

ORDINANCE NO. 3059-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ADDING CHAPTER 19.76 (SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY) TO TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE

WHEREAS, the City of Sunnyvale desires to add a chapter to the Sunnyvale Municipal Code Title 19 (Zoning) relating to short-term rental of residential property.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 19.76 ADDED. Chapter 19.76 (Short-Term Rental of Residential Property) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 19.76

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY

- 19.76.010. Purpose and intent.**
- 19.76.020. Definitions.**
- 19.76.030. Short-term rentals prohibited.**
- 19.76.040. Hosted short-term rentals - General requirements.**
- 19.76.050. Hosted short-term rentals - Approval required.**
- 19.76.060. Revocation of approval.**
- 19.76.070. Fees.**
- 19.76.080. Violations a public nuisance; penalties, nuisance abatement, and other remedies.**

19.76.010. Purpose and intent.

The purpose of this chapter is to establish regulations governing the short-term rental of residential property within the city of Sunnyvale. The establishment of these regulations will help maintain adequate housing stock for permanent residents while ensuring that short-term rental activities do not become a nuisance or threaten the public health, safety, or welfare due to excessive noise, disorderly conduct, overcrowding, traffic congestion, illegal parking, the accumulation of refuse, and other effects related to short-term rentals.

19.76.020. Definitions.

For purposes of this chapter, the following definitions apply:

(a) “Host” means the person who is responsible for conducting the short-term rental activity and who is identified as the host in the application for approval submitted pursuant to this chapter.

(b) “Hosted short-term rental” means to provide transient lodging in a dwelling unit, for compensation, for a period of thirty consecutive calendar days or less, while the host resides on-site throughout the lodger’s stay. “Hosted short-term rentals” do not include transient lodging in city-approved hotels and motels.

(c) “Hosting platform” means a marketplace in whatever form or format which facilitates short term rentals through advertising, match-making or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

(d) “Short-term rental” means to provide transient lodging in a dwelling unit, for compensation, for a period of thirty consecutive calendar days or less. “Short-term rental” does not include transient lodging in city-approved hotels and motels.

19.76.030. Short-term rentals prohibited.

The short-term rental of residential property is a prohibited use in every zoning district in the city, with the exception of approved hosted rentals permitted pursuant to this chapter.

19.76.040. Hosted short-term rentals - General requirements.

(a) Hosted short-term rentals are allowed in any zoning district where residential uses are permitted with the exception of mobile home parks. Hosted short-term rentals are subject to the following requirements:

(1) The short-term rental activity must be approved by the director pursuant to section 19.76.050.

(2) A maximum of four overnight lodgers are allowed per night in any single family dwelling or any single dwelling unit in a multi-family dwelling. The limit of four overnight lodgers does not include minor children who are accompanied by an adult.

(3) Rental to unaccompanied minors under the age of 18 is prohibited.

(4) The host shall reside on-site throughout the lodgers’ stay. To reside on-site means that the property being used for short-term rentals is the host’s primary residence and the host uses the property for purposes of eating, sleeping, and other activities of daily living during the time periods that lodgers are present. Lodgers may stay in an accessory dwelling unit if the host resides in the primary dwelling. Lodgers may also stay in one dwelling unit of a two-family dwelling if the host resides in the other dwelling unit.

(5) The host shall comply with all permit conditions and applicable local, state, and federal laws including but not limited to health, safety, fire, and building codes, as amended from time to time.

(6) The host must provide all lodgers with facilities for sleeping, bathing, and toileting inside of a permanent dwelling that is suitable for human occupancy. Rental of sleeping space in or on balconies, porches, tents, sheds, vehicles or outdoor areas is prohibited.

(7) The host shall obtain a business license, if required by chapter 5.04 of this code.

(8) The host shall collect and remit transient occupancy tax, in coordination with any hosting platform if utilized, pursuant to chapter 3.16 of this code.

(9) The host is responsible for ensuring the property does not become a nuisance due to the short-term rental activity.

(10) All advertising for the short-term rental must include the Host Identification Number issued by the city.

19.76.050. Hosted short-term rentals - Approval required.

(a) No person shall undertake, maintain, authorize, aid, facilitate or advertise any hosted or short-term rental activity that does not comply with the provisions of this code.

(b) The application for approval of short-term rental shall include the following:

(1) Name, address and contact information of the host.

(2) Name, address and contact information of the owner of the property where the short-term rental activity will occur. In the event that the applicant is not the legal owner of the property, the application shall be signed by the property owner consenting to the use of the property for short-term rentals.

(3) If the property is part of a common interest development, the application shall include a letter of authorization from the homeowner's association indicating that use of the property for short-term rentals meets the property's requirements.

(4) Any additional information or supporting materials to describe existing property conditions and the proposed operations as required by the director.

(c) The director shall not approve the short-term rental application unless he or she finds that the use will comply with the requirements of this code and other applicable law. The decision of the director shall be final.

(d) Upon approval of the short-term rental, the director shall provide a unique Host Identification Number to the applicant.

19.76.060. Revocation of approval.

The approval of short-term rental may be revoked or modified by the director as follows:

(a) Notice and Hearing. Notice shall be mailed to the host at the address specified in the approval application. The notice shall specify the reasons for the revocation and shall designate a time and place of an administrative hearing with the director of community development no sooner than the sixth business day following the mailing date of the notice. The host shall be given the opportunity to present written and oral evidence at the hearing. Failure to appear at the hearing shall constitute a waiver of any objections to the proposed revocation.

(b) Revocation. Following the hearing, the director may revoke the approval if the director makes one or more of the following findings:

(1) The approval was obtained by fraud;
(2) The short-term rental activity has been or is being conducted in violation of any provision of this code or other applicable law;

(3) The conditions of approval have been or are being violated;

(4) The short-term rental activity constitutes a public nuisance.

(c) Notice of decision. A written notice of the director's decision shall be prepared and mailed to the host at the address specified in the application for approval. If the approval is revoked, the notice shall contain a statement directing the host to immediately cease using the property for short-term rental, and that failure to cease such use may be subject to further legal action or enforcement.

(d) Appeal. The decision of the director is final. The decision may be appealed to the Superior Court.

19.76.070. Fees.

The city council may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this chapter.

19.76.080. Violations a public nuisance; penalties, nuisance abatement, and other remedies.

Any short-term rental operated, conducted, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance which the city attorney may seek to abate, remove, and enjoin in any manner provided by law. Such remedies shall be in addition to any other remedies available to the city under this code or under state law.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection,

sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on September 15, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney