



## CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: October 7, 2014

Prepared by: Lance E. Lowe, AICP, Associate Planner

ITEM NO.  
V-A

**ITEM V-A:** AN ORDINANCE AMENDING SECTIONS 159.001 AND 159.030 OF THE AUBURN MUNICIPAL CODE AND ADDING SECTIONS 159.510 THROUGH 159.521 TO THE AUBURN MUNICIPAL CODE FOR SHORT TERM RENTALS – ADMIN FILE – 301.3 (ff).

**REQUEST:** Planning Commission Recommendation to the City Council on an Ordinance amending and adding new sections to the Auburn Municipal Code for Short Term Rentals.

### **RECOMMENDED MOTION (APPROVAL):**

That the Planning Commission recommends that the City Council take the following actions:

- A. Adopt Resolution No. 14-13 (**Exhibit A**) recommending adoption of an ordinance amending and adding new sections of the Auburn Municipal Code, as presented, or as amended by the Planning Commission, which includes the following actions:
  1. Adoption of a Categorical Exemption, prepared for the short term rental ordinance as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
  2. Adoption of Findings of Fact to approve the short term rental ordinance as presented in the Staff Report;
  3. Adoption of the short term rental ordinance as presented in the Staff Report; and,
- B. Adoption of a fee schedule for short term rentals as presented in the Staff Report (**Attachment 3 of Exhibit A**).

### **BACKGROUND:**

On August 25, 2014, the City Council directed staff to prepare a short term rental ordinance, including an update to the City's bed and breakfast regulations (**Attachment 1**). The consensus of the City Council was to draft a short term rental ordinance that was not too onerous on perspective applicants with respect to application processing and fees. However, the City Council also acknowledged that the ordinance should contain provisions to protect the residential neighborhood containing such lodging accommodations (**Attachment 2**).

## PROJECT DESCRIPTION/ANALYSIS:

Staff has prepared a Short Term Rental Ordinance (**Attachment 1 of Exhibit A**) which amends Sections 159.001 and 159.030 and adds new sections 159.510 through 159.521 of the Auburn Municipal Code for short term rentals. An analysis of the short term rental ordinance sections is provided for Planning Commission review as well as a discussion of the more salient policy issues.

### A. AMENDMENTS TO THE AUBURN MUNICIPAL CODE.

The following amendments to the Auburn Municipal Code are proposed with the short term rental ordinance.

#### 1. **Declaration of Interpretation of Auburn Municipal Code Section 33.186 and Amendment of HOTEL in Section 159.001 of the Auburn Municipal Code:**

The City currently collects a short term rental tax of 8% (e.g. Transient Occupancy Tax)(TOT) for Hotels (i.e. short term rentals) with three or more units as defined in the Auburn Municipal Code. For TOT collection purposes, the definition of Hotel is currently defined in Section 33.186 (Transient Occupancy Taxes) of the Auburn Municipal Code as:

**HOTEL.** Any structure, or any portion of any structure, containing 3 or more units, which is occupied, or intended or designated for occupancy, by transients for dwelling, lodging or sleeping purposes and shall include any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure, or portion thereof.

The proposal is to add bed and breakfast and short term rentals under the current definition of HOTEL. However, since the TOT is a tax, the definition of HOTEL cannot be changed without a Proposition 218 vote. However, in order to clarify the existing definition of Hotel applies to bed and breakfast establishments and short term rentals; the City Attorney advises that the City provide a “Declaration of Interpretation of Auburn Municipal Code Section 33.186” which states as follows:

“This definition includes bed and breakfast establishments and short term rental units, such as any portion of a private home or structure containing 3 or more units which is rented out to members of the public for any form of compensation. This interpretation is declarative of existing law, and is intended to clarify the Code, not add to it.”

Accordingly, bed and breakfast and short term rentals containing 3 or more units will be subject to paying the TOT.

Hotel is also defined in the Zoning Code Section 159.001 with an entirely different meaning as noted below. For consistency, staff recommends that the Zoning definition in Section 159.001 be redefined as follows to be all encompassing and consistent with the definition in Section 33.186 (~~Strikeout text~~ represents text to be deleted and new text is shown as **bold** text):

~~§159.001 HOTEL. Any building, or portion thereof, containing guest rooms designed to be let or hired out or which are occupied by 5 or more, whether the compensation for hire shall be paid directly or indirectly.~~

**HOTEL.** Any structure, or any portion of any structure, which is occupied or intended or designed for use or occupancy by transients as defined in Section 33.186, including, but not limited to dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, time share project or facility, dormitory, public or private club, mobile home or house trailer at a fixed location, recreation vehicle or other similar structure or portion thereof, including a bed and breakfast establishment and short term rental unit, as defined herein.

**2. Amendment of Section 159.030 of the Auburn Municipal Code for Single-Family Residential (R-1), Two-Family Residential (Duplex)(R-2), Medium Density Multiple Family Residential (R-3) Districts.**

A short term rental unit, by definition, is a short term commercial use of residential property. As defined in the short term rental ordinance, a short term rental is:

**SHORT TERM RENTAL UNIT.** A private residential dwelling, such as, but not limited to, a single family attached, or detached unit or multiple family attached or detached unit, apartment house, condominium, cooperative apartment, duplex, or any portion of such dwellings, rented for occupancy for dwelling, lodging, or sleeping purposes for any period less than thirty consecutive days, in exchange for any form of payment.

Staff is recommending that short term rentals be permitted uses in the Residential Zones (i.e. R-1, R-2 and R-3) Districts. Section 159.030 has been amended to include short term rentals as a permitted use type on the Single-Family Residential (R-1) District (**Attachment 2 of Exhibit A**). Note that in the hierarchy of zoning districts, listing short term rentals in the R-1 Zone, likewise permits short term rental uses in the R-2 and R-3 Zones as well. Short term rentals will be subject to the permitting requirements and development standards contained in sections of the short term rental ordinance as discussed below.

**B. SHORT TERM RENTAL ORDINANCE.**

The short term ordinance is discussed below, including a brief analysis and/or rationale for each section. The short term rental ordinance is attached herewith as **Attachment 1 of Exhibit A**.

**1. Sections 159.510 and 159.11 Purpose and Findings.**

The Purpose and Findings Sections provides the basis and rationale for adopting the short term rental ordinance.

## 2. Section 159.512. Definitions

Terms commonly used in the Short Term Rental Ordinance are defined.

In consideration of what constitutes a short term rental unit, it has been brought to staff's attention that alternative lodging accommodations (i.e. boats, tree houses, yurts, outdoor bedrooms, etc.) are quite popular on websites such as *AirB&B*. Alternative accommodations provide a different lodging experience that is attractive to many travelers. In an effort to consider such accommodations, staff researched the types of accommodations being offered and looked into whether or not such accommodations could be permitted under the City's short term rental ordinance?

Based upon staff's research, approval of such accommodations is not feasible due to fire, life and safety considerations. That is, structures that are considered habitable (i.e. used for living, sleeping eating, or cooking purposes) are constructed according to the International Residential Code, which sets forth minimum standards for natural light, ventilation, egress, minimum living area, smoke and carbon monoxide detectors, energy efficiency, electrical, plumbing, fire retardant materials, etc. These standards are the minimum necessary to assure a safe environment for occupants living, sleeping, cooking and eating within a structure.

With respect to alternative accommodations, what is the minimum standard for these types of lodging accommodations? There is no minimum standard for alternative accommodations. Because there is no minimum standard for fire, life and safety, such accommodations, although attractive for some travelers, cannot be permitted by the City. In consultation with other jurisdictions, such alternative accommodations are likewise not permitted by their local ordinance as there are no standards for their use.

Accordingly, a Short Term Rental Unit is defined as:

**SHORT TERM RENTAL UNIT.** A private residential dwelling, or any portion of such dwellings, such as, but not limited to, a single family attached, or detached unit or multiple family attached or detached unit, apartment house, condominium, cooperate apartment, rented for occupancy for dwelling, lodging, or sleeping purposes for any period less than thirty consecutive days, in exchange for any form of payment.

## 3. Section 159.513 Authorized Agent or Representative.

In most cases, a short term rental unit may include a second unit or portion of a single family dwelling where the property owner is on-site and the dwelling serves as their main residence. This is the intent of the short term rental ordinance. However, staff recognizes there may be instances where the lodging accommodation may have an owner that does not reside on the property. In such cases, the owner may have an "Authorized Agent or Representative" act in their stead. For the purposes of the short term rental ordinance, the owner or designated agent or representative is referred to as the "Operator". For TOT purposes, the term "Operator" as defined in Chapter 33.186 is similarly used.

In cases, where an "Operator" is designated to oversee a short term rental, subsection B of Section 159.513 notes that the owner is not relieved from any personal responsibility or personal liability.

#### 4. Section 159.514 Short Term Rental Permit Required.

The Operator is required to obtain a short term rental permit from the City of Auburn prior to renting any short term rental unit.

#### 5. Section 159.515 Short Term Rental Application.

Section 159.515 contains two (2) provisions addressing short term rental applications and fees:

1) *The Operator must submit an application for a short term rental on a form provided by the City.*

Upon approval of the ordinance, staff will be preparing and/or updating the requisite forms for implementation of the short term rental permit including, but not limited to: short term rental permit application and Good Neighbor Brochure (**Attachments 3 and 4 – Short Term Rental Application and Good Neighbor Brochure examples**).

Once an application has been approved by staff for a short term rental unit in accordance with the procedures outlined in this staff report, an applicant will be responsible for obtaining and renewing their business license annually.

2) *An application fee shall be provided with the short term rental application.*

Comments received from the City Council on August 25<sup>th</sup>, indicate that the City Council desired to keep the application fees low for short term rentals. As proposed, short term rental applications will utilize the City's Administrative Permit processing requirements with minor deviation. The City's current Administration Permit process takes approximately two hours for staff to process Administrative Permits and costs \$57.00. Staff believes that short term rental permit applications will likewise take about two hours to process and is therefore recommending that application fees for short term rentals be \$57.00.

If a neighbor opposes the short term rental application, or should an applicant not agree with the condition of approval, the applicant may request a public hearing before the Planning Commission. Staff estimates that the cost to process an application for Planning Commission consideration is approximately \$858 (Type B Use Permit Fee), plus an environmental review fee of \$66.00 (Categorical Exemption) for a total of \$924. The \$924.00 fee includes a public hearing notice of \$175.00. However, based upon previously direction by the City Council, staff is recommending a reduced fee of \$415.00 (Use Permit Type C), plus an environmental review fee of \$66.00 (Categorical Exemption) for a total fee of \$481.00. The \$481.00 fee will recoup the public hearing notice costs and part of staff's time to process the application. Proposed Amendments to the City's Fee Schedule are attached herewith as **Attachment 3 of Exhibit A**.

Should the Planning Commission's decision be further appealed to the City Council, then the City's appeal fee of \$100.00 will be charged to the appellant.

## **6. Section 159.516 Permit Processing.**

As noted, the permitting process for a short term rental would utilize the City's current *Administrative Permits; Issuance* (§159.476) processes of the Auburn Municipal Code as further described below:

### §159.476 Administrative Permits; Issuance.

Certain permits as prescribed in this chapter may be issued following the administrative discretion of the Community Development Director according to the following provisions:

(A) Administrative permit applications shall include all information as prescribed on the appropriate applications and shall include the names and addresses of all owners of abutting properties, including those across any abutting public or private street. The property owner information shall be based on the latest adopted county tax role.

(B) The Community Development Director shall transmit the relevant parts of the administrative permit application to all affected city departments for review and comment, including recommendations for any conditions applicable to the request.

(C) Not less than 10 days prior to the date on which the administrative decision will be made, the Community Development Director shall give notice of the proposed request application by mail or delivery to all applicable adjacent property owners.

(D) If no hearing is requested by the applicant or other affected person, or if no responses are received in opposition to the request within a prescribed time period, then the Community Development Director shall issue the permit subject to the conditions as may be determined by the Director.

As noted above notice for short term rental permits will include adjoining or adjacent property owners. Note however, that the City currently has three noticing processes for various types of permit applications (i.e. Admin Permits, Historic Permits, and Discretionary Permits) and based upon City Council direction, staff has opted to use the City's current administrative notification process.

If a hearing is requested by the applicant or other affected person, or if any responses are received in opposition to the request, the applicant may decide to forward the application to the Planning Commission upon payment of an application fee, as previously noted. The Director shall then forward the application to the Planning Commission for formal public hearing and consideration.

## **7. Section 159.517 Operational Standards.**

Upon approval of a short term rental, certain operational standards will be imposed, including:

*Maximum Number of Days and Nights for Rent or Lease* – To qualify for a Short Term Rental Permit, the maximum number of days that a rental may be occupied is thirty consecutive days.

*Maximum Number of Occupants* – The maximum number of overnight guests for a short term rental should not exceed two (2) persons per bedroom, excluding children under the age of twelve (12).

In speaking with the Code Compliance Officer of Palm Desert, in implementing their ordinance, he recommended that exceptions to the maximum number of persons per room should be made for children considering that children under a certain age typically have the same lodging accommodations as their parents. Staff has recommended that children under the age of twelve (12) be exempted.

*Appearance, Visibility or Location* – A short term rental shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, lighting or any advertising mechanism.

*On-Site Parking Required* – In addition to the parking required of the residential unit, a minimum of one parking space shall be provided for each guest room. All parking associated with a short term rental shall conform with the parking standards in the Zoning Ordinance.

*Noise* – Occupants of the short term rental shall comply with the noise standards and regulations of the City of Auburn Municipal Code, Chapter 93, which includes provisions for “Loud, Unnecessary or Unusual Noises” of various kinds.

*Renter Notification* – The operator, as defined in the short term rental ordinance shall provide each occupant with: 1) Operator with 24 hour availability; 2) The maximum number of overnight occupants permitted in the rental unit; 3) Trash pick-up day and applicable rules; and 4) Copy of Good Neighbor Brochure.

## **8. Section 159.518 Standard Conditions.**

Standard Conditions of Approval will be imposed on the short term rental as outlined in Section 159.518. Standard Conditions include, but are not limited to:

- 1) Twenty-four hour contact availability;
- 2) Use of reasonably prudent business practices;
- 3) A formal acknowledgment identifying the legally responsible person renting the short term rental;
- 4) Trash and refuse disposal requirements;
- 5) Payment of TOT, if applicable; and,
- 6) The short term rental is not transferrable.

## **9. Section 159.519 Record Keeping.**

In accordance with Section 33.195 (Transient Occupancy Tax) record keeping shall be maintained for a period of three (3) years, if applicable.

**10. Section 159.520 Violations.**

Violations of the Short Term Rental Ordinance shall be addressed by the City's Administration Citation process in accordance with Section 10.80 of the Auburn Municipal Code.

**11. Section 159.521 Severability.**

Standard severability language is proposed with the short term rental ordinance.

***GENERAL PLAN CONSISTENCY:***

The proposed short term rental ordinance has been review for consistency with the City's General Plan policies, goals and objectives and has been found to be consistent with the following General Plan policies, goals, and objectives:

- *General Goal 1:* Guide development in a pattern that will minimize land use conflicts between adjacent land users.
- *General Goal 3:* Guide development so that it takes advantage of Auburn's unique character including, but not limited to, terrain and vegetation.
- *Residential Goal 5:* Establish a variety of residential densities which will provide for different housing types and levels of costs.
- *Housing Policy 2.2:* The City shall encourage private reinvestment in older residential neighborhoods.
- *Noise Goal 1:* Protect City residents from the harmful and annoying effects of exposure to excessive noise.
- *Economic Goal 1:* Provide a land use development pattern, planning process, and regulatory atmosphere conducive to maintaining and increasing employment opportunities for City residents and fostering new economic development.
- *Economic Goal 2:* Enhance the City's sales tax revenues by strengthening the City's retailing and tourism to serve the needs of local residents and encouraging shoppers from outside the community.
- *Economic Goal 4:* Encourage tourism....
- *Policy 4:* Emphasize Auburn as a tourist stop.
- *Policy 4.2:* Strengthen and maintain tourism as a major industry in Auburn.

