

JAN 05 2023/4

CITY OF PLACERVILLE
3101 CENTER STREET
PLACERVILLE, CA 95667

pmo.
1/5/24.

Please Provide All documents
to City Council in full color
attachments, as I have highlighted
key portions for consideration
by and for City Council.

Thank You,

Larissa Lujan 01.04.2024

This Letter is to address the City Council members on item 10. ORDINANCES Consideration to Amend Title 10 (Zoning Ordinance) of the Placerville Municipal Code to Address Required 2021-2029 Housing Element Implementation Program C-2: Accessory Dwelling Units and Junior Accessory Dwelling Units (ADUs & JADUs) to Conform with New State Regulations (File: ZC 20-01) (Mr. Rivas)

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. I provided public comment on October 10, 2023 when this ordinance was discussed in relation to parking specifics. **Item 10.1 Attachment A. Ordinance is now being brought up for discussion in it's full context on January 9, 2024 as well as the Housing Element 2021-2029**; I am providing this as my written public comment for January 9, 2024 to 10.1 Attachment A.

The reason this Zoning Ordinance, Agenda Item 10.1 Att. A. directly relates to STR's is this Ordinance will define Occupancy rules and laws that will be applicable to different residential units owned by City residents. That is the very issue of Short-Term Rentals, it is an occupancy issue.

10.1 Att. A. proposes:

“(t) Vacation or Short-Term Rental: 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.**

In 10.1 Attach. A, Placerville's proposed ordinance itemizes specific owner occupancy requirements that are date specific, the following are exact quotes: “(u) Owner-Occupancy: 1. All ADUs permitted before January 1, 2020, are subject to the owner occupancy requirement that was in place when the ADU was permitted. 10.1 9 2 An ADU that is permitted after

2 of 9

January 1, 2020 but before January 1, 2025, is not subject to any owner-occupancy requirement.”

I ask the City Council to add language to reflect our State Capital, the City of Sacramento's Ordinance to allow ADU's permitted prior to January 1, 2020 to be allowed to rent their permitted ADU's for less than 30 days provided the main housing area is Owner Occupied.

Now this particular language could be extended upon, for example, perhaps language to state that this would be allowed when a permit is provided. Or this could be allowed to match our local County, El Dorado County's Vacation Home Rental Ordinance that states Hosted Rentals that are Owner Occupied are not required to obtain a VHR permit.

El Dorado County 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. The proposed ordinance 10.1 Attch. A, 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. (Please see Placerville IT video recording on youtube from approximately the 4.5 hours-5.5 hour recording time 01-25-22.)

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 Introduction to the Housing Element page 10 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.....This work has not been completed but is expected to be completed by the end of 2021.”

How can the City consider a ban when staff have been telling the public and council members that there already was a ban in publicly recorded meetings? 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, and to remember to make decision based on actual law, and the input of the public. Perhaps this is all due-to-the-fact that Mr. Rivas has made repetitive recommendations and statements based on his misinterpretation of state law, I remind you this was corrected by the city attorney during a public meeting.

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 within our City limits.

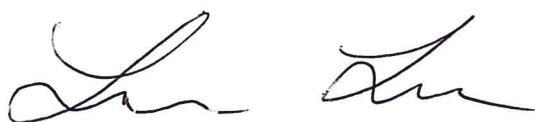
Residential property owners throughout Placerville have recently received Notices and Administrative fines to discontinue renting their homes, or rooms, or ADUS for less than 30 days. The new zoning proposal 10.1 Attch. A identifies the city will be taking a very aggressive position, and reads as follows:

“(x) Penalties: Every person violating any of the provisions of this section shall be guilty of a misdemeanor... and the person may be confined in the county jail for a period of not to exceed six (6) months, or both...”

This zoning ordinance, is proposing **criminalize** property owners. How did we get so far off course? Do you remember the goals you told the public you intended to put into effect? Renting a room in your house, or an ADU for less than 30 days will get you thrown in jail, but Sacramento County will give you a permit for it.

The disappointment in how far off course we have gotten is discouraging, I ask that City Council direct your staff to make the changes that the public was promised. This ordinance will only put more hurdles and full stops to a City wide wholistic approach to STR's. 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 how 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 Lujan01/04/2024



Attachment #1

Planning and Environmental Review

Search...



CUSTOMERS ▼ PLANS, PROJECTS, PROGRAMS ▼ MEETINGS ▼ ABOUT/CONTACT ▼



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@saccounty.net email. The RentalScape



to determine the application process, the county will provide guidance which applicants will 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.

V4.0, 1/24/23

Attachment #2

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.

9 of 9