

CLAREMONT PLANNING COMMISSION

MEETING AGENDA

“We are a vibrant, livable, and inclusive community dedicated to quality services, safety, financial strength, sustainability, preservation, and progress with equal representation for our community.”

City Council Chamber
225 Second Street
Claremont, CA 91711



Tuesday
February 04, 2025
7:00 PM

COMMISSIONERS

PARKER G. EMERSON
CHAIR

MARIO ALVAREZ

JOHN DAVIS

ISAAC RAHMIM

RICHARD ROSENBLUTH

K.M. WILLIAMSON

JASON WONG

Meetings are open to the public for in-person attendance. The meeting will be live streamed via Zoom, technology permitting. Members of the public will not be able to provide public comment via Zoom. To watch the meeting via Zoom, use the following link: <https://zoom.us/j/93823869306>. To listen via telephone dial (213)338-8477, Webinar ID: 938 2386 9306. The recorded meeting will be uploaded to the City website and archived.

OPTIONS FOR PUBLIC COMMENT:

Public comment may be provided by one of the following methods. Each speaker will be given up to three (3) minutes to provide their comment.

IN-PERSON LIVE COMMENTS

When the item you wish to speak to is announced, please proceed to the speaker's podium one by one.

E-MAIL/MAIL

Written comments sent to the Planning Commission will be distributed to the Commission and imaged into the record of the meeting. Email: natienza@claremontca.gov. Mail: PO Box 880, Claremont, CA 91711. Written comments submitted after publication of the agenda will be made available in the document archive system on the City website as soon as possible - www.claremontca.gov.

For assistance, comments, or more information please contact Nhi Atienza, Commission Secretary, (909)399-5484.

CALL TO ORDER THE MEETING OF THE PLANNING COMMISSION

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS

PUBLIC COMMENT

The Commission has set aside this time for persons who wish to comment on items that are not listed on the agenda, but are within the jurisdiction of the Planning Commission. Members of the public will have the opportunity to address the Commission regarding all items on the agenda at the time the Commission considers those items.

General public comment will be taken for 30 minutes and will resume later in the meeting if there are speakers who did not get an opportunity to speak because of the 30-minute time limit.

The Brown Act prohibits the Commission from taking action on oral requests relating to items that are not on the agenda. The Commission may engage in a brief discussion, refer the matter to staff, and/or schedule requests for consideration at a subsequent meeting.

CONSENT CALENDAR

All matters listed on the Consent Calendar are considered routine. The Commission may act on these items by one motion following public comment. Only Commissioners may pull an item from the Consent Calendar for discussion.

1. PLANNING COMMISSION MEETING MINUTES OF DECEMBER 17, 2024

Recommendation: Staff recommends the Planning Commission approve and file the Planning Commission meeting minutes of December 17, 2024.

Attachment(s): Draft Planning Commission Meeting Minutes of December 17, 2024

PUBLIC HEARING

2. CONSIDER AN AMENDMENT TO THE CLAREMONT ZONING CODE (TITLE 16 TO THE CLAREMONT MUNICIPAL CODE) THAT, IF ADOPTED, WILL: (1) ADD A NEW SECTION 16.110 TITLED SHORT-TERM RENTALS; (2) AMEND VARIOUS PROVISIONS (INCLUDING SECTIONS 16.001.010, 16.004.020, 16.007.010, 16.013.010, AND 16.019.010) PERTAINING TO RENTAL ROOMS; AND (3) AMEND VARIOUS PROVISIONS (INCLUDING SECTION 16.333 AND CHAPTER 16.900 (DEFINITIONS)) PERTAINING TO SHORT-TERM RENTALS AND TERMS PERTAINING TO SHORT-TERM RENTALS (FUNDING SOURCE: GENERAL FUND)

Recommendation: Staff recommends the Planning Commission adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO (1) ADD A NEW SECTION 16.110 TITLED "SHORT-TERM RENTALS," (2) AMEND VARIOUS PROVISIONS (INCLUDING SECTIONS 16.001.010, 16.004.020, 16.007.010, 16.013.010, AND 16.019.010) PERTAINING TO RENTAL ROOMS; AND (3) AMEND VARIOUS PROVISIONS (INCLUDING SECTION 16.33 AND CHAPTER 16.900 (DEFINITIONS)) PERTAINING TO SHORT-TERM RENTALS AND TERMS PERTAINING TO SHORT-TERM RENTALS.

Attachment(s): Draft Resolution Recommending City Council Approval

ADMINISTRATIVE ITEMS - None

CONTINUED PUBLIC COMMENT

This time is reserved for those persons who were unable to speak earlier in the agenda because of the 30-minute time restriction.

REPORTS

Staff

Commission/Committee

ADJOURNMENT

THE NEXT REGULAR MEETING OF THE CLAREMONT PLANNING COMMISSION WILL BE HELD ON, FEBRUARY 18, 2025, AT 7:00 PM, IN THE CLAREMONT COUNCIL CHAMBER, 225 WEST SECOND STREET.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, THIS AGENDA WILL BE MADE AVAILABLE IN APPROPRIATE ALTERNATIVE FORMATS TO PERSONS WITH DISABILITIES. ANY PERSON WITH A DISABILITY WHO REQUIRES A MODIFICATION OR ACCOMMODATION IN ORDER TO PARTICIPATE IN A CITY MEETING SHOULD CONTACT THE CITY CLERK AT 909-399-5461 "VOICE" OR 1-800-735-2929 "TT/TTY" AT LEAST THREE (3) WORKING DAYS PRIOR TO THE MEETING, IF POSSIBLE.

I, NHI ATIENZA, SENIOR ADMINISTRATIVE ASSISTANT OF THE CITY OF CLAREMONT, CALIFORNIA, HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING AGENDA WAS POSTED AT CLAREMONT CITY HALL, 207 HARVARD AVENUE, ON JANUARY 30, 2025, PURSUANT TO GOVERNMENT CODE SECTION 54954.2.

POST THROUGH: FEBRUARY 5, 2025



Claremont Planning Commission

Agenda Report

File #: 5403

Item No: 1.

TO: PLANNING COMMISSION

FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: FEBRUARY 4, 2025

SUBJECT:

PLANNING COMMISSION MEETING MINUTES OF DECEMBER 17, 2024

RECOMMENDATION

Staff recommends the Planning Commission approve and file the Planning Commission meeting minutes of December 17, 2024.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact Nhi Atienza at natienza@claremontca.gov.

Submitted by:

Prepared by:

Brad Johnson
Community Development Director

Nhi Atienza
Senior Administrative Assistant

Attachment:

Planning Commission Meeting Minutes of December 17, 2024

**PLANNING COMMISSION
REGULAR MEETING MINUTES**

Tuesday, December 17, 2024 – 7 p.m.

Video Recording is Archived on the City Website

<https://www.claremontca.gov/government/city-council/watch-city-council-meetings>

CALL TO ORDER

Chair Emerson called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

COMMISSIONERS: ALVAREZ, DAVIS, EMERSON, RAHMIM, ROSENBLUTH, WILLIAMSON, AND WONG (arrived at 7:01)

ABSENT

NONE

ALSO PRESENT

Brad Johnson, Community Development Director; Chris Veirs, Principal Planner; Jordan Goose, Assistant Planner; and Nhi Atienza, Senior Administrative Assistant

CEREMONIAL MATTERS, PRESENTATIONS, AND ANNOUNCEMENTS

There were no ceremonial matters, presentations, or announcements.

