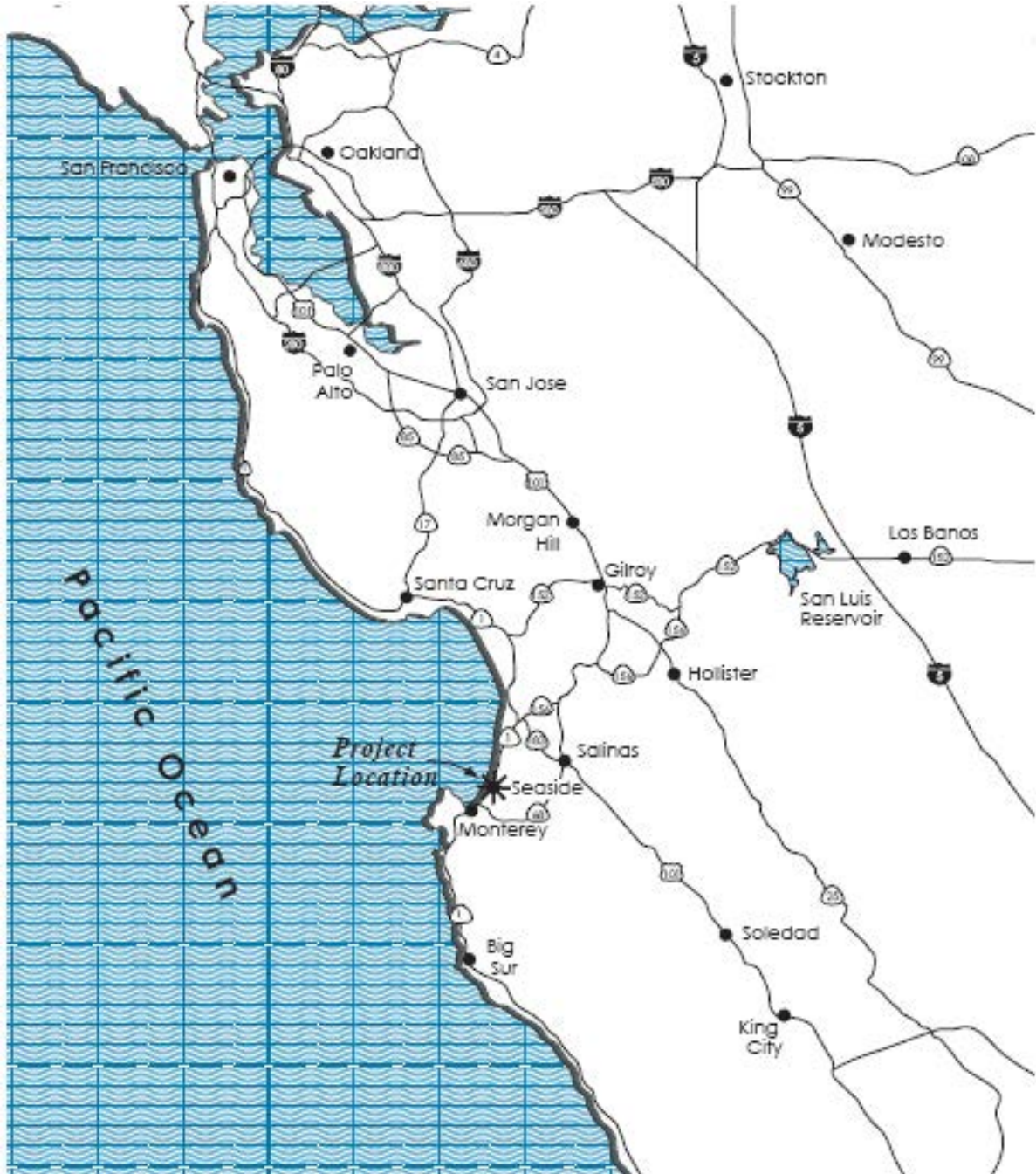
The Lead agency is the public agency with primary authority over a proposed project. The lead agency for the proposed text amendment is the City of Seaside. The contact person for the lead agency is:

Rick Medina, Senior Planner
440 Harcourt Avenue
Seaside, CA 93955
Phone: (831) 899-6736
E-Mail: rmedina@ci.seaside.ca.us

D. PROJECT LOCATION AND ENVIRONMENTAL SETTING

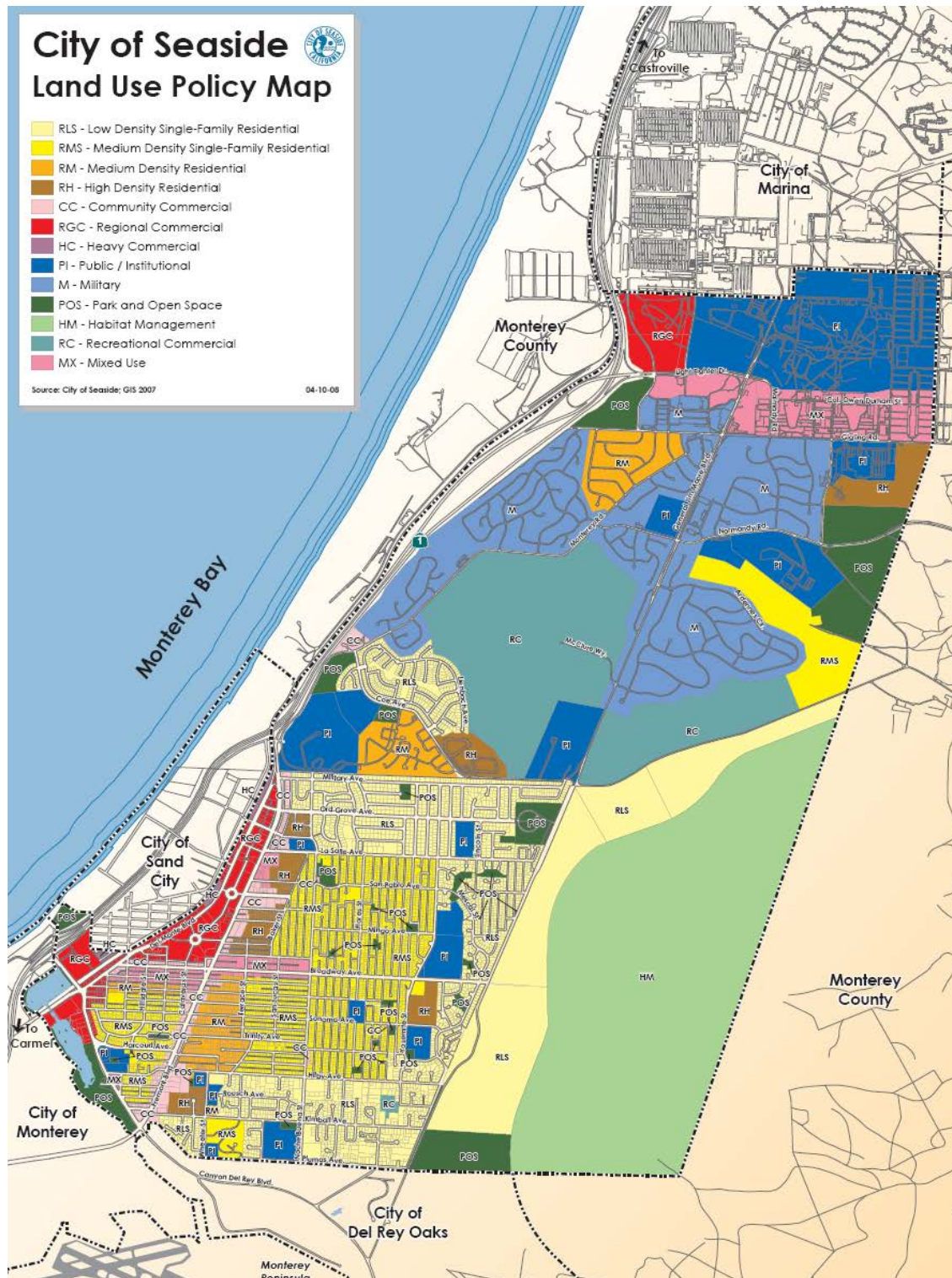
As shown on the Regional Location Map on Figure 1, the City of Seaside is situated on the Monterey Bay in western Monterey County in the northern portion of the Monterey Peninsula. The City’s incorporated City Limit boundaries are surrounded by the cities of Monterey and Del Rey Oaks to the south, Sand City to the west, Marina to the north, and Monterey County to the east. Figure 2 depicts the City limit and General Plan Land Use Map of the community that would be applicable to by the proposed Text amendments. The community contains approximately 8 square miles of land. The incorporated lands are primarily developed with urban land uses (Residential, Commercial, Government/Quasi Public Uses) with no areas designated for agricultural uses. The proposed amendments to the Seaside Municipal Code will consist solely of text amendments and would not have any development proposed which would alter or modify the existing land use map or environmental setting of the City’s municipal boundaries or that of a neighboring jurisdiction.

