

ORDINANCE NO. 2660

AN ORDINANCE OF THE CITY OF REDDING AMENDING TITLE 18 (ZONING), CHAPTER 18.43 (STANDARDS FOR SPECIFIC LAND USES) BY AMENDING SECTION 18.43.180 (SHORT TERM RENTALS), THEREBY MAKING CHANGES TO THE STANDARDS FOR REGULATION OF SHORT-TERM RENTALS

THE CITY COUNCIL OF THE CITY OF REDDING DOES ORDAIN AS FOLLOWS:

Section 1. Title 18 (Zoning), Chapter 18.43 (Standards for Specific Land Uses), Section 18.43.180 is amended to read in its entirety as follows:

18.43.180 Short-Term Rentals

- A.** The purpose of this Section is to establish an appropriate permitting process and standards for Short-Term Rental of dwelling units throughout the City; to provide a visitor experience and accommodation as an alternative to the typical hotel, motel, and bed and breakfast accommodations customarily permitted in the City; to minimize potential negative secondary effects of Short-Term Rental use on surrounding residential neighborhoods; to retain the character of the neighborhoods in which any such use occurs; and ensure the payment of required transient occupancy taxes.
- B. Types of Short-Term Rentals.** For purposes of this Section, the following Short-Term Rental facilities are established:
1. ***Hosted Homestay.*** An owner-occupied “Dwelling Unit,” as defined by Section 18.61.020 under “Residential Structure Types” and excluding apartment units and duplexes, with more than one habitable room, where, for compensation, individual overnight room accommodations are provided for a period of less than thirty (30) days.
 2. ***Vacation Rental.*** An entire “Dwelling Unit,” as defined by Section 18.61.020 under “Residential Structure Types” and excluding apartment units and duplexes, where, for compensation, overnight accommodations are provided for a period of less than thirty (30) days and the owner may or may not reside within the dwelling unit for the term of the rental.
- C. Short-Term Rental Permit Requirements.** No person shall use, advertise, or market for use, any dwelling unit on any parcel in any zoning district for Short-Term Rental purposes without first obtaining approval as required by this Section. The following approval process is established:
1. ***Hosted Homestay:*** This use is permitted within all zoning districts subject to obtaining a Zoning Clearance from the Director and providing an affidavit

certifying that the owner understands, agrees to, and is in compliance with the requirements of this Section. Applicants may be required to provide a site plan or other information determined necessary by the Director to determine compliance with this Section and shall pay an application fee as may be established by resolution of the City Council. Permits for Hosted Homestays shall expire twelve (12) months from issuance and are subject to a requirement for renewal in accordance with this Section.

2. ***Vacation Rental:*** This use is permitted within all zoning districts subject to obtaining a Site Development Permit issued by the Director in accordance with the provisions of Chapter 18.11, Common Procedures and Chapter 18.13, Site Development Permits of this Code, except that Site Development Permits for Vacation Rentals shall expire twelve (12) months from issuance and are subject to a requirement for renewal in accordance with this Section.

D. Districts in Which Permitted. The regulations of this chapter apply to Short-Term Rentals in all zoning districts.

E. General Requirements - Hosted Homestay.

1. No more than one dwelling unit on a lot may be used at any one time.
2. A maximum of two rooms may be available for rent at any time. A floor plan shall be submitted with the affidavit indicating the rooms for rent.
3. Occupancy shall be limited to a maximum of two adults per rented room. Room rental shall be limited to a maximum of 180 rental days per calendar year.
4. The owner shall be the applicant, and other than for purposes of daily routines, the applicant must occupy the residence at all times when rooms are being provided for rent.
5. At the time of permit renewal, the property owner shall attest they understand and agree to the Hosted Homestay requirements by signing the Hosted Homestay Affidavit available at the Development Services Department and any payment due must be remitted.
6. Except as set forth in Section 18.43.060 as it relates to licensed bed and breakfast inns, no owner shall cook, prepare or serve for consumption food of any kind for consumption by the Short-Term-Rental tenant.
7. The applicant shall state in the application the number of on-site parking spaces available to tenants, but in no case shall it be less than two on-site spaces. Short-Term-Rental tenant parking spaces shall be within the primary driveway or other on-site location. No tenant parking in excess of this number of on-site parking spaces is permitted. No tenant is permitted to park on the street. External changes

to a property such as converting significant areas of front yard landscape for purposes of meeting parking requirements is not allowed.

