

ORDINANCE NO. 2017-18

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 24.12 OF THE CITY OF SANTA CRUZ MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM BY ADDING PART 18: RESIDENTIAL SHORT-TERM RENTALS

BE IT ORDAINED by the City of Santa Cruz as follows:

Section 1. Section 24.12 Part 18: Residential Short-Term Rentals is hereby added to read as follows:

Part 18: RESIDENTIAL SHORT-TERM RENTALS

24.12.1700 PURPOSE.

The purpose of these regulations is to provide a set of standards governing the renting or leasing of residential property on a short-term basis in the City of Santa Cruz. The regulations contained herein will help ensure that short-term rental activities do not become a nuisance or threaten the public health, safety, or welfare of neighboring properties while helping to maintain long-term rental housing stock in the city.

Residential short-term rentals also serve to support a variety of visitor-serving options for visitors to the city. These regulations recognize that the City of Santa Cruz has always been a desirable vacation and tourist destination, with second and vacation homes being a familiar part of the community fabric, including those that have long history of being registered with the city and paying transient occupancy tax.

Short-Term Rental Permits provide an added financial benefit to owners of residential properties and help individuals meet their mortgage and family living expenses. Insofar as the number of Short-Term Rental Permits is limited, the goal of the short-term rental program is to issue Short-Term Rental Permits to the widest population base and not grant a special privilege to individuals who own multiple properties.

24.12.1705 DEFINITIONS.

As used in this chapter, the following definitions apply:

1. "Booking Service". Any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an owner and a prospective transient user, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.
2. "Dwelling" or "Dwelling Unit". A building or portion of a building including one or more rooms which is/are designed for residential use by a single family, with living facilities including provisions for sleeping, eating, food preparation, and sanitation. A dwelling unit shall have only one domestic food preparation facility and shall have interior access between all habitable spaces.
3. "Existing Short-Term Rental". A short-term rental property for which the owner has been issued a transient occupancy registration certificate under Chapter 3.28 prior to

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- September 26, 2017, and is in compliance with the transient occupancy tax provisions of Chapter 3.28, including payment of all taxes, penalties, and interest due for the short-term rental property.
4. "Home Exchange". An arrangement under which an owner of a dwelling unit of a residential property allows the use of the dwelling to a third party in equal exchange for the owner's use of another dwelling in another location, and for which neither party receives additional consideration of any kind in money, goods, labor or otherwise.
 5. "Hosted Short-Term Rental". A dwelling unit where the owner with the majority interest in the residential property, or an owner holding an equal share interest if no other owner owns a greater interest, occupies a dwelling unit as his or her principal residence and offers the dwelling a habitable portion thereof, or any other single unit on the same Assessor's Parcel Number, for transient occupancy by others.
 6. "Hosting Platform". A person or entity that participates in the short-term rental business by providing and collecting or receiving a fee for Booking Services through which an owner may offer a short-term rental unit for transient occupancy. Hosting Platforms usually, though not necessarily, provide Booking Services through an on line platform that allows an owner to advertise the short-term rental unit through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which prospective transient users arrange for transient occupancy and payment, whether the transient pays rent directly to the owner or to the Hosting Platform.
 7. "Non-Hosted Short-Term Rental". A dwelling unit that is offered for transient occupancy where the owner does not occupy the dwelling unit that is offered for transient occupancy as his or her principal residence.
 8. "Owner". Any person who holds legal title and a majority interest in the residential property.
 9. "Principal Residence". The dwelling a person physically occupies and lives in on a day-to-day basis. A person may have only one principal residence at a time. If a person alternates between two or more properties, the principal residence will be the one lived in the majority of days during the year. In addition, a principal residence is as documented by at least two of the following: the address listed on the homeowner's federal and state tax returns, bank account, car registration, driver's license, voter registration and employment records; utility bill; and residence address for purposes of a homeowner's tax exemption.
 10. "Residential Property". A parcel of real property with a separate Assessor's Parcel Number that contains one or more dwelling units.
 11. "Short-Term Rental Property or Short-Term Rental Unit". A residential property that contains a dwelling unit or habitable portion thereof that is offered for hire for transient occupancy for periods of thirty days or less that would require the owner to comply with the requirements of Chapter 3.28, Transient Occupancy Tax.
 12. "Transient Occupancy". The use or possession of, or the right to the use or possession of, any room or rooms in a dwelling unit on a residential property for lodging or sleeping purposes for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days.

