



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** March 21, 2017

**TO:** Carolyn Lehr, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT:** **Second Reading Of An Ordinance Of The City Council Of The City Of Emeryville Adding Article 21 To Chapter 5, And Amending Chapters 2, 3 And 7, Of Title 9 Of The Emeryville Municipal Code Regarding Short-Term Rental Of All Or Part Of A Dwelling. CEQA Status: Exempt Pursuant To CEQA Guidelines 15301 And 15061(b)(3)**

### RECOMMENDATION

Staff recommends that the City Council adopt the second reading of the attached ordinance amending the Planning Regulations in Title 9 of the Emeryville Municipal Code to add Article 21 to Chapter 5 and amend Chapters 2,3, 5, and 7, allowing and regulating Short-term Rentals in detached single-family houses, and prohibiting other Short-term Rentals. These regulations would apply citywide.

### DISCUSSION

The City Council held a public hearing and adopted the first reading of the attached ordinance on March 7, 2017. After hearing a staff presentation and taking public testimony, the Council deliberated and adopted the first reading of the ordinance with the following modifications:

- Modified Section 9-5.2104 to change the limit on non-hosted Short-term Rental of an entire Single-unit detached house from 180 calendar days per year to 90 calendar days per year.
- Added a new Section 9-5.2111, "Enforcement", allowing the City Attorney to initiate civil action to enforce the Short-term Rental regulations without prior City Council approval, in consultation with the code enforcement officer.

These modifications are incorporated into the attached ordinance. The staff report for the March 7, 2017 City Council meeting, which provides a detailed explanation of the amendments to the Municipal Code, is attached for reference (see Attachment 1).

## **ENVIRONMENTAL IMPACT**

The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301 of the State CEQA Guidelines regarding existing facilities, specifically operation and leasing of existing structures, and under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

## **FISCAL IMPACT**

The Finance Department plans to bring amendments to the Master Fee Schedule to the City Council on March 21, the date when the second reading of this ordinance is likely to occur. The amendments will include the addition of fees for Short-term Rental Permits.

Costs of administering the ordinance include staff time and expenses to notify property managers, answer questions, enforce the ordinance, issue business licenses, receive fines, and collect Transient Occupancy Tax. It is anticipated that existing City staff will be able to absorb these additional tasks. To the extent that there is compliance, the City will receive revenue from registration, business tax certificates (also known as business licenses), and Transient Occupancy Tax.

## **CONCLUSION**

Staff recommends that the City Council adopt the second reading of the attached ordinance.

**PREPARED BY:** Diana Keena, Associate Planner

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Carolyn Lehr, City Manager

Attachments:

1. Staff Report from March 7, 2017
2. Proposed Ordinance