



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TOWN OF CORTE MADERA PLANNING COMMISSION AGENDA

Tuesday, September 26, 2023, 7:00 PM

The Commission will meet in person. Members of the public may attend in person or by video/teleconference.

Members of the public may attend the meeting in person, or view and participate in the meeting remotely through the following link: <https://us06web.zoom.us/j/84104397707>
(No Pre-Registration Needed - Click on Link at Meeting Start Time)

You may call in using: 1 (408) 638-0968 (Zoom webinar ID: 841 0439 7707)
Or iPhone one-tap: +14086380968, 84104397707#

Submit public comment by:

1. Emailing publiccomment@tcmmail.org prior to 5:00 P.M. on the day of the meeting.
2. Attending the meeting in-person at the Interim Council Chambers, 240 Tamal Vista Blvd., Suite 108, Corte Madera
3. Selecting the "Raise Hand" icon in the Zoom meeting or dialing *9 if calling in to the meeting.

Click [here](#) for information on how to attend the meeting in person, participate remotely or submit public comment.

To download the complete agenda packet for this meeting, visit our archive center by clicking [here](#). Please be advised that those participating in the meeting remotely via Zoom do so at their own risk. The Planning Commission meeting will not be cancelled if any technical problems occur during the meeting.

1. OPENING

- A. Call to Order
- B. Roll Call
- C. Salute to the Flag

2. PUBLIC COMMENT

The public is invited to address the Planning Commission on any matter in the Commission's jurisdiction, except for items scheduled for continued or new hearings. Comments are limited to three minutes per speaker.

3. CONSENT CALENDAR

All items placed on the consent calendar may be acted on collectively on a motion by any Commissioner, and each shall be deemed to have received the action recommended by staff. Any Commissioner or member of the public may request the removal of any item from the consent calendar, and it will then be considered last under "New Hearings".

- A. None

4. CONTINUED HEARINGS

- A. None

5. NEW HEARINGS

- A. **SHORT TERM RENTAL ORDINANCE** - PUBLIC HEARING TO CONSIDER RECOMMENDATION TO THE CORTE MADERA TOWN COUNCIL OF A PROPOSED ORDINANCE ESTABLISHING REGULATIONS FOR SHORT-TERM RESIDENTIAL RENTALS (STRS) INCLUDING AMENDMENTS TO SECTIONS 3.08.020 AND 3.08.030 (TRANSIENT OCCUPANCY TAX), CHAPTER 18.04 (ZONING DEFINITIONS) AND SECTION 18.08.020 (PERMITTED AND CONDITIONAL USES IN RESIDENTIAL DISTRICTS); AND ADDING A NEW CHAPTER 5.34 (SHORT-TERM RENTAL LICENSING PROGRAM) (Robert Brown, Consulting Planner)

6. BUSINESS ITEMS

A. None

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

- i. Commissioners
- ii. Planning Staff
- iii. **Tentative Agenda Items for the Tuesday, October 10, 2023 Planning Commission Meeting**
(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)
 - a. **DESIGN REVIEW DISCUSSION**
- iv. **Future Agenda Items**
(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)
 - a. None

B. MINUTES

- i. **None.** (Planning Commission Meeting Minutes of September 12, 2023 will be reviewed at the next Planning Commission meeting.)
-

8. ADJOURNMENT

To the next Planning Commission Meeting which is tentatively scheduled for **Tuesday, October 10, 2023 at 7pm**

TO ACCESS PLANNING COMMISSION PACKET MATERIALS AND STAFF REPORTS, VISIT:

<http://www.townofcortemadera.org/Archive.aspx?AMID=41>

PROCEDURAL NOTES

1. ALL DOCUMENTS RELATING TO AGENDA ITEMS ARE AVAILABLE FOR PUBLIC REVIEW IN THE PLANNING DEPARTMENT OF THE TOWN OF CORTE MADERA OFFICES AT 240 TAMAL VISTA BLVD., SUITE 110, BETWEEN THE HOURS OF 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY, VIA APPOINTMENT OR BY CONTACTING STAFF <https://tinyurl.com/y2zzpk98>. STAFF REPORTS ARE NORMALLY AVAILABLE ON FRIDAY AFTERNOON PRECEDING THE TUESDAY MEETINGS. IT IS RECOMMENDED THAT YOU CONTACT THE PLANNING DEPARTMENT FOR AVAILABILITY.
2. EACH PERSON DESIRING TO SPEAK ON A PUBLIC HEARING ITEM WILL BE GIVEN AN OPPORTUNITY AT THE APPROPRIATE TIME. PLEASE STATE YOUR NAME AND ADDRESS AS THE MEETING IS BEING RECORDED.
3. **APPEAL** - FOLLOWING ACTION BY THE PLANNING COMMISSION AT A PUBLIC HEARING OR MEETING, ANY DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE TOWN COUNCIL WITHIN TEN (10) CALENDAR DAYS. APPEAL FORMS ARE AVAILABLE AT THE PLANNING DEPARTMENT, CORTE MADERA TOWN HALL OR AT <https://tinyurl.com/appealCMform>. A \$300 FILING FEE IS REQUIRED.
4. IF YOU CHALLENGE THE ACTION OF THE PLANNING COMMISSION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN AT OR PRIOR TO THE PUBLIC HEARING.
5. IT IS THE PLANNING COMMISSION'S POLICY TO ADJOURN ALL MEETINGS BY 10:00 P.M. UNLESS THE COMMISSION VOTES TO EXTEND THE MEETING

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (415) 927-5064. For auxiliary aids or services or other reasonable accommodation to be provided by the Town at or before the meeting, please notify the Planning Department at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the Town does not receive timely notification of your reasonable request, the Town may not be able to make the necessary arrangements by the time of the meeting.
--

ITEM 5A

SHORT TERM RENTAL ORDINANCE - PUBLIC HEARING TO CONSIDER RECOMMENDATION TO THE CORTE MADERA TOWN COUNCIL OF A PROPOSED ORDINANCE ESTABLISHING REGULATIONS FOR SHORT-TERM RESIDENTIAL RENTALS (STRS) INCLUDING AMENDMENTS TO SECTIONS 3.08.020 AND 3.08.030 (TRANSIENT OCCUPANCY TAX), CHAPTER 18.04 (ZONING DEFINITIONS) AND SECTION 18.08.020 (PERMITTED AND CONDITIONAL USES IN RESIDENTIAL DISTRICTS); AND ADDING A NEW CHAPTER 5.34 (SHORT-TERM RENTAL LICENSING PROGRAM)

**Planning Commission Meeting
September 26, 2023**



CORTE MADERA PLANNING COMMISSION STAFF REPORT

Report Date: September 21, 2023
Meeting Date: September 26, 2023

TO: Planning Commissioners

FROM: Robert Brown, Consulting Planner
Adam Wolff, Town Manager

SUBJECT: Public Hearing to Consider Recommendation to the Corte Madera Town Council of a Proposed Ordinance Establishing Regulations for Short-Term Residential Rentals (STRs) Including Amendments to Sections 3.08.020 and 3.08.030 (Transient Occupancy Tax), Chapter 18.04 (Zoning Definitions) and Section 18.08.020 (Permitted and Conditional Uses in Residential Districts); and Adding a New Chapter 5.34 (Short-Term Rental Licensing Program)

RECOMMENDED ACTION:

Staff recommends that the Planning Commission, after review of all information, presentations, and public testimony, adopt Resolution No. 23-013 ([Attachment 1](#)) recommending that the Town Council:

- Adopt an ordinance to amend Sections 3.08.020 and 3.08.030 (Transient Occupancy Tax), Chapter 18.04 (Zoning Definitions) and Section 18.08.020 (Permitted and Conditional Uses in Residential Districts); and add a new Chapter 5.34 (Short-Term Rental Licensing Program) with the draft ordinance included as Exhibit A to Attachment 1.

BACKGROUND:

The Town Council, in their 2018, 2020 and 2023 Strategic Plan discussions, addressed Short-Term Rental (STR) policies as a quality of life issue for the community. During the priority-setting discussions on February 21, 2023, the Council indicated a desire to consider STR regulations as a policy matter.

On June 8, 2022, the Town conducted a public workshop to discuss options for STRs. The online workshop had about 20 participants. The public opinion instrument used at the workshop was posted as an online questionnaire during the month of August. Postcard notices were sent to all households to participate in the online survey. A total of 549 responses to the questionnaire were received. In responding to a question about whether the Town should continue to ban STRs, 47% of survey respondents support retaining the current ban on STRs while 53% said they could support allowing STRs if there were appropriate regulations.

The Planning Commission discussed STRs at their meeting of October 25, 2022, including results of the community survey. Commissioner Kenney stated that he would support the current ban on short-term rentals but, should short-term rentals be allowed, he believed they should be regulated. Commissioner Bandel and Vice-Chair Rizzo discussed their preference to retain and enforce the current short-term residential rental ban. Commissioner Bundy indicated his preference to allow short-term residential rentals with light regulations. A video recording of the Planning Commission discussion can be accessed here (2 minute mark): <https://youtu.be/eUcq32Ji-0A?feature=shared&t=120>.

The Town Council discussed STRs at their meeting of April 18, 2023. The Council directed staff to prepare a draft ordinance to allow and regulate STRs and offered several suggestions for potential regulations to be considered. The Council indicated that the current situation of prohibiting STRs but not actively enforcing the ban was sending mixed messages to the community. The Council felt that since STRs are occurring in Corte Madera they should be appropriately regulated and that the ability for owners to occasionally rent their home or portions thereof is helpful financially in affording the high price of home ownership in the area. A video recording of the Town Council discussion can be accessed here (1 hour, 8 minute mark): <https://youtu.be/LPLY-Ks9YAs?feature=shared&t=4057>.