Figure 1 – Regional Location Map



Regional Location Map

Figure 2 – General Plan Land Use Map



E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a 'Potentially Significant Impact' as indicated by the checklist on the following pages:

- | | |
|--|--|
| ☐ Aesthetics | ☐ Land Use and Planning |
| ☐ Agricultural Resources | ☐ Mineral Resources |
| ☐ Air Quality | ☐ Noise |
| ☐ Biological Resources | ☐ Population and Housing |
| ☐ Cultural Resources | ☐ Public Services |
| ☐ Geology and Soils | ☐ Recreation |
| ☐ Greenhouse Gas Emissions | ☐ Transportation/Traffic |
| ☐ Hazards and Hazardous Materials | ☐ Utilities and Service Systems |
| ☐ Hydrology and Water Quality | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature



Date

F. EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

G. ENVIRONMENTAL CHECKLIST**1. AESTHETICS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (1,2)	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (1,2)	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (1,2)	☐	☐	☐	☒
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2)	☐	☐	☐	☒

Visual resource impacts are considered significant if a project has a “substantial demonstrable negative aesthetic effect.” Based on professional standards and practices, a project would normally be considered to have a significant impact if it would:

- Adversely affect a scenic vista;
- Damage scenic resources; or
- Degrade existing visual character; or
- Create a new source of light or glare.

Discussion – All Items 1(a-d)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendments. The City’s existing development regulations codified in the Seaside Municipal Code and Local Coastal Program adequately address potential effects of new structures and remodeling of existing structures on these resources. The proposed amendment would not change these requirements, nor would a change in the term of residential occupancy result in a substantial change to scenic vistas or substantially degrade the visual character or quality of the community. Therefore, the implementation of the proposed text amendments will not directly or indirectly have a substantial adverse effect on a scenic vista or damage scenic resource, degrade the existing visual character or quality of the community and its surroundings, or create new substantial light and glare. No mitigation is required. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8)

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Projects; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (1,2)	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?(1)	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in public resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (3)	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? (1)	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (1)	☐	☐	☐	☒

Discussion – All Items 2(a-e)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Therefore, the implementation of the proposed text amendments will not directly or indirectly convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. Additionally, there are no lands within the City of Seaside zoned for agricultural uses. No mitigation is required. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8, Land Use; Seaside Municipal Code, Title 17)

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (1,2)	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1,2)	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (1,2)	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations? (Source: MBUAPCD 2008a, 2008b; Ambient 2010) (1,2)	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? (1,2)	☐	☐	☐	☒

The State CEQA Guidelines state that a project will result in a significant impact if it would:

- Conflict with or obstruct implementation of an air quality plan;
- Violate air quality standards;
- Contribute a cumulatively considerable net increase of a criteria pollutant in a non-attainment area;
- Expose sensitive receptors to substantial pollutant concentrations;
- or Create odors affecting a substantial number of people.

Discussion – All items 3(a-e)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Additionally, the use of the dwelling as a short term rental would not result in an increase of vehicle trips or use of the dwelling to impact air quality standards in that the occupancy of the dwelling would not change. Therefore, the implementation of the proposed text amendments will not directly or indirectly affect or impact air quality. No mitigation is required. (Seaside General Plan 2004, Conservation Element, Final Environmental Impact Report, Chapter 5.2 Air Quality)

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1,2)	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (1,2)	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1,2)	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2)	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2)	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2)	☐	☐	☐	☒

The criteria used to evaluate the proposed project's impacts on wildlife resources were based on federal, state, and local requirements, regulations, and policies (including the federal Endangered Species Act, California Endangered Species Act, CEQA, and the California Fish and Game Code) along with records of resource scarcity and sensitivity. An impact is considered significant if it would:

- Adversely affect endangered, threatened, or rare species;
- Adversely affect the habitat of such species;
- Adversely affect wetlands under the jurisdiction of Section 404 of the Clean Water Act;
- Interfere with the movement of native resident or migratory species;
- Conflict with policies or ordinances protecting biological resources; or biological habitat management plan.

Discussion – All items 4 (a-f)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. The text amendments will not have a substantial adverse effect on riparian habitats, native resident, migratory fish, wildlife species or federally protected wetlands. The text amendments will not conflict with any local policies or ordinance protecting biological resource or provisions of an adopted Habitat Conservation Plan. Therefore, the proposed text amendments will not have any direct or indirect substantial adverse effect on any species identified as a candidate, sensitive or special status species identified by the California Department of Fish and Wildlife Service. No mitigation is required. (Seaside General Plan 2004, Conservation/Open Space Element, Final Environmental Impact Report, Chapter 5.3 Biological Resources)

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (1,2)	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (1,2)	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2)	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? (1,2)	☐	☐	☐	☒

A project is considered to result in a significant impact on cultural resources if it would:

- Adversely affect the significance of a historic resource;
- Adversely affect the significance of an archaeological resource;
- Destroy an unique paleontological resource or geological feature;
- Disturb any human remains.

Discussion – All items 5 (a-d)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Therefore, the proposed text amendments will not cause substantial direct or indirect adverse change in the significance of a historical resource or archaeological resource. The text amendment will not directly or indirectly destroy unique paleontological resource or disturb any human remains. No mitigation is required. (Seaside General Plan 2004, Land Use Element)

6. GEOLOGY AND SOILS.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (1,2)				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:) Refer to Division of Mines and Geology Special Publication 42. (1,2)	☐	☐	☐	☒
ii) Strong seismic ground shaking? (1,2)	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction? (1,2)	☐	☐	☐	☒
iv) Landslides? (1,2)	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? (1,2)	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1,2)	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (1,2)	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2)	☐	☐	☐	☒

The proposed project would have a significant impact to the environment if it would:

- Expose people or structures to risk of loss, injury, or death from (1) earthquake, (2) strong seismic ground shaking, (3) seismic-related ground failure including liquefaction or (4) landslides;
- Result in substantial soil erosion or loss of topsoil;
- Be located on unstable soil; or
- Have soils incapable of supporting septic system use.

