

This Letter is to address the City Council members on item 12.4 Attachment A. scheduled on the October 10, 2023 Agenda:

12.4 (Mr. Rivas) Att. A: Draft Accessory Dwelling Unit Ordinance

My name is Larissa Lujan,



I spoke on this Ordinance on 08-08-2023 and how it relates to Short-Term Rentals, STR's, within the city limits of Placerville, there was much confusion by City Council members and the public and how this ordinance relates to Short-Term Rentals. My intention of this letter and exhibits is to explain this to you.

The reason this Zoning Ordinance, Agenda Item 12.4 Att. A. directly relates to STR's is this Ordinance will define Occupancy rules and laws that will be applicable different residential properties owned by City residents. That is the very issue of Short-Term Rentals, it is an occupancy issue.

12.4 Att. A. proposes:

"Vacation or short-term rentals are prohibited in all ADUs. ADUs shall not be rented for a period of less than 31 days."

On the 08-08-2023 Council meeting I addressed that Sacramento County made a legal allowance for ADU's in their jurisdiction, to be used for STRS in residential zones, See Attachment #1. Previously, Mr. Rivas had repetitively told our City Council and the public that state law did not allow ADU's to be used as Short-Term Rentals. On 08-08-2023 Mr. Rivas acknowledged that city staff was incorrect on this issue and that per the city attorney, CA State law does allow local governments, like Placerville to decide if an ADU can be rented for less than 30 days.

El Dorado County also has established a Short-Term Rental permitting process for their residential zones. City of Placerville is operating completely out of sync with our neighboring counties, in fact Placerville is intending to outright ban this option as noted in Agenda Item 12.4 Att. A. The ordinance directly contradicts the Council meeting held on January 25, 2022 in which council members told the public they would work on creating an ordinance in the future

to address a wholistic and City-wide approach to STR's and would consider community input. The only remaining council members part of that meeting are Michael Saragosa and Jacki Neau. I hope you both review that meeting to remind you of the position you took that has lead to where we are at now- Please see Placerville IT video recording on youtube from approximately the 4.5 hours-5.5 hour recording time.

The problem we have here is what the City Council intends to do for the public, and what the City Staff put in writing are not in harmony. At the meeting on 08-08-2023 Mr. Rivas stated that all Short-Term Rentals were illegal in the City limits of Placerville, until the new Ordinance was created for STRS in 3 commercial zones only in July, 2022 and this harmonized with our General Plan. The Housing Element in our current 2021-2029 General Plan can be seen in Attachment #2; it was written that City Council should,

"Consider a ban on short-term rentals within residential zones."

How can the City consider a ban when staff have been telling the public and council members that there already was a ban? I believe this can be explained during the January 25, 2022 Council Meeting, in which it was pointed out that staff, particularly Mr. Rivas was perhaps taking liberties on this unclear subject. Mr. Rivas repetitively recommended what the staff felt was a priority, what the staff was highly in favor of; Mr. Rivas even went so far as to state that "staff has no intention of allowing them (short-term rentals) in residential zones". That is an incredibly bold and biased statement by Mr. Rivas, when it is not a staff's job to decide what is and is not allowed in our city. That is for the vote of our council members appointed by the public they serve. Perhaps this is all due-to-the-fact that Mr. Rivas has made repetitive recommendations based on his misinterpretation of state law.

The definitional changes recommended on January 25, 2022 set in motion where we are at now. It was intended to be a temporary solution to address STR's in commercial zones. Thereafter, City Council members told the public that a wholistic, city-wide approach was going to be established later. That is not what has happened. On the contrary, supporting staff under our current council have taken an active city-wide approach to targeting all property owners with any Airbnb/ Short-Term Rental listings in our City.

Residential property owners throughout Placerville have recently received Notices and Administrative fines to discontinue renting their homes, or rooms, or ADUS for less than 30 days. I recently saw a neighbor's Notice that stated they were going to be fined a \$100.00 Administrative fine. The new zoning proposal identifies the city will be taking a very aggressive position, and reads as follows:

“(x) Penalties: Every person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine in a sum not to exceed one thousand dollars (\$1,000.00) for any one offense, and the person may be confined in the county jail for a period of not to exceed six (6) months, or both. A misdemeanor violation offense shall be deemed committed each day that the violation occurs or the obligation remains unperformed).”

This zoning ordinance, is proposing criminalize property owners. A property owner who builds an unpermitted ADU, or doesn't provide a separate entrance to their new unit, or who rents their unit to a person for less than 30 days, can now be charged with a misdemeanor and thrown in jail. How did we get so far off course? Do you remember the goals you told to public you intended to put into effect? Renting a room or an ADU is what we intend to criminalize in Placerville? El Dorado county will give you a permit for it.

The disappointment in how far off course we have gotten is discouraging, I ask you what can you do to fix this? A moratorium until a wholistic approach is settled on? Direct your staff to make the changes that the public was promised? It is not your staff's decision it is the vote of you 5 council members to make the difference. I ask that the City Council consider this information, and to not keep passing this issue further down the road, that's why we got here in the first place. Staff was looking for and recommended a “quick fix solution” and look at where it got us on this subject.