The Planning Commission held a public hearing to consider a draft ordinance creating a STR Program at their meeting of August 8, 2023. The Commissioners offered numerous suggestions for modifications to the draft ordinance that would increase neighborhood protections and clarify penalties for violations of the program. These suggestions along with staff responses are summarized in Attachment 2. The resulting proposed revisions to the draft ordinance are discussed below. A video recording of the Planning Commission discussion can be accessed here (1 minute, 30 second mark): <https://youtu.be/ZPzYrg6h5QA?feature=shared&t=91>.

[All prior staff reports are available on the Short-Term Rentals project webpage.](#)

DISCUSSION:

A summary of the proposed program regulations was provided in the August 8, 2023 staff report to the Planning Commission.

(https://www.townofcortemadera.org/DocumentCenter/View/8652/Planning-Commission-STR-staff-report-with-attachments_8823).

The following is a synopsis of the proposed revisions to the draft ordinance resulting from the Planning Commission's suggestions at that meeting.

Property Eligibility

The draft ordinance now limits property owners to having a single STR license as a means of precluding individuals or business entities from purchasing multiple homes for STR rentals [§5.34.040(a)(2)].

Parking Requirements

The previous exemption from the parking location requirements in the Zoning Code, which would have allowed the location of STR parking in the front setback area, has been removed [§5.34.050(c)(2)].

Safety Requirements

After consultation with the Neighborhood Response Group (NRG) Coordinator and Advisory Chairs, the draft ordinance calls for providing the NRG with the annual registry of all licensed STRs [§5.34.050(d)(4)].

The Police Chief has reviewed the draft ordinance and suggests that emergency contact information be provided to the Police Department for each licensed STR [§5.34.050(d)(5)].

License Application Process

The definition of the Short-Term Rental License Registry, which will be posted on the Town's STR website, has been modified to remove language regarding redaction of owners' names and site addresses [§5.34.030].

The percentage of licensed STRs which are audited was increased from 5% to 10% [§5.34.050(f)(7)].

Enforcement Procedures

The Town Attorney has recommended additional text further defining code enforcement options and procedures in response to Planning Commission suggestions, including the following:

- Clarifying that complaints can be filed orally or in writing [§5.34.070(a)],
- Creating options for civil actions such as injunctive or monetary relief (up fines up to \$1,000/day) against owners or hosting platforms as well as authority to suspend an issued license [§5.34.070(c)], and
- Adding provisions for private civil actions [§5.34.070(d)].

The revised draft ordinance is included as Exhibit A to Attachment 1. In addition, a redline version that shows the revisions made to the draft ordinance based on the feedback received by the Commission on August 8, 2023, is included as Attachment 3.

ENVIRONMENTAL IMPACT:

An ordinance regulating STRs would be exempt from the California Environmental Quality Act (CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, since the added land use regulations establish a licensing program for existing private single-family homes and does not involve expansion of structures or expansion of the residential use of existing structures as regulated.

OPTIONS:

1. Adopt Resolution No. 23-013 (Attachment 1) recommending that the Town Council adopt an ordinance to amend Sections 3.08.020 and 3.08.030 (Transient Occupancy Tax), Chapter 18.04 (Zoning Definitions) and Section 18.08.020 (Permitted and Conditional Uses in Residential Districts) and Adding a new Chapter 5.34 (Short-Term Rental Licensing Program) with the draft Town Council Ordinance included as Exhibit A to Attachment 1.
2. Provide recommendations regarding amendments to the draft ordinance, or
3. Recommend against creation of a Short-Term Rental Licensing Program.

ATTACHMENTS:

1. Resolution No. 23-013 recommending that the Town Council adopt an ordinance to amend Sections 3.08.020 and 3.08.030 (Transient Occupancy Tax), Chapter 18.04 (Zoning Definitions) and Section 18.08.020 (Permitted and Conditional Uses in Residential Districts) and Adding a new Chapter 5.34 (Short-Term Rental Licensing Program)
Exhibit A: Draft Town Council Ordinance
2. Summary of Planning Commission Suggestions from August 8, 2023 meeting
3. Redline Version Showing Revisions Made to the Draft Ordinance

Attachment 1
Draft Planning Commission Resolution No. 23-013

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 23-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE
MADERA RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN ORDINANCE
AMENDING SECTIONS 3.08.020 AND 3.08.030 (TRANSIT OCCUPANCY TAX),
CHAPTER 18.04 (ZONING DEFINITIONS) AND SECTION 18.08.020 (PERMITTED
AND CONDITIONAL USES IN RESIDENTIAL DISTRICTS) OF THE CORTE
MADERA MUNICIPAL CODE, AND ADDING A NEW CHAPTER 5.34 ENTITLED
“SHORT-TERM RENTAL LICENSING PROGRAM”**

WHEREAS, the Town Council finds that the growth of short-term rentals if unregulated may lead to neighborhood conflicts unless appropriate rules are established and understood by property owners, community members, decision makers and enforcement personnel; and

WHEREAS, surveys in 2022 indicate there were on average 30 active on-line short-term rental offerings in the Town of Corte Madera that have been operating illegally and without established regulations or licensing and without payment of transient occupancy tax which is required of all other transient rentals; and

WHEREAS, the Town Council desires to regulate the renting of residential dwelling units for periods of 30 consecutive days or less; establish procedures for reviewing and approving short-term rental permit applications; and establish eligibility, location, parking, occupancy, and other standards for short-term rentals to limit the potential impact on neighbors and public safety; and

WHEREAS, the Town Council desires to create a short-term rental program that will allow property owners to mitigate housing costs by supplementing their income from their primary residences, while minimizing adverse impacts on the housing supply and on persons and households that could result from the loss of residential units through their conversion to tourist or transient use; and

WHEREAS, on June 8, 2022, the Town staff and consultant held an on-line community forum to discuss policy issues related to short-term rentals and possible regulatory options; and

WHEREAS, during the month of August 2022 the Town staff and consultant conducted an on-line community survey seeking resident input on policy issues related to short-term rentals and possible regulatory options which garnered 549 individual responses; and

WHEREAS, on October 25, 2022, the Corte Madera Planning Commission held a public meeting to discuss policy issues related to short-term rentals and possible regulatory options, providing feedback to Town staff and the Town Council; and

WHEREAS, on April 18, 2023, the Corte Madera Town Council conducted a public meeting to discuss policy issues related to short-term rentals and possible regulatory options and directed staff to prepare an ordinance establishing a short-term rental program and regulations for Council consideration; and

WHEREAS, Town staff has determined that the short-term rental licensing program is exempt from the California Environmental Quality Act, Section 21000 *et seq.* of the California Public Resources Code (“CEQA”); and

WHEREAS, on July 28, 2023, notice of the Corte Madera Planning Commission public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Planning Commission hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on July 29, 2023, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on August 8, 2023, the Corte Madera Planning Commission held a duly noticed public hearing and accepted public testimony on proposed amendments to the Corte Madera Municipal Code for a short-term rental licensing program. Refinements were made to the draft ordinance based on feedback received from the Commission at this hearing; and

WHEREAS, on September 15, 2023, notice of the Corte Madera Planning Commission public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Planning Commission hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on September 16, 2023, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 26, 2023, the Corte Madera Planning Commission held a duly noticed public hearing and accepted public testimony on proposed amendments to the Corte Madera Municipal Code creating a short-term rental licensing program; and

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the Town of Corte Madera does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Compliance with the California Environmental Quality Act (CEQA)

The ordinance and amendments are categorically exempt from CEQA under 14 C.C.R. section 15301 (Existing Facilities) since the added regulations establish a licensing program for existing private single-family homes which does not involve expansion of structures or expansion of the residential use of existing structures as regulated.

3. General Plan Consistency

The Planning Commission of the Town of Corte Madera hereby finds that the proposed ordinance amendments are in the best interest of the Town because they further goals, policies, and implementation programs of the General Plan to promote home ownership by offering residents opportunities to offset mortgage costs through revenue from limited short-term rental of dwellings or portions thereof and to maintain the health and safety of home occupants and neighbors through adoption and enforcement of appropriate regulations for the licensing of short-term rentals. The amendments specifically are consistent and implement the following General Plan policies and programs:

Policy LU-2.3 Protect and conserve the existing housing stock and existing residential areas. Require owners to maintain their properties in good condition and appearance and to eliminate unsafe and unhealthy conditions. Protect residents and maintain the housing stock by enforcing the Zoning Ordinance and the building, housing, and fire codes for all types of residential units.

Implementation Program LU-2.3a: Code Enforcement. Continue zoning, building, and fire code enforcement to ensure compliance with development and maintainnce regulations as well as health and safety standards.

Implementation Program LU-2.7a Allowed and accessory uses. Amend provisions of the Zoning Ordinance to specify the range of allowed and accessory uses in residential zones, including those uses which would require approval of a conditional use permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town of Corte Madera Planning Commission forwards its recommendations to the Town Council to adopt the ordinance amendments attached in Exhibit A.