Discussion – All items 6(a-e)

The proposed text amendments will consist of amending Chapter 3 and Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Therefore, the proposed text amendment will not expose people to or structures to potential substantial adverse effects, including the risk of injury or death. The amendment will not result in substantial soil erosion, loss of top soil, landslide, and liquefaction or destroy unique paleontological resource. No mitigation is required. (Seaside General Plan 2004, Safety Element, Final Environmental Impact Report, Chapter 5.5 Geology and Soils)

7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2)	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2)	☐	☐	☐	☒

The proposed project would have a significant impact to the environment if it would:

Discussion – All items 7(a-b)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the City. There is no development associated with the proposed text amendment. Therefore, the proposed text amendment will not generate any greenhouse gases and will not conflict with an applicable plan policy or regulation adopted to reduce greenhouse gases. No mitigation is required. (Seaside General Plan 2004, Conservation Element, Final Environmental Impact Report, Chapter 5.2 Air Quality)

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2)	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school? (1,2)	☐	☐	☐	■
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (1,2)	☐	☐	☐	■
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (1,2)	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (1,2)	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2)	☐	☐	☐	■
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (1,2)	☐	☐	☐	■

A project is considered to result in a significant impact if it would:

- Create a public health hazard through the transport, use or disposal of hazardous materials;
- Create a public hazard through upset or accident involving release of hazardous materials;
- Emit hazardous emissions or involve handling hazardous materials within on-quarter mile of an existing or proposed school;
- Be located on a site that is listed as hazardous by CAL-EPA;
- Result in safety hazards near a public or public-use airport or private airstrip;
- Impair implementation of an adopted emergency response or evacuation plan;
- Expose people or structures to risk, loss, injury, or death involving wildland fires.

Discussion – All items 8(a-h)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Therefore, the proposed text amendment to the Municipal Code will not create any direct or indirect hazard to the public or environment from hazardous materials, emit hazardous emissions, interfere with

an adopted emergency response plan or expose people or structures to wildland fires. The amendment will not result in a safety hazard for people residing or working in a public airport or private airstrip. No mitigation is required. (Seaside General Plan 2004, Safety Element, Final Environmental Impact Report, Chapter 5.6 Hazards)

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (1,2)	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (1,2)	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? (1,2)	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? (1,2)	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (1,2)	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? (1,2)	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1,2)	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (1,2)	☐	☐	☐	☒
j) Inundation from seiche, tsunami, or mudflow? (1,2)	☐	☐	☐	☒

The project would significantly impact the environment if it would:

- Violate any water quality standards or water discharge requirements;
- Substantially deplete groundwater supplies or interfere groundwater recharge;
- Substantially alter the existing drainage patterns resulting in a substantial increase in erosion or surface runoff and causing flooding;
- Create or contribute to runoff that exceeds drainage system capacity;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area;
- Impede or redirect food flows within a 100-year flood hazard area;
- Expose people or structures to a significant risk of loss, injury or death from flooding;
- Result in inundation by seiche, tsunami, or mudflow;

Discussion – All Items 9(a-j)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Therefore, the text amendment will not violate any water quality standards, substantially deplete groundwater supplies, alter any existing drainage pattern, create or contribute runoff water, or degrade water quality, place housing within a 100-year flood zone or expose people or structures to significant risk or injury or death involving flood. No mitigation is required. (Seaside General Plan 2004, and Use Element, Final Environmental Impact Report, Chapter 5.5 Geology Soils.

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (1,2,3)	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3)	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (1,2)	☐	☐	☐	☒

Land use impacts are considered significant if the project would:

- Physically divided an established community or be incompatible with existing land uses;
- Conflict with land use plans, policies, or regulations;
- Conflict with Habitat Conservation Plans or other types of approved biological habitat management plans.

Discussion – All items 10 (a-c)

Seaside Municipal Code

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. The text amendments would not result in significant physical impacts on the environment as discussed elsewhere in the Initial Study,

Seaside General Plan

The Seaside General Plan provides a framework for future growth and development within the City and guidelines to ensure compatibility with adjacent properties and surrounding neighborhoods, General Plan land use policies relevant to the proposed project include the following:

Policy LU-4.1: Require that all new development is compatible with surrounding uses, the site, and available infrastructure.

Because the proposed amendments would not result in a substantial physical change in land use or authorize new development that is not already permitted by existing regulations for a dwelling unit located within a commercial or residential zone, the amendments would not conflict with the goals and policies of the City's General Plan. In addition, the proposed regulations will include the following provisions to ensure compatibility of short-term rentals with adjacent properties and maintain neighborhood character:

- The owner or operator shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.
- The number of short-term renters/guests per property is limited to four persons per legal bedroom; for example a three bedroom house would be limited to twelve guests.
- Private commercial events shall be prohibited.
- The owner, operator or local contact person shall respond within sixty (60) minutes of being notified that the responsible person or guest of the short-term rental created unreasonable noise, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation and halt or prevent the recurrence of such conduct. The owner, operator or local contact person shall be subject to all administrative, legal and equitable remedies available to the City for failing to respond within 60 minutes.
- The short-term rental shall be occupied for not less than one (1) day and one (1) night.
- Trash and refuse shall not be left stored within public view, except in proper containers for purposes of collection by the City's authorized waste hauler.
- A short-term rental shall not change the residential character of the outside appearance of the residence including color, material, lighting or any advertising mechanism, including "vacation rental" signs.

- Guests of the short-term rental shall comply with City of Seaside Municipal Chapter 9.12 Regulating Noise, including quiet hours between the hours of 10 PM and 7 AM.
- The operator shall post the following information in a prominent location within the short-term rental:
 1. Operator name and number;
 2. Local contact person name and number;
 3. The telephone number for the Police Department and Code Enforcement;
 4. The maximum number of parking spaces available onsite;
 5. Trash pick-up day and applicable rules and regulations;
 6. A copy of City of Seaside Noise Regulations;
 7. A copy of the good neighbor brochure; and
 8. Notification that a guest, local contact person, responsible person or owner may be cited or fined by the City in accordance with this ordinance.

Therefore, based on the standards listed above that will be incorporated into the zoning code, the text amendments will not directly or indirectly divide an established community or conflict with any applicable land use plan or policy. No mitigation is required. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8 Land Use)

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2)	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (1,2)	☐	☐	☐	☒

A project will normally have a significant effect on the environment if it will:

- Result in the loss of a known mineral resource;
- Result in the loss of availability of a locally important mineral resource identified in an approved land use plan.

Discussion – All items 11(a-b)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Therefore, no mineral resources would be removed as part of this project nor would any activities related to the project come in conflict with a known renewable or other resources conservation plan. No mitigation is required. (Seaside 2004 General Plan, Land Use Element)

12. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (1,2)	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (1,2)	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2)	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2)	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	☒

A project is considered to result in a significant impact if it would:

- Expose persons to noise levels exceeding established standards;
- Expose persons to excessive ground borne vibration;
- Substantially increase ambient noise (temporary, periodic, or permanent);
- Expose people to excessive noise near a public-use airport or private airstrip.

Discussion – All items 12(a-f)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located in already developed areas of the community. There is no development associated with the proposed text amendment. The proposed amendment would not authorize new development or change existing regulations regarding construction or mechanical equipment noise. However, potential noise impacts could occur if occupants were to engage in activities or behavior that is disruptive to adjacent residents, such as shouting and playing loud music outdoors. It is not possible to currently predict with any certainty the differences between long-term residents and short-term tenants with regard to human-generated noise. However, in order to address this concern, the proposed regulations include the following provisions intended to minimize such noise impacts:

- Limit on size of gatherings. The proposed amendments would limit the maximum size of a party, event, or group gathering at short-term rental site to no more than four persons per bedroom.

- **Limit on amplified sound:** The proposed revisions would prohibit amplified sound that is audible beyond the property boundaries of short-term rental units and would require that tenants be informed of noise limits.
- **Owner responsibilities:** The proposed regulations require that owners use best efforts, and respond in a reasonable and timely manner to ensure that every occupant of the short-term rental site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site. Furthermore, the proposed regulations require the owner or owner representative shall be available to respond to complaints within 60 minutes of request during any time the property is occupied for transient use. Within 24 hours of the time an initial call is attempted, the owner or owner representative shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any violation. Failure to respond to two or more complaints regarding tenant violations is grounds to revoke the short-term rental license as set forth in Chapter 17 of the SMC.

These provisions would substantially reduce potential noise impacts to a level that is less than significant and no mitigation is required.