***ENVIRONMENTAL DETERMINATION:***

The Auburn Community Development Department reviewed the ordinance pursuant to the California Environmental Quality Act (CEQA) and found it to be Categorical Exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.



**ATTACHMENTS:**

**Attachment 1** – August 25, 2014 City Council Staff Report with the following Attachments & Exhibits:

**Attachments:**

1. Current Vacation Rental Regulations and Laws
2. City of Auburn General Requirements for Bed & Breakfast facilities

**Exhibit:**

- A. City Council Resolution Initiating Ordinance Amendment

**Attachment 2** – City Council Excerpt Minutes dated August 25, 2014

**Attachment 3** – City of Palm Desert Short Term Rental Permit Application

**Attachment 4** – City of Palm Desert Good Neighbor Brochure

**EXHIBITS**

**Exhibit A** – Planning Commission Resolution with the following Attachments:

**Attachment 1** – Short Term Rental Ordinance

**Attachment 2** – Section 159.030 Single Family Residential District (R-1)

**Attachment 3** – Planning & Public Works Fee Schedule

# ATTACHMENTS






*Report to the  
Auburn City Council*

Action Item	9
Agenda Item No	


City Manager's Approval

<b>To:</b>	Mayor and City Council Members
<b>From:</b>	Lance E. Lowe, AICP, Associate Planner 
<b>Date:</b>	August 25, 2014
<b>Subject:</b>	Initiation of an Ordinance Amendment for Short Term Home Stays, including Bed & Breakfast Establishments.

*The Issue*

Should the City Council initiate an ordinance amendment of the City's Zoning Ordinance for Short Term Home Stays, including Bed & Breakfast establishments?

*Conclusions and Recommendation*

By Resolution (**Exhibit A**), direct staff to initiate an ordinance amendment of the City's Zoning Ordinance for Short Term Home Stays, including Bed & Breakfast establishments.

*Background*

In recent years, it has become increasingly common for people to invite guests into their homes for short term stays. This movement grew with the help of websites such as Couchsurfing (<https://www.couchsurfing.org/>), which enabled travelers to stay for free in the homes of hosts around the world. This movement further expanded with the creation of websites like Airbnb (<https://www.airbnb.com/s/Auburn--CA?source=bb>), which facilitates short term stays, in which guests compensate their host. Typically, these rental accommodations range from single rooms to entire houses and may include meal offerings, similar to a Bed & Breakfast.

Recently, it has come to the attention of the Community Development Department that a growing number of short term home rentals are starting to appear in the greater Auburn area. Specifically, when searching the Auburn community on the Airbnb website, one hundred, eighty-three (183) listings for the greater Auburn area are being advertised; albeit only five (5) are located within the Auburn City limits.

Throughout California, Cities and Counties are having to adapt to these new types of rental accommodations and are adopting "Vacation Rental Regulations and Laws" (**Attachment 1 – Current Vacation Rental Regulations and Laws**). As **Attachment 1** indicates a few City's and County's (i.e. Carmel, County of Napa, etc.) have prohibited such uses, while most others have imposed a permitting process for these types of rental accommodations (i.e. El Dorado County, South Lake Tahoe, Monterey County, City of Napa, Marin County, Truckee, etc.).

In consultation with other local jurisdictions (Grass Valley, Nevada City, Placer County) regarding these types of rental accommodations, Grass Valley and Placer County have recently become more aware of the growing number of Airbnb type rental accommodations being offered and may be considering ordinance updates in the near future. Nevada City is updating their Bed & Breakfast Ordinance, which may include Short Term Home Stays, although there is no timeframe established for the update.

With respect to Short Term Home Stays in the City of Auburn, the City's Zoning Ordinance does not permit these types of "commercial" short term rental accommodations and the City's Code Enforcement Officer has recently had to initiate cease and desist orders on two property owners offering such rental accommodations.

Moreover, other than a general policy that the Community Development Department has used since the 1990's for Bed & Breakfast establishments, which requires a Use Permit in the Residential and Commercial Zones (*Attachment 2 – City of Auburn General Requirements for Bed and Breakfast facilities*), the City does not have any specific codified provisions in the Auburn Municipal Code that permit Bed & Breakfast establishments.

### Project Description

At the request of Mayor Powers, staff is requesting that the City Council initiate an ordinance amendment that would establish a permitting process for Short Term Home Stays, including codified provisions for Bed & Breakfast establishments.

In an effort to recognize a new and growing industry and to further promote Auburn as a tourist destination, staff believes it prudent to consider drafting ordinance provisions for Short Term Home Stays, including provisions for Bed & Breakfast establishments.

The drafting of a Short Term Home Stay Ordinance would include and address, but not be limited to, the following topics:

**Definition(s)** – Short Term Home Stays are generally defined as: The use, by any person, of residential and/or commercial property for bed and breakfast, hostel, inn, lodging, resort or other transition lodging uses where the term of occupancy, possession, or tenancy is not more than thirty (30) consecutive calendar days. Other definitions commonly used in the ordinance will also be defined.

**Permitted and/or Conditionally Permitted Zones** – Generally, Short Term Home Stay uses are permitted in all of the zones which allow housing. In the City of Auburn, Short Term Home Stay uses would therefore be permitted in the Single Family Residential (R-1), Two-Family Residential (Duplex) (R-2), Medium Density Multiple Family Residential (R-3), Neighborhood Commercial (C-1), Central Business (C-2) and Regional Commercial (C-3) Zones of the City, subject to establishing a permitting process as outlined in the ordinance. Staff will provide options for Planning Commission recommendation and City Council consideration (i.e. obtaining an Administrative Permit and/or Use Permit as described below).

**Administrative Permit vs. Use Permit** – Staff will be researching the various approaches for consideration of a Short Term Home Stay approvals as further defined in the ordinance.

Jurisdictions throughout California that have permitted these types of rental accommodations typically consider such applications either through approval of an Administrative Permit (i.e. Staff administrative review process) or Use Permit (i.e. discretionary review by Planning Commission), subject to the standard appeal processes.

The potential issues frequently cited with Short Term Home Stays and Bed & Breakfasts establishments are preserving the quality of the neighborhoods in which they reside. Residents opposed to Short Term Home Stays and Bed & Breakfasts are frequently concerned that such facilities could increase noise and traffic in residential areas and detract from the residential feel of a neighborhood. Neighbors may be concerned because they do not want to reside next door to a rental accommodation that has strangers coming and going.

Accordingly, in order to alleviate neighborhood concern, development standards are typically imposed thereby reducing potential neighborhood impacts. Development standards including, but not limited to the following, are usually included in a Short Term Home Stay Ordinance:

#### **Development Standards:**

- *Limits on Occupancy* – Limits on occupancy are typically required for Short Term Home Stays. For example, the County of Monterey limits tendency for not less than seven (7) nor more than thirty (30) consecutive calendar days.
- *Maximum Number of Occupants* – Maximum number of occupants typically ranges from 1 to 5 persons.
- *Appearance/Visibility* – The appearance of the Short Term Home Stay rental accommodation is generally not permitted to change the residential character of the outside appearance of the residence, either by the use of colors, materials, lighting or any advertising mechanism.
- *On and Off Street Parking Required* – Standards for Off Street Parking will be required. For example, the City of Palm Desert requires all parking associated with a short-term vacation rental shall be entirely on-site, in the garage, carport and driveway or otherwise off of the public street.
- *Noise* – Owners and Occupants shall be in compliance with the City's Noise Ordinance. Noise specific standards are typically required as part of the review and/or approval process.
- *Signage* – With the exception of Bed & Breakfast establishments, no signage is permitted for Short Term Home Stays.
- *Transient Occupancy Tax* – Short Term Home Stay accommodations would be subject to the City's Transient Occupancy Tax *Section 33.185 et. seq.* of the Auburn Municipal Code.
- *Findings for approval/denial* – Findings (i.e. justification) for approval and/or denial are typically established within the ordinance permitting process.

General Plan Consistency

The adopted Economic Element of the City's General Plan contains Goals and Policies which support the preparation of a Short Term Home Stay Ordinance, including Bed & Breakfast establishments as follows:

- *Goal 1:* Provide a land development pattern, planning process, and regulatory atmosphere conducive to maintaining and increasing employment opportunities for City residents and fostering new economic development.
- *Goal 2:* Enhance the City's sales tax revenues by strengthening the City's retailing to serve the needs of local residents and encouraging shoppers from outside the community.
- *Goal 4:* Encourage tourism.
- *Policy 4.1* Emphasize Auburn as a tourist stop.
- *Policy 4.2* Strengthen and maintain tourism as a major industry in Auburn.

Alternatives Available to Council; Implications of Alternatives

- A. Initiate an ordinance amendment for Short Term Home Stays, including Bed and Breakfast establishments as presented. Staff will prepare a draft ordinance for Planning Commission recommendation to the City Council.
- B. Do not initiate an ordinance amendment.
- C. Provide further direction to staff.

Fiscal Impacts

General Fund costs associated with staff time, estimated at fifty (±50) hours, for the preparation of the Short Term Home Stay ordinance will occur and have been budgeted for the 2014/2015 Fiscal Year. The City Attorney's review of the draft and final ordinances is anticipated at \$300 – \$600.00 (2 – 4 hours at \$150.00 per hour).

A total estimated cost of ±\$700.00 would be incurred to publish public hearing notices in the Auburn Journal for both the Planning Commission and City Council Public Hearings. The Community Development Department's budget for Legal Advertising (45-130-40400) can accommodate this estimated cost.

Additional Information

Please see the following Attachments and Exhibits for more details:

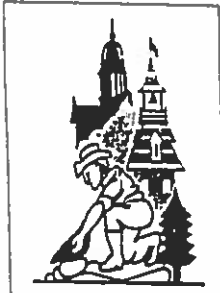
**ATTACHMENTS:**

**Attachment 1** – Current Vacation Rental Regulations and Laws

**Attachment 2** – City of Auburn General Requirements for Bed & Breakfast facilities

**EXHIBIT:**

**Exhibit A** – City Council Resolution Initiating Ordinance Amendment



# ATTACHMENTS

## ATTACHMENT 1

Login or Register



Home	Mission Statement	Why Become A Member?	Vacation Home vs. Hotel
Members	Our Industry	Events	Join Us

- Regulations and Laws

## Current Vacation Rental Regulations and Laws (Continuing to be researched- Please check back for updates)

**Alpine County:**

**Calaveras County:**

- *Calaveras County:* An Ordinance adding Chapter 20.20 to the Calaveras County Code was passed, March 26, 2013, by the Board of Supervisors. The Ordinance, which will become law on April 26, 2013, establishes a definition of short term vacation rentals as well as a permitting process (Administrative Permit) for future vacation rentals. Also established are, occupancy and noise limits, notification and parking (vehicle and watercraft) requirements, and emergency contact standards. Homes located in HOA jurisdictions that have already banned transient rentals will NOT be considered for the permit process.

**El Dorado County:**

- *El Dorado County:* Chapter 5.56- Vacation Home Rentals in the Lake Tahoe Basin. Only applying to unincorporated areas of the county, each unit must apply for and obtain a Vacation Home Rental Permit in addition to business licenses and TOT certificates. Must enforce noise, occupancy, safety, notification, and emergency contact regulations and



standards. Failure to comply with any of the requirements by an agent or manager, will be deemed non-compliance by the owner.

- *South Lake Tahoe*: All units renting less than 30 consecutive days must obtain a business license and Vacation Rental Home permit from the chief of police, which includes registering to pay TOT. If the vacation home is adjacent to a commercial zone, a Conditional Use permit must be obtained. Must enforce noise, occupancy, safety, notification, and emergency contact regulations and standards.

#### Fresno County:

#### Humboldt County:

*Humboldt County*: Title 3, Land Use and Development, Chapter 4, Section C 314.157, defines Vacation Home Rental, as the transient use of single and two family (duplex) dwelling units. Vacation Home Rentals are permitted in Low and Medium Density Residential Zones, and V Zones (Vacation Home Rental Combining Zones), as outlined in Chapter 4, Section A 314.37.1.

#### Lake County:

#### Los Angeles County:

- *Avalon*: Title 9, Chapter 8, Section 9.8.404 (d) outlines that Transient Rental Use is considered only if a Conditional Use Permit is applied for. As stated in Title 3, Finance, Chapter 3, Section 3.3.403, a Transient Occupancy Tax of 12% shall be collected and remitted.
- *Hermosa Beach*: Short term rentals less than 30 days are not allowed except in commercial zones when all permits have been obtained. Chapter 3.32, Transient Occupancy Tax, states: for occupancy of any hotel or hospital as defined, each transient is subject to and shall pay a tax in the amount of ten percent of the rent or bill charged by the operator.
- *Santa Monica*: Article 9, Chapter 9.04.02- The housing is designed for use by individuals who will reside on the property for a minimum stay of at least 30 consecutive days, but who otherwise intend their occupancy to be temporary. The housing is intended for use by persons who will maintain or obtain a permanent place of residence elsewhere. The housing includes some or all of the following amenities: Maid and linen service, Health club, spa, pool, tennis courts, or memberships to area facilities, Business service centers, Meeting rooms, Fully furnished units including a combination of some but not necessarily all of the following: furniture, appliances, housewares, bed linens, towels, artwork, television sets, stereos, VCRs, CD players, fax machines, and Internet access, and/or Valet parking.
- *Long Beach*: Every transient will pay a tax of 12% total of the rent for their occupancy in any room, space, or portion thereof in a hotel. "Hotel" means any apartment house, auto

court, boarding house, bungalow court, club, hotel, inn, lodging house, motel, rooming house, camp, studio, dormitory, tourist home or other structure, private or public, or portion thereof, within the city offering or renting to transients for lodging, dwelling, or sleeping purposes, in guestrooms for compensation, and shall further include any trailer court, trailer spaces, or combinations of such spaces and trailers, including mobile homes, timeshare units not occupied by the timeshare owner or a guest of the owner, and docked boats and ships, occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes. No transient occupants are allowed unless the use is also approved and licensed as a hotel, as stated in the Zoning Definitions.

- **Manhattan Beach:** Title 6, Chapter 6.24, Ordinance No. 2160- Must obtain a permit, all advertising will include permit, must acquire all occupants information/maintain for one year, must provide a copy of "Good Neighbor Brochure", must collect TOT.

**Madera County:**

**Marin County:**

- *Marin County:* Drafting policy C-HS- 6- Restricted Short-Term Rental of Primary or Second Units.

**Mariposa County:**

**Mendocino County:**

- *Mendocino County:* Must obtain a permit and abide by all standards, conditions, and zoning regulations. Permits for a vacation home rental may be granted only when there is no other use on the property except an existing single family dwelling unit.

**Mono County:**

- *Mammoth Lakes:* Title 17, Zoning, Chapter 17.16, establishes that transient rentals in Residential Multi-Family – 2 Zones are allowed with the use of a permit. Vacation rental homes fall under the definition of a "Transient Occupancy Facility", as stated in Chapter 3.12, therefore are subject to TOT remittance.

**Monterey County:**

- *Monterey:* County wide- Title 21: Zoning, Chapter 21.64.280- "Transient Use of Residential Property" means the use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other 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, except as provided herein, for not less than seven (7) nor more than thirty (30) consecutive calendar days. The Board of Supervisors finds that occupancy of less than thirty days of residential property is a transient use of residential property for remuneration and may be allowed only upon the issuance of an administrative permit in the coastal zone, or an administrative permit in the non-coastal area. "Use of residential property for transient use ('Short-term rentals' – rental housing units for less than 30 days) is allowed with discretionary permit in residential districts in the non-Coastal area (County Code Section 21.64.280-Title 21), but is not allowed in the Coastal Zone (County Code Section 20.02.040-Title 20). Title 21 sets minimum

- regulations for such uses, including minimum stay length, notice requirements, limitations on occupancy and advertising, and remittance of transient occupancy taxes.”
- *Carmel by the Sea*: Title 17: Zoning, Chapter 17.08.060- Uses such as transient bed and breakfast, hostel, hotel, inn, lodging, motel, hotel, resort and other transient lodging uses for remuneration, are prohibited in the residential districts. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section. The county ordinance differs, so units that fall outside of the city limits can be rented for less than 30 days.
  - *Pacific Grove*: Title 7: Business Licenses and Regulations, Chapter 7.40- “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 30 consecutive calendar days. All short term rental units must obtain a Transient Use License, register for TOT, and abide by permit, occupancy limits, safety, and response requirements. Units shall not have displayed thereon any sign that indicates the property is used or available for transient or short-term rental purposes. If you manage more than 3 units (3 homes or triplex +) you will need to obtain a business license.