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on September 26, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

Peter Chase, Chair

Adam Wolff, Town Manager

EXHIBIT A TO ATTACHMENT 1

DRAFT ORDINANCE AMENDING SECTIONS 3.08.020 AND 3.08.030 (TRANSIT OCCUPANCY TAX), CHAPTER 18.04 (ZONING DEFINITIONS) AND SECTION 18.08.020 (PERMITTED AND CONDITIONAL USES IN RESIDENTIAL DISTRICTS) OF THE CORTE MADERA MUNICIPAL CODE, AND ADDING A NEW CHAPTER 5.34 ENTITLED “SHORT-TERM RENTAL LICENSING PROGRAM”

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
AMENDING SECTIONS 3.08.020 AND 3.08.030 (TRANSIT OCCUPANCY TAX),
CHAPTER 18.04 (ZONING DEFINITIONS) AND SECTION 18.08.020 (PERMITTED
AND CONDITIONAL USES IN RESIDENTIAL DISTRICTS) OF THE CORTE
MADERA MUNICIPAL CODE, AND ADDING A NEW CHAPTER 5.34 ENTITLED
“SHORT-TERM RENTAL LICENSING PROGRAM”**

WHEREAS, the Town Council finds that the growth of short-term rentals if unregulated may lead to neighborhood conflicts unless appropriate rules are established and understood by property owners, community members, decision makers and enforcement personnel; and

WHEREAS, surveys in 2022 indicate there were on average 30 active on-line short-term rental offerings in the Town of Corte Madera that have been operating illegally and without established regulations or licensing and without payment of transient occupancy tax which is required of all other transient rentals; and

WHEREAS, the Town Council desires to regulate the renting of residential dwelling units for periods of 30 consecutive days or less; establish procedures for reviewing and approving short-term rental permit applications; and establish eligibility, location, parking, occupancy, and other standards for short-term rentals to limit the potential impact on neighbors and public safety; and

WHEREAS, the Town Council desires to create a short-term rental program that will allow property owners to mitigate housing costs by supplementing their income from their primary residences, while minimizing adverse impacts on the housing supply and on persons and households that could result from the loss of residential units through their conversion to tourist home use; and

WHEREAS, on June 8, 2022, the Town staff and consultant held an on-line community forum to discuss policy issues related to short-term rentals and possible regulatory options; and

WHEREAS, during the month of August 2022, the Town staff and consultant conducted an on-line community survey seeking resident input on policy issues related to short-term rentals and possible regulatory options which garnered 549 individual responses; and

WHEREAS, on October 25, 2022, the Corte Madera Planning Commission held a public meeting to discuss policy issues related to short-term rentals and possible regulatory options, providing feedback to Town staff and the Town Council; and

WHEREAS, on April 18, 2023, the Corte Madera Town Council conducted a public meeting to discuss policy issues related to short-term rentals and possible regulatory options and directed staff to prepare an ordinance establishing a short-term rental licensing program and regulations for Council consideration; and

WHEREAS, Town staff has determined that the short-term rental licensing program is exempt from the California Environmental Quality Act, Section 21000 *et seq.* of the California Public Resources Code (“CEQA”); and

WHEREAS, on July 28, 2023, notice of the Corte Madera Planning Commission public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Planning Commission hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on July 29, 2023, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on August 8, 2023, the Corte Madera Planning Commission held a duly noticed public hearing and accepted public testimony on proposed amendments to the Corte Madera Municipal Code creating a short-term rental licensing program. Refinements were made to the draft ordinance based on feedback received from the Commission at this hearing; and

WHEREAS, on September 15, 2023, notice of the Corte Madera Planning Commission public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Planning Commission hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on September 16, 2023, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 26, 2023, the Corte Madera Planning Commission held a duly noticed public hearing and accepted public testimony on proposed amendments to the Corte Madera Municipal Code creating a short-term rental licensing program; and

WHEREAS, on xxxxx, notice of the Corte Madera Town Council public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Town Council public hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on xxxx, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on xxxxx, the Corte Madera Town Council held a duly noticed public hearing and accepted public testimony to introduce and consider the proposed amendments to the Corte Madera Municipal Code.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

Section 1. Amendments to Title 3 (Revenue and Finance) of the Corte Madera Municipal Code.

Note: Deleted text is in strike-out text. New text is in underlined text.

Section 3.08.020(1) of Title 3 (Revenue and Finance) of the Corte Madera Municipal Code is hereby amended to read as follows:

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof. Any house or home, or portion thereof occupied by transients shall be deemed a hotel during the period of such occupancy.

* * *

Section 3.08.030 of Title 3 (Revenue and Finance) of the Corte Madera Municipal Code is hereby amended to read as follows:

3.08.030 - Tax imposed.

For the privilege of occupancy in any hotel/motel, including, without limitation, a residence used for occupancy for 30 days or less, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. This tax constitutes a debt owed by the transient to the town which is extinguished only by payment to the operator or to the town. The transient shall pay the tax to the operator of the hotel/motel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel/motel. If for any reason the tax due is not paid to the operator of the hotel/motel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

- (1) Twenty percent of the transient occupancy tax collected by the town after the effective date of the ordinance increasing the tax to ten percent shall be allocated to the Corte Madera Chamber of Commerce under rules and regulations adopted by resolution of the town council which shall include, at a minimum, provision for the following: record keeping requirements on the part of the Chamber of Commerce, regular payments of said collected tax by the town to the Chamber of Commerce,

insurance requirements, limitations on the purposes for which said funds may be used by the Chamber of Commerce consistent with this chapter, indemnification of the town by the Chamber and other terms and conditions required by the town.

- (2) The purposes, for which the funds authorized hereby to be allocated to the Chamber of Commerce may be used, shall be the following: expenses incurred by the town in connection with 4th of July celebrations; office space rental and operational overhead by the Chamber of Commerce; and publishing, printing and distributing historical and promotional brochures pertaining to the town; and such additional items as specified in resolutions adopted by the town council.
- (3) Notwithstanding anything to the contrary stated above, in the event that the Corte Madera Chamber of Commerce dissolves or ceases conducting any and all activities, the funds otherwise allocable under this section shall not be allocated to the Chamber of Commerce and shall be reserved in the town's general fund to be expended for promoting a healthy business community.

Section 2. Amendment of Title 5 (Business Licenses and Regulations) of the Municipal Code.

Title 5 (Business Licenses and Regulations) of the Corte Madera Municipal Code is hereby amended to add a new Chapter 5.34 (Short-Term Rental Licensing Program) to read in its entirety as follows:

CHAPTER 5.34 – SHORT-TERM RENTAL LICENSE

Sections:

5.34.010 – Purpose and intent.

The Town of Corte Madera Short-Term Rental License Program benefits the general public by allowing property owners to mitigate housing costs by supplementing their income from their residences, while minimizing potential adverse impacts on the housing supply and on persons and households of all income levels resulting from the loss of residential units through their conversion to residential units to transient and tourist use, minimizing potential adverse impacts on the use and enjoyment of surrounding properties by owners and residents, and to provide visitors with a variety of safe short-term lodging options.

5.34.020 – Applicability.

Notwithstanding any other provision of this Title, all short-term rentals as defined and regulated by Title 18 (Zoning) of this Code, must obtain a Short-term Rental License and comply with the requirements set forth in this chapter in order to engage in the business of short-term rentals of property.

5.34.030 – Definitions.

For the purpose of this chapter, the following definitions shall apply:

“Booking Service” means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner or Business Entity and a prospective tourist or transient user, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

“Business Entity” means a corporation, partnership, or other legal entity that is not a natural person that owns or leases one or more residential units.

“CMMC” means the Corte Madera Municipal Code.

“Complaint” means a complaint submitted to the Department and/or the Town’s third-party contractor alleging a violation of the Corte Madera Municipal Code and/or this program and that includes the Residential Unit’s address, date(s) and nature of the alleged violation(s), and any available contact information for the Owner and/or resident of the Residential Unit at issue.

“Conversion” or “Convert” means a change of use from Residential Unit to Tourist or Transient Use, including, but not limited to, renting a Residential Unit as a Tourist or Transient Use.

“Department” means the Community Development Department of the Town of Corte Madera.

“Director” means the Director of the Community Development Department, or designee.

“Dwelling unit” for purposes of this program means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with a kitchen, sleeping facilities, and sanitary facilities for the exclusive use of one household, but not including any such unit occupied in whole or in part by the property owner or the property owner’s family members, including parents, children, brothers, sisters, aunts, uncles, nieces, and/or nephews.

“Good Standing” means maintaining good standing on the Registry by being in compliance with all program requirements set forth in this program.

“Host” means a person or Business Entity that participates in the short-term rental business by providing a short-term rental.

“Hosting Platform” means a person or Business Entity that participates in the short-term rental business by providing and collecting or receiving a fee for Booking Services

through which a Host may offer a Residential Unit for Tourist or Transient Use. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows a Host to advertise the Residential Unit through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential tourist or transient users arrange Tourist or Transient Use and payment, whether the tourist or transient pays rent directly to the Host or to the Hosting Platform.

“Interested Party” means a Resident of the building in which the Tourist or Transient Use is alleged to occur, any homeowner association associated with the Residential Unit in which the Business Entity property in which the Tourist or Transient Use is alleged to occur, a Resident or Owner of a property within 100 feet of the property containing the Residential Unit in which the Business Entity property in which the Tourist or Transient Use is alleged to occur, the Town of Corte Madera, or any non-profit organization exempt from taxation pursuant to Title 26, Section 501 of the United States Code, which has the preservation or improvement of housing as a stated purpose in its articles of incorporation or bylaws.

“Local Emergency Contact” means an individual with responsibility for the operation of the Short-Term Rental and authorized by the property owner to respond to complaints and requirements from the Town, the Town’s subcontractor or any Interested Party and quickly rectify any violation of the program. The Local Emergency Contact shall be available to receive phone calls or messages at any time when the Short-Term Rental is occupied and shall reside within a 30-mile distance of the Short-Term Rental property.