(e-f) No Impact. There are no private airstrips within vicinity of the City. Therefore, no noise impacts would occur and no mitigation is required,

13. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (1,2)	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1,2)	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1,2)	☐	☐	☐	☒

Population and housing impacts are considered significant if the project:

- Induces substantial growth; or
- Expose persons to excessive ground borne vibration;
- Displaces a substantial number of existing housing units or people, necessitating construction of replacement housing.

Discussion – 13(a-c)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment. Therefore, no changes to any existing housing or population centers will occur upon implementation of the proposed text amendments, nor will the text amendments induce substantial population

growth or displace existing housing or people. No mitigation is required. (Seaside General Plan 2004, Land Use and Housing Element; Final Environmental Impact Report, Chapter 5.2 Air Quality). Public Services)

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (1,2)	☐	☐	☐	☒
b) Police protection? (1,2)	☐	☐	☐	☒
c) Schools? (1,2)	☐	☐	☐	☒
d) Parks? (1,2)	☐	☐	☐	☒
e) Other public facilities? (1,2)	☐	☐	☐	☒

A project will normally have a significant impact on the environment if it will:

- Result in substantial adverse physical effects from the construction of new or altered governmental facilities needed to maintain acceptable service ratios, response times or other performance objectives for: (1) fire protection, (2) police protection, (3) schools, (4) parks, or (5) other public services.

Discussion – All items 14(a-e)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. There is no development associated with the proposed text amendment.

The proposed amendment would impose more restrictive regulations on the short-term rental of residential units such as limits on the maximum number of short-term rental licenses, the maximum number of occupants, requiring an owner or owner representative to respond to complaints associated with short-term rental tenants within 60-minuters, and noise. The proposed regulations would substantially reduce potential impacts on fire protection, police protection, parks and other public facilities to a level that is less than significant. Because short-term tenants do not attend local schools, no impact on schools would occur. No mitigation is required. Therefore, the proposed text amendments will not result in any direct or indirect adverse physical impacts associated with the need to provide any new or physically altered government facilities or services. No mitigation is required. (Final Environmental Impact Report, Chapter 5.11 Public Services and Utilities)

14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2)	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2)	☐	☐	☐	☒

Recreation impacts are considered significant if a project:

- Creates a “conflict with established recreational, educational, religious, or scientific uses of the area;”
- Increases the use of existing local and regional parks, resulting in physical deterioration;
- Results in substantial adverse physical effects from construction of new or altered recreational facilities.

Discussion – All items 15(a-b)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings and already developed. There is no development associated with the proposed text amendment. Therefore, the proposed text amendments would not result in a direct or indirect need to expand or physically alter its recreational facilities and parks in the community. No mitigation is required (Seaside 2004 General Plan, Conservation/Open Space Element)

15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads of highways? (1,2)	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1,2)	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2)	☐	☐	☐	☒
e) Result in inadequate emergency access? (1,2)	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (1,2)	☐	☐	☐	☒

A project results in a significant impact if it would:

- Substantially increase traffic relative to existing load capacity;
- Exceed an established level-of-service standard;
- Result in a change of air traffic patterns;
- Substantially increase hazards due to design or incompatible uses;
- Result in inadequate emergency access;
- Result in inadequate parking capacity;
- Conflict with adopted alternative transportation policies, plans or programs.

Discussion – 16(a-f) Less than Significant impact.

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community.

The proposed amendment would not authorize new development or alter the use of an existing dwelling above its current use. The new regulations would impose more restrictive regulations on the short-term rental of residential units such as limits on the maximum number of short-term rental licenses, the maximum number of occupants, requiring an owner or owner representative to respond to complaints associated with short-term rental tenants within 60-minuters, and noise. Therefore, the proposed text amendments would not result in a net increase in traffic or parking demand in the community, nor would it reduce the number of existing parking spaces within the study area. No mitigation is required. (Seaside 2004 General Plan, Circulation Element; Final Environmental Impact Report, Chapter 5.12 Transportation) No mitigation is required.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1,2)	☐	☐	☐	■
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,2)	☐	☐	☐	■
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,2)	☐	☐	☐	■
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1,2)	☐	☐	☐	■
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2)	☐	☐	☐	■
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (1,2)	☐	☐	☐	■
g) Comply with federal, state, and local statutes and regulations related to solid waste? (1,2)	☐	☐	☐	■

A project will normally have a significant effect on the environment if it will:

- Fail to comply with wastewater treatment requirements of a Regional Water Quality Control Board;
- Require or result in the construction of new or expanded water or wastewater treatment facilities;
- Require or result in the construction of new or expanded storm water drainage facilities;
- Exceed existing water supplies;
- Exceed existing wastewater capacity;
- Exceed existing landfill capacity;
- Conflict with federal, state, and local statutes and regulations related to solid waste.

Discussion – 17(a-g)

The proposed text amendments will consist of amending Chapter 17 of the Seaside Municipal Code (SMC) to establish regulations for the use of privately owned residential dwellings as short-term rentals within existing dwellings located within already developed areas of the community. No new development or increase in land use intensity would be authorized by the proposed amendment, therefore impacts to utilities and service systems would

be less than significant. No mitigation is required (Seaside 2004 General Plan, Conservation Element; Final Environmental Impact Report, Chapter 511 Public Services and Utilities)

18. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Impacts are considered significant if a project has the potential to:

- Degrade the quality of the environment;
- Substantially reduce, restrict or threaten to eliminate wildlife habitat;
- Eliminate important examples of major California history or prehistory;
- Introduce "Cumulatively Considerable" impacts; or
- Cause environmental effects that cause substantial adverse effects on human beings, directly or indirectly.

Discussion – All items

- (a) **No Impact.** The proposed amendment would modify current regulations for the short-term rental of existing residential units located in developed areas. Because no new construction would be authorized by the amendment, no impacts to fish and/or wildlife species or historical resources would occur.
- (b) **Less Than Significant Impact.** The proposed amendment would modify current regulations for the short-term rental of existing residential units located in developed areas. No new construction would be authorized by the amendment. The proposed regulations would establish maximum limits with respect to the number and occupancy of short-term rentals, which would reduce the aspect of any cumulative impacts that may occur if short-term rental of residential units cannot be regulated in the future. Therefore, these impacts would be less than significant.
- (c) **Less than Significant Impact.** The proposed amendment would establish new regulations for the short-term rental of existing residential units located in developed areas of the community. No new construction would be authorized by the amendment, and the proposed regulations would impose more restrictive standards than which currently do not exist with respect to the number and occupancy of short-term rentals

citywide. Therefore, potential impacts on human beings, either direct or indirect would be less than significant.

H. SOURCES

1. City of Seaside 2004 General Plan
<http://www.ci.seaside.ca.us/index.aspx?page=191#GeneralPlan>
2. City of Seaside Final Environmental Impact Report
<http://www.ci.seaside.ca.us/Modules/ShowDocument.aspx?documentid=592>
3. City of Seaside, 2012 Municipal Code
<http://www.municode.com/library/CA/Seaside>

Exhibit "A"
Proposed Short-Term Rental Regulations

SECTION 1. The foregoing factual recitals are adopted as findings of the City Council.

SECTION 2. A new Municipal Code Section 17.52.251 entitled, "Short-Term Rental" shall be added by the addition of all text shown as follows:

17.52.251.E Definitions. For the purpose of this Section certain terms used herein shall have the meanings set forth in this chapter, and such meaning shall prevail in case of conflict with the definitions set forth in SMC.