#### **Napa County:**

- *County of Napa*: Title 18, Chapter 18.104.410- Transient commercial occupancy of dwelling units prohibited. Any commercial use, defined as a use that involves the exchange of cash, goods or services for lodging, of dwelling units for a period of time less than thirty consecutive days is prohibited.
- *City of Napa*: Title 17 Zoning- Chapter 17.52.515. Transient occupancy uses are not permitted or conditionally permitted in residential districts, unless either: (a) the city has approved a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter; or (b) the city has approved an interim *vacation* rental permit (pursuant to Ordinance No. O2008-9) and the owner timely applies for, obtains, and holds a current *vacation* rental permit pursuant to the procedures and requirements of this section. Certain property owners (defined herein as those authorized to be issued a *vacation* rental permit) have made good faith efforts to comply with city requirements for the establishment of *vacation* rental businesses. Despite such good faith efforts, those owners were not in compliance with the requirements of this title prior to obtaining an interim *vacation* rental permit (pursuant to Ordinance No. O2008-9), which requires compliance with the requirements of this section. The city intends, by this section, to ameliorate the disruption to the community that might otherwise occur if those owners were required to cease operations immediately.
- *St. Helena*: Title 17 Zoning- Chapter 17.134. Each short term rental within city limits must obtain a permit, meet all applicable safety, size, parking, and structural restrictions, and remit all transient occupancy taxes. Homeowner shall not hold more than one permit, and there are a maximum of 25 permits available for the city. Short term rentals are also subject to annual fire and safety inspections as well as a public notice process.

**Nevada County:**

- *Truckee*: Municipal Code Chapter 3.24 Transient Occupancy Tax. "Every operator of a hotel in the Town of Truckee for stays of less than thirty-one (31) continuous nights shall collect the tax on the amount of rent from the occupant." Each Transient (lodger) is subject to and shall pay a tax in the amount of ten (10%) percent of the rent charged by the operator (hotel, owner of property). It is the operator's duty to pay the tax to the Town of Truckee. A hotel is defined as "any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes, but is not limited to: Hotel, motel, inn, guest house, vacation home, studio hotel, or B&B. A new operator must register with the Town's Administrative Services Department within 30 days after commencing business (when you begin advertising the unit and it is available for rent).

**Orange County:**

- *Newport Beach*: All persons renting a residential unit for a term of 30 days or less are required to apply for and obtain a Short Term Lodging Permit. A City Business License and Permit processing fee is required for the business of renting a short-term dwelling.
- *Dana Point*: Short term vacation rentals in residential zones are a prohibited use since it is not expressly allowed in the Zoning Code. Code Enforcement does not have a pro-active short term vacation rental enforcement program, but has responded on a complaint-driven basis. A draft ordinance was discussed during a public hearing on March 5, 2013, but no final decisions were made.
- *Huntington Beach*: Vacation Rentals fall under the broad definition of Visitor Accommodations, categorized as a Commercial Use, and therefore are prohibited in all residential zones.
- *Laguna Beach*: Chapter 25.23-Short-term lodging units shall only be allowed within the R-1, R-2, R-3, LB/P, C-N, C-1, CH-M and VC zoning districts subject to the approval of an administrative use permit. As a result of issues identified during the administrative use permit review process, other conditions may be imposed to ensure that the proposed use does not adversely affect the health, safety and general welfare of the occupants of adjacent property and the neighborhood.
- *San Clemente*: Title 3, Chapter 3.24, Article III- No owner of a vacation rental property unit located within the City of San Clemente shall rent that unit for a short term without a valid vacation rental property permit for that unit. No agent or representative, real estate agent or office, or professional services company shall list or rent a vacation rental property unit within the City of San Clemente without a valid vacation rental property permit for that unit.
- *Seal Beach*: Conditional Use Permit is required. The establishment and operation of a vacation rental in the RLD-9 and RHD-20 Districts shall require the approval of a Conditional Use Permit. Business License, payment of TOT, etc. Existing, licensed vacation rentals shall be allowed to continue as a legal, nonconforming uses provided they comply with the requirements and had a valid business license/ registered to pay TOT as of Jan. 10, 2012.

**Placer County:**

- *Placer County:* Vacation rental homes (units) are defined as "Tourist home or house" (s) under Chapter 4.16.020 of the Placer County Municipal Code. Therefore, all vacation rental units must register to pay the TOT.

**Plumas County:****Riverside County:**

- *Palm Springs:* All short term rental units will obtain a registration certificate, comply with all relevant safety and building codes, provide evidence of valid business license, transient occupancy registration certification, and general liability insurance.
- *Rancho Mirage:* Title 3, Chapter 3.25- Established regulations of privately owned residential dwellings as vacation rentals to ensure the collection and payment of transient occupancy taxes and minimizes the negative secondary effects of such use on surrounding residential neighborhoods.
- *La Quinta:* All vacation rental units must obtain a short term rental permit, abide by standard operating requirements and conditions, and register for TOT.
- *Cathedral City:* Short term rentals units are subject to TOT. As of 12/12/12, still in progress of further regulating vacation rentals.
- *Indian Wells:* On June 5, 2014 the Indian Wells City Council extended the Interim Urgency Ordinance into effect for an additional 10.5 months, but has lifted the 30 night minimum to allow for stays no less than one week. It was originally voted into action on May 5, 2014 for an interim period of 45 days. This moratorium shall not apply to short-term residential rental contracts existing on the date this Interim Urgency Ordinance was adopted. Only existing, executed agreements between lessees and either the property owner or managing agency or agent may be considered Exempt Contracts. An agreement between a property owner and managing agency or agent is not exempt from this Ordinance. Exempt Contracts remain subject to the terms of the Indian Wells Municipal Code including, without limitation, Chapter 5.20.

**Sacramento County:****San Bernardino County:**

- *San Bernardino County:* Title 8, Division 4, Standards for Specific Land Uses and Activities, Section 84.28 permits short term private home rentals with special use permits.
- *Big Bear:* According to Title 1, Chapter 17, Section 17.03.310, a transient private home rental shall mean a dwelling unit (including either a single-family detached or multiple family attached unit) rented for the purpose of overnight lodging for a period of not less than one night and not more than thirty (30) days. Rental of transient private home rentals shall be subject to collection of transient occupancy tax. Any managing agency, agent, owner or property manager who rents one or more transient home rentals shall be required to obtain a city business license. Required to register each unit with the city and abide by inspection, sign, and operating standards, conditions, and requirements.

## San Diego County:

- *Carlsbad*: Municipal Code, Chapter 21.10.020 outlines permitted uses in Residential Zones. The Carlsbad Department of Housing and Neighborhood Services states that the City has a "permissive" zoning code- any use not specifically indicated in the code is prohibited. According to the Department of Housing and Neighborhood Services,
 

"The land use zoning requirements set forth in the Carlsbad Municipal Code indicated that vacation rentals are not permitted at any location within the City of Carlsbad. A vacation rental has an industry definition as follows: a fully furnished property, such as a condominium, townhome, or single-family style home. The client/traveler/transient arranges to rent the vacation rental property for a designated period of time, many rent on nightly basis similar to hotel rooms, although the more prevalent vacation rental industry practice is typically weekly rentals but less than thirty (30) days. A true vacation rental is not for sale to the guest, rather, the owner of the vacation rental merely allows the guest to rent the property for a predetermined length of time."
- *Coronado*: Municipal code, Chapter 86.78, states that no dwelling unit in any residential zone in Coronado can be used for transient occupancy. The codes define a transient occupancy as "a period of 25 consecutive calendar days or less."
- *Del Mar*: Title 3, Chapter 3.12 of the Municipal Code only subjects rental structures of 3 or more units, to the TOT, defining a "Hotel" as any structure or any portion of any structure which has three or more units occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, including any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure or portion thereof.
- *Encinitas*: Title 9, Chapter 9.38- The rental of any structure or portion of any structure for occupancy for dwelling, lodging, or sleeping purposes of 30 consecutive days or less in the City, including single-family or duplex units. Any short-term rental shall obtain and display a short term rental permit and register to pay the TOT.
- *Imperial Beach*: Municipal Code, Title 19.04, Short-term rental of residential property is defined as 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. Transient occupancy is allowed in the C-1, C-2 and MU-2 Zones subject to approval of a Short-Term Permit application. Vacation rental operator must obtain a valid business license, register for TOT, and apply for a short-term rental permit
- *San Diego*: Each rental unit must register for and obtain a certificate of TOT, as set forth in Chapter 3, Article 5 of the Municipal Code. The TOT rate is calculated at 10.5% of taxable rent collect from a transient occupant- staying less than 30 days. Effective

January 1, 2013, the City of San Diego levied a Tourism Marketing District (TMD), based on the number of units/rooms. Lodging businesses with thirty (30) or more units/rooms pay 2% of Assessable Rent; this is comprised of TMD Category A of 1.45% and TMD Category B of .55%. Lodging businesses with twenty-nine (29) or less units/rooms pay TMD Category B only or .55% of taxable Rent.

- According to Chapter 13, Article 1, Division 4 of the San Diego Municipal Code, Multiple Dwelling Units located in Residential- Multiple Unit Zones (MAP), must enforce a 7 night minimum – as all non-owner occupants must occupy the dwelling for a minimum of 7 consecutive days.
- *Solana Beach*: The city classifies vacation rentals as a hotel, therefore all vacation rental units must register for TOT. Chapter 4.47 of the municipal code requires short-term vacation rentals to apply for a short-term vacation rental permit which, if granted, will also function as a business certificate for rental activity. Short term rental units must have a 24/7 complaint phone number posted in plain view of the general public and must provide the number to adjacent property owners. The Short Term Vacation Rental Permit must be displayed on the inside of each rental units entry door. Short-term vacation rentals may not rent for less than 7 days in any residential zoning areas.

#### San Francisco County:

- *San Francisco*: Under Chapter 41A- It is unlawful for any unit to be used for rent for tourist or transient use, defined as the use of a residential unit for occupancy for less than a 30-day term of tenancy. The Building Inspection Commission, although not formally introduced, discussed the possibility of regulating Short-term Vacation Rentals during their January 16, 2013 meeting. The proposed alternative to the current ban would create a registration process as well as a maximum of 90 days per calendar year for rentals.

#### San Luis Obispo County:

- *County of San Luis Obispo*: Residential Vacation rentals within the Cambria and Cayucos urban reserve lines require zoning clearance, business license and transient occupancy tax registration for each residential unit. Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days, with a 4 night minimum. Within all residential land use categories, no residential vacation rental shall be located within 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor-serving accommodation that is outside of the Commercial land use category. The Residential Vacation Rental Chapter establishes permit requirements, location restrictions, occupancy and tenancy requirements, noise and parking limits, and signage and contact requirements.
- *San Luis Obispo (City)*: San Luis Obispo Municipal Code, Chapter 17.22, Zoning Use Regulations states -Vacation Rentals are prohibited in any zone, within the city limits. Under Title 17 Zoning, Chapter 17.100.220, defines a "Vacation rental" as 'a dwelling or part of a dwelling where lodging is furnished for compensation for fewer than thirty consecutive days. Does not include fraternities, sororities, convents, monasteries, hostels, bed and breakfast inns, hotels, motels, or boarding/rooming houses, which are separately defined.'

- *Pismo Beach*: Chapter 5.22- All vacation rental units must apply for a vacation rental certificate, register to pay TOT, and abide by vacation rental operating standards and conditions.

**Santa Barbara County:**

- *Santa Barbara*: A hotel is a building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses. Hotels are restricted to certain zones and prohibited from operating in family dwelling residential zones.
- *Carpinteria*: Title 3, Chapter 3. 20, defines a "Hotel" as any structure, or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location. Hotels, as defined above, are subject to a uniform Transient Occupancy Tax.

**Santa Clara County:**

- *County of Santa Clara*: All hotels in unincorporated areas of Santa Clara County are subject to the remittance of TOT. 'Hotel' is defined as a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging, by Chapter 5, Transient Occupancy Tax, of the County Code.

**Santa Cruz County:**

- *County of Santa Cruz*: County wide vacation rental ordinance. Title 13: Planning and Zoning Regulations, Chapter 13.10.694 limits the number of vacation rentals and establishes regulations applicable to dwellings that are rented as vacation rentals for periods of not more than 30 days at a time. These regulations are in addition to all other provisions of this title. This section does not apply to Pajaro Dunes where vacation rentals are governed by an existing development permit. All vacation rental units are subject to TOT remittance, occupancy limits, noise limits, emergency contact, rule posting, and dispute resolution requirements. A New Vacation Rental Permit must be obtained. Existing units, those that were in operation as vacation rentals before April 5, 2011 anywhere in the unincorporated portion of the County, including the Live Oak Designated Area (LODA), that did not apply for a permit before November 28, 2011 are then considered "New". Vacation Rental Permits for "New" vacation rental units will be accepted for all unincorporated areas of the county, EXCEPT the Live Oaks Designated Area. The ordinance does not apply to the Cities of Santa Cruz, Capitola, Scotts Valley or Watsonville. Properties or businesses with fewer than 6 rooms or units are exempt from paying the TMD (Santa Cruz County Tourism Marketing District Assessment).
- *City of Santa Cruz*: Municipal Code Chapter 3.28- City levies a 10% tax for the privilege of occupying a room or rooms or other living space in a hotel inn, tourist home or house, motel or other lodging wherein living accommodations for periods less than thirty days are customarily offered for hire. The tax is paid by the occupant and collected by the operator. The operator then remits the tax to the city.



- *Capitola*: Municipal Code Chapter 17.19- Properties in TRO (Transient Rental Overlay) districts may apply for conditional use permits to operate as a transient rental use and will be subject to occupancy, parking, and signage limits. A valid business license and TOT registration certificate must be obtained in addition to the conditional use permit.

**Sonoma County:**

- *Sonoma County*: Chapter 26, Article 88, Section 26-88-120- Vacation Rentals must obtain a zoning permit and abide by occupancy, parking, noise, emergency contact, and posting of standards requirements. Each unit will register to pay TOT. The Vacation Rental Ordinance was not adopted for the Sonoma Coast (Sea Ranch, Bodega Bay) as those communities fall under the legislation of the California Coastal Commission.
- *Healdsburg*: Vacation rental homes are not permitted in R-1 (Single Family Residential), RM (Multi-Family Residential), DR (Downtown Residential),

**Ventura County:**

- *City of Ventura*: Owners of residential dwellings located within the City of Ventura who rent their property for 30 days or less are required to apply for and obtain a Short-Term Vacation Rental permit. The primary purpose for this permit is to foster "good neighbor" relations between year-round residents and rental tenants, their guests and visitors. Municipal Code, Chapter 6.455 Short-Term Vacation Rentals, under Business Regulations, requires a short-term vacation rental to obtain a permit and abide by advertising, nuisance response, and performance standards and requirements.
- *City of Ojai*: The city of Ojai has interpreted the Municipal Code to require short term vacation rental units to register for and collect TOT, per the Uniform Transient Occupancy Tax article. Zoning issues have also been addressed as city code does not list transient rentals as a permitted or prohibited use in residential zones and therefore require a conditional-use permit.

## ATTACHMENT 2

### City of Auburn General Requirements for Bed and Breakfast facilities\*

Bed and Breakfast facilities in residential zone districts:

- May be permitted subject to Planning Commission approval of a Conditional Use Permit.
- 1 Acre minimum lot size.\*\*
- Maximum occupancy, fifteen (15) persons, including the family.\*\*
- Parking requirement: two (2) off-street parking spaces, plus one (1) additional space for each room to be rented.
- Compliance with applicable Uniform Fire and Building Code requirements.