PUBLIC COMMENT

This item starts at 0:01:53 in the archived video.

Commission Secretary Atienza announced no written public comment had been received.

Chair Emerson invited public comment.

There were no requests to speak.

Chair Emerson closed public comment.

CONSENT CALENDAR

This item starts at 0:04:19 in the archived video.

Chair Emerson invited public comment on the Consent Calendar.

There were no requests to speak.

Chair Emerson closed public comment.

Commissioner Rosenbluth moved to approve the Consent Calendar, seconded by Commissioner Davis; and carried on by roll call vote as follows:

AYES: Commissioner - Alvarez, Emerson, Davis, Rahmim, Rosenbluth, Williamson, Wong
NOES: Commissioner - None

1. Planning Commission Meeting Minutes of November 19, 2024
Approved and filed.

PUBLIC HEARINGS

This item starts at 0:06:08 in the archived video.

2. Conditional Use Permit File #24-C05, Review of a Request to Allow Development of a Proposed Second-Story Residential Unit Addition to the Existing Commercial Building Located at 212 North Yale Avenue. Applicant - Darlene Martinez.

Assistant Planner Goose presented a PowerPoint presentation and addressed Commissioners' inquiries regarding the retail space, entrances, parking, residence exit, solar, and balcony design.

Juan Flores, Architect, stated that the retail space will be revised to be office space, and the one exit from the second floor is compliant.

Darlene Martinez, Applicant introduce the project and her vision. She addressed the co-working space and agreed to the condition for no short-term rentals.

Chair Emerson invited public comment.

Mike Verbal is concerned about the possibility of an Airbnb situation and the potential damage from the construction next to his 100-year-old building.

Ellen Harper is concerned about the possible damage to her historic building from the construction. She also spoke about the parking lot dangers and difficulties. She inquired if the parking lot will be for public or residential/worker use.

Doug Lyon stated that the project does not comply with the Village Design Plan. Compliance is not optional; we should care what Claremont looks like.

There were no additional requests to speak.

Public comment was closed.

Commissioner Williamson is pleased to see a second-story residential project. The Applicant is conscientious of the constraints, the Yale façade will activate the street, and the project aligns with the general plan.

Commissioner Wong inquired about other lofts in the village and the potential damage to abutting buildings.

Commissioner Rosenbluth stated that this is an excellent project. A second story residential project is appropriate, and findings can be made. He would recommend adding a condition for no short-term rentals.

Commissioner Davis requested for clarification regarding the parking and would support the condition for no short-term rentals.

Commissioner Alvarez is happy with the project, it's similar to the Bentley lofts. He is supportive of no short-term rentals and the condition for the retail space to be in the front.

Vice Chair Rahmim likes the project and he favors no short-term rentals.

Chair Emerson inquired about the difference between private and permitted parking.

Commissioner Rosenbluth moved to:

A. Adopt Resolution No. 2024-12, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING CONDITIONAL USE PERMIT #24-C05, A REQUEST TO ALLOW DEVELOPMENT OF A PROPOSED SECOND STORY RESIDENTIAL UNIT ADDITION TO THE EXISTING COMMERCIAL BUILDING LOCATED AT 212 NORTH YALE AVENUE – APPLICANT – DARLENE MARTINEZ as amended to add “The proposed 1,586 square feet residential units shall not be used for Short Term Rentals.” to Section 3A; and

B. Find this item is exempt from environmental review under the California Environmental Quality Act (CEQA)

Seconded by Commissioner Wong; and carried on a roll call vote as follows:

AYES: Commissioner – Alvarez, Davis, Emerson, Rahmim, Rosenbluth, Williamson, Wong

NOES: Commissioner – None

Chair Emerson announced this decision can be appealed within ten calendar days.

3. Tentative Parcel Map 84366, Request to Modify Two Parcels (APNS: 8308-025-004 & 8308-025-013), and Dedicate Right-Of-Way for Claremont Boulevard and Related Traffic Signal at Ninth Street and Claremont Boulevard. Applicant – Claremont McKenna College.

This item starts at 1:03:47 in the archived video.

Principal Planner Veirs presented a PowerPoint presentation and addressed Commissioners' inquiries regarding the map approval, sports bowl usage, water management, and tunnel location.

Matt Bibbens, Vice President - Claremont McKenna College thanked staff for their hard work.

Chair Emerson invited public comment.

There were no additional requests to speak.

Public comment was closed.

Commissioner Alvarez stated that it's a great project.

Commissioner Rosenbluth thanked staff for the report. He appreciates the dedication of Claremont Boulevard as a right of way.

Chair Emerson stated that it's a great project.

Commissioner Davis moved to adopt Resolution No. 2024-13, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING TENTATIVE PARCEL MAP 84366, WHICH MODIFIES TWO PARCELS (APNS: 8308-025-004 & 8308-025-013), AND DEDICATES RIGHT-OF-WAY FOR CLAREMONT BOULEVARD AND A RELATED TRAFFIC SIGNAL AT NINTH STREET AND CLAREMONT BOULEVARD. APPLICANT – CLARMEONT MCKENNA COLLEGE. Seconded by Commissioner Wong; and carried on a roll call vote as follows:

AYES: Commissioner – Alvarez, Davis, Emerson, Rahmim, Rosenbluth, Williamson, Wong

NOES: Commissioner – None

Chair Emerson announced this decision can be appealed within ten calendar days.

ADMINISTRATIVE ITEM - None

REPORTS

This item starts at 1:44:18 in the archived video.

Staff

Director Johnson reported on items of interest from the previous City Council meeting and described future upcoming items that will be coming before the Commission.

Commission/Committee

Principal Planner Veirs responded to Commissioner Alvarez' inquiry regarding earthquake retrofitting.

ADJOURNMENT

Chair Emerson adjourned the meeting at 8:48 PM.

Chair

ATTEST:

Administrative Assistant



Claremont Planning Commission

Agenda Report

File #: 5425

Item No: 2.

TO: PLANNING COMMISSION

FROM: BRAD JOHNSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: FEBRUARY 4, 2025

SUBJECT:

CONSIDER AN AMENDMENT TO THE CLAREMONT ZONING CODE (TITLE 16 TO THE CLAREMONT MUNICIPAL CODE) THAT, IF ADOPTED, WILL: (1) ADD A NEW SECTION 16.110 TITLED SHORT-TERM RENTALS; (2) AMEND VARIOUS PROVISIONS (INCLUDING SECTIONS 16.001.010, 16.004.020, 16.007.010, 16.013.010, AND 16.019.010) PERTAINING TO RENTAL ROOMS; AND (3) AMEND VARIOUS PROVISIONS (INCLUDING SECTION 16.333 AND CHAPTER 16.900 (DEFINITIONS)) PERTAINING TO SHORT-TERM RENTALS AND TERMS PERTAINING TO SHORT-TERM RENTALS (FUNDING SOURCE: GENERAL FUND)

SUMMARY

A short-term rental (STR) is a residential property, dwelling unit, or portion of a dwelling rented to guests for temporary lodging for fewer than 30 consecutive days. This can include renting an entire home, an apartment, a condominium, or individual rooms within a dwelling. Short-term rentals are often facilitated through online platforms such as AirBNB and VRBO or directly by property owners and are typically used for vacation stays, business travel, visiting family, or other short-term accommodations

In late August 2024, the City issued a survey to receive input from the public for input on potential regulatory options. In September 2024, staff presented a STR regulations study session to the Planning Commission and received input on six key decisions. That input was incorporated into draft STR code amendments that were presented to the Planning Commission on November 19, 2024. The Commission provided input on various aspects of the draft code amendments, and this input was implemented in the attached ordinance.