8. All required on-site parking spaces (including garage parking if identified at time of approval) shall be accessible and available to Short-Term-Rental tenants at all times during the rental periods.
9. Short-Term Rentals shall meet all applicable building, health, fire and related safety codes at all times, including provision of working smoke and carbon monoxide detectors.
10. The applicant shall post emergency evacuation instructions and "house policies" within each Short-Term-Rental tenant bedroom. The house policies shall be included in the rental agreement, and shall be enforced by the applicant. At a minimum, the house policies should:
 - a. Reinforce the City of Redding's Noise Standards (RMC Section 18.40.100) by establishing outdoor "quiet hours" between 10:00 p.m. and 7:00 a.m. to minimize disturbance to neighboring residences. Outdoor activities are prohibited during "quiet hours."
 - b. Require that Short-Term-Rental tenant vehicles be parked on the premises, not the street in compliance with this Section.
11. The property shall not be used to host non-applicant related weddings, parties, and other similar events.
12. On-site advertising signs or other displays indicating that the residence is being utilized as a Short-Term Rental are prohibited.
13. No person shall advertise a Short-Term Rental on any media platform when such advertisement or notice contains an inaccurate or misleading statement of the requirements of, or indicate amenities not allowed by the Redding Municipal Code including the number of parking spaces.
14. All advertisements shall include the number of permissible parking spaces.
15. A City business license shall be obtained and transient occupancy taxes paid in accordance with Chapter 4.12 as required. All advertising for any Short-Term Rental shall include the City of Redding transient occupancy tax number and the City of Redding business license number assigned to the applicant. With submittal of transient occupancy taxes, the applicant shall also submit a statement indicating the number of Short-Term-Rental tenant stays, and the number of Short-Term-Rental tenants for the reporting period.

16. The permit is not transferrable to a subsequent property owner or to another property.
17. This ordinance shall not be construed as waiving or otherwise impacting the rights and obligations of any individual, group, or the members of any homeowner's association, as defined, to comply with or enforce CC&R's and no permit shall be issued when it is demonstrated by substantial evidence that issuance of a permit will be in contradiction to any recorded CC&R's or other record providing record notice of a restriction on the use of the property.

F. General Requirements - Vacation Rentals.

1. With the exception of items 1 through 6 listed in Section 18.43.180(E) above, the General Requirements provisions for Hosted Homestays shall apply to Vacation Rentals.
2. The following additional provisions shall also be applicable to Vacation Rentals which may be supplemented by requirements established by the Director with approval of the required Site Development Permit as necessary to maintain compatibility of the use with the surrounding properties.
 - a. A Vacation Rental shall not be permitted on properties as follows:
 1. Containing an Accessory Dwelling Unit with a building permit application submitted on or after January 1, 2020 in compliance with Government Code Section 65852.2, as may be amended from time to time; or
 2. Within a six hundred (600) foot radius of an existing permitted Vacation Rental except that, at the discretion of the Director or appellate body as the case may be, within a three hundred (300) foot radius of an existing Vacation Rental when there is a buffer such as a major arterial, rail right-of-way, flood control channel or stream corridor between the Vacation Rental units.
 - b. The total number of Vacation Rentals in the City shall not exceed four hundred (400) rentals at any one time.
 - c. The owner shall be the applicant and any natural person signing an application on behalf of an owner shall have legal authority to bind the owner.
 - d. A Vacation Rental shall not be rented to multiple separate parties concurrently.

- e. The applicant shall keep on file with the City the name, telephone number, and email address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the Vacation Rental. This information shall be posted in a conspicuous location within the Vacation Rental dwelling. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the Vacation Rental within forty-five (45) minutes, if necessary. The name and contact information of the local contact person will be made available to the public. The contact information shall be kept current at all times.
- f. Occupancy shall be limited to a maximum of two (2) adults per rented room.
- g. The maximum number of persons on the property at any time shall be limited to sixteen (16) persons.
- h. Prior to issuance of a permit, a physical inspection of the dwelling unit and property shall be conducted by City staff.
- i. Each operator shall maintain a record of each Short-Term-Rental tenant's vehicle(s). The record shall minimally consist of the rental period, the license plate, make, model, and color for each vehicle. The record shall be made available at any time upon request by the City.
- j. The requirements listed in Subdivisions E(7), E(8), E(14), and F(2)(a)(2) shall not apply to a Vacation Rental located within Downtown Redding Specific Plan Core District. Notwithstanding Subdivision B(2), an apartment unit located in the Downtown Redding Specific Plan Core District may be permitted as a Short-Term Rental.

G. Application Required.

- 1. Where a Site Development Permit is required by this Section, applicants for a Short-Term Rental use shall pay the application fee established by resolution of the City Council and apply for a permit in accordance with the provisions of Chapter 18.11 (Common Procedures), except that notices of the Vacation Rental application shall be sent to all owners of real property within six hundred (600) feet of the applicant's property for a ten (10) business day notification period.
- 2. In making a determination to approve, conditionally approve, or deny any application, including an application for renewal, for a Hosted Homestay or Vacation Rental, the Director, or appellate body as the case may be, may also consider any factor pertinent to the health, safety and welfare of the immediate neighborhood or public generally including, but not limited to, ability to comply with the provisions set forth in this Section, evidence of operation in violation with this Section, complaints of neighbors, code enforcement activity, timeliness of business permit renewal, timeliness or non-payment of transient occupancy tax,

proximity of the property to group homes, residential care facilities, and other neighborhood and site characteristics.