24.12.1710 APPLICABILITY.

This chapter shall apply to short-term rental property as defined herein. The regulations set forth in this chapter are independent from and do not apply to other special uses that may be regulated by other zoning standards, such as hotels, motels, bed and breakfast inns, lodging houses, and boarding houses. In addition, these regulations do not apply to home exchanges as defined herein. Legally restricted affordable housing units shall not be used as short-term rentals.

24.12.1715 PERMIT REQUIREMENTS TO OPERATE SHORT-TERM RENTAL.

1. No person shall offer any dwelling on residential property for transient occupancy of 30 days or less as a short-term rental property unless a Permit to Operate a Short-Term Rental ("Short-Term Rental Permit") is obtained pursuant to this chapter.
2. An owner of a short-term rental property may apply for a Short-Term Rental Permit from the Director of the Department of Planning and Community Development, as specified in this chapter.
3. All Short-Term Rental Permits are revocable and non-transferable.
4. Application for a Short-Term Rental Permit shall be in a form prescribed by the Department of Planning and Community Development with all information determined by the Director of the Department of Planning and Community Development to be necessary to evaluate the eligibility of the applicant, consistent with this chapter.
5. The Department of Planning and Community Development shall in its sole discretion consider the following factors when evaluating applications for a Short-Term Rental Permit:
 - a. The timeliness and completeness of an application.
 - b. Evidence of compliance with the provisions of Transient Occupancy Tax, Chapter 3.28, including evidence of a transient occupancy registration certificate, payment of all taxes, penalties, and interest due for any short-term rentals prior to the date of application.
 - c. Submission of plans relating to the short-term rental property, which do not need to be drawn by a professional, drawn to scale and including the following:
 - (1) Plot plan showing location of all existing buildings and location and dimensions of on-site parking.
 - (2) Floor plan showing all rooms with each room labeled as to room type.
 - (3) Description of rooms or dwelling unit to be used for the short-term rental.
 - (4) Photograph of the front of the residential unit.
 - d. Whether the applicant has ever violated this chapter, or the terms of a Short-Term Rental Permit or had the same or similar type of permit suspended or revoked.
 - e. Whether the applicant and/or applicant's agents associated with applicant's short-term rental have ever made a false, misleading, or fraudulent statement:
 - (1) in the application for a Short-Term Rental Permit,
 - (2) in any report or record required to be filed with the city, or
 - (3) in response to inquiries by the city.
 - f. Whether the issuance of a permit to the applicant is in the interest of the public health, safety and welfare.
 - g. Payment of a processing fee established by resolution of the City Council for the application in accordance with the provisions of Section 14.12.1725.

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- h. Any other additional information necessary to demonstrate applicant's eligibility and compliance with this chapter.

24.12.1720 CONDITIONS OF APPROVAL.

Short-Term Rental Permits are issued at the sole discretion of the Director of Planning and Community Development, and are subject to the following conditions:

1. The Short-Term Rental Permit is issued to one owner of the residential property which is the principal residence of the owner.
2. The owner must demonstrate full conformance with the Santa Cruz Municipal Code, including, but not limited to:
 - a. Chapter 3.28; including filing timely and accurate transient occupancy tax returns and remitting any tax and any penalties and interest due as required; and
 - b. Chapter 24, Part 18, Residential Short-Term Rentals.
3. The short-term rental must demonstrate annual short-term rental activity, as evidenced by accurate reporting and full remittance of transient occupancy taxes owed to the city.
4. The Short-Term Rental Permit shall automatically lapse if the subject unit is not used as a short-term rental for two full years.
5. The owner shall ensure that all advertising, including, but not limited to, in any written publication or on any on-line website, or any other medium that lists or offers the availability or existence of the short-term rental property, shall include the city-issued Short-Term Rental Permit number and transient occupancy registration certificate number.
6. All short-term rental properties shall be registered and comply with the city's residential rental inspection program, and shall not be exempt from the program. Short-term rental properties shall complete any corrections found during any inspections within a reasonable time period, as determined by the Director of Planning and Community Development.
7. Any eligible short-term rental property must not be subject to any outstanding building, electrical, plumbing, fire, health, housing, police, or planning code violations or enforcement actions, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices. If such a violation occurs while a dwelling unit is subject to a Short-Term Rental Permit, the city shall suspend and/or revoke the short-term rental property's registration and registration number if any and all violations have not been cured.
8. An owner of a hosted short-term rental shall submit proof of principal residency to the Department of Planning and Community Development as part of the rental inspection program or at any time upon request by the Department of Planning and Community Development.
9. A prior revocation of a Short-Term Rental Permit will disqualify the applicant in being able to apply for a subsequent Short-Term Rental Permit for any residential property for two years from the date of the prior revocation.