“Owner” means any person who is the owner of record of the real property.

“Recreational Vehicle” means a motorhome, house car, travel trailer, truck camper, or camp trailer, with or without motive power, designed for human habitation or other occupancy.

“Residential Unit” means a room or rooms within an existing legally permitted single-family residence or portion thereof, which are designed, built, rented, leased, let or hired out to be occupied for Residential Use as defined and regulated by the Corte Madera Municipal Code.

“Short-Term Rental” means any rental of all or a portion of a Residential Unit for 30 consecutive days or less.

“Short-Term Rental License Registry” or “Registry” means a database of applications received and licenses issued by the Department of properties that may be offered for Short-Term Rental. The Registry shall be available for public review to the extent required by law..

“Transient” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full

days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

“Travel Trailer” means a vehicle designed for recreational purposes to carry persons or property on its own structure and constructed to be drawn by a motor vehicle, as defined in California Vehicle Code §242 or California Vehicle Code §324.

“Tourist and Transient Use” means any use of a Residential Unit for thirty days or less, including any occupancy by employees or guests of a Business Entity for 30 days or less where payment for the Residential Unit is contracted for or paid by the Business Entity.

5.34.040 – Property Eligibility

- (a) Eligible Properties. Only properties where all of the following conditions are met are eligible to obtain a Short-Term Rental License:
- (1) The Residential Unit is offered for Tourist or Transient Use by the Owner of the Residential Unit;
 - (2) The Owner of the Residential Unit does not currently own another property within the Town of Corte Madera that has a valid Short-Term Rental License; and
 - (3) The Owner has registered the Residential Unit with the Department, complied with the requirements of the Short-Term Rental License, and has no outstanding code violations or violations of the License, fees or taxes.
- (b) Ineligible Properties. The following property types are not eligible for a Short-Term Rental License:
- (1) An Accessory Dwelling Unit or Junior Accessory Dwelling Unit as defined by CMMC Title 18 (Zoning);
 - (2) A unit created pursuant to Section 65852.21 of the California Government Code;
 - (3) A unit created pursuant to Section 66411.7 of the California Government Code
 - (4) Income-restricted or deed-restricted affordable housing units, including Below-Market-Rate (BMR) units and public housing;
 - (5) Student housing and dormitories;
 - (6) Multifamily dwelling units;

- (7) Non-residential areas within buildings, such as garages, storage areas or accessory structures that do not meet residential occupancy requirements and were not permitted for such occupancy;
- (8) Motorized Recreational Vehicles (RVs), including non-motorized travel trailers;
- (9) Boats or House Boats;
- (10) Teepees, yurts, tents, and treehouses;
- (11) Sleeping quarters in vans or cars; and
- (12) Properties with outstanding code violations.

5.34.050 – License Requirements.

(a) **Duration.** A Short-Term Rental License shall not be construed as providing property rights or vested interests and entitlements in continued operation of a Short-Term rental. A Short-Term Rental License is a revocable license, which expires annually. A Short-Term Rental License shall not run with the land.

(b) **Occupancy Limits.** Occupancy for any Short-Term Rental is limited as follows:

- (1) A Short-Term Rental is limited to two (2) occupants per bedroom, as defined in the California Building Code. An additional (2) occupants are allowed in Short-Term Rentals that provide a separate living space. In no instance may a Short-Term Rental provide a total occupancy that is greater than the capacity of the number of vehicles which can be accommodated by the off-street parking requirements of this chapter.
- (2) All intended occupants shall be listed on the rental agreement for each Short-Term Rental occurrence. Only occupants listed on the rental agreement shall be present on the property containing the Short-Term Rental between the hours of 10:00 pm and 6:00 am.
- (3) A Short-Term Rental shall be rented for no more than seventy-five (75) days in any calendar year.

(c) **Off-Street Parking Requirements.**

- (1) Properties offered as Short-Term Rentals must provide sufficient designated and easily identified off-street parking spaces to meet the occupancy level offered by the Short-Term Rental. Properties offered as Short-Term Rentals shall meet the requirements of Section 18.20.050 (Standards for off-street parking facilities) of the CMMC. Additional parking shall be required for Short-Term Rentals that allow more than eight occupants, at a ratio of one additional off-

street parking space for each additional four occupants, with any fractional number rounded up. In no instance can the total occupancy of a Short-Term Rental exceed the vehicle capacity of the designated off-street parking available.

- (2) Parking Plan required. All applications for a Short-Term Rental license shall include a Parking Plan which demonstrates that all off-street parking spaces comply with all requirements of this program and the CMMC. The Parking Plan shall include an accurately dimensioned map depicting the location and size of and access to designated parking spaces.
 - (3) Properties with Privately Maintained Shared Vehicle Access. In addition to the requirements for submittal of a Parking Plan above, Short-Term Rental applications where vehicle access to the property and associated designated parking is shared with multiple owners and is privately maintained, shall include a description of the methods in which the presence of the Short-Term Rental will avoid encumbering parking or access to properties with shared access, proposed text and placement of signage identifying designated off-street parking spaces to be used by the Short-Term Rental, and documents establishing the Short-Term Rental's entitlement to use the required number of parking spaces.
- (d) Safety. The Short-Term Rental shall comply with the following safety requirements:
- (1) Operable smoke and carbon monoxide alarms in accordance with the requirements of the currently adopted California Building Standards Code.
 - (2) An operable fire extinguisher on every floor of the residence and in the garage having a minimum fire rating of 2A: 10BC.
 - (3) For properties within the adopted Wildland Urban Interface (WUI), maintenance of areas surrounding the residence in compliance with Cal Fire Code Sections 4901.1 to 4907.4 and as required by the Central Marin Fire Department.
 - (4) The Department shall provide a list of all Short-Term Rentals to the Neighborhood Response Group (NRG) Coordinator each year on January 1st, provided that an NRG Coordinator exists for the area of Town in which the STR is located. This information will be disseminated by the NRG Coordinator to the applicable Block Captains. The NRG Coordinator may provide the Town written notice requesting that the Town cease providing such information to the NRG.
 - (5) For all properties, the name and phone number of the emergency contact shall be provided to the Central Marin Police Authority.

- (e) Interior Signage. Properties offered as Short-Term Rentals shall have a clearly visible and legible notice posted adjacent to the inside of the front door, containing the following information:
- (1) 24-Hour Emergency Contact Person and contact information.
 - (2) Maximum number of occupants.
 - (3) Maximum number of vehicles and location of off-street parking for the Short-Term Rental.
 - (4) Garbage/recycling/compost disposal instructions.
 - (5) Emergency phone number for police and fire departments.
 - (6) For properties within the adopted Wildland Urban Interface (WUI), the contact information, including phone number, for the local Neighborhood Response Group (NRG), should one exist.
 - (7) Diagram of the floorplan of the residence showing egress routes out of the building(s).
 - (8) Map of the vicinity of the subject property showing the most direct vehicular evacuation route out of the area.
 - (9) Information on signing up for local emergency alerts (www.nixle.com) and local weather forecasts (www.weather.gov/mob/forecast).
 - (10) Name, address and phone number of nearest emergency medical facility that is open all hours.
 - (11) Information on the Corte Madera Noise Ordinance citing the relevant nighttime noise regulations in Section 9.36.050 of the Corte Madera Municipal Code.
 - (12) For properties that share access with other properties, an advisory that under no circumstances may the Short-Term renter block the shared access.
- (f) License Applications.
- (1) The Department shall develop a license application containing property information to ensure compliance with the requirements of this chapter or other information that the Department deems necessary for the ongoing monitoring and evaluation of the program. The required property information shall be listed on prescribed forms developed by the Department.
 - (2) The application shall contain the following language: “A Short-Term Rental License shall not be construed as providing property rights or vested interests and entitlements in continued operation of a Short-Term rental. A Short-Term

Rental License is a revocable license, which expires annually. A Short-Term Rental License shall not run with the land.”

- (3) Registration and Term. A Short-term Rental License shall have a maximum term of one-year ending on December 31st of the calendar year when issued. A Host may reapply for a license for the next calendar year by filing a completed renewal application at least 30 days, but no more than 90 days, prior to expiration of the previous License. The Department shall determine, in its sole discretion, the completeness of an application. Upon receipt of a complete initial application, the Department shall send mailed notice to the owner of record of the Residential Unit, informing the owner that an application to the Registry for the unit has been received. Upon successful completion of the registration, the Town will issue an individual Short-Term Rental License number and Corte Madera Business License number for the property for that calendar year.
- (4) Fees. The Town is authorized to collect fees as necessary to ensure that the program recovers all costs for administering and enforcing the Licensing program. Annual application and/or registration fees for this program shall be no higher than necessary to recover the cost of the Short-Term Rental License program and shall be paid at the time of application or renewal. These fees shall be set by the Town Council by resolution.
- (5) Transient Occupancy Tax Collection and Remittance. Hosts shall collect and remit Transient Occupancy Taxes to the Town as required under CMMC Chapter 3.08 on a monthly basis for each Short-Term Rental.
- (6) Reporting Requirement. As a condition of obtaining and maintaining a license, the Host shall submit a semi-annual report to the Department by January 1 and July 1 of each year, regarding the number of days the Residential Unit or any portion thereof has been rented as a Short-Term Rental since either initial registration of the last report, whichever is more recent, and any additional information the Department may require to demonstrate compliance with the program.
- (7) Annual Audit. Each calendar year, the Town will select approximately ten percent (10%) of licensed properties to audit to ensure License compliance. This audit will include:
 - (A) Review of compliance with program requirements;
 - (B) Property inspection; and
 - (C) Transient Occupancy Tax payment review.If a Short-Term Rental is deemed non-compliant, the Department shall follow the Administrative Enforcement Procedures outlined in Section 5.34.070.
- (8) Program Evaluation. The Director shall provide a report to the Town Council within two years of the initiation of the Program, including information on the

number of licensed short-term rentals, their location, average length of stay, all enforcement actions related to the Program, and fiscal impacts including revenue and program management costs.

