



County of Santa Cruz

HOUSING ADVISORY COMMISSION

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April 20, 2006

TO: HOUSING ADVISORY COMMISSION

FROM: Carolyn Watanabe, Housing Program Manager

Subject: Discussion of City of Capitola Transient Rental Use Overlay District (Ryan Bane)

The HAC has been discussing the Housing Element goals and the HAC's role in assisting with implementation of some of them. A list of goals of interest to the HAC was prioritized and the Commissioners decided to look into the conversion of housing to short-term rentals.

Attached is the Capitola Municipal Code, Chapter 17.19 TRO (Transient Rental Use Overlay District) regulating such conversions. Ryan Bane, City of Capitola Senior Planner, will attend the HAC meeting to discuss their Ordinance.

Capitola Municipal Code

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Title 17 ZONING

Chapter 17.19 TRO—TRANSIENT RENTAL USE OVERLAY DISTRICT

17.19.010 Purpose and definition.

The TRO—transient rental use overlay district is an overlay district. This means that all regulations of the underlying basic zoning district (R-1 or R-M) are applicable to any property located in the TRO district, except that transient rental use, as defined in Section 17.03.686 may be allowed pursuant to Section 17.19.020. (Ord. 708 § 3 (part), 1991)

17.19.020 Use permits.

Properties in TRO districts may apply for conditional use permits to operate as a transient rental use. In addition to such conditions as may be imposed pursuant to Chapter 17.60 (conditional use permits), all such permits shall be subject to the following standard conditions:

- A. The maximum number of persons that may occupy the unit shall be determined by the planning commission and may not be exceeded.
- B. Adequate parking (as determined by the planning commission), whether on site or by Pacific Cove parking permit, must be provided.
- C. The conditional use permit holder must designate a person who has authority to control the property and represent the landlord. This “responsible person” must be available at all reasonable times to receive and act on complaints about the activities of the tenants.
- D. A business license and transient occupancy tax registration must be obtained.
- E. Only one sign per unit, not to exceed one square foot in size, shall be permitted to advertise the transient rental.
- F. No unit may be rented unless the renter is provided, in writing, with a statement of the conditions (such as is provided in subsection A of this section) which are applicable to the renter and his or her guests, and the renter agrees, in writing, to comply with those conditions.
- G. Permits issued under this section shall expire within one year. No permit holder shall have a vested right to a renewal permit.
- H. If there is a history of the permit holder or his/ her tenants violating the permit’s conditions, the permit shall not be reissued for a least one year following its expiration date, unless good cause is shown. The revoking authority may establish a longer period before which another application may be filed. (Ord. 708 § 3 (part), 1991)

Capitola Municipal Code

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Title 17 ZONING

Chapter 17.03 DEFINITIONS

17.03.686 Transient rental use.

“Transient rental use” means, in R-1 or R-M district, the occupancy for hire of real property or portion thereof for a period of less than thirty consecutive calendar days. “For hire,” for purposes of this section, does not include:

- A. The owner or long term lessee of the property, without consideration, allowing family or friends to use the property;
- B. An arrangement whereby the owner or long term lessee of the property agrees to a short term trade with another property owner or long term lessee whereby the sole consideration is each concurrently using the other’s property. (Ord. 687 § 1, 1990)

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