Because these code amendments would require an amendment to the City's Zoning Code, public hearings are required before both the Planning Commission (for a recommendation) and the City Council (for final approval).

RECOMMENDATION

Staff recommends the Planning Commission adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO (1) ADD A NEW SECTION 16.110 TITLED "SHORT-TERM RENTALS," (2) AMEND VARIOUS PROVISIONS (INCLUDING SECTIONS 16.001.010, 16.004.020, 16.007.010, 16.013.010, AND 16.019.010) PERTAINING TO RENTAL ROOMS; AND (3) AMEND VARIOUS PROVISIONS (INCLUDING SECTION 16.33 AND CHAPTER 16.900 (DEFINITIONS)) PERTAINING TO SHORT-TERM RENTALS AND TERMS PERTAINING TO SHORT-TERM RENTALS.

ALTERNATIVES TO RECOMMENDATION

In addition to the staff recommendation, there are the following alternatives:

- A. Request changes to the proposed ordinance and/or resolution, which, depending on the extent of the changes, may require the Commission to continue the item.
- B. Take no action.
- C. Do not recommend approval of the proposed ordinance and/or resolution.

FINANCIAL REVIEW

Staff has engaged a compliance company to assist with identifying and analyzing existing short-term rentals. The cost of this service is \$3,500 annually. The compliance company also offers additional services such as address identification, permitting and registration, a 24/7 hotline, and tax collection support. The cost of these add-on services varies depending on the number of listings. Depending on the services the City decides to use, the annual cost can range from \$15,000 to \$25,000.

If permitted, short-term rentals would be subject to the collection of permit and registration fees charged to the short-term rental host and Transient Occupancy Tax (TOT) charged to the renter. Permit and registration fees are intended to cover the cost of the short-term rental compliance services and any staff time to process applications.

The Claremont Transient Occupancy Tax is currently levied at ten percent. The revenue generated will depend on the number of short-term rentals in the City, the number of nights they are rented out in a year, the rental prices, and the level of compliance with the TOT remittance. The compliance company estimates that with full compliance with the TOT remittance and STR regulations, the city can receive approximately \$70,000 per year from TOT, not including any permit and registration fees.

The staff cost to prepare this report and administer this project is estimated at \$9,500 and is included in the operating budget of the Community Development Department.

ANALYSIS

Background

The City of Claremont has maintained a long-standing prohibition on rentals of less than thirty consecutive days. In 2019 the Future Financial Opportunities Committee (FFOC) recommended that

the City consider regulating STRs to enhance transparency and accountability in the market while generating additional revenue. The FFOC placed recommendations in the following categories: immediate recommendations, future recommendations, and not recommended. The FFOC included the regulation of short-term rentals as an immediate recommendation.

In October 2019, staff presented the City Council with an overview of potential STR regulations, including comparisons with other cities, best practices, and potential regulatory approaches. Following this item, the City Council directed staff to draft program guidelines and regulations for future consideration. In March 2020, staff presented proposed regulations to the City Council. The 2020 draft regulations would have allowed for certain hosted and un-hosted STR stays but retained the existing prohibition on vacation rentals. However, due to the COVID-19 pandemic further ordinance development was delayed.

In May 2024, the City Council reaffirmed the regulation of STRs as a priority item. Staff prepared a study session at which the City Council directed staff to prepare regulations addressing all STR types, including vacation rentals, limited vacation rentals, and homesharing. While the discussion of STRs initially began with a focus on revenue diversification, the focus has shifted to regulating the STR market to ensure neighborhood stability and safety is addressed.

In August 2024, the City conducted a community survey to receive input on how the City should regulate STRs. The survey showed that there were significant concerns about the impact of STRs in the community. A specific concern was the impact they may have on rental prices for long-term (30 or more days) leases due to housing units being taken off the market for short-term rentals.

In September 2024, The Planning Commission reviewed six key regulatory decisions, including occupancy limits, parking requirements, health and safety standards, noise controls, and permit caps. The Planning Commission's recommendations were then incorporated into a draft ordinance, which was presented to the Commission in November 2024. During that meeting, the Commission provided input and made recommendations for modifying the ordinance. There was confusion regarding some of the terms which has been addressed in the current ordinance.

Ordinance Overview

The draft ordinance includes comprehensive changes to the regulation of short-term rentals in Claremont, balancing the need to address community concerns with the benefits of a regulated STR market. The key regulatory updates outlined below aim to promote neighborhood stability, ensure the safety and well-being of residents and guests, and establish clear operational standards for STR operators.

- **Permit Requirements:** STR operators must obtain one of three permits: Vacation Rental Permit, Limited Vacation Rental Permit, or Homesharing Rental Permit.
- **Occupancy Limits:** Maximum overnight occupancy follows the formula (number of bedrooms x 2) +1, with allowances for minor children. Allows for double the occupancy for daytime guests.
- **Parking Standards:** Overnight parking must be on-site, while daytime street parking is allowed.
- **Noise and Nuisance Controls:** Prohibition of amplified noise audible at property boundaries and a 24/7 hotline for complaints.
- **Caps on Vacation Rentals:** Neighborhood-specific caps to prevent over-concentration. There shall be no limits for Limited Vacation Rental Permits or Homesharing Rental Permits.

- **Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units(JADUs):** ADUs are not eligible for a Vacation Rental Permit or Homesharing Rental Permit. ADUs may be eligible for a Limited Vacation Rental Permit, if they comply with state law. JADUs are not eligible for any Short-Term Rental Permit type
- **Business Entity Prohibition:** Business entities are not eligible for a Short-Term Rental Permit. A Permit shall only be offered to natural persons.
- **Limits on Permits per Individual:** Each natural person shall be limited to one Short-Term Rental Permit, except in cases where an individual holds both a Limited Vacation Rental Permit and a Homesharing Rental Permit.
- **Apartment Use Restriction:** Apartments are prohibited from being used as short-term rentals. For the purposes of this ordinance, an apartment is a development with three or more units.

RELATIONSHIP TO CITY PLANNING DOCUMENTS

Staff has evaluated the agenda item in relationship to the City’s strategic and visioning documents and finds that it applies to the following City Planning Documents: Council Priorities, Economic Sustainability Plan, and 2024-26 Budget.

CEQA REVIEW

This item is not subject to environmental review under the California Environmental Quality Act (CEQA). It can be seen with certainty that the Code Amendment has no possibility of having a significant effect on the environment. Therefore, the adoption of the proposed Ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

PUBLIC NOTICE PROCESS

The agenda and staff report for this item have been posted on the City website and distributed to interested parties. If you desire a copy, please contact the Nhi Atienza at natienza@claremontca.gov.