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24.12.1725. REQUIREMENTS FOR HOSTING PLATFORMS.

1. All Hosting Platforms shall provide the following information in a notice to any user listing a short-term rental property located within the city through the Hosting Platform's service. The notice shall be provided to the user listing the short-term rental property after the effective date of this chapter and shall include the following information: the requirements of this chapter regulating short-term rental property and the transient occupancy tax obligations to the city.
2. A Hosting Platform, if required to collect and remit all required transient occupancy taxes, shall not be relieved of liability related to an owner's failure to comply with the requirements of Chapter 3.28, Transient Occupancy Tax. A Hosting Platform shall then be required to maintain a record demonstrating that the taxes have been remitted to the city.
3. A Hosting Platform may provide, and collect a fee for, Booking Services in connection with short-term rentals for short-term rental property located in the city only when the Hosting Platform exercises reasonable care to confirm that those short-term rental units are lawfully permitted at the time the short-term rental property is rented for short-term rental. Whenever a Hosting Platform complies with administrative guidelines issued by the Department of Planning and Community Development to confirm that the short-term rental property is lawfully permitted, the Hosting Platform shall be deemed to have exercised reasonable care for the purpose of this subsection.
4. For not less than four years following the end of the calendar year in which the short-term rental transaction occurred, the Hosting Platform shall maintain and be able, in response to a lawful request, to provide to the city for each short-term rental transaction for which a Hosting Platform has provided a Booking Service, the following, including, but not limited to:
 - a. The name of the owner who offered a short-term rental unit,
 - b. The address of the short-term rental unit,
 - c. The dates for which the tourist or transient user procured use of the short-term rental unit using the Booking Service provided by the Hosting Platform,
 - d. The permit number for the short-term rental unit.

24.12.1730 PERMIT FEES.

The Department of Planning and Community Development shall assess fees for a Short-Term Rental Permit, as set by the City Council. Fees set forth in this section may be adjusted each year by the City Council, reflecting the costs of administering the Short-Term Rental Permit, and enforcing the requirements of this chapter.

24.12.1735 NO PROPERTY RIGHT.

The issuance of a Short-Term Rental Permit or any renewal thereof does not give the permittee any vested property rights, and is not a covenant that runs with the land.

24.12.1740 NON-TRANSFERABILITY OF SHORT-TERM RENTAL PERMIT.

The Short-Term Rental Permit is non-transferable, so that if any interest or title in the short-term rental property identified in the permit is transferred or assigned to another person or business entity in any manner, the Short-Term Rental Permit shall be deemed revoked, expired and void,

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and not renewable as of the date of the property transfer. Any new transferee, assignee, or successor owner of the Short-Term Rental Permit shall have no right to use the residential property for transient occupancy. The permittee shall notify the Department of Planning and Community Development in writing no later than 30 days prior to any changes in ownership that may affect the validity of the permit. Failure to provide notice to the city has no effect on the city's right to enforce this provision or this chapter.

24.12.1745 EXCEPTION TO NON-TRANSFERABILITY OF SHORT-TERM RENTAL PERMIT.

The only exception to non-transferability of the Short-Term Rental Permit as set forth in Section 24.12.1740 is when a property transfer qualifies as an exemption from property tax reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq., as determined by the Santa Cruz County Assessor. The applicant shall provide verification of the exemption to the Department of Planning and Community Development in order to prove eligibility for a Short-Term Rental Permit, and avoid invalidation of the permit.