- (1) "Person" means an individual, a group of individuals, or an association, firm partnership, corporation or other entity, public or private.
- (2) "Owner" means the person who possesses title to a transient use site.
- (3) "Owner representative" means any person authorized by the owner to fully manage the transient use site.
- (4) "Local Contact Person" shall be the person designated by the owner or the owner's authorized representative who shall be available twenty-four hours per day, seven days per week for the purpose of responding within sixty minutes to complaints related to the short-term rental and taking remedial action to resolve such complaints.
- (5) "Remuneration" means **compensation, money, rent, or** other bargained for consideration given in return for occupancy, possession or use of real property.
- (6) "Residential property" means any dwelling unit, except those dwelling units lawfully established as second units established pursuant to SMC Section or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use.
- (7) "Hosted short-term rental" means a dwelling unit where the owner with the majority interest in the residential property, or an owner holding an equal share interest if no other owner owns a greater interest, occupies a dwelling unit as his or her principal residence and offers the dwelling or a habitable portion thereof for transient occupancy by others.

(8) "Non-hosted short-term rental" means a dwelling unit that is offered for transient occupancy where the owner is does not occupy the dwelling unit that offered for transient occupancy as his or her principal residence.

(9) "Guest" means the overnight occupant (s) renting the short-term rental for a specified period and the visitors of the overnight occupants.

(10) "Good Neighbor Brochure" means a brochure, available from the City, to be given to guests, which includes a summary of the City's regulations relating to short-term rentals.

(11) "Transient" means a period of not less than one (1) day and one (1) night, nor more than thirty (30) consecutive calendar days.

(12) "Responsible tenant/guest" means a person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the transient use site, and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the transient use site, including but not limited to, all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental.

(13) "Transient use of residential property" means the commercial use by any person of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than thirty (30) consecutive calendar days.

(14) **"Transient use site" and "transient use" mean property** occupied and used for transient or short-term rental purposes.

(15) "Use" means the purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(16) "Blockface" means the aggregate of all the building facades on one side of a block.

(b) Transient use of residential property for remuneration is prohibited except (1) as otherwise expressly permitted by this title, or (2) when such use is permitted by a transient use permit issued in accord with SMC Section 17.52.252.

(c) Liability and Enforcement.

(1) Any owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property in violation of the provisions of this chapter is guilty of an infraction. for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(2) Any owner, owner representative, responsible tenant, or other person who uses, or allows the use of, residential property in violation of the provisions of this chapter is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(3) Violations of this Ordinance shall be treated as a public nuisance and strict liability offense regardless of intent.

(4) A violation of any provision of this Ordinance by any of the guests, owners or operators shall constitute grounds to suspend or revoke a short-term rental permit.

SECTION 3. A new SMC Section 17.52.252 entitled, "Short-Term Rental Permit", shall be added as follows:

17.52.252.A Statement of Purpose.

The purpose of this chapter is to establish a permitting process, together with appropriate standards that regulate short-term rental of single-family and multi-family dwellings in residential districts, to minimize negative secondary effects of short-term rental use on surrounding neighborhoods; and to preserve the character of neighborhoods in which any such use occurs. This chapter addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of permits issued to ensure long-term availability of the affordable housing stock. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

This chapter shall not provide any property owner with the right or privilege to violate any private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this chapter.

The City Council finds adoption of a comprehensive code to regulate issuance of, and conditions attached to, short-term rental is necessary to protect the public health, safety and welfare. The purposes of this chapter are to provide a permitting system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses on residential neighborhoods.

The City Council finds the regulation of short-term rental uses, including its non-transferability provisions, to be a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.52.252.B Definitions.

(a) The terms "personal", "owner", "owner representative", "local contact person", "remuneration", "residential property", "hosted short-term rental", "non-hosted short-term rental", "guest", "Good Neighbor Brochure 11", "transient", "responsible tenant/guest", "transient use of residential property", "transient use site¹¹", "transient use", "use" and "blockface" as used in this chapter shall be given the same definition as those definitions set forth in SMC Section 17.52.251.

17.52.252.C Allowed Use.

(a) Transient use of residential property for remuneration is allowed pursuant to SMC Section 17.52.251 or this chapter; provided that a separate Short-Term Rental Permit has first been granted and validly maintained for each transient use site.

(b) Each transient use must meet all the requirements of this Section. Short-Term Rental Permits are issued for a term. No guarantee is given or implied that Short-Term Rental Permit will be extended or renewed for a term subsequent to its expiration.

(c) For the purposes of this Section the City recognizes and sets discrete requirements for each of two different classes of Short-Term Rental Permits. These are Hosted Short-Term Rental and Non-Hosted Short-Term Rental.

(d) Each contract or tenancy that allows transient use shall identify the name, address, phone number and e-mail contact information of at least one responsible tenant who has been informed of, and has agreed to abide by, occupancy, parking and other limits that apply to that transient use. The owner or owner representative shall make a record of the motor vehicle license number of each motor vehicle used by an occupant of the transient use site, and shall upon request provide that information to the City Manager or his/her delegated agent.

(e) For each initial Short-Term Rental Permit, and each permit renewal, the applicant and each property owner shall submit an inspection report to the City that provides and verifies information, in the form and manner required by the Chief Building Official, to ensure the property is safe and habitable for its intended use, including verification of adequate egress from sleeping quarters and common area, installation of accessible fire extinguishers, and a carbon monoxide alarm on each level, and that the property exists in accord with appropriate land use and building permits.

(f) The owner or owner representative shall cause notice of the application or any permit renewal, and of any hearing on the application or renewal, to be posted and mailed to notify neighbors within 100 feet of the short-term rental permitted site. The notice shall include a statement of the maximum number of guests permitted to stay in the short-term rental.

17.52.252.D Rental Permit Caps and Density Limits.

(a) Rental Permit Caps. The number of permits to be issued by the City of Seaside in 2018 and 2019 will not exceed 200, with not less than 75 permits reserved for hosted short-term rentals and not less than 75 permits reserved for non-hosted short-term rentals, assigned on a first-applied, first permitted basis. If applications exceeding this number are received the City Manager shall place the excess number on a short-term rental permit waiting list and process those in order of receipt as permits become available.

In years 2020 and beyond the City Council will establish the maximum allowable number of hosted and non-hosted short-term rental permits annually by Resolution at the second regularly scheduled City Council meeting in January, and in doing so, will project forward the maximum allowable number of hosted and non-hosted short-term rental permits and not less than three (3) years into the future.

(b) Density Limit. Non-hosted short-term rental permits shall not be issued if granting that short-term rental permit would cause the non-hosted short-term density limit to fifty percent (50%) per blockface on which it is located.

17.52.252.E Limits on Transient Use.

Transient use of residential property for remuneration allowed by SMC Section 17.52.251 or this Section shall be subject to each and every limitation in this Section:

(a) Each contract or tenancy that enables transient use shall be in writing, and identify thereon the name, address, phone number and e-mail contact information of:

(1) the owner;

(2) the owner representative; and

(3) at least one responsible tenant occupying the transient site who shall be responsible for all limits required by this section.

(b) Each contract or tenancy that all transient use shall identify the name, address, phone number and e-mail contact information of at least one responsible tenant who has been informed by the owner or owner representative of the occupancy, parking and other limits that apply to transient use by this Section and shall be informed of residential parking and noise limits, including but not limited to SMC Section 9.12, the City codes that regulate unlawful noises.

(c) Trash and refuse shall not be left stored within public view, except in proper containers for purpose of collection by the City's authorized waste hauler.

(d) A short-term rental shall not change the residential character of the outside appearance of the residence including color, material, lighting or any advertising mechanism, including **"vacation rental" signs.**

(e) Guests of the short-term rental shall comply with City of Seaside Municipal Code Chapter 9.12 regulating noise, including quiet hours between the hours of 10:00 p.m. and 7:00 a.m.

(f) The owner or owner representative shall post the following information in a prominent location within the short-term rental:

(a) owner or owner representative name and telephone number

(b) local contact person name and telephone number;

(c) telephone number for the Seaside Police Department and Seaside Code Enforcement;

(d) the maximum number of parking spaces available onsite;

(e) trash pick-up day and applicable rules and regulations;

(f) a copy of City of Seaside Noise Regulations;

(g) a copy of the Good Neighbor Brochure; and

(h) Notification that a guest, local contact person, responsible person or owner may be cited and/or fined by the City in accordance with this Ordinance.