5.34.060 – Requirements for Hosting Platforms

- (a) All Hosting Platforms shall notify Hosts listing a Residential Unit through the Hosting Platform's service that (i) CMMC Chapter 5.34 regulates Short-Term Rental of Residential Units in the Town; (ii) Chapter 5.34 requires the Host to obtain a Town License under said chapter; and (iii) Short-Term Rental of Residential Units are subject to the Town's transient occupancy tax under CMMC Chapter 3.08. This notice shall be provided prior to the Host listing the Residential Unit on the Hosting Platform.
- (b) A Hosting Platform shall comply with the requirements of CMMC Chapter 3.08 (Transient Occupancy Tax) and Chapter 5.04 (Business Licenses), among any other applicable requirements, collecting and remitting all required Transient Occupancy Taxes, and this provision shall not relieve a Hosting Platform of liability related to an occupant's, resident's, Business Entity's, or Owner's failure to comply with the requirements of CMMC Chapters 3.08 and 5.04. A Hosting Platform shall maintain a record demonstrating that the taxes have been remitted to the Town.
- (c) A Hosting Platform may provide, and collect a fee for, Booking Services in connection with Short-Term Rentals for Residential Units located in the Town only when the Hosting Platform exercises reasonable care to confirm that those Residential Units are lawfully registered on the Town's Short-Term Rental Registry at the time the Residential Unit is rented for short-term rental. The Hosting Platform shall contact the Short-Term Rental License Program Town Contact to confirm that the Residential Unit is lawfully registered on the Short-Term Rental Registry.
- (d) For each Short-Term Rental transaction for which a Hosting Platform has provided a Booking Service, the Hosting Platform shall maintain records, which the Hosting Platform provides to the Town upon request. Said records must contain the following information:
 - (1) The name of the Owner or Business Entity who offered a Residential Unit for Tourist or Transient Use,
 - (2) The address of the Residential Unit,
 - (3) The dates for which the tourist or transient use procured use of the Residential Unit using the Booking Service provided by the Hosting Platform, and
 - (4) The registration number for the Residential Unit.

- (e) Notwithstanding any other provision of this chapter, nothing in this program shall relieve an individual, Business Entity, or Hosting Platform of the obligations imposed by any and all applicable provisions of state law and the Corte Madera Municipal Code including but not limited to those obligations imposed by CMMC Chapters 3.08 and 5.04. Further, nothing in this program shall be construed to limit any remedies available under any and all applicable provisions of state law and the Corte Madera Municipal Code including but not limited to CMMC Chapters 3.08 and 5.04.

5.34.070 Enforcement Procedures.

- (a) Town Contact. The Department shall designate and post on the Town website, a contact person for members of the public who wish to file oral or written complaints under this program or who otherwise seek information regarding this program or Short-Term Rentals. This contact person shall also provide information to the public upon request regarding quality of life issues, including, for example, noise violations, vandalism, or illegal dumping, and shall direct the member of the public to forward any such complaints to the appropriate Town department. All complaints filed with the Town shall be forwarded to the Host/Property Owner within two business days.
- (b) Determination of Violation. Upon the filing of a written Complaint that an Owner, Host or Hosting Platform has violated this Chapter 5.34, the Director shall take reasonable steps necessary to determine the validity of the Complaint. The Director shall have discretion to determine whether there is a potential violation of this Chapter 5.34. To determine if there is a violation of this Chapter, the Director may initiate an investigation of the subject property or the allegedly unlawful activities. This investigation may include, but is not limited to, an inspection of the subject property and/or a request for any pertinent information from the Owner, Host or Hosting Platform, such as leases, business records, or other documents. If the Director finds there is no violation of this Chapter or basis for an investigation for an unlawful activity, the Director shall so inform the complainant within 60 days of the filing of any Complaint.
- (c) Violations of this ordinance shall be an infraction except as provided in this section. The Director shall also have discretion to enforce this chapter by one of the methods set forth in this section.
 - (1) If the Director finds that conditions at the subject property constitute a danger to health and safety, that person shall take the following actions:
 - A. Issue an Order to the Owner, Host and Hosting Platform suspending their Short-Term Rental License, notifying them of the unsafe conditions, describing the steps necessary to cure said conditions and advising them of their right to contest the Order by requesting a hearing pursuant to Section 9.05.060 of the Corte Madera Municipal Code.

B. Refer the matter for administrative enforcement.

(2) By civil action. The Town may institute civil proceedings for injunctive and monetary relief, including civil penalties, against an Owner, Host or Hosting Platform for violations of this chapter under any circumstances, without regard to whether a Complaint has been filed or the Director has made a determination of a violation. If the Town is the prevailing party in any civil action under this subsection, an Owner, Host and Hosting Platform in violation of this Chapter 41A may be liable for civil penalties of not more than \$1,000 per day for the period of the unlawful activity. Interested Parties other than the Town may not seek or obtain civil penalties. The prevailing party shall be entitled to attorneys' fees.

By administrative citation. The Director shall issue an administrative citation as provided in Chapter 9.05. Any person receiving a citation shall have the right to contest the citation at a hearing as set forth in Chapter 9.05.

(3) Notwithstanding the provisions of Section 9.05.050(a), if the same Host has been cited three or more times in the prior 12 months, and the Director determines that the violations pose a threat to public health and safety, the fines, for subsequent violations shall be as follows:

- A. For the first citation issued under this subdivision, up to one thousand five hundred dollars (\$1,500).
- B. For the second citation issued under this subdivision, up to three thousand dollars (\$3,000).
- C. For the third citation issued under this subdivision and for every citation thereafter, up to five thousand dollars (\$5,000).

(4) If the same Owner, Host or Hosting Platform has violated this Chapter three or more times in the prior 24 months, the third violation and any subsequent violations shall constitute a misdemeanor.

- (d) Private right of action. An Interested Party, as defined in Section 5.34.30, may institute a civil action for injunctive and monetary relief against an Owner, Host or Hosting Platform if all of the following criteria are met:
- (i) The Interested Party has filed a Complaint with the Department;
 - (ii) The Director has not made a written determination pursuant to subsection 5.34.070(b) that there is no violation of this Chapter or basis for an investigation for an unlawful activity;
 - (iii) An administrative hearing officer has not issued a final determination pursuant to subsection 9.05.080(e) regarding the Complaint within 135 days of the filing of the Complaint;

- (iv) After such 135-day period has passed, the Interested Party has provided 30 days' written notice to the Director and the Town Attorney of their intent to initiate civil proceedings; and
 - (v) The Town has not issued a final determination pursuant to subsection 9.05.080(e) or initiated civil proceedings by the end of that 30-day notice period.
 - (vi) Under this subsection 5.34.070(d), the prevailing party shall be entitled to the costs of suit, including reasonable attorneys' fees, pursuant to an order of the court.
- (e) Revocation of License. The Director shall revoke a Short-Term Rental License issued under this chapter if that person concludes any of the following:
- (1) The Short-Term Rental is not current on transient occupancy taxes and has not paid all such taxes to the Town in full by the date upon which such taxes became due.
 - (2) There have been three or more upheld citations for violations of the Corte Madera Municipal Code at the Short-Term Rental property within a twenty-four (24) month period. For the purposes of this subsection, “upheld citations” means citations that were neither overturned after contest or appeal nor dismissed.
 - (3) The Short-Term Rental applicant has submitted a Short-Term Rental application containing a material misrepresentation or omission of material facts.
 - (4) There has been a transfer or an attempt to transfer a Short-Term Rental License to another person, entity, or property.

Revocation decisions by the Director shall be in writing and are subject to appeal through the process set forth in Section 9.05.095 (Right to Judicial Review).

- (f) Public nuisance violations; 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, and the Town Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the Town under Section 1.04.030 (Public Nuisances), Chapter 9.04 (Nuisances) and Chapter 9.05 (Administrative Citation) or under state law.

5.34.080 – No Vested Rights Conferred by License.

Short-Term Rental Licenses shall not be construed as providing property rights or vested interests and entitlements in continued operation of a short-term rental. Short-Term Rental Licenses are revocable licenses that expire as provided by the Short-Term Rental Licensing Program. Short-Term Rental Licenses do not run with the land.

Section 3. Amendments to Title 18 (Zoning) of the Corte Madera Municipal Code.

Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Corte Madera Municipal Code is hereby amended to amend Section 18.04.350, add Section 18.04.707, and amend Section 18.08.020 as follows:

18.04.350 Home Occupation.

“Home occupation” means an accessory use of a dwelling unit for gainful employment, involving the manufacture, provision or sale of goods and/or services in accord with the regulations prescribed in Section 18.08.030, and which does not alter the exterior of the property or affect the residential character of the neighborhood, but excluding a short-term rental in compliance with Chapter 5.34 (Short-Term Rental License).

* * *

18.04.707 Short-term Rental.

“Short-term rental” has the same meaning as set forth in Section 5.34.030 of this Code.

18.04.805 Transient.

~~“Transient” means a person residing at a dwelling unit, bed and breakfast or hotel/motel, for fourteen or fewer days in any calendar year.~~ “Transient” has the same meaning as set forth in Section 5.34.030 of this Code.