24.12.1750 MAXIMUM SHORT-TERM RENTAL PERMITS, ELIGIBILITY AND PRIORITIES.

1. Existing Short-Term Rentals – Hosted and Non-Hosted.
 - a. Commencing from the effective date of this chapter, an owner of a hosted or non-hosted short-term rental, which meets the definition of an existing short-term rental, as defined in Section 24.12.1705, will be eligible to apply for a Short-Term Rental Permit.
 - b. An existing short-term rental is subject to all applicable conditions specified in this chapter and shall be considered a non-conforming (“grandfathered”) activity.
2. Existing Short-Term Rental - Ownership Limitation
An owner of more than two existing short-term rental is subject to ownership limitations specified in Section 24.12.1780.
3. New Non-Hosted Short-Term Rentals – Not Permitted. Other than the existing non-hosted short-term rental permits allowed in 1, above, no new non-hosted short-term rentals shall be allowed.
4. New Hosted Short-Term Rentals.
Commencing from the effective date of this chapter, the city shall allow up to a maximum of 250 hosted short-term rentals, which may be comprised of existing hosted short-term rental property and any new hosted short-term rental property. The City Council may, by resolution, modify the maximum number of short-term rentals allowed under this section.
5. Application and Priority.
 - a. Owners of existing short-term rentals, hosted and non-hosted, shall submit all application requirements within 90 (ninety) days following the effective date of this chapter.
 - b. After registration of the existing short-term rental properties, hosted and non-hosted, new hosted Short-Term Rental Permit applications will be considered on a first-come-first-served basis to issue Short-Term Rental Permits for a maximum of 250 hosted short-term rentals. When the maximum number of Short-Term

Rental Permits has been issued, applications will be placed in a queue for consideration as permits become available.

6. **Retroactive Payment of Transient Occupancy Tax.**

In addition to the permit requirements in Section 24.12.1715, prior to consideration for a Short-Term Rental Permit related to any existing or new short-term rental unit, the property owner shall comply with the following requirements:

- a. Proof of retroactive payment of the transient occupancy tax amount and all applicable penalties and interest due to the city, to the extent allowed by law, for the entire time during which a dwelling unit was being used as a short-term rental is required.
- b. Complete and accurate records shall be provided to the Finance Department showing historic use of the dwelling unit as a short-term rental. Applicants for Short-Term Rental Permits are subject to audit and subpoena of records. Incomplete or inaccurate documentation may disqualify applicants from obtaining a Short-Term Rental Permit.

24.12.1755 PROPERTIES WITH ACCESSORY DWELLING UNITS.

1. Short-term rentals are not permitted in an Accessory Dwelling Unit or in the main house of an Accessory Dwelling Unit property, except as provided below.
2. An existing Accessory Dwelling Unit property may apply for a short-term rental permit in cases where the Accessory Dwelling Unit property:
 - a. Was issued a transient occupancy registration certificate prior to November 10, 2015; and
 - b. Is in the same ownership as when the transient occupancy registration certificate obtained prior to November 10, 2015 was issued; and
 - c. Is in compliance with the provisions of Chapter 3.28, including payment of all taxes, penalties, and interest due, for any short-term rentals; and
 - d. Is in compliance with the principal residency requirements specified in this chapter; and
 - e. Has remitted transient occupancy tax to the city within the previous calendar year.

24.12.1760 PROPERTY DEVELOPMENT STANDARDS - EXISTING SHORT-TERM RENTALS.

1. **Dwelling Expansion.** Additions to or expansion of short-term rental properties shall be subject to all development standards pursuant to the zoning district within which the subject property is located. Additions or expansions that increase the property's parking requirements shall require Planning Department permit review to ensure compliance with applicable Zoning Code parking standards.

24.12.1765 PROPERTY DEVELOPMENT STANDARDS - NEW HOSTED SHORT-TERM RENTALS.

1. **Parking.** On-site parking must comply with the minimum residential standards for the site. Where a parking reduction has been granted for a shared-use or mixed use property, these properties will be reviewed by the Zoning Administrator for evaluation of impacts to neighborhood. The Zoning Administrator shall determine,

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pursuant to Section 24.12, Part 3: Off-Street Parking and Loading Facilities, whether any non-compliance with residential parking standards is of such significance to the neighborhood to deny a Short-Term Rental Permit.

2. Number of Allowed Short-Term Rentals. Only one short-term rental is allowed per Assessor's Parcel Number.
3. Dwelling Expansion. Additions to or expansion of short-term rental properties shall be subject to development standards pursuant to the zoning district within which the subject property is located. Additions or expansions that increase the unit's parking requirements shall require Planning Department permit review to ensure compliance with applicable Zoning Code parking standards.
4. Review Process for Multiple-Bedroom Houses. Short-term rental units containing five (5) or more bedrooms shall be subject to a Zoning Administrator public hearing pursuant to the provisions of Chapter 24.04.

24.12.1770 OPERATIONAL STANDARDS.

The following standards shall apply to all existing and new short-term rentals.

1. Maximum Overnight Occupancy. Overnight occupancy for short-term rentals shall be a maximum of two persons per bedroom, plus two additional persons regardless of the age of the occupant.
2. Rental Agreements. Only one (1) rental agreement may be in effect in a short-term rental at any one time.
3. Maximum Number of Vehicles. The maximum number of vehicles allowed at the short-term rental shall be limited to: one vehicle per one bedroom unit, two vehicles per two or three bedroom unit, and one additional vehicle per additional bedroom for units in excess of three bedrooms.
4. Noise Limits. All transient occupants shall be required to follow all standards set forth in Chapter 9.36 of the Municipal Code. Quiet hours shall be between the hours of 10:00 p.m. and 8:00 a.m.; this shall include all amplified noise.
5. Special Events. Short-term rentals are intended to be overnight accommodations in residential neighborhoods. They are not meant to host weddings, parties, or other large engagements. Special events are not allowed in short-term rentals.
6. Local Contact Person. All short-term rental owners shall designate a local contact person, who, if designated to act as such, shall be available twenty-four hours per day, seven days a week, who lives within 20 miles of the short-term rental for the purpose of being able to physically respond within thirty minutes of notification of a complaint regarding the condition, operation or conduct of occupants of the dwelling, and taking remedial action necessary to resolve any such complaint. A local contact person may be the owner or the owner's agent.
7. Posting of Standards. Short-term rental rules shall be posted inside the short-term rental in a location readily visible to all guests. The rules shall include but are not limited to the following:
 - a. Maximum number of guests
 - b. Prohibition of Special Events, parties and large engagements
 - c. Number of vehicles and parking requirements
 - d. Noise regulations including an explicit statement that fireworks are not legal in the City of Santa Cruz

- e. Trash management
8. Trash and Recycling. Property owner shall inform tenants of trash and recycling days and where to place trash/recycling receptacles. Trash and recycling shall not be stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler and between the hours of 5:00 p.m. the day before and 8:00 p.m. the day of the scheduled trash collection. The owner of the short-term rental property shall provide sufficient trash collection containers and service to meet the demand of the occupants. The short-term rental property shall be free of debris both on-site and in the adjacent portion of the street.
 9. Signs. All short-term rentals shall have a sign identifying the structure as a permitted short-term rental and listing a 24-hour local contact responsible for responding to complaints and providing general information, which shall be placed no more than 20 feet back from the nearest street. The sign may be of any shape, but may not exceed 216 square inches (i.e. 12 inches by 18 inches). There is no minimum sign size provided the information on the sign is legible from the nearest street. A sign required by this subsection shall be continuously maintained while the dwelling unit is rented.

24.12.1775 OWNERSHIP AND PARCEL LIMITATIONS.

Except as provided for in 24.12.1780, the following limitations apply:

1. One short-term rental is allowed per each unique Assessor Parcel Number assigned to a residential property; and
2. Only one owner associated with a short-term rental property is eligible for a Short-Term Rental Permit. It shall be unlawful for any other person, even if that person meets the qualifications of an owner, to offer the residential property as a short-term rental property; and
3. A maximum of two Short-Term Rental Permits shall be issued to an owner, regardless of whether the person owns multiple residential properties.
4. All new hosted short-term rentals shall be located in the unit that is the principal residence of the owner, with the exception of duplex or multi-family properties, which may apply for a Short Term Rental Permit for any one unit on the property, so long as one of the units is the principal residence of the owner.