Submitted by:

Brad Johnson
Community Development Director

Prepared by:

Alex Cousins
Senior Management Analyst

Attachment:

Draft Resolution Recommending City Council Approval

PLANNING COMMISSION RESOLUTION NO. 2025- _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO (1) ADD A NEW SECTION 16.110 TITLED "SHORT-TERM RENTALS," (2) AMEND VARIOUS PROVISIONS (INCLUDING SECTIONS 16.001.010, 16.004.020, 16.007.010, 16.013.010, AND 16.019.010) PERTAINING TO RENTAL ROOMS; AND (3) AMEND VARIOUS PROVISIONS (INCLUDING SECTION 16.33 AND CHAPTER 16.900 (DEFINITIONS)) PERTAINING TO SHORT-TERM RENTALS AND TERMS PERTAINING TO SHORT-TERM RENTALS

WHEREAS, in April 2019, the Future Financial Opportunities Committee (FFOC) recommended the City Council consider regulating short-term rentals to provide transparency, accountability, and generate additional revenue; and

WHEREAS, in January 2024, the City Council reaffirmed the priority to continue to evaluate and secure revenue enhancement opportunities, such as the potential regulation of short-term rentals; and

WHEREAS, on November 19, 2024, the Planning Commission held a study session to discuss potential short-term rental regulations; and

WHEREAS, on February 4, 2025, the Planning Commission held a public hearing regarding the proposed Code Amendment, at which time oral and documentary evidence was introduced along with the written recommendations of the Community Development Department staff; and

NOW THEREFORE, THE CLAREMONT PLANNING COMMISSION DOES HEREBY RESOLVE:

SECTION 1. Incorporation of Recitals. The Planning Commission hereby finds that all the facts set forth in the recitals are true and correct and are incorporated as substantive findings of this ordinance.

SECTION 2. CEQA. It can be seen with certainty that the Code Amendment has no possibility of having a significant effect on the environment. Therefore, the adoption of the proposed Ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Findings and Determinations. Based upon substantial evidence presented during the public hearing before the Planning Commission on February 4, 2025, the Planning Commission recommends City Council approval of the Code Amendment as set forth in the Exhibit attached hereto and made a part hereof.

SECTION 4. The Planning Commission Chair shall sign this Resolution and the Commission Administrative Secretary shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 4th day of February 2025.

Planning Commissioner Chair

ATTEST:

Planning Administrative Commission Secretary

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO: (1) ADD A NEW CHAPTER 16.110 TITLED “SHORT-TERM RENTALS,” (2) AMEND VARIOUS PROVISIONS (INCLUDING SECTIONS 16.001.010, 16.004.020, 16.007.010, 16.013.010, AND 16.019.010) PERTAINING TO RENTAL ROOMS; AND (3) AMEND VARIOUS PROVISIONS (INCLUDING SECTION 16.33 AND CHAPTER 16.900 (DEFINITIONS)) PERTAINING TO SHORT-TERM RENTALS AND TERMS PERTAINING TO SHORT-TERM RENTALS

WHEREAS, in recent years, technology and innovation have expanded the use of short-term rentals (stays of less than 30 consecutive days) as a form of temporary lodging to allow visitors to stay in and experience a local community;

WHEREAS, regulating short-term rentals is necessary to mitigate the risk of converting residential units into predominantly transient accommodations, which could negatively affect the local housing stock;

WHEREAS, the City is committed to protecting the character, tranquility, and livability of its residential neighborhoods;

WHEREAS, the regulation of short-term rentals seeks to ensure that such uses do not adversely impact surrounding properties or create nuisances in residential areas;

WHEREAS, ensuring that short-term rentals meet fire, building, and health codes is essential to protect the safety and welfare of both visitors and the community;

WHEREAS, short-term rentals can contribute to the local economy by supporting tourism, generating transient occupancy tax revenue, and providing property owners with supplemental income;

WHEREAS, the City recognizes the importance of effective enforcement mechanisms to ensure compliance with short-term rental regulations and to address violations promptly;

WHEREAS, this ordinance aligns with state and local policies aimed at addressing housing needs, promoting sustainable land use, and preserving quality of life for residents;

WHEREAS, in April 2019, the Future Financial Opportunities Committee (FFOC) recommended the City Council consider regulating short-term rentals to provide transparency, accountability, and generate additional revenue;

WHEREAS, in January 2024, the City Council reaffirmed the priority to continue to evaluate and secure revenue enhancement opportunities, such as the potential

regulation of short-term rentals and cannabis; and

WHEREAS, on November 19, 2024, the Planning Commission held a study session to discuss potential short-term rental regulations;

WHEREAS, the City’s professional planning staff used input from the Planning Commission, the City Council, and members of the community to draft proposed code amendments to regulate short-term rental, and those code amendments are set forth in Section 3 of this Ordinance (“Code Amendments”);

WHEREAS, on February 4, 2024, the Planning Commission held a duly-noticed public meeting to consider the proposed Code Amendments, and after reviewing the staff report, staff presentation, and public testimony (both written and verbal), the Planning Commission voted [INSERT VOTE COUNT] to recommend the City Council [INSERT RECOMMENDATION]; and

[PLACE HOLDER - RECITALS WILL BE ADDED REGARDING CITY COUNCIL PUBLIC HEARING ON PROPOSED CODE AMENDMENTS]

THE CITY COUNCIL OF THE CITY OF CLAREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds that all the facts set forth in the recitals are true and correct and are incorporated as substantive findings of this ordinance.

SECTION 2. CEQA. It can be seen with certainty that the Code Amendment has no possibility of having a significant effect on the environment. Therefore, the adoption of this Ordinance is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Code Amendment. Based upon substantial evidence presented to the Planning Commission and City Council, including evidence presented to the Planning Commission at the public hearing on February 4, 2025, and evidence presented to the City Council at the public hearing on _____, 2025, including written staff reports, staff presentations, written public comments, and verbal testimony, the City Council hereby adopts and approves the proposed Code Amendment as set forth:

Section 16.001.010(C)(1) of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

1. *Rental Rooms* Rental rooms shall not contain kitchens. Rental rooms shall not be rented for less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals).

Section 16.004.020(C)(1) of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

1. *Rental Rooms* shall not contain kitchens. Rental rooms shall not be rented for less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals). No more than two persons shall occupy one rental room. Rental rooms shall occupy one rental room. Rental rooms shall be located within a dwelling unit.

Section 16.007.010(D)(1) of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

1. *Rental Rooms* Rental rooms shall not contain kitchens. Rental rooms shall not be rented for less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals).

Section 16.013.010(B)(3) of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

3. Boarding houses and rooming houses containing no more than four sleeping rooms for rent to no more than five persons. Meals may be provided to boarders in connection with the renting of rooms or common kitchen facilities may be provided.

Rental rooms shall not contain kitchens. Rental rooms shall not be rented for periods of less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals). No more than two persons shall occupy one rental room. One parking space shall be provided for each rental room.

Section 16.019.010(C)(1) of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

1. *Rental Rooms* Rental rooms shall not contain kitchens. Rental rooms shall not be rented for less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals).

Section 16.333.060(B)(1)(d) of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

1. The accessory dwelling unit shall not be sold separate from the primary residence nor shall it be used for short-term rentals of less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals).

Section 16.333.070(B) of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

1. Neither the accessory dwelling unit/junior accessory dwelling unit, nor the primary dwelling unit shall be rented for a period of less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals).

Chapter 16.900 of the Claremont Municipal Code is hereby amended as set forth below (additions underlined; deletions struck):

(Glossary of Definitions)

§ 16.900.150 *Boarding house*. Boarding and/or rooming house shall mean a structure containing a single-family dwelling unit and not more than five sleeping rooms for rent to no more than five persons. Meals may be provided in connection with such renting or the kitchen may be commonly used. Rooms shall not be rented for less than 30 days, unless as otherwise allowed under Chapter 16.110 (Short-Term Rentals). Boarding house shall not include health and care facilities, rest homes, or establishments designed or used for transient occupancy such as hotel, motel or bed and breakfast establishment.