Bed and Breakfast facilities in the C-2, & C-3 Zone Districts:

- Allowed use per Code.
- Compliance with Zone district parking standards:
  - C-2 - One (1) parking space per 400 gross sq.ft.
  - C-3 - One (1) parking space per ~~250~~<sup>400</sup> gross sq.ft.
- Compliance with applicable Uniform Fire and Building Code requirements.

\* This is a general summary of those Municipal Code sections that generally apply to all Bed and Breakfast operations. It is not intended as an exhaustive list of all Municipal Code sections and policy's that may apply to any Bed and Breakfast in all situations and locations.

\*\* Some modification of these standards may be permitted through the use permit process, after evaluation of the specific circumstances of a given proposal.

**EXHIBIT A**

CITY OF AUBURN

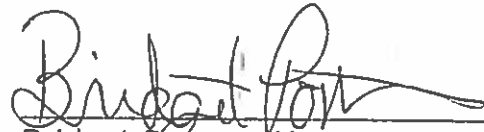
CITY COUNCIL RESOLUTION NO. 14-78

A RESOLUTION INITIATING AN ORDINANCE AMENDMENT FOR SHORT TERM HOME STAYS, INCLUDING BED & BREAKFAST ESTABLISHMENTS

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby direct City Staff to initiate an ordinance amendment for Short Term Home Stays, including Bed & Breakfast Establishments.

DATED: August 25, 2014

  
Bridget Powers, Mayor

ATTEST:

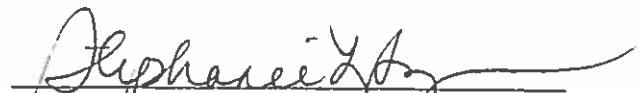
  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City of Auburn held on the 25<sup>th</sup> day of August 2014 by the following vote on roll call:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Absent:

  
Stephanie L. Snyder, City Clerk

## ATTACHMENT 2

Auburn City Council Minutes 8/25/2014

### CITY COUNCIL MINUTES August 25, 2014 REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, August 25, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

**CALL TO ORDER** at 5:30 p.m.

#### **ROLL CALL:**

**Council Members Present:** Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

**Council Members Absent:**

**Staff Members Present:** City Manager Tim Rundel, City Attorney Michael Colantuono, Public Works Director Bernie Schroeder, Building Official Lisa Hoffrogge, Senior Planner Reg Murray, Associate Planner Lance Lowe, Fire Chief Mark D'Ambrogi, Police Lieutenant Victor Pecoraro, Police Chief John Ruffcorn.

#### **CLOSED SESSION**

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:  
**MOTION: Nesbitt/ Holmes/ Unanimously approved by voice**

1. Conference with Labor Negotiators:

(G.C. 54957.6)

Agency Designated Representatives: Tim Rundel, Dennis Batchelder  
Employee Group: All Bargaining Units

#### **REPORT OUT OF CLOSED SESSION**

Mayor Powers stated there was no reportable action.

**PLEDGE OF ALLEGIANCE** led by the Mayor's guest: Aden Zientara

#### **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS**

Mayor Powers presented the commendation for The Grayhorse Open Space Fuel Reduction Program accepted by Fire Chief Mark D'Ambrogi and the Grayhorse Community Association.

Abstain:

\*\*\*Council took a 5 minutes recess\*\*\*

9. **Initiation of an Ordinance Amendment for Short Term Home Stays**

City Attorney Michael Colantuono explained that the purpose of this item, if approved, is to ask the Planning Commission Staff to develop a proposal to allow short term home stays (like Air B&B's) use on appropriate conditions. He said the details of those conditions will be discussed at the Planning Commission level.

Associate Planner Lance Lowe presented this item.

Council Member questions followed regarding (1) turnaround time on ordinance, (2) compensated stays, (3) standards of rentals, (4) use permit requirements, (5) administrative process, (6) cease and desists orders during interim, (7) signage/ information for neighbors, and (8) zoning violations.

Public comment:

Megan Ransom, resident of Auburn, said she has a yurt set up in her backyard and has received a "cease and desist" order. She spoke about the benefits of Air B&B's to visitors and the City.

J. Randall Smith, resident of Auburn, spoke about other countries who offer accommodations to travelers without overwhelming regulations.

Gary Ransom, resident of Auburn, spoke of his experience with the type of travelers who chose Air B&B's. He said Air B&B's help make Auburn a tourist destination.

Barbara Bella, resident of Auburn, owns a rental unit and is interested in assisting Air B&B's and VRBOs (Vacation Rental By Owner) in Auburn.

Council Member Nesbitt said this is a growing trend and Auburn needs to step up be involved. He said some minimum standards needs to be in place.

Council Member Kirby suggested modeling standards after other cities who have enacted appropriate rules in regards to short term home stays. He said there needs to be a balance between finding places for people to stay, issues the neighbors might have and minimum standards. He said people should not inhabiting uninhabitable structures, but that definition may need to be modified as well.

Council Member Hanley said accommodations are needed to meet the demand of Auburn as a tourist destination. He said he favors the Planning Commission developing an ordinance that doesn't impose unreasonable costs on the people who put their homes up for these accommodations. He said he would like to look at neighbor concerns, like parking. He said he would like to include the people who are already involved in Air B&B's to get their feedback also.

Mayor Powers spoke about the successful process of moving this issue forward. She spoke about the benefits of these accommodations during endurance events in Auburn. She said she encourages the Planning Commission to get it completed as soon as possible.

By **RESOLUTION 14-78**, direct staff to initiate an ordinance amendment of the City's Zoning Ordinance for Short Term Home Stays, including Bed & Breakfast establishments.

The motion was made by Council Member Holmes and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

10. **Traffic Signal Box Art Program by the Auburn Arts Commission**

Senior Planner Reg Murray presented this item. He explained the program the Arts Commission would like to participate in.

Lee Buckingham, Chair of Arts Commission, provided additional information on the program.

Council Member questions followed regarding: (1) artist recognition, (2) extending to residential areas, (3) final approval body, and (4) streetscape themes.

City Attorney Michael Colantuono spoke about public/ private ownership of utility boxes.

Kaz Huette, Auburn resident and member of the Arts Commission, explained why the commission feels these art pieces will add to the community.

Sally Palmer Dawley, resident of Auburn, spoke in support of this art work around town.

J. Randall Smith, resident of Auburn, suggested artist recognition on the boxes. He spoke about drawing attention to Auburn.



CITY OF PALM DESERT  
FINANCE DEPARTMENT

**HOMEOWNER APPLICATION FOR SHORT-TERM RENTAL PERMIT**

Chapter 5.10 of the Palm Desert Municipal Code requires a valid registration certificate for all short-term rental units rented 27 consecutive days or less. The annual registration fee of \$26 (per unit) must accompany this application. PLEASE PRINT.

Owner Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_

VACATION RENTAL PROPERTIES (attach additional sheets as necessary)

Property Address: \_\_\_\_\_

Property Phone #: \_\_\_\_\_ Number of Bedrooms: \_\_\_\_\_

Internet Listing Site: \_\_\_\_\_ Listing Number: \_\_\_\_\_

HOA Contact Name(if applicable): \_\_\_\_\_ Phone #: \_\_\_\_\_

If you do not utilize a management company and rent directly by owner, you must authorize an emergency local contact person who is available 24/7/365 to answer and respond to HOTLINE complaint calls within 60 minutes.

Local Emergency Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

Cell Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Local Emergency Contact Person's Address: \_\_\_\_\_

Good Neighbor Brochures must be placed in prominent locations in all rental properties as well as provided to the designated "responsible person" in each rental party. By signing this Short-Term Rental Application you acknowledge that you have received copies of the Good Neighbor Brochure and understand and accept the responsibility of giving copies to the responsible person in each rental party as well as placing brochures in rental properties.

If your property is located within a Home Owners Association (HOA) it is your responsibility to adhere to any HOA restrictions regarding short term rentals. This permit authorizes short term rental of the permitted property pursuant to Palm Desert Municipal Code. The permit does not supersede any applicable restrictions imposed pursuant to CCRs that may be recorded on the property.

I declare under penalty that this information is, to the best of my knowledge, true, correct and complete.

Application By: \_\_\_\_\_

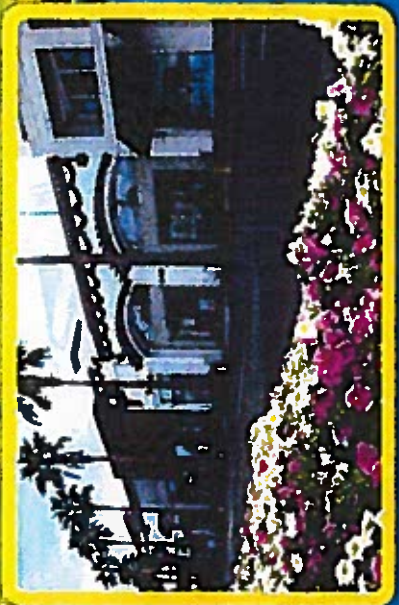
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR CITY USE ONLY	
Business License #	_____
Date Processed	_____

City of Palm Desert  
Finance Department  
73510 Fred Waring Drive  
Palm Desert, CA 92260-2578  
tel: 760-346-0611

# GOOD NEIGHBOR BROCHURE FOR SHORT-TERM RENTALS

*Palm Desert is a resort community with permanent and seasonal homeowners who enjoy living in a tranquil environment. To ensure you an enjoyable stay while respecting your neighbors, please observe the following guidelines.*



*Loud music, limby parties and excessive on street parking are prohibited by City ordinance. Neighboring residents are encouraged to call a round-the-clock hotline or the Palm Desert Police to report prohibited behavior. Violations can result in citations, fines, and removal from the rental property for both the renter and their guests. Use common courtesy and respect the neighborhood in which you are staying and it will be an enjoyable experience for all.*

**CITY OF PALM DESERT**  
73-510 Fred Waring Drive  
Palm Desert, CA 92260  
**760-346-0611**

[www.cityofpalmdesert.com](http://www.cityofpalmdesert.com)  
[www.palm-desert.ca.gov](http://www.palm-desert.ca.gov)



**BE ADVISED**

**A SHORT-TERM RENTAL HOTLINE (760) 833-7998 TO REPORT VIOLATIONS OF THE RULES OUTLINED IN THIS BROCHURE ATTACHMENT 4**



**NUMBER OF OCCUPANTS PERMITTED IN PALM DESERT SHORT-TERM RENTAL PROPERTIES**

**CITY OF PALM DESERT**

73-510 Fred Waring Drive

Palm Desert, CA 92260

**760-346-0611**

[www.cityofpalmdesert.com](http://www.cityofpalmdesert.com)

[www.palm-desert.org](http://www.palm-desert.org)

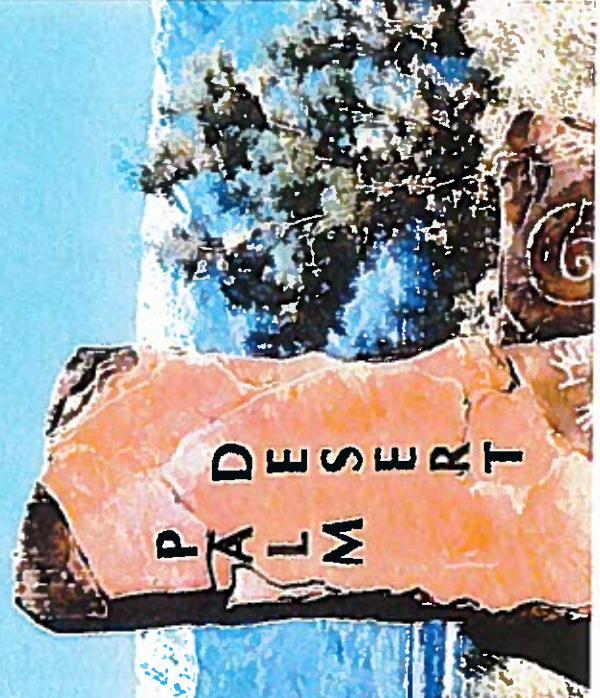
Number of Bedrooms	Total of Overnight Occupants	Total Daytime Occupants (Including Overnight Occupants)
0 – Studio	2	4
1	2	4
2	4	8
3	6	12
4	8	16
5	10	20
6	12	20
7	14	20

**NOISE**

The City prohibits renters from using sound devices (radios, sound systems, etc.) and musical instruments outside the rental property between 10 p.m. and 10 a.m. Failure to comply may result in a citation, fines, and removal from the property.

**PARKING**

Renters and their daytime guests should park in the garage, carport, driveway, or directly in front of the rental property. All overnight renters and guests must park on the rental property and not on the street.



# EXHIBITS



PLANNING COMMISSION RESOLUTION NO. 14-13 **EXHIBIT A**  
**SHORT TERM RENTAL ORDINANCE (Admin File 301.3 (ff))**

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**Section 1.** The City of Auburn Planning Commission held a public hearing at its regular meeting of October 7, 2014, to consider a recommendation to the City Council on an Ordinance Amending Sections 33.186, 159.001, 159.030 and adding Sections 159.510 through 159.521 of the Auburn Municipal Code for Short Term Rentals.

**Section 2.** The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the October 7, 2014, Planning Commission meeting, including Resolution Attachments 1 – 3 attached herewith.
2. Staff presentation at the public hearing held on October 7, 2014.
3. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
4. All related documents received and/or submitted at or prior to the public hearing.
5. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

**Section 3.** In view of all of the foregoing information, the City of Auburn Planning Commission finds the following for the reasons stated in the staff report presented to the Commission on October 7, 2014:

1. The Planning Commission, on the basis of the whole record before it (including the Environmental Determination and any comments received), finds that there is no substantial evidence that the project will have a significant effect on the environment and recommends that a Categorical Exemption as the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines. The Categorical Exemption reflects the lead agency's independent judgment and analysis.
2. All documents and materials relating to the proceedings for the Short Term Rental Ordinance are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission recommends that the City Council find the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities) of the CEQA Guidelines.

**Section 5.** In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby recommends approval of an Ordinance Amending Sections 33.186, 159.001, 159.030 and adding Sections 159.510 through 159.521 of the Auburn Municipal Code or Short Term Rentals attached herewith as *Attachments 1 – 3*.

**Section 6.** In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ hereby recommends an exemption from CEQA and recommends that the City Council approval of an Ordinance Amending Sections 33.186, 159.001, 159.030 and adding Sections 159.510 through 159.521 of the Auburn Municipal Code or Short Term Rentals, listed above and carried by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**PASSED AND ADOPTED** this 7th day of October, 2014.

\_\_\_\_\_  
Chair, Planning Commission  
of the City of Auburn, California

ATTEST: \_\_\_\_\_  
Community Development Department

ORDINANCE NO. 14- \_\_\_\_\_

AN ORDINANCE OF THE CITY OF AUBURN AMENDING SECTIONS 159.001 AND 159.030 OF THE AUBURN MUNICIPAL CODE AND ADDING SECTIONS 159.510 THROUGH 159.521 OF THE AUBURN MUNICIPAL CODE FOR SHORT TERM RENTALS

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**Section 1. DECLARATION OF INTERPRETATION OF AUBURN MUNICIPAL CODE SECTION 33.186**

Auburn Municipal Code § 33.186 includes the following definition:

**HOTEL.** Any structure, or any portion of any structure, containing 3 or more units, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging or sleeping purposes and shall include any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure, or portion thereof.

This definition includes bed and breakfast establishments and short term rental units, such as any portion of a private home or structure containing 3 or more units which is rented out to members of the public for any form of compensation. This interpretation is declarative of existing law, and is intended to clarify the Code, not add to it.

**Section 2. AMENDMENT OF SECTION 159.001**

The definition of HOTEL as currently defined in Section 159.001 will be deleted in its entirety and replaced with the following:

**HOTEL.** Any structure, or any portion of any structure, which is occupied or intended or designed for use or occupancy by transients as defined in Section 33.186, including, but not limited to dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, time share project or facility, dormitory, public or private club, mobile home or house trailer at a fixed location, recreation vehicle or other similar structure or portion thereof, including a bed and breakfast establishment and short term rental unit, as defined herein.