(g) The transient use site:

(1) shall be used and maintained in a manner consistent with the character of the neighborhood;

(2) shall not impair the desirability of investment or occupation of the surrounding neighborhood; and

(3) shall not have displayed thereon any sign that indicates the property is used or available for transient or short-term rental purposes.

(h) Owner and Owner representative shall each use their best efforts, and respond in a reasonable and timely manner, to ensure that every occupant of the transient use site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.

(i) Local contact person shall be on-call full-time (24 hours per day, 7 days per week) to manage the property and shall be able to be physically present at the transient use site within sixty (60) minutes of request during any time the property is occupied for transient use. Within 24 hours of the time an initial call is attempted the owner, owner representative or local contact person shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any violation. Failure to respond timely to two (2) or more complaints regarding guest violations is grounds for penalties as set forth in this chapter. The owner, owner representative or local contact person shall be subject to all administrative, legal and equitable remedies available to the City for failing to respond within sixty (60) minutes of request.

(j) The maximum number of occupants aged 18 or older authorized to stay overnight at any transient use site shall be limited two 2 (two) persons per bedroom, plus one additional person

(k) Each designated on-site parking space at a transient use site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guests of the site.

(1) Amplified sound that is audible beyond the property boundaries of the transient use site is prohibited.

(m) Commercial functions, and other similar events are prohibited at the transient use site.

17.52.252.F Short-Term Rental Permit.

It is unlawful for any person to transact and carry on any business relating to or supporting the transient use of residential property in the City without first having procured a Short-Term Rental Permit from the City, and paying the permit fee and any other fees associated with approval of an application for a permit, hereinafter prescribed, and also without complying with any and all applicable provisions of this Section. A short-term rental permit, however, shall not be required for any lawfully established bed and breakfast inn, motel, hotel, or timeshare development.

17.52.252.G Display of Short-Term Rental Permit.

The owner or owner representative shall cause a copy of the transient use license to be displayed in a prominent location within the interior of the transient use site, and shall provide a copy to each responsible tenant. Each internet or online advertisement, sign, circular, card, telephone book, or newspaper advertisement that indicates or represents a transient use site is available for transient or short-term rental purposes shall prominently display thereon the transient use permit number assigned to that site by the City of Seaside.

17.52.252.H Separate Properties.

A separate short-term rental permit shall be obtained for each separate transient use site. A single short-term rental permit may be issued for multiple residential dwelling units under identical ownership at a single site. In all other circumstances, a separate permit shall be required for each transient use site. A transient use permit shall authorize the permitted owner to transact and carry on transient use of residential property only at the location and in the manner and subject to the limits designated in such permit.

17.52.252.I Contents of Permit.

Every person required to have a permit under the provisions of this Section shall make application to the City and tender payment of the prescribed application and permit fee. Thereafter in accord with the provisions of this Section the City shall issue to such person a permit which shall contain the following information:

(a) the name and contact information of the owner to whom the permit is issued, and the name and contact information for the owner representative, if any;

(b) the transient use site to be permitted, and whether the permit is for a hosted short-term rental or a non-hosted short-term rental;

(c) the date of expiration of such permit;

(d) the maximum number of occupants aged 18 or older who are authorized to stay overnight at that transient use site in accordance with the number of bedrooms on site;

(e) the maximum number of motor vehicles allowed for use by overnight guests at that transient use site based upon the available on-site parking as shown on the application site plan; and

(f) such other administrative information as may be necessary for the enforcement of the provisions of this Section.

17.52.252.J

Application - First Permit.

Each short-term rental permit shall be in the name of the owner of the real property upon which the short-term rental use is to be permitted, and shall be valid for a period of one (1) year from the date of issuance. When a person first makes an application for a permit pursuant to this Section such person shall furnish to the City a sworn Affidavit upon a form provided by the City, setting forth the following information:

(a) the address of the transient use site to which the permit shall apply, and all places of residence of the owner(s) of the transient use site;

(1) In the event an application is made for issuance of a permit to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning the business;

(2) In the event an application is made for the issuance of a permit to a corporation or a partnership, the application shall set forth the names and places of residence of the principal officers and all partners thereof.

(b) each application shall set forth such information as may be therein required by the City and deemed necessary to estimate the annual transient occupancy tax to be charged for that property;

(c) the owner and applicant shall maintain a City business license at all times, and shall agree to collect and remit transient occupancy taxes on all gross receipts pertaining to the transient use site;

(d) each application shall identify the name, address, phone number and e-mail contact information of the owner and the owner representative;

(e) each application shall include a site plan which labels each room and the structure of the property, including the number of bedrooms and the number of off-street parking spaces;

(f) the owner shall affirm that smoke detectors are installed on all levels in all sleeping quarters and common areas, and that fire extinguishers are accessible to protect the health and safety of the guests of the transient use site, and the applicant shall provide access and information to the fire inspector as needed to ensure health and safety for occupants of the transient use site; and

(g) such further information which the City may require to enable proper administration of the permit.

The applicant shall remit all required annual fees in accord with the master fee schedule set by City Council Resolution. The applicant shall agree to renew and/or amend the permit in accord with the requirements of this Section, and if there is a change in any material fact stated in the application.

17.52.252.K Renewal of Permit.

(a) In all cases, the applicant for the renewal of a permit shall submit to the City on or before July 1, 2018 an application for renewal containing a sworn Affidavit upon a form to be provided by the City setting forth such information concerning the applicant's transient occupancy activity during the preceding calendar year as may be required by the City to enable the City to verify the amount of the transient occupancy tax paid by said applicant pursuant to the provisions of this Section. Evidence that a site has not been used for at least ninety (90) days for transient use during the preceding twelve (12) months shall cause non-renewal of a non-hosted short-term rental permit, and the applicant may request a hosted short-term rental permit.

(b) The applicant shall remit the annual permit fee as set by Resolution at the same time as the renewal application. The applicant shall submit an annual sworn Affidavit affirming that smoke detectors are installed and maintained on all levels in all sleeping quarters and common areas and that fire extinguishers are accessible, and a carbon monoxide alarm is installed on each level. The applicant shall provide access and information to the

inspector as may be needed to ensure health and safety for guests of the transient use site, in order to verify adequate egress from sleeping quarters and common area, and installation of accessible fire extinguishers, and a carbon monoxide alarm on each level.

17.52.252.L Change to permit information.

(a) A request to amend any information provided on the permit issued pursuant to this Section shall be made within fourteen (14) days of any change of owner, a change of the owner representative, a change in any material fact upon which the permit was issued, or if any other person acquires an ownership interest in the transient use site.

(b) In the event that the transient use site ownership transfers to an immediate family member by means of a gift or testamentary transfer the new owner of the property shall also acquire ownership of the existing short-term rental permit until its expiration without paying additional fees. The new property owner shall, within fourteen (14) days of transfer of ownership of the transient rental site, update the information provided on the permit issued.

17.52.252.N Evidence of transient occupancy of residential property.

When any owner, owner representative or other person makes **use of internet services, signs, circulars, cards, telephone books, or newspapers and/or advertises**, holds out, or represents that he or she allows transient occupancy of residential property in the City, and such person fails to provide a sworn Affidavit to the City that he or she does not allow transient occupancy of residential property in the City after being requested to do so, by the City, then such information shall be considered *prima facie* evidence that he or she is conducting a business in the City by allowing transient occupancy of residential property. Until proper evidence to the contrary is presented to the City, the City shall be entitled to presume that residential property is subject to the permit required by this Section, and/or that the transient use of residential property has occurred at the subject property.

17.52.252.O Statement and records.