§ 16.900.435 *Hotel/motel*. Hotel/motel shall mean either a hotel (including a long-term stay hotel) or a motel as defined herein. These definitions do not include private residences made available for short-term rentals as that term is defined in Chapter 16.110 (Short-Term Rentals), such as residences or rooms rented through Airbnb and Vacation Rental by Owner (VRBO).

§ 16.900.720 *Short-term rental*. Short-term rental shall have the same meaning as that term is defined in Chapter 16.111 (Short-Term Rentals).

§ 16.900.845 *Transient*. Transient shall mean a person who is receiving sleeping or overnight accommodations for a period of less than 30 consecutive calendar days ~~or less~~, at a location within the City, for a price, with or without meals.

Chapter 16.110, is hereby added to Title 16, of the Claremont Municipal code as set forth below:

Chapter 16.110 Short-Term Rentals

16.110.010 Title.

This ordinance shall be known as the Short-Term Rentals Ordinance (“Ordinance”). This ordinance shall be applicable in the City of Claremont, California, which shall be referred to herein as “City.”

16.110.020 Purpose.

- A. The purpose of this chapter is to regulate privately owned residential dwellings within the City used as short-term rental, ensure transient occupancy taxes (TOT) are paid and collected, and minimize the potential adverse effects of short-term rental on surrounding residential neighborhoods.
- B. This chapter is not intended to allow any residential property owner or authorized agent to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the owner from using their property as a short-term rental, as defined by this chapter.
- C. The City reserves the right to change the regulations provided in this chapter at any time, including discontinuing the issuance of Short-Term Rental Permits, notwithstanding any impacts to existing or future short-term permit holders. Anyone accepting a Short-Term Rental Permit pursuant to this chapter acknowledges and accepts that possibility.

16.110.030 Definitions.

As used in this chapter, the terms and phrases below shall have the meanings defined below.

Accessory Dwelling Unit shall have the same meaning as that term is defined in Chapter 16.333 (Accessory Dwelling Units).

Apartment shall have the same meaning as that term is defined in Section 16.900.110. As used in this chapter, the term "apartment" includes developments with three or more dwelling units under single ownership or management but excludes individually owned units within a condominium development.

Applicant shall mean the property owner.

Bedroom shall mean a private room within a Short-Term Rental furnished with a bed and intended primarily for sleeping which is 70 square foot or greater in size. A bedroom must consist of four walls to the ceiling, at least one of which is located along an exterior wall with a window and must be separated from other rooms by a door. The room must be accessible to a bathroom without crossing into or through another bedroom.

Business entity shall mean a corporation, partnership, or other legal entity that is not a natural person or a personal or family trust. In addition, the following shall not be considered a "business entity" under this chapter: any partnership, limited liability partnership, or limited liability company consisting solely of natural persons, the number of whom does not exceed four.

Change of property ownership shall mean the transfer of title from one person to

another.

Contract shall mean an agreement or evidence of any tenancy that allows or provides for the vacation rental of property.

Daytime occupancy shall mean the hours between 8:00 a.m. and 10:00 p.m.

Daytime occupants shall mean the guest who may occupy a vacation rental during daytime occupancy.

Enforcement official shall mean the Community Development Director or one or more of his, her, or their respective designees.

Good cause for the purposes of denial, suspension, revocation, imposition of conditions, renewal, and reinstatement of a Short-Term Rental Permit shall mean: (1) the applicant, owner, the owner's agent, or the local contact person has failed to comply with any of the terms, conditions, or provisions of this chapter or any relevant provision of this code, state law, or any rule or regulation promulgated thereunder; (2) the applicant, owner, owner's agent, or local contact person has failed to comply with any special conditions that were placed upon the Short-Term Rental Permit by the enforcement official; or (3) the vacation rental has been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the short-term rental is located.

Good neighbor brochure shall mean a document prepared by the enforcement official that summarizes general rules of conduct, consideration, and respect, including without limitation provisions of the Claremont Municipal Code applicable to or expected of guests to the city.

Homeshare interest shall mean a portion of an owner's home that is subject to homesharing as provided in this chapter

Homesharing rental shall mean an activity whereby the owner hosts visitors in the owner's primary residence for compensation for periods of less than 30 consecutive days, while the owner lives on-site and in the home throughout the visitor's stay.

Hotline shall mean the telephonic service operated for the purpose of receiving complaints regarding the operation of any short-term rental and the forwarding of such complaints to the appropriate city enforcement officials or, if applicable, the local contact person. For the purposes of this chapter, the term "hotline" also includes any contact in person or by telephone, email, and digital or electronic communication, or correspondence of any kind to and/or from any enforcement official.

Limited vacation rental shall mean a Vacation Rental that is un-hosted and rented for no more than four times per 12-month period.

Local contact person shall mean the owner, a local property manager, or agent of the owner, who is available 24 hours per day, seven days per week for the purpose of responding in-person within 30 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental, or any agent of the owner authorized by the owner to take remedial action and who responds to any violation of this code.

Owner shall mean the natural person or persons who is/are the owner of record of the property. The term "owner" also includes a personal or family trust consisting solely of natural persons and the trustees of such trust or the members of any partnership, limited liability partnership, or limited liability company consisting solely of natural persons, the number of whom does not exceed four. The term "owner" does not include a business entity.

Owner's primary residence shall mean a residential property lived in by the Owner for at least nine months, which is documented by at least two of the following: motor vehicle registration, voter registration, homeowner's exemption on their property taxes, utility bill, or tax documentation.

Property shall mean a residential, legal lot of record on which a short-term rental is located.

Rental term shall mean the period of time a responsible person rents or leases a short-term rental.

Responsible person shall mean an occupant of a short-term rental who is at least 21 years old and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with provisions of this chapter.

Single-family dwelling shall mean a residential unit designed and intended for occupancy by one household, which may be located in a standalone structure or within a development where each unit is independently owned. This includes detached homes and condominiums, whether detached or attached, but excludes multi-unit buildings containing more than two dwelling units under single property ownership or with shared access corridors.

Short-Term Rental Permit shall mean a permit, issued by the city to allow the use of a Single-Family Dwelling as a Vacation Rental, Limited Vacation Rental, or Homesharing Rental

Short-term rental shall mean a privately-owned residential dwelling, or portion thereof, unless otherwise prohibited, that is offered or provided to a guest by an operator for less than 30 consecutive days. The term Short-Term Rental includes vacation rentals, limited vacation rentals, and homesharing rentals; however, it shall not include hotels, motels, inns, or bed and breakfasts.

Vacation rental shall mean a single-family dwelling, or portion thereof, utilized for occupancy for dwelling, lodging, or sleeping purposes for a period of less than 30 consecutive days without the owner being present. An ongoing month-to-month tenancy granted to the same renter for the same unit for a period of 30 days or more is not a “vacation rental.”

VR zone shall mean a city recognized zone or area within the city. The City Council may for the purpose of this chapter only, determine zones areas by resolution. The City Council by resolution may recognize, for purposes of this chapter only, a new zone.

VR zone percentage shall mean a percentage derived by dividing the total number of residential dwelling units within a zone that have been issued a vacation rental registration permit (not including any limited vacation or homesharing rental permits) by the total number of residential dwelling units within that zone, and multiplying that quotient by 100.