24.12.1780 EXCEPTIONS TO PERMIT ISSUANCE TO OWNERS OF MULTIPLE PROPERTIES OR UNITS ON ONE PARCEL.

An owner of multiple existing non-hosted short-term rental properties or more than one existing short-term units on any one parcel (Assessor Parcel Number) may be eligible to retain those multiple Short-Term Rental Permits for a limited period of three years from the effective date of this ordinance. After the three-year period, the owner(s) of more than two short-term rental, except for accessory dwelling units specified in Section 24.12.1755, may select two of the short-term rentals, provided they meet the requirements of this chapter, for continued use as a short-term rental. Any other dwelling under the same ownership shall not be eligible for a Short-Term Rental Permit and any short-term rental permits issued to those units shall be null and void.

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24.12.1785 REVOCATION OR SUSPENSION OF PERMIT.

1. The Director of Planning and Community Development may revoke, or suspend a Short-Term Rental Permit for one or more of the following reasons:
 - a. A property transfer triggering property tax reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq., as determined by the Santa Cruz County Assessor such that the Short-Term Rental Permit associated with the property shall expire and shall also become nonrenewable at the time of the property transfer.
 - b. The permittee has made a false, misleading or fraudulent statement of material fact in the application for the Short-Term Rental Permit, in the information required to be submitted to the city, or in response to inquiries by the city.
 - c. The permittee engaged in any of the following conduct related to this chapter that:
 - i. Resulted in a citation or conviction against the permittee;
 - ii. Violated local, state or federal law;
 - iii. Constituted a public nuisance;
 - iv. Breached any condition, requirement, or restriction of the Short-Term Rental Permit; or
 - v. Constituted a hazard to public peace, health, or safety.
 - d. Failure to pass inspections required under the provisions of Chapter 21.06 of the Santa Cruz Municipal Code.
 - e. Three or more verified and valid complaints of any violation of the Santa Cruz Municipal Code, state or federal law, as determined by the Director of Planning and Community Development, within a 12-month period, shall be grounds for permit revocation.
2. A Short-Term Rental Permit may be revoked, suspended, or additional conditions may be imposed by the Department of Planning and Community Development by providing written notice to the permittee setting forth the basis of the intended action and giving the permittee an opportunity, within 14 calendar days, to present responding information to the Department of Planning and Community Development.
3. After the 14-day period, the Director of Planning and Community Development shall determine whether to revoke the permit, suspend the permit, or impose additional conditions upon the permit and thereafter, give written notice of its decision to the permittee. The permit shall be deemed to be valid until the written notice of the decision has been issued.

24.12.1790 ENFORCEMENT AND PENALTIES.

1. Any person or entity operating a short-term rental in the city in violation of any of the provisions of this chapter or in violation of any of the conditions set forth in the applicable Short-Term Rental Permit shall constitute an infraction for the first two violations of this chapter in a one-year period, which shall be punishable by a fine in a bail established by the City Council by resolution. Each such person or entity may be charged with a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person or entity and shall, upon conviction, be punished accordingly. Three violations within a one-year period shall constitute a

