

The Ad Hoc committee's recommendations focused on key concepts that emerged from these efforts. First, it was imperative to clarify the Vacation Home Rental ordinance and strengthen the language to establish clear rules and expectations for owners, managers, and renters of VHRs. Second, direction to staff was to improve enforcement of these regulations. One of the changes revised responsibility for permitting, inspection, compliance, and enforcement functions. Due to the increased complexity of the VHR Ordinance (EXHIBIT A) and the clearly expressed need for better enforcement, compliance activities became the responsibility of the Planning and Building Department, Code Enforcement Unit, beginning in July.

Currently, a VHR owner must obtain a VHR Permit issued by the Treasurer/Tax Collector in addition to an Administrative Permit, currently required by the Zoning Ordinance and issued by Planning and Building. Minor changes to the Zoning Ordinance will allow these functions to be combined. The changes will not eliminate any requirements for owners, managers, or renters of Vacation Home Rentals. The move to a department with experts in implementing other types of land use regulations, which has a permitting system for maintaining, tracking, and reporting uses, and which works in close proximity to Code Enforcement will allow for a more coordinated regulatory process.

Additionally, this change eliminates the need for both the VHR Permit and the Administrative Permit. The reallocation of the permitting function and the combination of the two permit types into one will simplify the process for the owner of the VHR, allow the Treasurer-Tax Collector's Office to continue to collect Transient Occupancy Tax and administer the Business License, while allowing the Planning and Building Department to administer the VHR Permit and resolve any enforcement issues within the same department.

On November 20, 2018 the Board adopted a Resolution of Intention (EXHIBIT B) to initiate the proposed amendments to Title 130 (Zoning Ordinance) (Legistar File 18-1782). Staff recommends that the Planning Commission approve the proposed amendments and recommend the Board adopt the revised Zoning Ordinance.

PROPOSED TITLE 130 ZONING ORDINANCE MINOR AMENDMENTS

The full text of the proposed Zoning Ordinance Minor Amendments is included as EXHIBIT C and shown in track changes format. The changes included are summarized as follows:

- 1) Revise three Matrices of Allowed Uses (130.21.020, 130.22.020, 130.24.020) to remove the requirement for an Administrative Permit (A) for Vacation Home Rentals.
- 2) Remove Vacation Home Rental Heading from 130.40.370 Reserved (no requirements under this heading).

- 3) Corrections to inaccurate or obsolete code and document references.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ENVIRONMENTAL DETERMINATION

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed Zone Text Amendment and has determined that it is Categorical Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that the Zoning Text Amendment may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. The Notice of Exemption is attached as EXHIBIT D.

SUPPORT INFORMATION

Attachments to Staff Memo

Exhibit A.....Ordinance 5092 – Vacation Home Rentals
Exhibit BResolution 240-2018 – Resolution of Intention to Amend the Zoning Code (Title 130)
Exhibit CProposed Zoning Ordinance Minor Amendments
Exhibit D.....Proposed Notice of Exemption