VR zone percentage cap shall mean the maximum VR zone percentage allowed by the City Council in each zone. The VR zone percentage cap will be the same for all zones. The VR zone Percentage Cap may be adjusted by the City Council by ordinance or resolution.

16.110.040 Short-Term Rental – Permit Types.

- A. An Owner or operator must obtain one of the following types of Short-Term Rental Permit to advertise, rent, or otherwise operate any short-term rental (regardless of the type of short-term rental), and shall be responsible for complying with all requirements of this chapter, relevant to their short-term rental type.
1. Vacation Rental Permit:
 - a. Allows a single-family dwelling to be rented for periods of less than 30 consecutive days without the owner residing on-site during the rental term.
 - b. Vacation Rentals may operate year-round, subject to all applicable rules and regulations.
 2. Limited Vacation Rental Permit:
 - a. Allows a single-family dwelling or eligible ADU to be rented for periods of less than 30 consecutive days, with no more than four rental contracts per 12-month period.
 - b. This permit is designed for occasional short-term rentals. Properties operating under this permit type are subject to the same rules and regulations as vacation rentals.
 3. Homesharing Rental Permit:
 - a. Allows an owner to host guests in their primary residence for a period of less than 30 consecutive days, provided the owner resides on-site throughout the guest’s stay.

16.110.050 Short-Term Rental – Permit Required.

- A. The operation of any kind of short-term rental, including a vacation rental, a limited vacation rental, or a homesharing rental without a Short-Term Rental Permit is prohibited.
- B. A Short-Term Rental Permit shall not be issued to any business entity. A natural person, personal or family trust, or a partnership, limited liability partnership, or limited liability company that does not qualify as a “business entity” shall not maintain any financial interest in more than one vacation rental. For this purpose, financial interest includes both legal and beneficial ownership and any arrangement that provides for receipt of any portion of revenue generated by the short-term rental. For purposes of this section, a person shall be deemed to have a financial interest in any vacation rental that is owned by their spouse or registered domestic partner regardless of the terms of any contractual arrangement, such as any transmutation (i.e., pre- or post-nuptial) agreement. An owner shall only be issued and can only maintain one vacation rental registration certificate at any time.
- C. Each owner of a short-term rental who rents, exchanges, trades, gifts, or grants such short-term rental for a period of less than 30 consecutive days shall fully comply with all provisions of this chapter related to the use and occupancy of a short-term rental, and the operational requirements, provided in this chapter.
- D. No owner of residential property in the city shall rent any short-term rental for a period of less than 30 consecutive days without a valid short-term rental Permit pursuant to this chapter.
- E. A copy of the current Short-Term Rental Permit as issued by the city and the maximum number of guests allowed on the premises shall be displayed in a clear and legible manner in a conspicuous and easily accessible location in the unit and on all advertising related to the short-term rental, including without limitation, web-based advertising, hosting platform, print media, and television.
- F. The issuance and/or renewal of a Short-Term Rental Permit shall be deemed evidence that the holder of such Permit has registered a short-term rental with the City and that holder acknowledges the holder’s obligation to comply with all provisions of this chapter and the code. The issuance of a Permit shall not be construed as bestowing or granting any vested right of entitlement.

16.110.060 Caps on Certificates based on Zone.

- A. The City shall not issue any new Vacation Rental Permits in any zone in which the zone percentage cap has been exceeded or would, with the issuance of any such Permit, be exceeded. In the event the zone percentage cap has been exceeded for

a particular zone, and more than one additional complete applications are on file with the city for Vacation Rental Permits within that zone, if and when the zone percentage falls below the applicable zone percentage cap for that zone, any additional Vacation Rental Permits for that zone shall be issued in order of the date on which complete applications were received by the city (i.e., on a “first in time, first in right” basis). There shall be no zone percentage cap for Limited Vacation Rental Permits or Homesharing Rental Permits.

16.110.070 Agency.

- A. An owner may retain an agent with an exclusive listing arrangement or representative to assist in the compliance with the requirements of this chapter, including, without limitation, the filing of a complete application for a Short-Term Rental Permit, the management of the short-term rental unit or units, and compliance with the requirements of this chapter including the collection and payment to the City of all transient occupancy taxes due and payable on the short-term rental. The owner and any such agent or representative of the owner must have the authority to evict any tenant, resident, or guest permitted to reside at the short-term rental for violation of any provision of this chapter or regulation thereof. Except as provided in subsection (B) of this section and notwithstanding any agency relationships between an owner and an agent or representative, the owner of the short-term rental or units shall execute all applications and documentary requirements as provided in this chapter and shall remain responsible for compliance with the provisions of this chapter. The failure of an agent to comply with this chapter shall not relieve the owner of the owner's obligations under the provisions of this chapter.
- B. In the event an owner enters into an exclusive listing arrangement, the Short-Term Rental Permit may be secured, and the transient occupancy registration certificate requirements provided in this chapter may be performed by the agent or representative and not by the owner; however, the agent or representative shall separately account all revenues and costs on a per property basis, including without limitation transient occupancy taxes and the gross rent amounts used to calculate such taxes.

16.110.080 Short-Term Rental Permit Application Requirements.

- A. An applicant for a Short-Term Rental Permit shall apply for the Permit on an application form furnished by or acceptable to the enforcement official and signed by the applicant under penalty of perjury. Each application shall contain the following information:
 - 1. The name, address, and telephone number of the owner of the property for which the Short-Term Rental Permit is to be issued. The name, address and telephone numbers of any other natural persons, limited liability companies or personal or

- family trusts that hold any financial interests in the short-term rental as well as copies of legal documents creating such financial interests.
2. The name, address, and telephone number of the exclusive listing agent, if any, of the owner of the unit.
 3. The name, address, and 24-hour telephone number of the local contact person and verification that the local contact person can respond in person to the short-term rental property within 30 minutes. The local contact person may only use the address of the short-term rental if the local contact person will be present at the unit for the duration of each rental period.
 4. The address of the residential property proposed to be used as a short-term rental.
 5. The number of bedrooms and the applicable overnight and daytime occupancy limit of the unit consistent with the provisions of 16.110.090(B).
 6. Evidence of a valid transient occupancy registration certificate issued by the City for the short-term rental.
 7. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of the short-term rental type.
 8. Executed indemnification and hold harmless agreement in a form approved by the City Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the City of Claremont, the City Council of the City of Claremont, individually and collectively, and the City of Claremont representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of owner's actions or inaction in the operation, occupancy, use, and/or maintenance of the property.
 9. Evidence of insurance coverage as required under Section 16.110.090(v) of this chapter.
 10. Completion of building, fire, and safety inspection and completion of any corrections identified by an enforcement official. Such inspections shall include a review of the premises for compliance with the operational requirements of this chapter, including without limitation determining the total number of qualified bedrooms.
 11. Written acknowledgement in a form approved by the enforcement official of distribution of a neighbor notice. The Owner of a detached unit shall distribute a neighbor notice to properties abutting, directly, and diagonally across the street from their property. The owner of an attached unit shall distribute a neighbor notice to properties that directly share a wall, ceiling, or floor with their unit.
 12. Written acknowledgement in a form approved by the enforcement official that there are no covenants or other deed restrictions on the property that prohibit or limit the use of the property as a short-term rental. The enforcement official may accept a written consent from the governing board of a homeowners' association with jurisdiction over the property in satisfaction of this requirement.
 13. Such other information as the enforcement official deems reasonably necessary

to administer this chapter.