Thank you,

Larissa Lujan

10/10/2023



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Short-Term Rental Permits

[*Short-Term Rental Permit FAQ Handout* - New!](#)

Purpose

Sacramento County issues Short-Term Rental (STR) Permits to allow for short-term home and/or room rental services for **29 days or less, on an accessory basis**. The purpose of this permit is to implement operating conditions that will mitigate negative impacts and to ensure that the use of the property for short-term rental purposes will be compatible with the surrounding neighborhood.

If the property owner or a long-term renter lives at the property for at least six (6) months out of the year, the property may be eligible for a Short-Term Rental Permit. All or a portion of the **primary dwelling and legally permitted Accessory Dwelling Units (ADUs)*** may be rented on a short-term basis.

***Please note, ADUs constructed after January 1, 2020 cannot be used as a Short-Term Rental.** See Sacramento County Zoning [Section 3.9.3 AA](#) and [Section 6.5.6](#) for applicable standards and findings for Short-Term Rentals.

Please note, any approved Short Term Rental Permits prior to February 2, 2023 that limit guest occupancy pertains only to adults over the age of 18. Minors are not included in guest occupancy restrictions.

**The short-term rental must remain an accessory use to your full-time occupancy.*

*Under no circumstance shall the short-term rental services become the primary use of the property.**

Interested in operating a Short-Term Rental on your property?

Please visit RentalScape to apply for a Permit, Business License, and register to pay Transient Occupancy Tax. We no longer accept Short-Term Rental Permit (STRP) applications in our office, through the mail, or through the Planning-Applications@sacounty.net email. The RentalScape

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to examine the application process, the County will require applicants to submit for the Short Term Rental permit, Business License, and TOT registration through ONE online application.

Can I Operate a Short Term Rental on My Property?

If you meet the following Use Standards and obtain the required Permit and Business License, you can operate a Short Term Rental (per Section 3.9.3.AA of the SZC):

- Residency requirement: The property owner or renter (with long term lease) must live on-site a minimum of six months per year, and can provide proof of residency.
- Maximum occupancy for the rental shall not exceed more than two adults per bedroom.
- No public or commercial events permitted.

Do I Qualify for a Short Term Rental Permit?

Before applying for a short term rental permit through RentalScape, please make sure you meet the minimum qualifications below:

- Is your property located within Unincorporated Sacramento County?
- Is the proposed rental unit a legally permitted primary dwelling or an ADU legally permitted prior to January 2020?
- Is the proposed Short Term Rental your Primary Residence?
- Are you either the property owner or a renter with owner's consent and a long term lease?
- Do you have the required documentation to prove Primary Residency and Proof of Ownership/Owner's Consent?

The County of Sacramento cannot permit short term rental operations as the primary use of a residential property with the exception of qualifying properties located within certain zones of the Locke Special Planning Area (SPA) or Walnut Grove Neighborhood Preservation Area (NPA). Applications outside qualifying zoning districts of the Locke SPA or Walnut Grove NPA that do not demonstrate the accessory nature of the use will be denied. If you answered no to any of the above questions, you likely do not qualify to use your dwelling or ADU as a Short Term Rental. All fees submitted are non-refundable.

Can I Use my Accessory Dwelling Unit (ADU), Junior Accessory Dwelling Unit (JADU), or Guest House as a Short Term Rental?

An ADU cannot be used for short term rental activity unless it was a legally permitted ADU prior to January 1, 2020. JADUs and Guest Houses cannot be used for short term rental activity in any circumstance.

City Council could consider this in future actions as a result of public and community outreach workshops that would occur under Implementation Program B-1 during the planning period.

- *Allow rooming and boarding house uses and provide incentives to landlords to establish these.*

Boarding houses by definition are housing facilities that provides lodging, with or without food, for paying guests. As a type of lodging facility as opposed to a multi-family use, boarding houses are outside the scope of the Housing Element. Boarding houses are difficult to regulate and are better supplanted by single-room occupancy (SRO) facilities which are a form of housing that is aimed at residents with low or very low incomes who rent small single rooms with common kitchen and bath facilities.

- *Suggestion that the 90 lower income category Regional Housing Needs Allocation (RHNA) units for the City should be reversed with the 169 units for the higher income category with 169 higher income, as the City needs more affordable housing units and not as many higher income units.*

The City is obligated under state statutes to meet its RHNA for all income categories.

- *Consider a ban on short-term rentals within residential zones.*

Due to complaints from neighbors and from other interested parties regarding short-term vacation rentals since 2013, and the City's concerns about the potential loss of affordable housing, in 2017 staff requested and received City Council authorization under Resolution No. 8530 to initiate amendments to the Zoning Ordinance regarding definitions of types of lodging facilities, and the regulation of short-term rentals. This work has not been completed but is expected to be completed by the end of 2021.

Public Hearings

Prior to adoption of the Housing Element, the Planning Commission held a noticed public hearing on August 17, 2021 to consider a final draft of the Housing Element that addressed comments from HCD and those received from members of the public and other interested parties and entities on the Public Review Draft. Notice of the public hearing was published in the Mountain Democrat newspaper on August 2, 2021, posted on the City's website and Facebook page and sent to the housing organizations and those identified above as having an interest in the Housing Element update. The Planning Commission considered public input, discussed the Housing Element, and recommended that the City Council approve the Addendum to the 2013-2021 Negative Declaration for the 2021-2029 Housing Element, and adopt the 2021-2029 Housing Element.