- misdemeanor, which shall be punishable by a fine of one thousand dollars and/or by imprisonment in the county jail for a period of not more than six months.
2. Any Hosting Platform that provides a Booking Service for a short-term rental unit in violation of the Hosting Platform's obligations under this chapter, shall be guilty of a misdemeanor, punishable by a fine of \$1,000. Each Booking Service transaction by a Hosting Platform in violation of the chapter shall constitute a separate offense.
 3. In addition to any other remedy provided by this code, this chapter may be enforced by injunction issued by the Superior Court upon a suit brought by the City of Santa Cruz, or upon a suit brought by any aggrieved party. Pursuant to Municipal Code Section 4.04.020, as part of a civil action filed to enforce provisions of this chapter, a court may assess a maximum civil penalty of two thousand five hundred dollars per violation of this chapter for each day during which any person commits, continues, allows or maintains a violation of any provision of this chapter.
 4. The City Council declares that this chapter was enacted for the significant public benefit promoting public health, safety and welfare to minimize any adverse impact on the community due to unregulated short-term rental property and to maintain long-term rental housing stock in the city. Therefore, if a private attorney general plaintiff successfully brings an action to enforce this chapter against any offenders of this chapter, it is the desire and intent of the City of Santa Cruz that the successful plaintiff be able to recover its reasonable attorneys' fees under Code of Civil Procedure section 1021.5, or any similar private attorney general successor statute.
 5. The City Council hereby finds and declares that repeated violations of this chapter constitute a public nuisance and which may be enjoined under all applicable law, including but not limited to, Municipal Code Section 4.04.020 and Code of Civil Procedure section 731. Therefore, pursuant to Municipal Code Sections 4.25.010 and 4.25.020, the prevailing party to an action or proceeding to enjoin a public nuisance arising from violations of this chapter shall recover the amount of its reasonable attorneys' fees.
 6. The city may take any other action permitted by law to ensure compliance with this title and other city ordinances subject to its administration, including, but not limited to, general municipal code enforcement procedures in Title 4, and inspections and other enforcement procedures provided in Chapter 24.04.
 7. The remedies provided herein shall be cumulative and not exclusive. No remedy provided in this chapter shall be deemed to be a prerequisite to the taking of any other action provided for herein.

24.12.1795 APPEALS.

Any operator aggrieved by any decision of the Director of the Department of Planning and Community Development with respect to the provisions of these regulations may appeal the decision in accordance with Section 24.04.180. The Short-Term Rental Permit shall be deemed to be suspended during the pendency of any appeal.

1. Hearing before Planning Commission.
 - a. The applicant or permittee may appeal a decision of the Director of Planning and Community Development to deny, revoke, suspend, or modify a Short-Term Rental Permit.

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b. An appeal must be initiated by submitting a written statement to the Department of Planning and Community Development and payment of an appeal fee to the City Clerk within ten calendar days of the date of the notice of the Director's decision. Notice of the hearing to be scheduled for the earliest regular meeting of the decision-making body shall be provided by the City Clerk to the appellant not less than five days prior to the hearing date. The appellant shall have the opportunity to present an opening statement, evidence, and a closing statement. Thereafter, the decision-making body shall consider the relevant evidence and the record of the matter, and determine whether to affirm, set aside, or modify the decision appealed therefrom. Thereafter, the appellant shall be notified of the final decision via first class mail.

2. Appeal to City Council.

The decision of the Planning Commission is appealable to the City Council within ten calendar days of the date of the notice of its decision in accordance with Section 24.04.185. The decision of the City Council shall be final, subject to judicial review applying the burden of proof as set forth in Section 24.04.200, and pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 2. This ordinance shall take effect and be in force upon approval by the California Coastal Commission.

PASSED FOR PUBLICATION this 10th day of October, 2017, by the following vote:

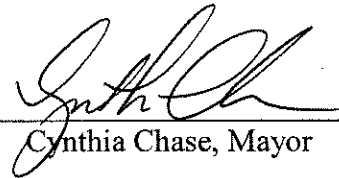
AYES: Councilmembers Mathews, Watkins, Brown, Noroyan; Vice Mayor Terrazas; Mayor Chase.

NOES: Councilmember Krohn.

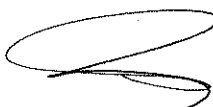
ABSENT: None.

DISQUALIFIED: None.

APPROVED:


Cynthia Chase, Mayor

ATTEST:


Bren Lehr, City Clerk Administrator

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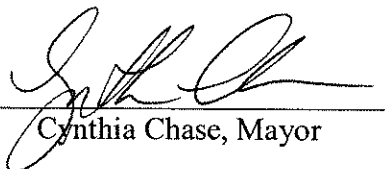
PASSED FOR FINAL ADOPTION this 24th day of October, 2017, by the following vote:


AYES: Councilmembers Mathews, Watkins, Noroyan; Vice Mayor Terrazas; Mayor Chase.

NOES: Councilmembers Krohn, Brown.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: 
Cynthia Chase, Mayor


ATTEST: _____
Bren Lehr, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2017- 18 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.



Bren Lehr, City Clerk Administrator