- B. The application for a Short-Term Rental Permit shall be accompanied by a fee established by resolution of the city council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the city in administering the provisions of this chapter.
- C. A Short-Term Rental Permit application shall be denied if a Permit for the same unit and issued to the same owner has previously been revoked pursuant to Section 16.110.130. The denial of a Short-Term Rental Permit for any reason may be appealed in accordance with the provisions of Chapter 16.321 of the Municipal Code.
- D. Short-Term Rental Permits do not run with the land. Upon change of property ownership, the Short-Term Rental Permit shall automatically terminate, and the property shall not be used as a short-term rental until the new or successor owner is issued a Short-Term Rental Permit. The provisions of Section 16.110.050(b) shall be applicable to any such new or successor owner. In the event of a change in agent or the occurrence of any other material fact set forth in the annual registration, a new Short-Term Rental Permit shall be required to continue the operation of the short-term rental and within seven days of said change the owner or their exclusive listing agent shall submit the required registration and fee.
- E. The recipient of a Short-Term Rental Permit must notify the enforcement official within seven days of the date the short-term rental property is sold or otherwise disposed of or after an event that results in the unit no longer being used as a short-term rental.

16.110.090 Operational Requirements and Standard Conditions.

- A. The owner shall use reasonably prudent property ownership/management practices to ensure that the short-term rental complies with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws.
- B. The owner shall limit overnight occupancy of the short-term rental to no more than two persons per bedroom plus one, and no more than eight occupants total (regardless of the number of bedrooms). The owner may allow up to two minor children, age 12 or under, to occupy the short-term rental in addition to the maximum number of occupants otherwise permitted under this subsection. For the purposes of this section, a studio shall be considered a one bedroom. The number of bedrooms in a short-term rental shall be verified by the enforcement official using county assessor records, city building records, and/or a physical inspection of the premises prior to the issuance of a Short-Term Rental Permit. The owner shall limit daytime occupancy of the short-term rental to no more than double the overnight occupancy limit. Daytime occupancy shall mean visitors or guests who are not staying on the

property overnight.

- C. A maximum of one vehicle per bedroom, plus one additional vehicle, is allowed for each short-term rental. Overnight parking for all vehicles must be provided on-site. For the purposes of this section, a studio shall be considered a one bedroom.
- D. Advertising and/or renting one or more short-term rentals as part of a cluster or compound is prohibited.
- E. For any property for which a Limited Vacation Rental Permit has been issued, no more than four contracts for vacation rental use of that property shall be allowed or provided in any 12-month period.
- F. For any property for which a Vacation Rental Permit has been issued, if the operator reports four or fewer contracts for the rental in a 12-month period, the permit will automatically be converted to a Limited Vacation Rental Permit. The Owner must then reapply for a new Vacation Rental Permit.
- G. If the owner/operator of a homesharing rental does not live on-site in the home, and is not able to respond within 30 minutes to complaints regarding the condition, operation, or conduct of occupants of the homesharing rental, the property shall be deemed a vacation rental, and owner shall be required to fully comply with the provisions of this chapter relating to vacation rentals, including without limitation, securing a Vacation Rental Permit.
- H. During the rental term each short-term rental is rented, the owner, their agent, and/or the local contact person designated by the owner, after being contacted by the enforcement official, shall be available 24 hours per day, seven days per week, for the purpose of: (1) responding by telephone within 15 minutes of complaints from or through the hotline; and (2) responding in-person within 30 minutes to any additional or successive complaints regarding the condition, operation, or conduct of occupants of the short-term rental.
- I. The owner shall use reasonably prudent property ownership/management practices to ensure that the occupants and/or guests of the short-term rental do not create unreasonable noise disturbances, engage in disorderly conduct, or violate provisions of the municipal code or any state law.
- J. Notwithstanding the provisions of Section 16.154.020, any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed short-term rental and shall not be audible at the property line of the short-term rental.
- K. Prior to occupancy pursuant to each separate occasion of rental of a short-term

rental, the owner or the owner's agent or representative shall enter into a digital or hard copy written contract with a responsible person where: (1) the responsible person will provide the responsible person's name, age, address, and a copy of a government issued identification; (2) establishes and sets out the terms and conditions of the contract, including without limitation, occupancy limits, noise prohibitions, and vehicle parking requirements; (3) requires the responsible person to acknowledge and agree that he or she is legally responsible for compliance of all occupants of the short-term rental or their guests with all provisions of this chapter and/or the municipal code; (4) the owner or the owner's agent provides a copy of the "Good Neighbor Brochure" to the responsible person; (5) the responsible person provides a list of all guests by name; and (6) the responsible person provides a list of all guests' vehicles, including license plate numbers. Each contract shall be maintained by the owner or the owner's agent for a minimum of four years and shall be readily available for inspection upon request of the enforcement official. A summary or abstract of the contract, in a form approved by the enforcement official, shall be filed with the enforcement official prior to each applicable occupancy, in a manner approved by the enforcement official.

- L. In the event the enforcement official notifies the owner or their agent that the responsible person, including any occupant and/or guest of the short-term rental unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed one or more other violations of provisions of the City's Municipal Code or any state law, the owner shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests, and remove one or more of the guests when requested by the enforcement official. For the purpose of this subsection and subsection (M) below, the phrase "in a timely and appropriate manner" shall mean in-person contact within 30 minutes for any call from the enforcement official.
- M. Failure of the owner or their agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the short-term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this chapter. It is not intended that an owner, agent, or local contact person act as a peace officer or place himself or herself in an at-risk situation.
- N. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the collectors in compliance with section 8.08.220. The owner shall use reasonably prudent property ownership/management practices to ensure compliance with all the provisions of Chapter 8.08 of the Municipal Code (Garbage and Solid Waste).
- O. All home repairs (external and internal), garden and yard maintenance, and pool cleaning and maintenance shall comply with all provisions of Chapter 16.154 of the Claremont Municipal Code (Environmental Protective Standards).

- P. The owner or the owner's agent or representative shall meet and greet the responsible party at the short-term rental and obtain their name, address, and a copy of a valid government identification. The owner or owner's agent shall explain and describe all rules and regulations applicable to the use of the property as a short-term rental and the responsibilities of the responsible party to the neighbors and the City as well as the owner. If an in-person meeting is not feasible, the owner or the owner's agent may communicate with the responsible party through digital written or verbal means, provided all required information is shared, including the rules, regulations and responsibilities of the responsible party.
- Q. The owner of the short-term rental shall post a copy of the Short-Term Rental Permit and a copy of the conditions set forth in this section, including all rules and regulations applicable to the use of the property as a short-term rental, a conspicuous and easily accessible location in the unit. For the purposes of a homesharing rental unit, this may be located in the rented room or portion of the home.
- R. The owner shall provide each occupant of a short-term rental with the following information prior to occupancy of the unit and/or post such information in a conspicuous place within the unit:
1. The name of the managing agency, agent, rental manager, local contact person, or owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis;
 2. The maximum number of occupants permitted to stay in the unit during the day and overnight;
 3. The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
 4. Notification that any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall only be operated within a fully enclosed short-term rental and shall not be audible at the property line of the short-term rental;
 5. Notification that the occupant may be cited or fined by the city and/or immediately removed by the owner, in addition to any other remedies available at law, for creating a disturbance or for violating any provision of this chapter;
 6. Notification that failure to conform to the occupancy requirements of the short-term rental is a violation of this chapter;
 7. A copy of this chapter of the Claremont Municipal Code, as may be amended from time to time.
- S. The use of a short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.