**Section 3. AMENDMENT OF SECTION 159.030.**

The Residential Zones contained in Section 159.030 will hereby be amended to include Short Term Rentals as a permitted use in the zone in accordance with Section 159.030 (A)(8).

**Section 4. CODE AMENDMENT TO ADD A NEW CHAPTER 159.510: SHORT TERM RENTALS TO THE AUBURN MUNICIPAL CODE.**

A new Chapter 159.510 is hereby added to the Auburn Municipal Code as set forth in Exhibit A attached hereto and incorporated by reference.

**Section 5. SEVERABILITY.**

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this Ordinance shall be nonetheless remain in full force and effect. The City Council of the City of Auburn hereby declares that it would have adopted each section, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable and, to that end, the provisions of this Ordinance are severable.

## CHAPTER 159.510: SHORT TERM RENTALS

159.510	Purpose
159.511	Findings
159.512	Definitions
159.513	Authorized Agent or Representative
159.514	Short Term Rental Permit Required
159.515	Short Term Rental Permit Application
159.516	Permit Processing
159.517	Operational Requirements
159.518	Standard Conditions
159.519	Record Keeping
159.520	Violations
159.521	Severability

### § 159.510 PURPOSE.

(A) The purpose of this chapter is to establish a permitting process and appropriate standards for private short term rentals of single-family and multiple family dwellings as an alternative to the hotel, motel and bed and breakfast accommodations currently existing in the City; to minimize the negative secondary effects of short term rental use on surrounding residential neighborhoods; to retain the character of the neighborhoods in which any short term rental use occurs; and, to ensure the collection and payment of transient occupancy taxes.

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

(C) This chapter is not intended to regulate hotels, motels and bed and breakfast establishments, as defined in the Auburn Municipal Code, that do not qualify as short term rentals.

### § 159.511. FINDINGS.

(A) The City Council hereby finds that the City's regulations of short term rental uses in accordance with this chapter, including the establishment of the non-transferability provisions, is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this chapter.

(B) The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short term rental permits is necessary to protect public health, safety and welfare.

**§ 159.512. DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly requires a different meaning to serve the intent of this chapter.

**GOOD NEIGHBOR BROCHURE.** A document prepared by the City that summarizes the general rules of conduct, consideration, and respect, including without limitation provisions of the City of Auburn Municipal Code and other applicable laws, rules, or regulations, pertaining to the use and occupancy of a short term rental unit.

**LOCAL CONTACT PERSON.** The person designated by the owner or the owner's authorized agent or representative who shall be available twenty-four hours per day, seven days per week for the purposes of: 1) Responding timely to complaints regarding the condition, operation, or conduct of occupants of the short term rental unit; and, 2) Taking remedial action to resolve any such complaints.

**OPERATOR.** The person who is the proprietor or authorized agent or representative of a short term rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. Where the operator performs any of his or her functions as proprietor through a managing service or agency of any type or character other than an employee, the managing service or agency shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. For purposes of this definition, the functions of a proprietor shall include but are not limited to advertising, listing, registering, or reserving a room or rooms, and collection of payment.

**SHORT TERM RENTAL UNIT.** A private residential dwelling, or any portion of such dwellings, such as, but not limited to, a single family attached or detached unit or multiple family attached or detached unit, apartment house, condominium, cooperative apartment, rented for occupancy for dwelling, lodging, or sleeping purposes for any period less than thirty consecutive days, in exchange for any form of payment.

**SHORT TERM RENTAL PERMIT.** A permit that allows the use of a privately owned residential dwelling as a short term rental unit pursuant to the provisions of this chapter.

**TAX ADMINISTRATOR.** The Licensing-Revenue Officer as defined in Chapter 33 of the Auburn Municipal Code.

**TRANSIENT.** See Chapter 33.186 of the Auburn Municipal Code.



**TRANSIENT OCCUPANCY REGISTRATION CERTIFICATE.** See Chapter 33.186 of the Auburn Municipal Code.

**§ 159.513 AUTHORIZED AGENT OR REPRESENTATIVE.**

(A) An owner shall designate him or herself, an agent, or a representative to be the authorized agent or representative responsible for compliance with the requirements of this chapter on behalf of the owner. The authorized agent or representative is also referred to as "Operator" pursuant to this chapter.

(B) Notwithstanding subsection A, the owner shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject short term rental unit, regardless of whether such noncompliance was committed by the owner's authorized agent or representative or the occupants of the owner's short term rental unit or their guests.

**§ 159.514. SHORT TERM RENTAL PERMIT REQUIRED.**

The Operator is required to obtain a short term rental permit from the City, before renting any short term rental unit.

**§159.515. SHORT TERM RENTAL PERMIT APPLICATION.**

(A) The Operator must submit an application for a short term rental permit on an application form provided by the City.

(B) The short term rental permit application shall be accompanied by an application fee as established by Resolution of the City Council.

**§ 159.516. PERMIT PROCESSING.**

(A) Upon receipt of an application and fee, the Director shall process a short term rental permit in accordance with Section 159.476 Administrative Permits Issuance, except that if any part of that section conflicts with the procedures and requirements set forth in this Chapter, this Chapter shall govern.

(B) If the Director receives opposition to the short term rental permit application, the applicant may elect to forward the application to the Planning Commission. Short term rental permit applications forwarded to the Planning Commission shall be accompanied by a processing fee established by Resolution of the City Council. If the applicant does not elect to forward the application to the Planning Commission, it shall be deemed withdrawn.

(C) The Planning Commission shall review and either approve or deny the application pursuant to the requirements of this Chapter after considering the effects the proposed use

would have on surrounding uses and the cumulative impacts within the community. In approving a short term rental application, the Planning Commission shall make the Use Permit findings contained in Section 159.408 et. seq of the Auburn Municipal Code.

(D) The Planning Commission may impose conditions on the granting of an application for a short term rental permit to mitigate the impacts of the proposed land use.

(E) *Notice of Application.*

1) The Director shall provide notice of application for a short term rental permit to the property owners located within a five hundred foot radius of the property that the short term rental unit is situated within ten days of filing the application.

2) The notice of application shall state that the noticed owners may file a written protest against the proposed short term rental with the Director. All protests must be postmarked or received not less than ten days of the mailing of the noticed application.

(F) *Appeals.* Any person aggrieved by the action of the Director may appeal that action to the Planning Commission pursuant to Chapter 162 of the Auburn Municipal Code. Actions by the Planning Commission may be further appealed to the City Council pursuant to Chapter 162 of the Auburn Municipal Code.

#### § 159.517. OPERATIONAL STANDARDS.

(A) The operator shall use reasonably prudent business practices to ensure that the short term rental unit is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental unit.

(B) *Maximum Number of Days and Nights for Rent or Lease:* The maximum number of days that a short term rental may be occupied by any one transient is thirty consecutive days.

(C) *Maximum Number of Occupants:* The maximum number of overnight guests for a short term rental shall not exceed two persons per bedroom, excluding children under the age of twelve. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m.

(D) *Appearance, Visibility or Location:* A short term rental shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, lighting, or any advertising mechanism.

(E) *On-site Parking Required:* The parking spaces required shall be in addition to the parking required of the existing residential unit. A minimum of one parking space shall be provided for each guest room. All parking associated with a short term rental shall be located entirely on-site and not located in the required front yard pursuant to Section 159.171 of the Auburn Municipal Code.

(F) *Noise*: Occupants of the short term rental shall comply with the noise standards and regulations of the City of Auburn Municipal Code, Chapter 93 et. seq.

(G) *Renter Notification*: The operator shall provide each occupant of the short term rental with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:

- 1) Name of operator with 24 hour availability;
- 2) The maximum number of overnight occupants permitted pursuant to this chapter;
- 3) Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;
- 4) A copy of the Good Neighbor Brochure.

**§ 159.518. STANDARD CONDITIONS.**

(A) While a short term rental unit is rented, the operator shall be available twenty-four hours per day, seven days per week for the purpose of responding within a timely manner to complaints regarding the condition, operation, or conduct of occupants of the short term rental unit or their guests.

(B) The operator and the designated local contact person shall use reasonably prudent business practices to ensure that the occupants and guests of the short term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short term rental unit.

(C) Prior to occupancy of a short term rental unit, the operator shall:

- 1) Provide a copy of the Good Neighbor Brochure to the occupant; and
- 2) Require the occupant to execute a formal acknowledgment that he or she is legally responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental unit by all occupants of the short term rental and their guests. This information shall be maintained by the operator for a period of three years and be made readily available upon request of any officer of the City responsible for the enforcement of any provision of the Municipal Code or any other applicable law, rule or regulation pertaining to the use and occupancy of the short term rental.

(D) The operator or the local contact person shall upon notification that any occupant or guest of the short term rental has created unreasonable noise or disturbances, engaged

in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short term rental, promptly respond in a timely manner to immediately halt or prevent a recurrence of such conduct by the responsible person, occupants, or guests. Failure of the owner or operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants or guests of the short term rental within a timely manner shall be subject to all administrative, legal and equitable remedies available to the City.

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

(F) The operator or the local contact person shall post a copy of the short term rental permit and a copy of the good neighbor brochure in a conspicuous place within the short term rental unit, and a copy of the good neighbor brochure shall be provided to each occupant of the subject short term rental.

(G) If applicable, the operator shall comply with all provisions of Chapter 33.185 of the Auburn Municipal Code concerning Transient Occupancy Taxes (TOT), including, but not limited to, recording of monthly TOT returns, which shall be filed quarterly with the City of Auburn, even if the short term rental was not rented during such quarter.

(H) The Director and Planning Commission, shall have the authority to impose additional conditions on the use of any given short term rental to ensure that any potential secondary effects unique to the short term rental unit are avoided or adequately mitigated.

(I) The standard conditions set forth herein may be modified by the Planning Commission, upon request of the operator based on site specific circumstances for the purpose of allowing reasonable accommodation of a short term rental. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for a short term rental would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications of the standard conditions shall not further exacerbate an already existing problem.

(J) The operator shall be in compliance with all of the regulations pertaining to the operation of a short term rental use:

(K) The short term permit is not transferable;

(L) Such other information or conditions as the Director deems reasonably necessary to administer this chapter.

(P) If applicable, the Tax Administrator, as defined in Section 33.186 et. seq. shall issue a Transient Occupancy Registration Certificate, as provided in Section 33.190, if

the applicant has satisfied all of the requirements of this chapter and Section 33.185 et. seq.

(Q) Prior to the operation of a short term rental, the operator shall obtain a business license from the City of Auburn.

**§ 159.519. RECORD KEEPING.**

In accordance with Section 33.195 of the Auburn Municipal Code, it shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by the provisions of this Chapter to keep and preserve, for a period of three (3) years, all records which may be necessary to determine the amount of the tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times.

**§ 159.520. VIOLATIONS.**

Violations of his chapter shall be remedied in accordance with Section 10.80 Administrative Citations of the Auburn Municipal Code.

**§ 159.521 SEVERABILITY.**

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this Ordinance shall be nonetheless remain in full force and effect. The City Council of the City of Auburn hereby declares that is would have adopted each section, sentence, clause, phase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable and, to that end, the provisions of this Ordinance are severable.

## ATTACHMENT 2

### § 159.030 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1).

(A) The following uses shall be permitted in the Single-Family Residential (R-1) District:

(1) One single-family detached dwelling unit occupied by a single family and appurtenant accessory buildings;

(2) Municipal or other public buildings, utilities and properties, including schools, parks, playgrounds and community centers owned and operated by a governmental agency, and excluding corporation yards and other uses generally classified as industrial in nature;

(3) Up to 6 non-related persons living as a non-profit group;

(4) Rest homes, foster and small family day-care homes, and outpatient nursing care homes or similar licensed facilities for up to 6 persons, including the adults and children constituting the family;

(5) Large family day-care homes as regulated by the provisions of §§ 159.390 *et seq.*;

(6) Residential care facility - small; and,

(7) Permanent manufactured homes for single-family use in compliance with § 159.055; and,

**(8) Short term rentals in compliance with § 159.510 et. seq.**

(B) The following uses shall be permitted in the Single-Family Residential (R-1) District subject to the approval of a use permit:

(1) Privately-owned schools, parks, golf courses, swimming and/or tennis clubs, and utilities, except as provided in §§ 159.260 *et seq.*;

(2) Churches and rest homes;

(3) One guest house;

(4) Home occupations customarily incidental to a residence; and

(5) In areas not less than one acre in size, rooming and boardinghouses for not more than 15 persons, including the family.

**(6) Bed and Breakfast Establishments in accordance with § 159.540 et. seq.**

(1973 Code, § 9-4.501) (Ord. 558, eff. - -; Am. Ord. 585, eff. - -; Am. Ord. 634, eff. - -; Am. Ord. 764, eff. 7-13-1981; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 89-9, eff. 5-24-1989; Am. Ord. 13-07, eff. 5-22-2013)

**§ 159.031 TWO-FAMILY RESIDENTIAL (DUPLEX) DISTRICT (R-2).**

The following uses shall be permitted in the Two- Family Residential (Duplex) (R-2) District:

- (A) All uses permitted in the R-1 District; and
- (B) Two-family (duplex) dwelling units as regulated by the provisions of § 159.016(B). (1973 Code, § 9-4.502) (Ord. 558, eff. - -)

**§ 159.032 MEDIUM DENSITY MULTIPLE- FAMILY RESIDENTIAL DISTRICT (R-3).**

(A) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District:

- (1) All uses permitted in the R-1 and R-2 Districts;
- (2) Multiple-family dwelling units as regulated by the provisions of § 159.016(C);
- (3) Rest homes and outpatient nursing care homes for up to 15 persons, including the children or adults constituting the family;
- (4) Supportive housing; and
- (5) Transitional housing.

(B) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District subject to the approval of a use permit:

- (1) Hospitals, medical and dental clinics and professional offices;
- (2) Rooming houses for up to 15 persons;
- (3) Nursery schools and child care centers; and
- (4) Residential care facility - large.