* * *

18.08.020 Permitted and conditional uses in residential districts.

The following schedule indicates by the symbol "X" the uses that are permitted uses and the uses that are conditional uses in each residential district:

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(1) Single-family dwellings	X	X	X	X	X
(2) Multiple dwellings	X				

(3) Home occupations, complying with the provisions of Section 18.08.030(1)	X	X	X	X	X
(4) <u>Short-term rentals, complying with the provisions of Chapter 5.34</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
(5) Incidental and accessory structures and uses for the exclusive use of residents on the site and their guests limited to the following:					
(A) Garages and carports	X	X	X	X	X
(B) Garden structures, including, but not limited to, arbors and pool houses.	X	X	X	X	X
(C) Greenhouses	X	X	X	X	X
(D) Storage buildings	X	X	X	X	X
(E) Recreation rooms	X	X	X	X	X
(F) Hobby shops and studios not containing noisy or objectionable machinery or equipment, and not involving on-premises sales	X	X	X	X	X
(6) Keeping of household pets not exceeding three adult pets of any given species, not exceeding six pets total	X	X	X	X	X
(7) Temporary subdivision sales offices complying with Section 18.08.030(3)	X	X	X	X	X
(8) Private swimming pools and hot tubs complying with the provisions of Section 18.08.030(4)	X	X	X	X	X
(9) Residential care facilities as defined in Section 18.04.650	X	X	X	X	X
(10) Group homes for six or fewer persons	X	X	X	X	X
(11) Small family day care home	X	X	X	X	X
(12) One accessory dwelling unit or junior accessory dwelling unit which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X
(13) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) in compliance with the provisions of Chapter 18.21	X	X	X	X	X
(14) Outdoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23		X	X	X	X
(15) Indoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23	X	X	X	X	X

Conditional Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(1) Multiple houses complying with the provisions of Section 18.08.030(6)	X				
(2) Common swimming pools	X				
(3) Private stable for the keeping of not more than three horses on a site of not less than two acres, and one additional horse for each acre in addition to two acres			X	X	X
(4) Bed and breakfast	X				
(5) Large family day care home ¹	X	X	X	X	X
(6) Day care center	X				
(7) Philanthropic and/or eleemosynary institution	X	X	X	X	X
(8) Private, nonprofit library, nonprofit art gallery, or nonprofit museum	X	X	X	X	X
(9) Private, noncommercial recreation center, park, swim club or similar facility	X				
(10) Private, noncommercial club or lodge	X	X	X	X	X
(11) Public utility or public service structure or installation, when found by the planning commission to be necessary for the function of a conditional uses	X	X	X	X	X
(12) Accessory structures and uses, located on the same site, and necessary for the function of a conditional uses	X	X	X	X	X
(13) Keeping of animals other than household pets					X
(14) Speculative grading and certain structures as defined in Section 18.24.100	X	X	X	X	X
(15) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) and/or honey bees (apis Mellifera) in compliance with the provisions of Chapter 18.21	X	X	X	X	X

¹ Large family day care home permit, pursuant to Section 18.08.030.

Section 4. Compliance with the California Environmental Quality Act (“CEQA”).

The adoption of this ordinance is categorically exempt from CEQA under 14 C.C.R. section 15301 (Existing Facilities) since the added regulations establish a licensing program for existing private single-family homes which does not involve expansion of structures or expansion of the residential use of existing structures as regulated.

Section 5. Effective Date.

This ordinance shall become effective on January 1, 2024, in compliance with California Government Code Section 36937.

Section 6. Posting.

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting on the ____ day of _____, 2023; and adopted on the ____ day of _____, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Charles Lee, Mayor

ATTEST:

Lorena Barrera, Town Clerk

Attachment 2
Summary of Planning Commission Suggestions from August 8, 2023 meeting

Planning Commission Suggestions for Modifications to STR Ordinance - 8/8/23

Suggestion	Staff Response
Property Eligibility	
Limit owners to licensing of a single property, including named officers of a business entity	Incorporated into draft ordinance in §5.34.040(a)(2).
Preclude licensing of a home which is rented or leased (revise definition of “Residential Unit”)	Most leases preclude renters from sub-leasing their home, which would include short-term rentals. Signature of the property owner will be required for application for a STR license.
Establish a cap on licenses issued by neighborhood (based on safety issues)	Staff does not recommend a cap at this time. If there is a concentration of STRS in certain neighborhoods, then adjustments to the program can be made. A provision has been added to §5.34.050(f)(8) requiring a 2-year report on the program including the location of licensed STRs and all program-related enforcement actions.
License Requirements	
Occupancy Limits	
Reduce 75-day annual cap on rentals to 60 days	Staff continues to recommend a 75-day annual cap on renting an STR believing this gives flexibility to owners who may have temporarily relocated due to business or family demands, but should limit potential income sufficiently to dissuade investors from purchasing homes to use exclusively as STRs.
Increase 75-day annual cap on rentals to 90 days	
Establish minimum rental period of 5 to 7 days	This restriction would greatly limit short-term rentals. Staff has included in §5.34.050(f)(8) that the 2-year report would include information on average length of stay.
Amend period in which only occupants listed on the rental agreement may occupy the property from 10pm to 9am (currently 6am)	Staff recommends the proposed restriction that only occupants listed on the rental agreement may be present at the property between 10pm and 6am, which coincides with the hours regulated by the Town’s noise ordinance.
Parking Requirements	
Eliminate exemption from parking locational standards in 18.20.050(5) [i.e., preclude counting parking spaces located in front setback]	Exemption from the Zoning Code’s parking location standards has been eliminated from §5.34.050(c)(2).
Safety Requirements	
Owners must notify Neighborhood Response Group representative (if existing) of renter contact info. for each rental	Per feedback from the NRG Coordinator and Advisory Chairs, there is not interest in having owners notify NRGs of each renter’s contact information. Instead, NRG would like to receive a list of all licensed STRs which has been added to the draft ordinance in §5.34.050(d)(4) and to have information posted for renters regarding emergency alert signups and other safety information already incorporated into §5.34.050(e). In addition, a

Suggestion	Staff Response
	provision (#6) was added requiring that STRs located in the WUI provide the local NRG contact if one exists.
Emergency contact information should be provided to the Police Department for each rental period	The Police Chief has recommended that emergency contact information for each licensed STR be provided to the Department, which has been added to the draft ordinance in §5.34.050(d)(5).
Interior Signage Requirements	
Include contact information for a local Neighborhood Response Group in the signage posted for renters	As noted above, §5.34.050(e) was amended to include a provision requiring that STRs located in the WUI provide the local NRG contact if one exists.
Additional Operational Requirements	
Property owner should be reachable at all times during rental [e.g., not just a designated local emergency contact person]	The purpose of having a designated local emergency contact person (defined in §5.34.030 as someone residing within 30 miles of the STR) is to have someone responsible for the property that can travel to the property and address any issues within a very short timeframe. Owners who are far from the property and potentially in different time zones would not be able to quickly address problems. The ordinance has been revised in §5.34.070(a) to require that a property owner be notified within two business days of any complaints that the Town receives.
Require that owners check renters in and out for each rental	This likely runs afoul of the South Lake Tahoe decision since it would restrict out-of-state property owners.
License Application Process	
Require a training program for licensees	A training program would be cumbersome and time consuming for staff to develop and is not recommended.
Provide communications [e.g., Town website] to owners and residents re: program requirements, complaint process, etc.	A webpage that includes program information for owners/hosts and residents will be created.
Require posting of the registry of STRs for the public	The STR website will include posting of a registry and a map of licensed STRs. The previous language re: redaction of owner names and site address in the definition of Short Term Rental License Registry in §5.34.030 has been deleted.
Increase % of registered STRs audited annually from 5% to 10%	The draft ordinance was revised to increase annual audits to 10% in §5.34.050(f)(7).
Require verification that renters are complying with refuse requirements (recycling, green waste) and water conservation	This is not required of existing residents and would be impractical to enforce for STRs. The information packet provided by the hosts can include information on recycling.
Requirements for Hosting Platforms	
Include (or clarify) penalties for violations by a Hosting Platform	

Suggestion	Staff Response
Clarify how Hosting Platform must verify compliance with regulations by posted rentals	The Town Attorney has added enforcement options to §5.34.070(c) that include actions against Hosting Platforms for violations.
Add details regarding collection of TOT (frequency, etc.)	These administrative details are covered in Chapter 3.08, which is cited in the draft ordinance.
Require Hosting Platforms to report all STR rentals to the Town	Information about rentals will be provided through payment of TOT by the Hosting Platforms. Monitoring of rentals will occur via a third-party vendor hired by the Town for continuous STR monitoring.
Administrative and Enforcement Procedures	
Clarify how complaints can be filed (oral, in writing, on website)	§5.34.070(a) has been amended to indicate that oral or written complaints may be filed regarding STRs.
Require a deposit fee upon licensing to cover potential code enforcement	Code Enforcement fees are covered through application fees and penalties.
Compensation should be provided to neighbors (reporting party?) as part of fines for program violations	The Town Attorney has added language in §5.34.070(d) allowing for private civil actions.
Clarify how fines are to be collected (property lien, etc.)	Property liens cannot be used to collect fines for violations of municipal ordinances, and can only be used in certain types of nuisance actions.
Expand enforcement options such as a cease-and-desist order	Proposed revisions by the Town Attorney to §5.34.070(c) create the power to suspend an issued license, as well as civil actions such as injunctive or monetary relief (up to \$1,000/day fines).
Do the Town's nuisance provisions apply?	Yes. CMMC 1.04.030 makes any violation of the code a public nuisance subject to remedies in Chapter 9.04.