- T. The owner shall comply with all provisions of Chapter 3.28 of the Municipal Code concerning transient occupancy taxes, including, but not limited to, submission of a monthly return for each short-term rental in accordance with Section 3.28.060. The monthly return shall be filed each month regardless of whether the short-term rental unit was rented or not during each such month.
- U. The enforcement official shall have the authority to impose additional standard conditions, applicable to all short-term rentals, as necessary, to achieve the objectives of this chapter. A list of all such additional standard conditions shall be maintained and on file in the office of the City Clerk and such offices as the city manager designates.
- V. Notwithstanding the provisions of subsection (W) below, upon a determination of good cause, the enforcement official may impose additional or special standards or requirements for placement or imposition of special conditions or performance standards for owners, owner's agents, local contact persons, and their affected short-term rentals. The standard conditions may be modified by the enforcement official upon request of the owner or their agent based on site-specific circumstances for the purpose of allowing reasonable accommodation of a short-term rental. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property as a short-term rental would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications of to the standard conditions shall not further exacerbate an already existing problem.
- W. The enforcement official shall have the authority to establish administrative rules and regulations, which may include, but are not limited to, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements consistent with the provisions of this chapter, for the purpose of implementing, interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this chapter. No person shall fail to comply with any such regulation. A copy of such administrative rules and regulations shall be on file in the office of the City Clerk.
- X. Owner shall procure, maintain, and pay premiums for commercial insurance policies that cover short-term rental of property for each short-term rental with minimum limits as may be established by the city manager from time to time. Proof of a short-term rental platform's standard coverage may be sufficient for this section.
- Y. Owner in good standing shall secure a biannual building, fire and safety inspection prior to renewal of the Short-Term Rental Permit. Owner with one or more violations shall secure an annual building, fire and safety inspection prior to renewal of the Short-Term Rental Permit.

16.110.100 Specific Prohibitions.

- A. No person or entity shall place or caused to be placed or maintain or cause to be maintained any advertisement of a short-term rental that is in violation of any provision of this chapter.
- B. Short-term rentals are prohibited in units in multifamily housing. No person or entity shall offer or provide an apartment, or any portion thereof, as a rental for less than 30 consecutive days to any person. This prohibition shall not apply to duplexes.
- C. No landlord shall evict any tenant or otherwise terminate a lease for the purpose of converting the rental unit to a short-term rental or in anticipation of converting the rental unit to a short-term rental. In addition to any other remedy provided under the Claremont Municipal Code, failure to comply with this provision may be asserted as an affirmative defense in an action brought by or on behalf of the landlord to recover possession of the rental unit.
- D. No person shall offer to rent or rent an accessory dwelling unit (ADU) for a rental period of less than 30 consecutive days.
- E. No Vacation Rental or Homesharing Rental Permits shall be issued for an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU). An owner may apply for a Limited Vacation Rental permit for their ADU provided all other requirements of this chapter are met.
- F. No person shall offer both a single-family dwelling as a vacation rental and an ADU as a limited vacation rental simultaneously. However, the owner may obtain a homesharing rental permit for a portion of the primary residence and a limited vacation rental permit for the ADU, provided all other requirements of this chapter are met.
- G. No person who received funding through the City's ADU Grant Program or other city-provided funds for an ADU or JADU shall offer or provide an ADU, JADU, or primary residence for a rental period of less than 30 consecutive days during the terms of the covenant.
- H. No person shall use, or allow the use of, a short-term rental property for commercial and/or social events, including but not limited to weddings, receptions, baby showers, corporate gatherings, parties, or similar events that exceed the approved occupancy limits or generate income, sponsorship, or promotional benefits for the host. This prohibition applies regardless of whether the event is advertised, ticketed, or privately hosted. Short-term rental properties shall be used solely as temporary lodging accommodation.

16.110.110 Audit.

Each owner and agent or representative of any owner shall provide the enforcement official with access to each short-term rental and the books, records, documents, papers, tax returns, and financial records at any time during normal business hours as the enforcement official may determine are necessary or convenient for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

16.110.120 Violations.

- A. Any person who violates a provision of this chapter is subject to criminal sanctions and administrative penalties pursuant to Chapter 16.406 and the specific penalties as provided in this chapter. Any person who uses, or allows the use of, residential property in violation of the provisions in this chapter is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this chapter. An administrative citation issued pursuant to Chapter 16.406 for a first violation shall be \$100, for a second violation \$200 and each subsequent violation shall be \$500. Each administrative citation for a violation of any provision of this chapter shall be levied or assessed against the owner or responsible person.
- B. Upon the third violation in any twelve-month period, the enforcement official shall suspend the Short-Term Rental Permit for two years. Notwithstanding the preceding sentence, failure by any person who is responsible to remit to the city the city's transient occupancy tax pursuant to Chapter 3.24 following written notice to do so, shall result in a suspension for 12 months of that person's Short-Term Rental Permit for the applicable property.
- C. Any person who operates a short-term rental without the required Short-Term Rental Permit, shall be liable to the city for the payment of transient occupancy tax pursuant to the provisions of the Claremont Municipal Code Chapter 3.24, including, without limitation, penalties and interest, payment of an administrative fine in the amount of \$100, and permanent ineligibility to operate a short-term rental in the city. In the event the person continues to operate a short-term rental without a Short-Term Rental Permit, the person shall be liable for an administrative fine in the amount of \$200 for the second violation and \$500 for each subsequent day the short-term rental is operated without a certificate.
- D. Any person who advertises a short-term rental without including the Short-Term Rental Permit number in any advertising for such short-term rental or without timely tendering full monthly payments of transient occupancy tax, shall pay a fine in the amount of \$100 and the owner's Short-Term Rental Permit may be suspended for six months for a first offense and shall pay a fine in the amount of \$200 and the

owner's vacation registration certificate may be revoked for a second offense. For each subsequent violation the City may impose a fine in the amount of \$500.

- E. The failure of an owner or the owner's agent or representative to comply with an order of any police officer may result in the revocation of the Short-Term Rental Permit.
- F. The appeal and hearing provisions of Chapter 16.321 shall apply to any revocation or suspension of a Short-Term Rental Permit.
- G. Any person who fails to pay any fee or charge provided in this chapter within the time required shall pay a penalty in the amounts established by the City Council by resolution. Such penalty may also include interest from the date on which the fee or charge became due and payable to the city until the date of payment.
- H. The filing of knowingly false claims against a short-term rental or the guests staying in a short-term rental is prohibited and shall be punishable by administrative fines as provided in Chapter 16.406 of this code.
- I. In addition to, and not in lieu of, any other remedy allowed by law, all remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy, criminal, civil, or administrative which may be pursued by the city to enforce this chapter and/or address any violation of this code or to remedy any other public nuisance.

16.110.130 Requirements Not Exclusive.

The requirements of this chapter shall be in addition to any license, permit, or fee required under any other provision of this code. The issuance of any permit pursuant to this chapter shall not relieve any person of the obligation to comply with all other provisions of this code pertaining to the use and occupancy of Short-term rental or the property on which it is located.

SECTION 4. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have adopted this Ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SECTION 5. The mayor shall sign this ordinance and the city clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish in the Claremont Courier, a weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be

in force.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 20__.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:

City Attorney, City of Claremont