No statement shall be conclusive as to the matters set forth therein, nor shall the filing of such statement keep the City from collecting by appropriate action taxes and/or fees that are due and payable hereunder. In the event that the City deems it necessary, the City may require that an already permitted owner, or applicant for a permit, submit verification of financial information necessary to calculate the transient

occupancy tax due, or at the option of the already permitted owner or applicant, may authorize the City to examine records or business transactions to compute the transient occupancy tax that is owed.

17.52.252.P Failure to file statement or corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City the permitted owner or applicant fails to file a corrected statement, or if any person subject to the tax imposed by this Section fails to apply for a permit, the City may determine the amount of tax due from such person by means of such information as City may be able to obtain and shall give written notice thereof to such person. Delinquent payment shall be subject to penalties calculated in the same manner as set forth in SMC Section 3.24.

17.52.252.Q Transient Occupancy Tax.

The owner or owner representative shall comply with all the requirements of SMC Chapter 3.24 "Transient Occupancy Tax". For the purposes of SMC Chapter 3.24, a short-term rental shall qualify as a "hotel". The City Manager or designee shall be responsible for the enforcement of the provisions of Chapter 3.24.

Fifty percent (50%) of the Transient Occupancy Tax collected from short-term rentals shall be set aside in the City of Seaside Housing Fund to be used to assist with affordable housing in accordance with the direction of the City Council; and fifty percent (50%) of the Transient Occupancy Tax collected from short-term rentals shall be directed to community and neighborhood improvements, with recommendations to the City Council by the Neighborhood Improvement Commission.

17.52.252.R Appeal of Tax.

Any person aggrieved by any decision of the City with respect to the amount of the transient occupancy tax or fees associated thereto may appeal to the administrative enforcement hearing office panel by filing a notice of appeal with the City Clerk within fifteen (15) calendar days after receipt of written notice from the City. The hearing officer assigned by the panel shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing in the United States Post Office at Seaside, California, postage prepaid, addressed to such person at his or her last known address. The hearing officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provisions of this section.

17.52.252.S Additional Power of City.

In addition to all other power conferred upon the City, the property owner/applicant shall have the power, for good cause shown:

(a) to extend the time for filing any required sworn Affidavit or application for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued; and

(b) whenever any fee, tax or penalty pursuant to this Section is due and payable but has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, such amounts shall constitute a lien against the real property, and be subject to the processes set forth in the SMC

17.52.252.T Permit Non-transferrable - Changed Location.

No permit issued pursuant to this Section shall be transferable to any other person or location.

17.52.252.U Permit Denial or Revocation.

Any application for a permit may be denied, and any permit issued pursuant to this Section may be revoked. Substantial evidence shall be presented as to why the application should be denied, or the license should be revoked for any reasons, including but not limited to:

(a) a false material statement or misrepresentation has been made in, or in support of, the application;

(b) a change occurs in any material fact upon which the permit was issued that has not been reported to the City as a change to the required license content within fourteen (14) days;

(c) the transient use site, or any other location owned by the owner or applicant, has been the site of a violation of any provision of law, or otherwise fails to meet sanitation or health standards of the neighborhood, within the twelve (12) months immediately preceding;

(d) the owner, owner representative or applicant has been convicted of any crime involving moral turpitude;

{e) the owner, owner representative or applicant has failed to **timely** respond to two (2) or more complaints within the twelve (12) months immediately preceding; and

(f) the owner, applicant, guest or any occupant of a transient use site regularly engages in disorderly conduct, violates provisions of this code or any state law pertaining to noise, disorderly conduct, or uses illegal drugs.

17.52.252.V Appeal of Revocation of Suspension.

Any person who has been denied a permit or to whom notice of revocation of suspension of a permit has been mailed may appeal to the administrative enforcement hearing panel under SMC Section 2.58, pursuant to a request for hearing under SMC Section 2.58. Notice of the proceeding shall conform to SMC Section 2.58.080, and the hearing shall conform to the process set in SMC Section 2.58.090. The hearing officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this Section. Any applicant or permit holder whose permit shall have been denied or revoked shall be ineligible for a two (2) year period from applying for a new permit. No person whose permit has been revoked shall continue to engage in, or carry on, the activity for which the permit was granted unless and until such permit has been reinstated or reissued. The decision of the hearing officer shall be final. Notice of the decision, and the opportunity for judicial review, shall conform to SMC Section 2.58.180.

17.52.252.W Penalties.

Penalties as set forth in SMC Section 17.80.050 may be imposed for failure to comply with the provisions of SMC Section or this Section, with respect to:

{a) Any owner, owner representative, or person who transacts or carries on any activity relating to or supporting the transient use of residential property in the City without first having procured and complied with a transient use permit from the City to do so, and paying all applicable permit fees shall be subject to administrative penalties as set forth in SMC Section 17.80.050.A, including administrative penalties imposed by a hearing officer for violation of any provisions of this Code in an amount not to exceed a maximum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) per day for each continuing violation, exclusive of administrative costs, interest and restitution for compliance reinspections, for any related series of violations, and/or forfeiture of all rents received during the period transient use was allowed without a transient use permit, whichever amount is greater;

(b) Any owner, owner representative, or person who carries on any activity that advertises to the surrounding neighborhood that the site has been permitted to allow, or is used for, transient occupancy, and who has failed to timely remedy this violation in response to two (2) or more complaints, shall be subject to administrative penalties;

(c) Any owner, owner representative, responsible tenant or person who allows a transient use site to be used or maintained in a manner detrimental to the peace, public health, safety or general welfare of persons or property of the neighborhood or the public, and fails to timely remedy this violation in response to two or more complaints;

(d) Any owner, owner representative, responsible tenant or person who allows impermissible or inappropriate behavior at the transient use site or action that exceed the limits on transient use following two (2) or more complaints;

(e) Limits upon administrative penalties in SMC Section shall not apply to any violation of this Section.

17.52.252.X **Liens.**

Whenever the amount of any penalty, forfeiture, and/or administrative cost imposed by a hearing officer pursuant to this Section or to SMC Section has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, this obligation shall constitute a lien against the real property on which the violation occurred, and be subject to the processes set forth in SMC.

Attachment 3

Public Comment Letters

Public Comment from
Jonathan Wizard

Rick Medina - Draft STR Ordinance

From: Jonathan Wizard <jonathanwizard@gmail.com>
To: Rick Medina <rmedina@ci.seaside.ca.us>
Date: 1/17/2018 1:27 PM
Subject: Draft STR Ordinance

Hi Rick,

The draft STR ordinance directs members of the public to submit their comments and questions to Senior Planner Rick Medina. Please find below my comments and questions about this ordinance.

1. There is no requirement for non-hosted STRs to be owned by Seaside residents, or even Peninsula residents. Without such a requirement, whatever money those who offer STRs receive will not be spent locally but instead extracted to be spent in other communities. Non-hosted STRs should be owned by locals, preferably Seaside residents.
2. What mechanism do we have to prevent a private person or business entity from buying homes en masse and converting them all to STRs, up to the "no less than 75..." threshold? One person should not be permitted to offer more than one non-hosted STR and one hosted STR.
3. Our ordinance should reflect the new housing law package to ensure no accessory dwelling units are used as STRs.
4. All STR permits should be conditional upon verification of commercial insurance. If you don't have commercial insurance for your commercial use of a residence, a fire, broken pipe, etc., could damage other people's homes, which wouldn't be covered by noncommercial renter's or homeowner's insurance.
5. What mechanism exists to prevent people from applying for and receiving an STR permit – with no intent to ever use it – so as to block their neighbors from getting one?
6. Apartments, mobile homes, multi-family dwellings, and other housing options that are commonly sought for their affordability should be restricted to hosted STRs only, since converting the most affordable housing into STRs disadvantages people with less money by removing the already low quantity of affordable housing in the housing stock. The use of *affordable housing* in the previous sentence should be read as "housing that is affordable," not the technical definition of Affordable Housing.
7. Subsection 17.52.251.C.D. "*An application may be denied if the applicant has had a prior short-term rental permit revoked for the same dwelling within the past twelve calendar months.*" If we're actually trying to hold people accountable, this should be a minimum of three years. Also, if I have two permitted STRs and manage one well and one poorly, why should I get to keep either? Ideally, that subsection would read, "*An application **shall** be denied if the applicant has had a prior short-term rental permit revoked for any dwelling, in any jurisdiction, any time within the past three years.*"
8. Section 17.52.251.D - *SHORT-TERM RENTAL OPERATIONAL REQUIREMENTS*. needs to include an enforcement mechanism by which our local compliance official can verify the local contact person has responded within 60 minutes. Either calling a phone number or signing into a website – something to verify the local contact person acknowledged the neighbor complaint.