Attachment 3
Redline Version Showing Revisions Made to the Draft Ordinance

EXHIBIT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
AMENDING SECTIONS 3.08.020 AND 3.08.030 (TRANSIT OCCUPANCY TAX),
CHAPTER 18.04 (ZONING DEFINITIONS) AND SECTION 18.08.020 (PERMITTED
AND CONDITIONAL USES IN RESIDENTIAL DISTRICTS) OF THE CORTE
MADERA MUNICIPAL CODE, AND ADDING A NEW CHAPTER 5.34 ENTITLED
“SHORT-TERM RENTAL LICENSING PROGRAM”**

WHEREAS, the Town Council finds that the growth of short-term rentals if unregulated may lead to neighborhood conflicts unless appropriate rules are established and understood by property owners, community members, decision makers and enforcement personnel; and

WHEREAS, surveys in 2022 indicate there were on average 30 active on-line short-term rental offerings in the Town of Corte Madera that have been operating illegally and without established regulations or licensing and without payment of transient occupancy tax which is required of all other transient rentals; and

WHEREAS, the Town Council desires to regulate the renting of residential dwelling units for periods of 30 consecutive days or less; establish procedures for reviewing and approving short-term rental permit applications; and establish eligibility, location, parking, occupancy, and other standards for short-term rentals to limit the potential impact on neighbors and public safety; and

WHEREAS, the Town Council desires to create a short-term rental program that will allow property owners to mitigate housing costs by supplementing their income from their primary residences, while minimizing adverse impacts on the housing supply and on persons and households that could result from the loss of residential units through their conversion to tourist home use; and

WHEREAS, on June 8, 2022, the Town staff and consultant held an on-line community forum to discuss policy issues related to short-term rentals and possible regulatory options; and

WHEREAS, during the month of August 2022, the Town staff and consultant conducted an on-line community survey seeking resident input on policy issues related to short-term rentals and possible regulatory options which garnered 549 individual responses; and

WHEREAS, on October 25, 2022, the Corte Madera Planning Commission held a public meeting to discuss policy issues related to short-term rentals and possible regulatory options, providing feedback to Town staff and the Town Council; and

WHEREAS, on April 18, 2023, the Corte Madera Town Council conducted a public meeting to discuss policy issues related to short-term rentals and possible regulatory options and directed staff to prepare an ordinance establishing a short-term rental licensing program and regulations for Council consideration; and

WHEREAS, Town staff has determined that the short-term rental licensing program is exempt from the California Environmental Quality Act, Section 21000 *et seq.* of the California Public Resources Code (“CEQA”); and

WHEREAS, on July 28, 2023, notice of the Corte Madera Planning Commission public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Planning Commission hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on July 29, 2023, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on August 8, 2023, the Corte Madera Planning Commission held a duly noticed public hearing and accepted public testimony on proposed amendments to the Corte Madera Municipal Code creating a short-term rental licensing program. Refinements were made to the draft ordinance based on feedback received from the Commission at this hearing; and

WHEREAS, on September 15, 2023, notice of the Corte Madera Planning Commission public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Planning Commission hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on September 16, 2023, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 26, 2023, the Corte Madera Planning Commission held a duly noticed public hearing and accepted public testimony on proposed amendments to the Corte Madera Municipal Code creating a short-term rental licensing program; and

WHEREAS, on xxxxx, notice of the Corte Madera Town Council public hearing on the short-term rental licensing program was posted at the Town’s Fire Station, Town Hall, and post office, and was posted to the Town’s website. In addition, the public was notified of the Town Council public hearing via the email list of all individuals who have signed up to be notified of Town meetings, the interested parties list, and postings on the Town’s social media accounts; and

WHEREAS, on xxxx, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on xxxxx, the Corte Madera Town Council held a duly noticed public hearing and accepted public testimony to introduce and consider the proposed amendments to the Corte Madera Municipal Code.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

Section 1. Amendments to Title 3 (Revenue and Finance) of the Corte Madera Municipal Code.

Note: Deleted text is in strike-out text. New text is in underlined text.

Section 3.08.020(1) of Title 3 (Revenue and Finance) of the Corte Madera Municipal Code is hereby amended to read as follows:

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof. Any house or home, or portion thereof occupied by transients shall be deemed a hotel during the period of such occupancy.

* * *

Section 3.08.030 of Title 3 (Revenue and Finance) of the Corte Madera Municipal Code is hereby amended to read as follows:

3.08.030 - Tax imposed.

For the privilege of occupancy in any hotel/motel, including, without limitation, a residence used for occupancy for 30 days or less, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. This tax constitutes a debt owed by the transient to the town which is extinguished only by payment to the operator or to the town. The transient shall pay the tax to the operator of the hotel/motel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel/motel. If for any reason the tax due is not paid to the operator of the hotel/motel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

- (1) Twenty percent of the transient occupancy tax collected by the town after the effective date of the ordinance increasing the tax to ten percent shall be allocated to the Corte Madera Chamber of Commerce under rules and regulations adopted by resolution of the town council which shall include, at a minimum, provision for the following: record keeping requirements on the part of the Chamber of Commerce, regular payments of said collected tax by the town to the Chamber of Commerce,

insurance requirements, limitations on the purposes for which said funds may be used by the Chamber of Commerce consistent with this chapter, indemnification of the town by the Chamber and other terms and conditions required by the town.

- (2) The purposes, for which the funds authorized hereby to be allocated to the Chamber of Commerce may be used, shall be the following: expenses incurred by the town in connection with 4th of July celebrations; office space rental and operational overhead by the Chamber of Commerce; and publishing, printing and distributing historical and promotional brochures pertaining to the town; and such additional items as specified in resolutions adopted by the town council.
- (3) Notwithstanding anything to the contrary stated above, in the event that the Corte Madera Chamber of Commerce dissolves or ceases conducting any and all activities, the funds otherwise allocable under this section shall not be allocated to the Chamber of Commerce and shall be reserved in the town's general fund to be expended for promoting a healthy business community.

Section 2. Amendment of Title 5 (Business Licenses and Regulations) of the Municipal Code.

Title 5 (Business Licenses and Regulations) of the Corte Madera Municipal Code is hereby amended to add a new Chapter 5.34 (Short-Term Rental Licensing Program) to read in its entirety as follows:

CHAPTER 5.34 – SHORT-TERM RENTAL LICENSE

Sections:

5.34.010 – Purpose and intent.

The Town of Corte Madera Short-Term Rental License Program benefits the general public by allowing property owners to mitigate housing costs by supplementing their income from their residences, while minimizing potential adverse impacts on the housing supply and on persons and households of all income levels resulting from the loss of residential units through their conversion to residential units to transient and tourist use, minimizing potential adverse impacts on the use and enjoyment of surrounding properties by owners and residents, and to provide visitors with a variety of safe short-term lodging options.

5.34.020 – Applicability.

Notwithstanding any other provision of this Title, all short-term rentals as defined and regulated by Title 18 (Zoning) of this Code, must obtain a Short-term Rental License and comply with the requirements set forth in this chapter in order to engage in the business of short-term rentals of property.

5.34.030 – Definitions.

For the purpose of this chapter, the following definitions shall apply:

“Booking Service” means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner or Business Entity and a prospective tourist or transient user, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

“Business Entity” means a corporation, partnership, or other legal entity that is not a natural person that owns or leases one or more residential units.

“CMMC” means the Corte Madera Municipal Code.

“Complaint” means a complaint submitted to the Department and/or the Town’s third-party contractor alleging a violation of the Corte Madera Municipal Code and/or this program and that includes the Residential Unit’s address, date(s) and nature of the alleged violation(s), and any available contact information for the Owner and/or resident of the Residential Unit at issue.

“Conversion” or “Convert” means a change of use from Residential Unit to Tourist or Transient Use, including, but not limited to, renting a Residential Unit as a Tourist or Transient Use.

“Department” means the Community Development Department of the Town of Corte Madera.

“Director” means the Director of the Community Development Department, or designee.

“Dwelling unit” for purposes of this program means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with a kitchen, sleeping facilities, and sanitary facilities for the exclusive use of one household, but not including any such unit occupied in whole or in part by the property owner or the property owner’s family members, including parents, children, brothers, sisters, aunts, uncles, nieces, and/or nephews.

“Good Standing” means maintaining good standing on the Registry by being in compliance with all program requirements set forth in this program.

“Host” means a person or Business Entity that participates in the short-term rental business by providing a short-term rental.

“Hosting Platform” means a person or Business Entity that participates in the short-term rental business by providing and collecting or receiving a fee for Booking Services

through which a Host may offer a Residential Unit for Tourist or Transient Use. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows a Host to advertise the Residential Unit through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential tourist or transient users arrange Tourist or Transient Use and payment, whether the tourist or transient pays rent directly to the Host or to the Hosting Platform.

“Interested Party” means a Resident of the building in which the Tourist or Transient Use is alleged to occur, any homeowner association associated with the Residential Unit in which the Business Entity property in which the Tourist or Transient Use is alleged to occur, a Resident or Owner of a property within 100 feet of the property containing the Residential Unit in which the Business Entity property in which the Tourist or Transient Use is alleged to occur, the Town of Corte Madera, or any non-profit organization exempt from taxation pursuant to Title 26, Section 501 of the United States Code, which has the preservation or improvement of housing as a stated purpose in its articles of incorporation or bylaws.

“Local Emergency Contact” means an individual with responsibility for the operation of the Short-Term Rental and authorized by the property owner to respond to complaints and requirements from the Town, the Town’s subcontractor or any Interested Party and quickly rectify any violation of the program. The Local Emergency Contact shall be available to receive phone calls or messages at any time when the Short-Term Rental is occupied and shall reside within a 30-mile distance of the Short-Term Rental property.

