

ORDINANCE NO. 1054

AN ORDINANCE OF THE CITY OF SEASIDE

**APPROVING TEXT AMENDMENTS TO CHAPTER 3.24 OF THE SEASIDE
MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDIAN AS FOLLOWS:

Section 1. In accordance with Section 17.74.050 of the Seaside Municipal Code, it is the responsibility of the City Council to consider and weigh the merits of proposed text amendments to the Seaside Municipal Code and the public input received on the proposed text amendments in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

Section 2. On September 21, 2017 and October 19, 2017, the City Council held special study sessions to discuss concerns regarding the transient use of residential dwellings as a short-term rental, and whether to pursue an Ordinance regulating this type of land use. A transient use is subject to the collection of a transient occupancy tax (TOT) for a rental from one day to no longer than thirty days. Other discussion points were economic impacts, neighborhood compatibility, noise, safety, cultural enrichment and affordable housing.

Section 3. On February 14, 2018 and, April 11, 2018, the Seaside Planning Commission held a public hearings to provide the City Council with a recommendation on the proposed text amendments and considered all oral comments and written information concerning the proposed Ordinance in making its recommendation to the City Council; and

Section 4. On May 3, 2018, the Seaside City Council introduced the first reading of the draft Ordinance and considered oral comments and written information concerning this Ordinance at a duly noticed public hearing and acted to continue the first reading to address comments and issues that the City Council discussed should be included in the proposed Ordinance; and

Section 5. On June 21, 2018, the Seaside City Council re-introduced the first reading of the draft Ordinance and considered oral comments and written information concerning this Ordinance at a duly noticed public hearing; and on the basis of the record thereof finds the following facts to be true;

Findings:

1. The proposed text amendments to Chapter 3.24 of the Seaside Municipal Code are consistent with the goals and policies of all elements of the General Plan.

Evidence: The proposed text amendments will preserve and enhance the residential character of the community.

2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Evidence: This Ordinance will include regulations and the collection of TOT to ensure neighborhood compatibility and the protection of the health, safety, and welfare of the City's residents.

3. The exemption from the California Environmental Quality Act (CEQA) has been CEQA Guidelines

Evidence: The City prepared an Initial Study and Mitigated Negative Declaration to review the Ordinance pursuant to the California Environmental Quality Act (CEQA), and this Ordinance has been mitigated to a point where the proposed project will not have the potential to significantly degrade the environment; will have no significant impact on the long-term environmental goals; will have no significant cumulative effect upon the environment; and will not cause substantial adverse effects on human beings, either directly or indirectly.

Section 6. The proposed amendments to Chapter 3.24 the Seaside Municipal Code consist of the text amendments to Section 3.24.010 – Definitions - of the Seaside Municipal Code to add new language to include a Short-Term Rental of a dwelling as a hotel use subject to the collection of TOT and add new Section 3.24.121 directing that the collection of TOT from a short-term rental shall be placed in separate fund account by the Finance Director whereby 50% would be reserved for affordable housing projects authorized by the City Council and 50% would be reserved for neighborhood improvement projects authorized by the Neighborhood Improvement Commission. The text amendments are listed below:

*** Proposed added text is shown with bold underline (Underline)**

Section 3.24.010:

Short-Term Rental means a dwelling unit where the owner with the majority interest in the residential property, or an owner holding an equal shared interest if no other owner owns a greater interest, allows for a habitable portion thereof in part or as a whole for the transient use occupancy by visitors the same as for a "hotel".

Section 3.24.121 Affordable Housing and Neighborhood Improvement

- A. **50% of the Transient Occupancy Tax collected from short-term rentals shall be set-aside in the City of Seaside Housing Fund to be used to assist with affordable housing projects/activates in accordance with the direction of the City Council and 50% of the Transient Occupancy Tax shall be directed toward community and neighborhood park improvements, with recommendations to the City Council by the Neighborhood Improvement Commission.**

Section 5. Severability.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentences, clauses or phrases even if certain parts are held to be unconstitutional, invalid or unenforceable.

Section 6 Legal Construction. The provisions of this Ordinance shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of public health, safety, and welfare.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

Section 8. The City Clerk shall certify to the adoption of this Ordinance and shall, within fifteen (15) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Seaside on the 21st day of June, 2018, and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 5th day of July by the following vote:

AYES:	5	COUNCIL MEMBERS:	Alexander, Campbell, Jones, Pacheco, Rubio
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None



Ralph Rubio, Mayor

ATTEST:



Lesley Milton-Rerig, City Clerk