(1973 Code, § 9-4.503) (Ord. 558, eff. - -; Am. Ord. 585, eff. - -; Am. Ord. 745, eff. 9-12-1979; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 00-5, eff. 12-27-2000; Am. Ord. 13-07, eff. 5-22-2013; Am. Ord. 13-10, eff. 12-25-2013)

**CITY OF AUBURN ATTACHMENT 3**

**Planning, Zoning and Environmental Review Fees and Charges**  
(Updated – 01/30/14)

<b>TYPE OF APPLICATION</b>	<b>FEE</b>	
<b>Administrative Permit</b> (to approved project)	\$	57.00
Short Term Rental with Public Hearing	\$	415.00
<b>Amendments</b>	\$	197.00
With Public Hearing	+ \$	39.00
In Historic District – new construction	\$	197.00
In Historic District – all other construction	\$	33.00
<b>Annexation</b>	At Cost w/ \$500 deposit (includes related apps) +LAFCO fees	
<b>Appeals</b>		
Appeal of Planning Commission decision	\$	100.00
Appeal of Historic Design Review Commission decision	\$	100.00
Appeal of Community Development Director (e.g. signs; tree violations)	\$	100.00
Appeal of Director's decisions pursuant to AMC Chapter 162 – no fee	\$	0.00
<b>Commission Information</b>		
Agendas Only	\$	25.00 Per year
Agenda + Approved Minutes	\$	35.00 Per year
<b>Conditional Use Permits</b>		
Class A	\$	1,443.00
Class B	\$	858.00
Class C	\$	415.00
(Res/Comm PUD fee is 50% if accompanying a subdivision map)		
<b>Design Review Permits - Citywide</b>		
Type A – New Construction (PC approval)	\$	651.00
Type B – New Construction (PC approval)	\$	607.00
Type C – New Construction (PC approval)	\$	563.00
Additions, Alterations, Remodeling (PC approval)	\$	400.00
Administrative approval - Minor projects (e.g. similar materials/colors)	\$	33.00
Administrative approval - Larger projects (e.g. alterations, remodeling)	\$	100.00
<b>Design Review Permits – Historic District</b>		
New construction - HDRC approval		As above
Additions, Alterations, Remodeling - HDRC approval	\$	33.00
Administrative approval – Minor issues	\$	33.00
Voluntary residential review	\$	33.00
<b>Development Agreement – in conjunction with an application</b>	\$	400.00
<b>Environmental Review</b>		
Initial Study/Categorical Exemption	\$	66.00
Initial Study/Negative Declaration (Staff Preparation)	At cost	No deposit
Initial Study/Mitigated Negative Declaration (Staff Preparation)	At cost	\$500 Deposit
Initial Study/Mitigated Negative Declaration (Consultant Preparation)	\$500	(+ staff time at cost)
Consultant cost + staff time (at cost)	deposit	cost)
Expanded Initial Study + EIR (Consultant Preparation)	\$500	(+ staff time at cost)



Consultant cost + staff time (at cost)

deposit

cost)

<b>Extension of Time</b>		
DRP/Subdivision/CUP	\$	415.00
Parcel Map/Development Agreement	\$	289.00
Historic design review permit – new construction	\$	415.00
Historic design review permit – other types of construction	\$	33.00
<b>General Plan Amendment</b>		
Combined with Rezone	\$	2,225.00
<b>Home Occupation Permit</b>		
	\$	11.00
<b>Historic Designation</b>		
	\$	N/C
<b>Historic Register Amendment/Rescission</b>		
	\$	N/C
<b>Large Family Day Care Home Permit</b>		
	\$	41.00
<b>Ordinance Amendment</b>		
	\$	1,323.00
<b>Predevelopment Review</b>		
Administrative/Staff Review of Misc. Plans	\$	100.00 *
Staff Review w/Commission Hearing	\$	200.00 *
* Fee is credited to any subsequent application fee if filed within six (6) months for the same or substantially similar proposal		
<b>Rezone/Prezone</b>		
Until 2/10/96 when request is consistent with the 1993 General Plan	\$	927.00
	\$	1,323.00
<b>Sign Permit and Special Permits (temporary sales and outdoor seating)</b>		
	\$	33.00
<b>Subdivisions</b>		
Minor Boundary Line Adjustment	\$	257.00
Certificate of Compliance (Public Works Department)	\$	301.00
Minor Land Division (Parcel Map: 1-4 Lots)	\$	748.00
Major Land Division (Tentative Map: 5+ Lots)	\$	748.00
		(+ \$27/lot for 0-25 lots, then \$6/lot for each lot over 25).
<b>Tree Permits</b>		
Administrative Tree Permit – Staff review for minor encroachment	\$	25.00
Tree Permit – Commission review for removals or significant encroachment	\$	400.00
Tree Permit – Individual Home	\$	50/tree Max \$250
<b>Variance</b>		
Residential/Commercial Minor Setback/Sign Variances	\$	252.00
Other Residential/Commercial/Industrial Variances (e.g.: Parking, etc.)	\$	514.00

**NOTE: APPLICANTS WILL ALSO BE RESPONSIBLE FOR ANY DIRECT COSTS TO RECORD NECESSARY DOCUMENTS WITH THE PLACER COUNTY RECORDER**

## PLACER COUNTY AIRPORT LAND USE COMMISSION (PCTPA)

### FEE SCHEDULE\*

Minor Projects (Staff Review)	\$250.00
Major Projects (Commission Review)**	\$750.00
Mandatory Projects***	\$1,250.00
ALUC Appeals	\$100.00

*Note: A separate check shall be payable to Placer County Transportation Planning Agency (PCTPA). City of Auburn Staff will transmit PCTPA payment, on applicant's behalf, concurrent with project review request.*

\*The fee is the minimum charge and is non-refundable.

\*\* If it is determined that technical assistance is needed to complete the review, then the "Supplemental Deposit," must be deposited to proceed. After the project review is completed, the project proponent will either receive an invoice or an additional amount due or a refund depending on the actual costs incurred. At the time the cost of the review reaches 80 percent of the deposited amount, the project proponent will be notified that additional payment may be required upon completion of the review.

\*\*\* Fees for Mandatory Project review of local member agency planning documents would be waived.

### DESIGN REVIEW PERMITS

	Class A	Class B	Class C
Residential Buildings	30+ Units	10 – 29 Units	1 – 9 Units
Commercial Buildings	20,000 + sq. ft.	5,000 – 19,999 sq. ft.	Up to 4,999 sq. ft.
Industrial Buildings	50,000 + sq. ft.	10,000 – 49,999 sq. ft.	Up to 9,999 sq. ft.

### TYPES OF USE PERMITS

Type A	Type B	Type C
Airport Structures Auto Repair Shops Auto Service Stations Bitumen Paving Plants Bowling Alleys Commercial PUD over 10 acres Conditionally Permitted Uses in the Riparian Zones Creameries Drive-In Facilities Drive-In Restaurant Excavation/Quarry Operations Feed and Animal Sales yards Fertilizer Plants Guest Ranches  "HS" Uses with new buildings Hospitals Industrial Agricultural Prod. Plan Junk Yards Kennels/Animal Hospital Mining Operations Mining Reclamation Plans Mobile Home Parks Motorcycle Sales/Repairs Nurseries & Greenhouses Petroleum Products Manufacturing Public Dumps Recreational Uses in OSC Dist. Residential PUD over 20 Units Slaughter Houses Smelting Theatres Wrecking Yards	Apartment/Rental Housing In the "C-1" District Charitable or Unique Facilities in the "OSC District Churches Cleaning Plants Commercial PUD – 10 Acres or less Commercial Uses in the "M" District Communication, Utility Bldgs & Substations Electrical/Plumbing Shops "HS" Uses within Existing Buildings Laundries Printing Shops Professional Offices in the "R-3" District Residential Density Bonus Permit  Residential PUD – 20 Units or less Rest Homes Rooming & Boarding Houses Second Living Units Sex-oriented Entertainment Business Sheet Metal Shops Taverns Tire Recapping/Sales	Bed and Breakfast in Residential Zone Day Nurseries Foster & Day Care Home Guest Houses Hardship Mobile Homes Living Quarters Accessory to and in a Commercial Building. Minor Amendment to Existing Res/Comm PUD w/no new Construction Outdoor Merchandising/Vending in a "C" District Out Patient Care Homes Temporary Sales/Contractors Office Temporary Uses/Outdoor Events Mobile Food Vendors, Private Property <i>(Multiple properties/locations may be proposed with one application fee)</i>



## CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: October 7, 2014

Prepared by: Lance E. Lowe, AICP, Associate Planner

ITEM NO.  
V-B

**ITEM V-B:** AN ORDINANCE AMENDING SECTIONS 159.030, 159.033 AND 159.041 AND ADDING SECTIONS 159.540 THROUGH 159.546 TO THE AUBURN MUNICIPAL CODE FOR BED AND BREAKFAST ESTABLISHMENTS – ADMIN FILE – 301.3 (gg).

**REQUEST:** Planning Commission Recommendation to the City Council on an Ordinance amending and adding new sections to the Auburn Municipal Code for Bed and Breakfast Establishments.

### **RECOMMENDED MOTION (APPROVAL):**

That the Planning Commission recommends that the City Council take the following actions:

- A. Adopt Resolution No. 14-14 (**Exhibit A**) recommending adoption of an ordinance amending and adding new sections of the Auburn Municipal Code for bed and breakfast establishments, as presented, or as amended by the Planning Commission, which includes the following actions:
  1. Adoption of a Categorical Exemption, prepared for the bed and breakfast ordinance as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
  2. Adoption of Findings of Fact to approve the bed and breakfast ordinance as presented in the Staff Report;
  3. Adoption of the bed and breakfast ordinance as presented in the Staff Report; and,
- B. Adoption of a fee schedule for bed and breakfast establishments as presented in the Staff Report (**Attachment 4 of Exhibit A**).

### **BACKGROUND:**

On August 25, 2014, the City Council directed staff to prepare a short term rental ordinance, including an update to the City's bed and breakfast regulations (**Attachments 1 - 3**). As directed by the City Council, staff has prepared a draft Bed and Breakfast Ordinance for Planning Commission consideration.

As staff further progressed with drafting of both the short term rental and bed and breakfast ordinances, it became apparent that each of the ordinances should be drafted independently of one another for ease of use.

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## PROJECT DESCRIPTION/ANALYSIS:

The draft bed and breakfast ordinance amends Sections 159.030, 159.033 and 159.041 of the Auburn Municipal Code and adds new sections 159.540 through 159.546 for bed and breakfast establishments. An analysis of the bed and breakfast ordinance sections is provided for Planning Commission review as well as a discussion of the more salient policy issues that the Planning Commission may consider.

### A. AMENDMENTS TO THE AUBURN MUNICIPAL CODE.

The following amendments to the Auburn Municipal Code are proposed with the bed and breakfast ordinance.

#### 1. Amendment of Sections 159.033 and Section 159.041 of the Auburn Municipal Code for the Neighborhood Commercial (C-1), Central Business (C-2), Regional Commercial (C-3) and Office Building (OB) Zone Districts permitting bed and breakfast establishments.

A Bed and Breakfast establishment, by definition, is a commercial use of property consistent with the City's commercial zones. As defined in the bed and breakfast ordinance, a bed and breakfast establishment is:

**BED AND BREAKFAST ESTABLISHMENT.** A residential dwelling whose primary usage is commercial lodging, for a period of thirty consecutive days or less; where breakfast may be served to overnight guests; the owner, manager or operator is actively involved in daily operations of the facility and is on-site twenty-four hours a day.

Accordingly, staff is recommending that bed and breakfast establishments be permitted uses in the Commercial Zones (i.e. C-1, C-2, C-3 and OB Zones) and have therefore listed bed and breakfast establishments as a permitted use type on the Neighborhood Commercial (C-1) Zone (**Attachment 2 of Exhibit A**). Note that in the hierarchy of zoning districts, listing bed and breakfast establishments in the C-1 Zone, likewise permits bed and breakfast uses in the C-2 and C-3 Zones as well. Section 159.041 will also be amended to include bed and breakfasts in the Office Building (OB) Zone.

As permitted uses in the commercial zones, if no building modifications are warranted, an applicant would apply for a business license and sign permit with associated Transient Occupancy Tax forms, if applicable. Prior to approval of a business license and sign permit, a floor plan and site plan may be required by the Planning and Public Works Department to verify that adequate parking exists on site commensurate with the number of rooms proposed with the bed and breakfast establishment. If building modifications are proposed, the building plans and site plan will need to be approved prior to the approval of a business license and sign permit by the Planning and Public Works Department.

## **2. Amendment of Sections 159.030 (B)(6) of the Auburn Municipal Code for Single Family Residential District (R-1).**

As proposed, bed and breakfast establishments may also be permitted in the residential zones upon approval of a Use Permit in accordance with Section 159.030 (B)(6) (**Attachment 3 of Exhibit A**). Accordingly, a Use Permit application and public hearing before the Planning Commission would be required for a bed and breakfast in the residential zones subject to the operational standards listed in *Section 159.543* of the ordinance, as well as any conditions imposed by the Planning Commission, to assure that the Findings for approval of a Use Permit have been substantiated (i.e. ...use will not be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood...).

Comments received from the City Council at the August 25, 2014 meeting indicated the Council's desire to keep the application fees low for bed and breakfast establishments. As proposed, bed and breakfast establishments in the commercial zones will be permitted uses in the zone thus only requiring a business license and sign permit. A business license (\$27.50) and sign permit (\$33.00) cost is \$60.50 in total.

Bed and breakfast establishments in the residential zones will be required to apply for a Use Permit application. Considering the use types indicated in the existing fee schedule, as well as the anticipated time and costs to process a Use Permit application, the Use Permit type B fee of \$858.00 may be the appropriate fee (**Attachment 4 of Exhibit A**). However, as noted, the City Council previously indicated their desire to keep fees low. Accordingly, staff is not recommending the true costs of processing a Use Permit application, but a lower fee of \$415 that will pay for the noticing requirements and a portion of staff's time to process a Use Permit application. Note that a \$66.00 fee will also be charged for the CEQA determination, if the project has been determined to be Categorically Exempt.

Should the Planning Commission's decision on a Use Permit application be appealed to the City Council, then the City's \$100.00 fee will be charged for the appeal. Proposed amendments to the City's Fee Schedule are attached herewith as **Attachment 4 of Exhibit A**.

## **B. BED AND BREAKFAST ORDINANCE.**

The bed and breakfast ordinance is discussed below, including a brief analysis and/or rationale for each section. The bed and breakfast establishment ordinance is attached herewith as **Attachment 1 of Exhibit A**.

### **1. Sections 159.540 and 159.541 Purpose and Findings.**

The Purpose and Findings Sections provides the basis and rationale for adopting the bed and breakfast ordinance.

### **2. Section 159.542. Definitions**

Terms commonly used in the bed and breakfast ordinance are defined.

As defined, bed and breakfast establishments are commercial lodging establishments consistent with the City's Commercial Zone Districts.

Accordingly, a bed and breakfast establishment is defined as:

**BED AND BREAKFAST ESTABLISHMENT.** A residential dwelling whose primary usage is commercial lodging, for a period of thirty consecutive days or less; where breakfast may be served to overnight guests; the owner, manager or operator is actively involved in daily operations of the facility and is on-site twenty four hours a day.

### 3. Section 159.543 Operational Standards.

As a means to assure that a bed and breakfast is compatible with the surrounding neighborhood, the bed and breakfast ordinance contains minimum operational standards addressing such issues as:

*Maximum Number of Days and Nights for Rent or Lease.* In order to qualify for a bed and breakfast as defined, as well as in accordance with the provisions as a transient occupancy, the maximum number of days that a bed and breakfast shall be occupied is thirty consecutive days.

*Maximum Number of Occupants.* The maximum number of occupants shall be in accordance with the California Building Code for R-3 (single family dwelling) and R-1 (hotel) occupancies. An R-3 occupancy is a single family dwelling with 10 or fewer occupants. That is, with 10 or fewer occupants, no building modifications will be required by the California Building Code. Conversely, for an R-1 occupancy servicing more than 10 persons, a single family dwelling would need substantial upgrade (i.e. exiting, 1 hour construction, emergency lighting, sprinklers, ADA compliance, etc.) to comply with the occupancy requirements of the California Building Code. Based upon the building requirements, it is anticipated that the majority of bed and breakfasts establishments will serve 10 or less occupants.

*Appearance, Visibility or Location.* Except for signage, a bed and breakfast shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, or lighting.

*On-site Parking Required.* A minimum of two (2) parking spaces shall be required for the owner and a minimum of one (1) parking space shall be provided for each guest room. All parking associated with a bed and breakfast shall be entirely on-site and not located in the required front yard or street side yard pursuant to Section 159.171 of the Auburn Municipal Code.

*Noise.* The bed and breakfast shall comply with the noise standards and regulations of the City's Municipal Code, Chapter 93 for noises.

*Signage.* Signs for a bed and breakfast shall be subject to a sign permit issued by the City and limited to the following criteria:

- 1) One sign attached to the main residence on the site, with a maximum area of four square feet; and/or,

- 2) One freestanding sign, not to exceed sixteen square feet in area nor six feet in height above grade.

*Transient Occupancy Tax.* Bed and breakfast facilities shall be subject to all applicable provisions of Chapter 33 of the Auburn Municipal Code for Transient Occupancy Taxes, if applicable.

#### **4. Section 159.544 Record Keeping.**

In accordance with Section 33.195 (Transient Occupancy Tax) record keeping shall be maintained for a period of three (3) years, if applicable.

#### **5. Section 159.545 Violations.**

Violations of the Bed and Breakfast Ordinance shall be addressed by the City's Administration Citation process in accordance with Section 10.80 of the Auburn Municipal Code.

#### **6. Section 159.546 Severability.**

Standard severability language is proposed with the bed and breakfast ordinance.