3. Appeal of any determination to approve or deny any application, including an application for renewal, shall be in accordance with Section 18.11.090, except for the appeal period shall be ten (10) business days.

H. Suspension and Termination.

1. The Director, or appellate body, shall apply the criteria set forth in Section 18.43.180(G)(2) in determining whether any permit issued pursuant to this Section shall be suspended or terminated. Notice shall be provided to the applicant pursuant to the procedure set forth in Section 18.11.060.
2. Appeal of the suspension or termination by the Director of a Vacation Rental Permit shall be in accordance with the requirements of Section 18.11.090.
3. Appeal of the suspension or termination by the Director of a Hosted Homestay Permit must be made to the Planning Commission within ten (10) calendar days of service of the Director's decision, and appeal of the Planning Commission decision to the City Council must be made within ten (10) calendar days of service of the Planning Commission's determination. Decisions of the City Council are final, and all challenging a decision of the Director must exhaust all remedies set forth in this Section 18.43.180(H)(3) prior to bringing a challenge pursuant to Code of Civil Procedure section 1094.5.
4. Service shall be deemed effective upon the earliest of: 1) announcement by the approving or appellate body of the decision in the presence of the appellant; 2) personal service on the appellant of a written notice of decision; or 3) deposit of a written notice of decision in the United States Mail.

I. Legal Non-Conforming Uses

1. Continuation and abandonment of short-term rentals which are legal nonconforming uses shall not be governed by Section 18.46.020. The sole allowances for continuation of a legal non-conforming use as a short-term rental are by timely renewal of a valid and current short-term rental permit or as follows:
 - a. A temporary hardship allowance of not more than six (6) months may be granted by the Director of Development services, or designee, if: 1) a medical condition of the permittee, spouse, domestic partner, or immediate family member jeopardizes the ability of the owner to operate the Short-Term Rental; or 2) the death of a spouse, domestic partner, or immediate family member of the permittee jeopardizes the ability of the permittee to operate the Short-Term Rental.

- b. A long-term rental allowance may be granted by the Director of Development Services, or designee, if the permittee provides proof of a long-term lease of twelve (12) months or longer prior to the expiration of the Short-Term Rental permit. This exemption may be repeated if the conditions set forth in this subsection are met. The length of an exemption shall not exceed the term of the lease or twenty-four (24) months, whichever is shorter. If an allowance is granted pursuant to this subdivision, the existing permit shall terminate per its term. However, the Director of Development Services shall consider said permit to be "active" solely for the purpose of allowing the permittee to reapply for a permit after the allowance granted pursuant to this subdivision has lapsed.

J. Enforcement and Remedies. Enforcement of the provisions of this Section include the civil and equitable remedies as permitted by state law, the issuance of a citation and fine, or other legal remedy as provided by Chapter 1.12 through 1.15, inclusive, of the Redding Municipal Code. Upon notification by the City, any Short-Term Rental operating in violation of the requirements of this Section must terminate operations immediately. Further, a Site Development Permit issued under the authority of this Section may be revoked in accordance with the procedures established in Chapter 18.11 (Common Procedures).

Section 2. The Council hereby finds and determines that the enactment of this Ordinance is exempt from review pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA") because it has no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. This Ordinance is exempt from CEQA pursuant to the "common sense" exemption (14 CCR 15061(b)(3)), as it can be seen with certainty that there is no possibility that the adoption of the Ordinance will have a significant effect on the environment.

Section 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision will remain in effect to the extent permitted by law.

Section 4. This Ordinance shall take effect thirty (30) calendar days after the date of its adoption, and the City Clerk shall certify to the adoption thereof and cause publication according to law.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the 6th day of June, 2023, and was duly read and adopted at a regular meeting on the 20th day of June, 2023, by the following vote:

AYES:	COUNCIL MEMBERS: - Audette, Mezzano, Munns, Winter, and Dacquisto
NOES:	COUNCIL MEMBERS: - None
ABSENT:	COUNCIL MEMBERS: - None
ABSTAIN:	COUNCIL MEMBERS: - None

/s/ Michael Dacquisto
MICHAEL DACQUISTO, Mayor

ATTEST:

FORM APPROVED:

/s/ Pamela Mize
PAMELA MIZE, City Clerk

/s/ Barry Dewalt
BARRY E. DeWALT, City Attorney

DATE ATTESTED: June 28, 2023