9. Subsection 17.52.251.D.C. What are the "administrative, legal and equitable remedies available to the City?" If they're not specified, there's an argument for calling them arbitrary and capricious, which diminishes enforceability and future compliance. This also exposes the city to legal liability for a claim of unfairly enforcing rules and targeting individuals.

10. Who will verify the information on the Good Neighbor Brochure is accurate? ...and current? At what interval will that information be verified? What is the penalty for having expired or stale information?

11. What is the definition of "local" for a *Local Contact Person*? Is it a five-mile radius from the STR? Ten-mile? Is it a ten-minute response time? Thirty? Is it someone who lives in Seaside or just the Peninsula? What about South Salinas? What about Carmel Valley? Watsonville? San Juan Bautista?

12. Subsection 17.52.251.H.B. describes conditions for suspension or revocation of an STR permit. How long does this period of suspension or revocation last? Is the suspension or revocation of the STR permit the entirety of the penalty, or is there also a fine?

13. For noncompliant operators, whatever the reason, what amount of monetary penalty will be assessed, and how? Is the violation a factor of the advertised price, such as five times the listed rate of the last booking, excluding taxes and cleaning fees? Is the violation a flat fee, such as \$1,000 per offense? \$2,000? \$5,000? Is it a bill received in the mail addressed to the homeowner? Addressed to the renter or lessee? Both the homeowner and the renter/lessee? Is the fee assessed on a subsequent STR permit application? Is it a lien on their property?

Thank you for taking the time to review my concerns. Please verify whether submission via email is acceptable, or if you would prefer – or require – submission via personal delivery or US Post.

Sincerely,
Jon Wizard

Public Comment from
Janet Redding

Rick Medina - Short Term Rental Comments

From: Janet Redding <janetredding8316@hotmail.com>
To: "rmedina@ci.seaside.ca.us" <rmedina@ci.seaside.ca.us>
Date: 1/15/2018 4:48 PM
Subject: Short Term Rental Comments

I think that all property owners in a two block radius should be notified that a property is being used as a short term rental. Property owners should be notified if an owner submits an application for their property to become a short term rental.

Some might think that the neighborhood would see little impact but that is far from the truth. When someone goes to sell their home they have to disclose that a "Motel 6" type of property is the neighborhood. That could result in a decrease in property value.

We already have parking wars in the city. Where would the extra cars park? They should be required to park on the short term rental's property. I encourage you to drive down the 1600 block of Waring after 7pm. You will see what I mean about parking issues.

We have an AirBnB rental in our neighborhood. (1625 Waring Street) The owner of the property doesn't live in the home. It's used for a full time rental. Why doesn't the city charge more taxes for these types of rentals? The problem with the rental is that we are on a one way street. Guests who stay at the rental drive the wrong way down our one way street. We have complained but no one is listening. If two cars were to hit each other the cars will end up in someone's front yard and or in someone's house. Making sure that guests follow the traffic laws are very important.

Thank you for letting me share my concern.

Sincerely,

Janet McPherson

Sent from Outlook

Public Comment from
Edwin Baptista

To:
Rick Medina, Senior Planner
City of Seaside,
440 Harcourt Ave.
Seaside, CA 93955

01/23/2018

RECEIVED BY
CITY OF SEASIDE
JAN 23 2018
COMMUNITY
DEVELOPMENT

Ref: residential dwellings used as short-term rentals – (AGAINST)

I bought my house in Seaside in a residential neighborhood and enjoyed it for some time very much.

But lately the neighborhood has changed to a very busy short-term-motel-atmosphere!

Noisy people are coming and going day and night, trying to park in a narrow driveway, slamming doors, radios playing, motors running, loading and unloading luggage, kids, dogs, parties and more.

Occasionally they are in the middle of the street trying to park the second, third and fourth car! I wonder how many people will stay in those 2 units?

Sometimes this noise starts at 4:30 am, and now, everyone in my home is awake!

Those short-term-renters are taking up all the parking spaces on the street, and just when we think it's getting quiet some more people are showing up, trying to park and enter the same 2 units right next to my home, late at night!

We have lost our privacy and we surely hope the city of Seaside takes actions and establishes regulations for the use of privately owned residential dwellings for a minimum of 30-days and a limited amount of occupancy per unit!

Also when permits are issued there should be a fire and safety inspection, as well as proof of liability insurance and I think permits should be issued by a "lottery system" only!

I understand that Seaside is a beautiful, upcoming community with a lot of potential for growth which needs to be addressed and regulated, however I think there should be a minimum of 30-day rental and a maximum of headcount per unit (no sleeping bags on floors etc.)

Thank you!



Sincerely
Edwin Baptista
1238 Wanda Ave.
Seaside, CA 93955

Public Comment from
Pamela Hampton

REQUEST TO REJECT SEASIDE MUNICIPAL CODE AMEND. SMC 17-03

January 17, 2018

Rick Medina, Senior Planner

City of Seaside

440 Harcourt Avenue

Seaside, CA 93955

RECEIVED BY
CITY OF SEASIDE
JAN 22 2018
COMMUNITY
DEVELOPMENT

RE: ADVERSE IMPACT TO SURROUNDING PROPERTIES TO ALLOW SHORT TERM RENTALS

Dear Mr. Medina:

I am a home owner at 1693 Luzern St., Seaside. My immediate neighbors and owners, and I have suffered the negative effects of the lack of enforcement on rental property Boarding Houses in our neighborhood. The Land Use here is Single Family, however, there are at least 10 people renting at 1688 Luzern. There are other addresses on this street with multiple rental occupants. This has created excessive noise from parties, car radios blasting, and visitors coming and going all hours of the night. Off street parking and traffic flow have been a problem since there are 10 plus vehicles (some are oversized), double parking, encroaching into our driveways, creating blind entering into a one way street. Some of these SUV/campers are left in front of our houses for weeks obstructing natural light to our properties. Public Services have been stretched, street sweeper can't reach the curb, emergency vehicles can't get through, trash cans are overflowing, renters are trespassing on properties to throw garbage into our cans. There is also excessive dog barking, dogs running loose, pooping in our yards, etc. High occupancy creates a heavy impact on the utilities and service systems especially when there are heavy rains creating overflowing drains and gutters. Police services are also impacted when complaints are called in to solve these disputes. Aesthetics are impacted when there are multiple occupants hanging out in the front yard or lack of property maintenance due to slum landlords.

Short Term Rentals would only ADD to the already NEGATIVELY impacted factors of the illegal boarding houses including Land Use, Noise, Population, Public Services, Traffic, and Utilities.

All of these issues are currently affecting our peaceful enjoyment and quality of life. Approving Short Term Rentals would only amplify this ongoing public nuisance.

Please reconsider the approval of this Amendment to the Municipal Code. Your consideration would be appreciated.

Sincerely,

Pamela Hampton
Pamela Hampton
Blanche M. Smith
1680 Luzern St
Seaside, CA 93955
Ronald L. Smith

Kristine Perez
Bryan Perez } 1681 Luzern St.
Seaside Ca 93955

Carmie Jones 1699 LUZERN
John O'Connell SEASIDE CA.