#### ***GENERAL PLAN CONSISTENCY:***

The proposed bed and breakfast ordinance has been review for consistency with the City's General Plan policies, goals and objectives and has been found to be consistent with the following General Plan policies, goals, and objectives:

- *General Goal 1:* Guide development in a pattern that will minimize land use conflicts between adjacent land users.
- *General Goal 3:* Guide development so that it takes advantage of Auburn's unique character including, but not limited to, terrain and vegetation.
- *Residential Goal 5:* Establish a variety of residential densities which will provide for different housing types and levels of costs.
- *Housing Policy 2.2:* The City shall encourage private reinvestment in older residential neighborhoods.
- *Noise Goal 1:* Protect City residents from the harmful and annoying effects of exposure to excessive noise.
- *Economic Goal 1:* Provide a land use development pattern, planning process, and regulatory atmosphere conducive to maintaining and increasing employment opportunities for City residents and fostering new economic development.
- *Economic Goal 2:* Enhance the City's sales tax revenues by strengthening the City's retailing and tourism to serve the needs of local residents and encouraging shoppers from outside the community.
- *Economic Goal 4:* Encourage tourism....
- *Policy 4.1:* Emphasize Auburn as a tourist stop.
- *Policy 4.2:* Strengthen and maintain tourism as a major industry in Auburn.

***ENVIRONMENTAL DETERMINATION:***

The Auburn Community Development Department reviewed the Bed and Breakfast Ordinance pursuant to the California Environmental Quality Act (CEQA) and found it to be Categorical Exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

**ATTACHMENTS:**

**Attachment 1** – City of Auburn General Requirements for Bed and Breakfast facilities

**Attachment 2** – City of Auburn City Council Resolution No. 14-78

**Attachment 3** – City Council Minutes dated August 25, 2014

**EXHIBITS**

**Exhibit A** – Planning Commission Resolution with the following Attachments:

**Attachment 1** – Bed and Breakfast Ordinance

**Attachment 2** – Section 159.033 Neighborhood Commercial Zone District (C-1) and Section 159.041 Office Building Zone District (OB)

**Attachment 3** – Section 159.030 Single Family Residential Zone District (R-1)

**Attachment 4** – City of Auburn Fee Schedule





# ATTACHMENTS

# ATTACHMENT 1

## City of Auburn General Requirements for Bed and Breakfast facilities\*

### Bed and Breakfast facilities in residential zone districts:

- May be permitted subject to Planning Commission approval of a Conditional Use Permit.
- 1 Acre minimum lot size.\*\*
- Maximum occupancy, fifteen (15) persons, including the family.\*\*
- Parking requirement: two (2) off-street parking spaces, plus one (1) additional space for each room to be rented.
- Compliance with applicable Uniform Fire and Building Code requirements.

### Bed and Breakfast facilities in the C-2, & C-3 Zone Districts:

- Allowed use per Code.
- Compliance with Zone district parking standards:
  - C-2 - One (1) parking space per 400 gross sq.ft.
  - C-3 - One (1) parking space per ~~250~~<sup>400</sup> gross sq.ft.
- Compliance with applicable Uniform Fire and Building Code requirements.

\* This is a general summary of those Municipal Code sections that generally apply to all Bed and Breakfast operations. It is not intended as an exhaustive list of all Municipal Code sections and policy's that may apply to any Bed and Breakfast in all situations and locations.

\*\* Some modification of these standards may be permitted through the use permit process, after evaluation of the specific circumstances of a given proposal.

ATTACHMENT 2

CITY OF AUBURN


CITY COUNCIL RESOLUTION NO. 14-78

A RESOLUTION INTIATING AN ORDINANCE AMENDMENT FOR SHORT TERM HOME STAYS, INCLUDING BED & BREAKFAST ESTABLISHMENTS


THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby direct City Staff to initiate an ordinance amendment for Short Term Home Stays, including Bed & Breakfast Establishments.

DATED: August 25, 2014

  
Bridget Rowers, Mayor

ATTEST:

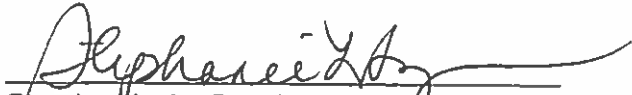
  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City of Auburn held on the 25<sup>th</sup> day of August 2014 by the following vote on roll call:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Absent:

  
Stephanie L. Snyder, City Clerk

**CITY COUNCIL MINUTES  
August 25, 2014  
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, August 25, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

**CALL TO ORDER** at 5:30 p.m.

**ROLL CALL:**

**Council Members Present:** Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

**Council Members Absent:**

**Staff Members Present:** City Manager Tim Rundel, City Attorney Michael Colantuono, Public Works Director Bernie Schroeder, Building Official Lisa Hoffrogge, Senior Planner Reg Murray, Associate Planner Lance Lowe, Fire Chief Mark D'Ambrogi, Police Lieutenant Victor Pecoraro, Police Chief John Ruffcorn.

**CLOSED SESSION**

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:  
**MOTION: Nesbitt/ Holmes/ Unanimously approved by voice**

1. Conference with Labor Negotiators:

(G.C. 54957.6)

Agency Designated Representatives: Tim Rundel, Dennis Batchelder  
Employee Group: All Bargaining Units

**REPORT OUT OF CLOSED SESSION**

Mayor Powers stated there was no reportable action.

**PLEDGE OF ALLEGIANCE** led by the Mayor's guest: Aden Zientara

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/  
ANNOUNCEMENTS**

Mayor Powers presented the commendation for The Grayhorse Open Space Fuel Reduction Program accepted by Fire Chief Mark D'Ambrogi and the Grayhorse Community Association.

Abstain:

\*\*\*Council took a 5 minutes recess\*\*\*

9. **Initiation of an Ordinance Amendment for Short Term Home Stays**

City Attorney Michael Colantuono explained that the purpose of this item, if approved, is to ask the Planning Commission Staff to develop a proposal to allow short term home stays (like Air B&B's) use on appropriate conditions. He said the details of those conditions will be discussed at the Planning Commission level.

Associate Planner Lance Lowe presented this item.

Council Member questions followed regarding (1) turnaround time on ordinance, (2) compensated stays, (3) standards of rentals, (4) use permit requirements, (5) administrative process, (6) cease and desists orders during interim, (7) signage/ information for neighbors, and (8) zoning violations.

Public comment:

Megan Ransom, resident of Auburn, said she has a yurt set up in her backyard and has received a "cease and desist" order. She spoke about the benefits of Air B&B's to visitors and the City.

J. Randall Smith, resident of Auburn, spoke about other countries who offer accommodations to travelers without overwhelming regulations.

Gary Ransom, resident of Auburn, spoke of his experience with the type of travelers who chose Air B&B's. He said Air B&B's help make Auburn a tourist destination.

Barbara Bella, resident of Auburn, owns a rental unit and is interested in assisting Air B&B's and VRBOs (Vacation Rental By Owner) in Auburn.

Council Member Nesbitt said this is a growing trend and Auburn needs to step up be involved. He said some minimum standards needs to be in place.

Council Member Kirby suggested modeling standards after other cities who have enacted appropriate rules in regards to short term home stays. He said there needs to be a balance between finding places for people to stay, issues the neighbors might have and minimum standards. He said people should not inhabiting uninhabitable structures, but that definition may need to be modified as well.

Council Member Hanley said accommodations are needed to meet the demand of Auburn as a tourist destination. He said he favors the Planning Commission developing an ordinance that doesn't impose unreasonable costs on the people who put their homes up for these accommodations. He said he would like to look at neighbor concerns, like parking. He said he would like to include the people who are already involved in Air B&B's to get their feedback also.

Mayor Powers spoke about the successful process of moving this issue forward. She spoke about the benefits of these accommodations during endurance events in Auburn. She said she encourages the Planning Commission to get it completed as soon as possible.

By **RESOLUTION 14-78**, direct staff to initiate an ordinance amendment of the City's Zoning Ordinance for Short Term Home Stays, including Bed & Breakfast establishments.

The motion was made by Council Member Holmes and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

10. **Traffic Signal Box Art Program by the Auburn Arts Commission**

Senior Planner Reg Murray presented this item. He explained the program the Arts Commission would like to participate in.

Lee Buckingham, Chair of Arts Commission, provided additional information on the program.

Council Member questions followed regarding: (1) artist recognition, (2) extending to residential areas, (3) final approval body, and (4) streetscape themes.

City Attorney Michael Colantuono spoke about public/ private ownership of utility boxes.

Kaz Huetter, Auburn resident and member of the Arts Commission, explained why the commission feels these art pieces will add to the community.

Sally Palmer Dawley, resident of Auburn, spoke in support of this art work around town.

J. Randall Smith, resident of Auburn, suggested artist recognition on the boxes. He spoke about drawing attention to Auburn.

# EXHIBITS



## EXHIBIT A

### PLANNING COMMISSION RESOLUTION NO. 14-14

#### BED AND BREAKFAST ESTABLISHMENT ORDINANCE (Admin File 301.3 (gg))

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**Section 1.** The City of Auburn Planning Commission held a public hearing at its regular meeting of October 7, 2014, to consider a recommendation to the City Council on an Ordinance Amending Sections 159.030, 159.033 and 159.041 and adding Sections 159.540 through 159.546 of the Auburn Municipal Code for Bed and Breakfast Establishments.

**Section 2.** The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the October 7, 2014, Planning Commission meeting, including Resolution Attachments 1 – 4 attached herewith.
2. Staff presentation at the public hearing held on October 7, 2014.
3. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
4. All related documents received and/or submitted at or prior to the public hearing.
5. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

**Section 3.** In view of all of the foregoing information, the City of Auburn Planning Commission finds the following for the reasons stated in the staff report presented to the Commission on October 7, 2014:

1. The Planning Commission, on the basis of the whole record before it (including the Environmental Determination and any comments received), finds that there is no substantial evidence that the project will have a significant effect on the environment and recommends that a Categorical Exemption as the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines. The Categorical Exemption reflects the lead agency's independent judgment and analysis.
2. All documents and materials relating to the proceedings for the Short Term Rental Ordinance are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission recommends that the City Council find the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities) of the CEQA Guidelines.

**Section 5.** In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby recommends approval of an Ordinance Amending Sections 159.030, 159.033 and 159.041 and adding Sections 159.540 through 159.546 of the Auburn Municipal Code attached herewith as *Attachments 1 - 4*



**Section 6.** In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ hereby recommends an exemption from CEQA and recommends that the City Council approval of an Ordinance Amending Sections 159.030, 159.033 and 159.041 of the Auburn Municipal Code for Bed and Breakfast establishments, listed above and carried by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

**PASSED AND ADOPTED** this 7th day of October, 2014.

\_\_\_\_\_  
Chair, Planning Commission  
of the City of Auburn, California

ATTEST: \_\_\_\_\_  
Community Development Department

ORDINANCE NO. – 14- \_\_\_\_\_

AN ORDINANCE OF THE CITY OF AUBURN AMENDING SECTIONS 159.030, 159.033, AND 159.041 AND ADDING SECTIONS 159.540 THROUGH 159.546 FOR BED AND BREAKFAST ESTABLISHMENTS

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**Section 1. CODE AMENDMENT**

Chapters 159.030, 159.033 and Chapter 159.041 are hereby amended to include bed and breakfast establishments as permitted uses in the Neighborhood Commercial (C-1), Central Business (C-2), Regional Commercial (C-3) and Office Building (OB) Zones of the City pursuant to Section 159.033 (A)(f) and Section 159.041 (C).

Bed and Breakfast establishments may also be permitted in the residential zones upon approval of a Use Permit in accordance with Section 159.030 (B)(6).

**Section 2. CODE AMENDMENT**

Chapter 159 is hereby amended to add the following sections:

**CHAPTER 159.540: BED AND BREAKFAST ESTABLISHMENTS**

- 159.540 Purpose
- 159.541 Findings
- 159.542 Definitions
- 159.543 Operational Standards
- 159.544 Record Keeping
- 159.545 Violations
- 159.546 Severability

**§ 159.540 PURPOSE.**

The purpose of this chapter is to permit and regulate the establishment and operation of bed and breakfast establishments in the City of Auburn and to ensure the preservation of the character, integrity and property values of surrounding areas within which facilities are located and maintained.

**§ 159.541 FINDINGS.**

The City Council finds that bed and breakfast establishments constitute small commercial lodging facilities in commercial and residential zoning districts. This requires special regulations that may not normally covered by standards for hotels and motels.

**§ 159.542 DEFINITIONS.**

For the purpose of this chapter, the following definition shall apply unless the context clearly requires a different meaning to serve the intent of this chapter.

**BED AND BREAKFAST ESTABLISHMENT.** A residential dwelling whose primary usage is commercial lodging, for a period of thirty consecutive days or less; where breakfast may be served to overnight guests; the owner, manager or operator is actively involved in daily operations of the facility and is on-site twenty four hours a day.

**§ 159.543 OPERATIONAL STANDARDS.**

(A) The owner shall use reasonably prudent practices to ensure that the bed and breakfast is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject bed and breakfast establishment, including compliance with Chapter 33.185 et. seq.

(B) *Maximum Number of Days and Nights for Rent or Lease.* The maximum number of days that a bed and breakfast shall be occupied is thirty consecutive days.

(C) *Maximum Number of Occupants.* The maximum number of occupants shall be in accordance with the California Building Code.

(D) *Appearance, Visibility or Location.* Except for signage, a bed and breakfast shall not change the residential character of the outside appearance of the residence, either by the use of colors, materials, or lighting.

(E) *On-site Parking Required.* A minimum of two parking spaces shall be required for the owner and a minimum of one parking space shall be provided for each guest room. All parking associated with a bed and breakfast shall be entirely on-site and not located in the required front yard pursuant to Section 159.171 of the Auburn Municipal Code.

(F) *Noise.* The bed and breakfast shall comply with the noise standards and regulations of the City's of Auburn Municipal Code, Chapter 93 et. seq.

(G) The rented units shall not contain individual cooking facilities.

(H) *Signs.* Signs for a bed and breakfast shall be subject to a sign permit issued by the City and limited to the following:

- 1) One sign attached to the main residence on the site, with a maximum area of four square feet; and,
- 2) One freestanding sign, not to exceed sixteen square feet in area nor six feet in height above grade.

(I) *Transient Occupancy Tax*. If applicable, a bed and breakfast establishment shall comply with Chapter 33 of the Auburn Municipal Code.

(J) Prior to operation of a bed and breakfast, a business license shall be obtained from the City of Auburn.

**§ 159.544 RECORD KEEPING.**

In accordance with Section 33.195 of the Auburn Municipal Code, it shall be the duty of every operator who may be liable for the collection and payment to the City of any tax imposed by the provisions of this Chapter to keep and preserve, for a period of three years, all records which may be necessary to determine the amount of the tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times.

**§ 159.545 VIOLATIONS.**

Violations of this chapter shall be remedied in accordance with Section 10.80 Administrative Citations of the Auburn Municipal Code.

**§ 159.546 SEVERABILITY.**

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this Ordinance shall be nonetheless remain in full force and effect. The City Council of the City of Auburn hereby declares that is would have adopted each section, sentence, clause, phase. or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Section be declared invalid or unenforceable and, to that end, the provisions of this Section are severable.

## ATTACHMENT 2

### § 159.033 NEIGHBORHOOD COMMERCIAL DISTRICT (C-1).

(A) The following uses shall be permitted in the Neighborhood Commercial (C-1) District when conducted within a building or other applicable area:

(1) Commercial:

- (a) Amusement centers;
- (b) Apparel shops;
- (c) Art goods stores;
- (d) Automobile parking lots;
- (e) Bakeries;
- (f) Bed and Breakfast Establishments**
- (ff) Book stores;
- (g) Camera shops;
- (h) Candy stores;
- (i) Delicatessens;
- (j) Drugstores;
- (k) Florist shops;
- (l) Fountains;
- (m) Furniture stores;
- (n) Gift shops;
- (o) Glass stores;
- (p) Hardware stores;
- (q) Hobby shops;
- (r) Ice cream shops;
- (s) Liquor stores;
- (t) Music stores;
- (u) Newsstands and newspaper and related printing and publishing;
- (v) Paint and wallpaper stores;
- (w) Pet shops;
- (x) Radio and television sales stores;
- (y) Restaurants;
- (z) Smoke shops;
- (aa) Toy stores; and
- (bb) Variety stores.

(2) Food:

- (a) Bakeries employing not more than 3 persons full or part-time, excluding sales personnel;
- (b) Cafés, restaurants and catering shops;
- (c) Delicatessens and specialized food stores;
- (d) Grocery, meat, fish, poultry, fruit and vegetable stores; and
- (e) Health food stores.

(3) Services:

- (a) Answering services;
- (b) Banks;

- (c) Barber shops;
- (d) Beauty parlors;
- (e) Building materials stores (retail);
- (f) Business offices;
- (g) Commercial schools (secretarial, dance, business and the like) ;
- (h) Dance halls;
- (i) Laundromats;
- (j) Laundry and cleaning agencies;
- (k) Medical and dental offices;
- (l) Pressing shops;
- (m) Photographers;
- (n) Professional offices;
- (o) Real estate and insurance offices;
- (p) Repair shops for shoes, radios, television sets and domestic appliances;
- (q) Tailor shops;
- (r) Taxicab stands; and
- (s) Utility offices.

(B) The following uses shall be permitted in the Neighborhood Commercial (C-1) District subject to the approval of a use permit:

- (1) Apartments and rental housing;
- (2) Bowling alleys;
- (3) Drive-in dairy products;
- (4) Drive-in restaurants;
- (5) Gasoline service stations;
- (6) Living quarters in connection with an established commercial use;
- (7) Nurseries and greenhouses;
- (8) Taverns;
- (9) Theaters;
- (10) Churches and/or church-related uses;
- (11) Outdoor vending and/or temporary sales of any product for private profit not conducted within a building (excepting those uses noted in division (C) below); and
- (12) Outdoor seating with 13 or more seats in association with an existing eating establishment.

(C) The following uses shall be permitted in the Neighborhood Commercial (C-1) District subject to the approval of the appropriate special permit as set forth in §§ 159.475 *et seq.*

- (1) Temporary outdoor sales in conjunction with special events may be authorized by the Community Development Director without necessity of a use permit.
- (2) Limited outdoor seating, up to a maximum of 12 seats, in association with an existing eating establishment.

(1973 Code, § 9-4.505) (Ord. 558, eff. - -; Am. Ord. 718, eff. 1-11-1978; Am. Ord. 781, eff. 4-13-1983; Am. Ord. 794, eff. 1-11-1984; Am. Ord. 803, eff. 11-7-1984; Am. Ord. 87-1, eff. 2-11-1987; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 91-3, eff. 3-27-1991; Am. Ord. 92-16, eff. 8-26-1992)

**§ 159.034 CENTRAL BUSINESS DISTRICT (C-2).**

(A) The following uses shall be permitted in the Central Business (C-2) District: all uses permitted in the C-1 District.

(B) The following uses shall be permitted in the Central Business (C-2) District when conducted within a building or other applicable area:

- (1) Antique stores;
- (2) Apartments and rental housing;
- (3) Apparel shops;
- (4) Appliance stores;
- (5) Art goods stores;
- (6) Automobile dealerships;
- (7) Automobile parts and accessory stores;
- (8) Automobile sales, services and lots;
- (9) Automobile service agencies;
- (10) Automobile upholstery shops;
- (11) Bank and lending agencies;
- (12) Barber shops;
- (13) Beauty shops;
- (14) Bike sales and repair shops;
- (15) Boat sales and repair shops;
- (16) Book stores;
- (17) Building materials stores (retail);
- (18) Bus terminals;
- (19) Camera and photographic supply stores;
- (20) Candy stores;
- (21) China and glassware shops;
- (22) Cigars and tobacco shops;
- (23) Communications equipment buildings;
- (24) Department stores;
- (25) Drapery shops;
- (26) Dressmaking stores;
- (27) Drugstores;
- (28) Employment agencies;
- (29) Florist shops;
- (30) Fountains;
- (31) Fur shops;
- (32) Furniture stores;
- (33) Garden supply stores;
- (34) Gift shops;
- (35) Hardware and homeware stores;
- (36) Hat shops;
- (37) Hobby and toy shops;
- (38) Hotels and motels;
- (39) Ice cream shops;
- (40) Import shops;

- (41) Interior decorating shops;
- (42) Jewelry shops;
- (43) Lamp shops;
- (44) Laundry and cleaning agencies;
- (45) Lingerie and hosiery stores;
- (46) Liquor stores;
- (47) Living quarters in connection with an established use;
- (48) Luggage stores;
- (49) Millinery shops;
- (50) Music and records stores;
- (51) Offices, such as realtors, insurance, photographers, accountants, attorneys, advertisers, medical, dental and other professions;
- (52) Paint, glass and wallpaper sales stores;
- (53) Power tools stores;
- (54) Radio, television and retail electronic supplies stores;
- (55) Restaurants;
- (56) Rug stores;
- (57) Savings and loan associations;
- (58) Sewing shops;
- (59) Shoe stores;
- (60) Sporting goods stores;
- (61) Stationery and office supplies stores;
- (62) Tailor shops;
- (63) Taverns;
- (64) Theaters;
- (65) Tire sales, repair and exchange stores (not including recapping);
- (66) Title companies;
- (67) Toy stores;
- (68) Variety stores; and
- (69) Yardage and yarn shops.

(C) The following uses shall be permitted in the Central Business (C-2) District subject to the approval of a use permit:

- (1) Automobile repair shops (not including spray painting or body work);
- (2) Automobile service stations;
- (3) Cleaning plants;
- (4) Creameries;
- (5) Electrical repair shops;
- (6) Laundries;
- (7) Motorcycle sales shops;
- (8) Plumbing shops;
- (9) Printing shops;
- (10) Sheet metal shops and tire recapping with tire sales;
- (11) Animal hospitals and clinics; and
- (12) Residential care facility - large.



(1973 Code, § 9-4.506) (Ord. 558, eff. - -; Am. Ord. 585, eff. - -; Am. Ord. 632, eff. - -; Am. Ord. 87-1, eff. 2-11-1987; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 06-2, eff. 4-12-2006; Am. Ord. 13-07, eff. 5-22-2013)

**§ 159.035 REGIONAL COMMERCIAL DISTRICT (C-3).**

The following uses shall be permitted in the Regional Commercial (C-3) District: all uses permitted in the C-1 and C-2 Districts.

(1973 Code, § 9-4.507) (Ord. 558, eff. - -)

**§ 159.041 OFFICE BUILDING DISTRICT (OB).**

The following uses shall be permitted in the Office Building (OB) District:

- (A) Business and professional offices;
- (B) Beauty salons, except when abutting any residentially zoned property approval of a use permit shall be required;
- (C) **Bed and Breakfast Establishments**

(D) The following uses shall be permitted in the Office Building (OB) District subject to approval of a use permit:

(1) Animal hospitals and clinics (excepting those locations in the "OB/R-3" Combining District);

(2) Living quarters in connection with an established office use.

(1973 Code, § 9-4.513) (Ord. 558, eff. - -; Am. Ord. 569, eff. - -; Am. Ord. 87-1, eff. 2-11-1987; Am. Ord. 89-7, eff. 4-26-1989; Am. Ord. 95-6, eff. 7-26-1996)

## ATTACHMENT 3

### § 159.030 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1).

(A) The following uses shall be permitted in the Single-Family Residential (R-1) District:

(1) One single-family detached dwelling unit occupied by a single family and appurtenant accessory buildings;

(2) Municipal or other public buildings, utilities and properties, including schools, parks, playgrounds and community centers owned and operated by a governmental agency, and excluding corporation yards and other uses generally classified as industrial in nature;

(3) Up to 6 non-related persons living as a non-profit group;

(4) Rest homes, foster and small family day-care homes, and outpatient nursing care homes or similar licensed facilities for up to 6 persons, including the adults and children constituting the family;

(5) Large family day-care homes as regulated by the provisions of §§ 159.390*et seq.*;

(6) Residential care facility - small; and,

(7) Permanent manufactured homes for single-family use in compliance with § 159.055; and,

**(8) Short term rentals in compliance with § 159.510 et. seq.**

(B) The following uses shall be permitted in the Single-Family Residential (R-1) District subject to the approval of a use permit:

(1) Privately-owned schools, parks, golf courses, swimming and/or tennis clubs, and utilities, except as provided in §§ 159.260*et seq.*;

(2) Churches and rest homes;

(3) One guest house;

(4) Home occupations customarily incidental to a residence; and

(5) In areas not less than one acre in size, rooming and boardinghouses for not more than 15 persons, including the family.

**(6) Bed and Breakfast Establishments in accordance with § 159.540 et. seq.**

(1973 Code, § 9-4.501) (Ord. 558, eff. - -; Am. Ord. 585, eff. - -; Am. Ord. 634, eff. - -; Am. Ord. 764, eff. 7-13-1981; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 89-9, eff. 5-24-1989; Am. Ord. 13-07, eff. 5-22-2013)

**§ 159.031 TWO-FAMILY RESIDENTIAL (DUPLEX) DISTRICT (R-2).**

The following uses shall be permitted in the Two- Family Residential (Duplex) (R-2) District:

- (A) All uses permitted in the R-1 District; and
- (B) Two-family (duplex) dwelling units as regulated by the provisions of § 159.016(B). (1973 Code, § 9-4.502) (Ord. 558, eff. - -)

**§ 159.032 MEDIUM DENSITY MULTIPLE- FAMILY RESIDENTIAL DISTRICT (R-3).**

(A) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District:

- (1) All uses permitted in the R-1 and R-2 Districts;
- (2) Multiple-family dwelling units as regulated by the provisions of § 159.016(C);
- (3) Rest homes and outpatient nursing care homes for up to 15 persons, including the children or adults constituting the family;
- (4) Supportive housing; and
- (5) Transitional housing.

(B) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District subject to the approval of a use permit:

- (1) Hospitals, medical and dental clinics and professional offices;
- (2) Rooming houses for up to 15 persons;
- (3) Nursery schools and child care centers; and
- (4) Residential care facility - large.

(1973 Code, § 9-4.503) (Ord. 558, eff. - -; Am. Ord. 585, eff. - -; Am. Ord. 745, eff. 9-12-1979; Am. Ord. 87-3, eff. 5-26-1987; Am. Ord. 87-7, eff. 10-12-1987; Am. Ord. 87-11, eff. 1-13-1988; Am. Ord. 00-5, eff. 12-27-2000; Am. Ord. 13-07, eff. 5-22-2013; Am. Ord. 13-10, eff. 12-25-2013)



Consultant cost + staff time (at cost)

deposit

cost)

**Extension of Time**

DRP/Subdivision/CUP	\$ 415.00
Parcel Map/Development Agreement	\$ 289.00
Historic design review permit – new construction	\$ 415.00
Historic design review permit – other types of construction	\$ 33.00

**General Plan Amendment**

Combined with Rezone	\$1,481.00
	\$2,225.00

**Home Occupation Permit**

\$ 11.00

**Historic Designation**

\$ N/C

**Historic Register Amendment/Rescission**

\$ N/C

**Large Family Day Care Home Permit**

\$ 41.00

**Ordinance Amendment**

\$1,323.00

**Predevelopment Review**

Administrative/Staff Review of Misc. Plans	\$ 100.00	*
Staff Review w/Commission Hearing	\$ 200.00	*

\* Fee is credited to any subsequent application fee if filed within six (6) months for the same or substantially similar proposal

**Rezone/Prezone**

\$1,323.00

Until 2/10/96 when request is consistent with the 1993 General Plan	\$ 927.00
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**Sign Permit and Special Permits (temporary sales and outdoor seating)**

\$ 33.00

**Subdivisions**

Minor Boundary Line Adjustment	\$ 257.00
Certificate of Compliance (Public Works Department)	\$ 301.00
Minor Land Division (Parcel Map: 1-4 Lots)	\$ 748.00
Major Land Division (Tentative Map: 5+ Lots)	\$ 748.00

(+ \$27/lot for 0-25 lots, then \$6/lot for each lot over 25).

**Tree Permits**

Administrative Tree Permit – Staff review for minor encroachment	\$ 25.00	
Tree Permit – Commission review for removals or significant encroachment	\$ 400.00	
Tree Permit – Individual Home	\$ 50/tree	Max \$250

**Variance**

Residential/Commercial Minor Setback/Sign Variances	\$ 252.00
Other Residential/Commercial/Industrial Variances (e.g.: Parking, etc.)	\$ 514.00

**NOTE: APPLICANTS WILL ALSO BE RESPONSIBLE FOR ANY DIRECT COSTS TO RECORD NECESSARY DOCUMENTS WITH THE PLACER COUNTY RECORDER**

## PLACER COUNTY AIRPORT LAND USE COMMISSION (PCTPA)

### FEE SCHEDULE\*

Minor Projects (Staff Review)	\$250.00
Major Projects (Commission Review)**	\$750.00
Mandatory Projects***	\$1,250.00
ALUC Appeals	\$100.00

*Note: A separate check shall be payable to Placer County Transportation Planning Agency (PCTPA). City of Auburn Staff will transmit PCTPA payment, on applicant's behalf, concurrent with project review request.*

\*The fee is the minimum charge and is non-refundable.

\*\* If it is determined that technical assistance is needed to complete the review, then the "Supplemental Deposit," must be deposited to proceed. After the project review is completed, the project proponent will either receive an invoice or an additional amount due or a refund depending on the actual costs incurred. At the time the cost of the review reaches 80 percent of the deposited amount, the project proponent will be notified that additional payment may be required upon completion of the review.

\*\*\* Fees for Mandatory Project review of local member agency planning documents would be waived.

### DESIGN REVIEW PERMITS

	Class A	Class B	Class C
Residential Buildings	30+ Units	10 – 29 Units	1 – 9 Units
Commercial Buildings	20,000 + sq. ft.	5,000 – 19,999 sq. ft.	Up to 4,999 sq. ft.
Industrial Buildings	50,000 + sq. ft.	10,000 – 49,999 sq. ft.	Up to 9,999 sq. ft.

### TYPES OF USE PERMITS

Type A	Type B	Type C
Airport Structures Auto Repair Shops Auto Service Stations Bitumen Paving Plants Bowling Alleys Commercial PUD over 10 acres Conditionally Permitted Uses in the Riparian Zones Creameries Drive-In Facilities Drive-In Restaurant Excavation/Quarry Operations Feed and Animal Sales yards Fertilizer Plants Guest Ranches  "HS" Uses with new buildings Hospitals Industrial Agricultural Prod. Plan Junk Yards Kennels/Animal Hospital Mining Operations Mining Reclamation Plans Mobile Home Parks Motorcycle Sales/Repairs Nurseries & Greenhouses Petroleum Products Manufacturing Public Dumps Recreational Uses in OSC Dist. Residential PUD over 20 Units Slaughter Houses Smelting Theatres Wrecking Yards	Apartment/Rental Housing In the "C-1" District Charitable or Unique Facilities in the "OSC District Churches Cleaning Plants Commercial PUD – 10 Acres or less Commercial Uses in the "M" District Communication, Utility Bldgs & Substations Electrical/Plumbing Shops "HS" Uses within Existing Buildings Laundries Printing Shops Professional Offices in the "R-3" District Residential Density Bonus Permit  Residential PUD – 20 Units or less Rest Homes Rooming & Boarding Houses Second Living Units Sex-oriented Entertainment Business Sheet Metal Shops Taverns Tire Recapping/Sales	Bed and Breakfast in Residential Zone Day Nurseries Foster & Day Care Home Guest Houses Hardship Mobile Homes Living Quarters Accessory to and in a Commercial Building. Minor Amendment to Existing Res/ Comm PUD w/no new Construction Outdoor Merchandising/Vending in a "C" District Out Patient Care Homes Temporary Sales/Contractors Office Temporary Uses/Outdoor Events Mobile Food Vendors, Private Property (Multiple properties/locations may be proposed with one application fee)