“Owner” means any person who is the owner of record of the real property.

“Recreational Vehicle” means a motorhome, house car, travel trailer, truck camper, or camp trailer, with or without motive power, designed for human habitation or other occupancy.

“Residential Unit” means a room or rooms within an existing legally permitted single-family residence or portion thereof, which are designed, built, rented, leased, let or hired out to be occupied for Residential Use as defined and regulated by the Corte Madera Municipal Code.

“Short-Term Rental” means any rental of all or a portion of a Residential Unit for 30 consecutive days or less.

“Short-Term Rental License Registry” or “Registry” means a database of applications received and licenses issued by the Department of properties that may be offered for Short-Term Rental. The Registry shall be available for public review to the extent required by law, ~~except that the Department shall redact any Host names and street and unit numbers from the records available for public review to the extent permitted by law.~~

“Transient” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of

thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

“Travel Trailer” means a vehicle designed for recreational purposes to carry persons or property on its own structure and constructed to be drawn by a motor vehicle, as defined in California Vehicle Code §242 or California Vehicle Code §324.

“Tourist and Transient Use” means any use of a Residential Unit for thirty days or less, including any occupancy by employees or guests of a Business Entity for 30 days or less where payment for the Residential Unit is contracted for or paid by the Business Entity.

5.34.040 – Property Eligibility

- (a) Eligible Properties. Only properties where all of the following conditions are met are eligible to obtain a Short-Term Rental License:
- (1) The Residential Unit is offered for Tourist or Transient Use by the Owner of the Residential Unit;
 - (2) The Owner of the Residential Unit does not currently own another property within the Town of Corte Madera that has a valid Short-Term Rental License; and
 - (3) The Owner has registered the Residential Unit with the Department, complied with the requirements of the Short-Term Rental License, and has no outstanding code violations or violations of the License, fees or taxes.
- (b) Ineligible Properties. The following property types are not eligible for a Short-Term Rental License:
- (1) An Accessory Dwelling Unit or Junior Accessory Dwelling Unit as defined by CMMC Title 18 (Zoning);
 - (2) A unit created pursuant to Section 65852.21 of the California Government Code;
 - (3) A unit created pursuant to Section 66411.7 of the California Government Code
 - (4) Income-restricted or deed-restricted affordable housing units, including Below-Market-Rate (BMR) units and public housing;
 - (5) Student housing and dormitories;
 - (6) Multifamily dwelling units;

- (7) Non-residential areas within buildings, such as garages, storage areas or accessory structures that do not meet residential occupancy requirements and were not permitted for such occupancy;
- (8) Motorized Recreational Vehicles (RVs), including non-motorized travel trailers;
- (9) Boats or House Boats;
- (10) Teepees, yurts, tents, and treehouses;
- (11) Sleeping quarters in vans or cars; and
- (12) Properties with outstanding code violations.

5.34.050 – License Requirements.

(a) **Duration.** A Short-Term Rental License shall not be construed as providing property rights or vested interests and entitlements in continued operation of a Short-Term rental. A Short-Term Rental License is a revocable license, which expires annually. A Short-Term Rental License shall not run with the land.

(b) **Occupancy Limits.** Occupancy for any Short-Term Rental is limited as follows:

- (1) A Short-Term Rental is limited to two (2) occupants per bedroom, as defined in the California Building Code. An additional (2) occupants are allowed in Short-Term Rentals that provide a separate living space. In no instance may a Short-Term Rental provide a total occupancy that is greater than the capacity of the number of vehicles which can be accommodated by the off-street parking requirements of this chapter.
- (2) All intended occupants shall be listed on the rental agreement for each Short-Term Rental occurrence. Only occupants listed on the rental agreement shall be present on the property containing the Short-Term Rental between the hours of 10:00 pm and 6:00 am.
- (3) A Short-Term Rental shall be rented for no more than seventy-five (75) days in any calendar year.

(c) **Off-Street Parking Requirements.**

- (1) Properties offered as Short-Term Rentals must provide sufficient designated and easily identified off-street parking spaces to meet the occupancy level offered by the Short-Term Rental. Properties offered as Short-Term Rentals shall ~~provide, at a minimum, two off street parking spaces~~ meeting the requirements of Section 18.20.050 (Standards for off-street parking facilities) of the CMMC. Additional parking shall be required for Short-Term Rentals that allow more

than eight occupants, at a ratio of one additional off-street parking space for each additional four occupants, with any fractional number rounded up. In no instance can the total occupancy of a Short-Term Rental exceed the vehicle capacity of the designated off-street parking available.

- (2) Parking Plan required. All applications for a Short-Term Rental license shall include a Parking Plan which demonstrates that all off-street parking spaces comply with all requirements of this program and the CMMC, ~~except that off-street parking spaces do not need to meet the locational requirements in Section 18.20.050(5)~~. The Parking Plan shall include an accurately dimensioned map depicting the location and size of and access to designated parking spaces.
 - (4) Properties with Privately Maintained Shared Vehicle Access. In addition to the requirements for submittal of a Parking Plan above, Short-Term Rental applications where vehicle access to the property and associated designated parking is shared with multiple owners and is privately maintained, shall include a description of the methods in which the presence of the Short-Term Rental will avoid encumbering parking or access to properties with shared access, proposed text and placement of signage identifying designated off-street parking spaces to be used by the Short-Term Rental, and documents establishing the Short-Term Rental's entitlement to use the required number of parking spaces. ~~written agreements with the owner(s) of the shared accessway indicating use of any shared off-street parking spaces by the Short-Term Rental is acceptable.~~
- (d) Safety. The Short-Term Rental shall comply with the following safety requirements:
- (1) Operable smoke and carbon monoxide alarms in accordance with the requirements of the currently adopted California Building Standards Code.
 - (2) An operable fire extinguisher on every floor of the residence and in the garage having a minimum fire rating of 2A: 10BC.
 - (3) For properties within the adopted Wildland Urban Interface (WUI), maintenance of areas surrounding the residence in compliance with Cal Fire Code Sections 4901.1 to 4907.4 and as required by the Central Marin Fire Department.
 - (4) The Department shall provide a list of all Short-Term Rentals to the Neighborhood Response Group (NRG) Coordinator each year on January 1st, provided that an NRG Coordinator exists for the area of Town in which the STR is located. This information will be disseminated by the NRG Coordinator to the applicable Block Captains. The NRG Coordinator may provide the Town written notice requesting that the Town cease providing such information to the NRG.

(5) For all properties, the name and phone number of the emergency contact shall be provided to the Central Marin Police Authority.

(e) Interior Signage. Properties offered as Short-Term Rentals shall have a clearly visible and legible notice posted adjacent to the inside of the front door, containing the following information:

(1) 24-Hour Emergency Contact Person and contact information.

(2) Maximum number of occupants.

(3) Maximum number of vehicles and location of off-street parking for the Short-Term Rental.

(4) Garbage/recycling/compost disposal instructions.

(5) Emergency phone number for police and fire departments.

(6) For properties within the adopted Wildland Urban Interface (WUI), the contact information, including phone number, for the local Neighborhood Response Group (NRG), should one exist.

(7) Diagram of the floorplan of the residence showing egress routes out of the building(s).

(8) Map of the vicinity of the subject property showing the most direct vehicular evacuation route out of the area.

(9) Information on signing up for local emergency alerts (www.nixle.com) and local weather forecasts (www.weather.gov/mob/forecast).

(10) Name, address and phone number of nearest emergency medical facility that is open all hours.

(11) Information on the Corte Madera Noise Ordinance citing the relevant nighttime noise regulations in Section 9.36.050 of the Corte Madera Municipal Code.

(12) For properties that share access with other properties, an advisory that under no circumstances may the Short-Term renter block the shared access.

(f) License Applications.

(1) The Department shall develop a license application containing property information to ensure compliance with the requirements of this chapter or other information that the Department deems necessary for the ongoing monitoring and evaluation of the program. The required property information shall be listed on prescribed forms developed by the Department.

- (2) The application shall contain the following language: “A Short-Term Rental License shall not be construed as providing property rights or vested interests and entitlements in continued operation of a Short-Term rental. A Short-Term Rental License is a revocable license, which expires annually. A Short-Term Rental License shall not run with the land.”
- (3) Registration and Term. A Short-term Rental License shall have a maximum term of one-year ending on December 31st of the calendar year when issued. A Host may reapply for a license for the next calendar year by filing a completed renewal application at least 30 days, but no more than 90 days, prior to expiration of the previous License. The Department shall determine, in its sole discretion, the completeness of an application. Upon receipt of a complete initial application, the Department shall send mailed notice to the owner of record of the Residential Unit, informing the owner that an application to the Registry for the unit has been received. Upon successful completion of the registration, the Town will issue an individual Short-Term Rental License number and Corte Madera Business License number for the property for that calendar year.
- (4) Fees. The Town is authorized to collect fees as necessary to ensure that the program recovers all costs for administering and enforcing the Licensing program. Annual application and/or registration fees for this program shall be no higher than necessary to recover the cost of the Short-Term Rental License program and shall be paid at the time of application or renewal. These fees shall be set by the Town Council by resolution.
- (5) Transient Occupancy Tax Collection and Remittance. Hosts shall collect and remit Transient Occupancy Taxes to the Town as required under CMMC Chapter 3.08 on a monthly basis for each Short-Term Rental.
- (6) Reporting Requirement. As a condition of obtaining and maintaining a license, the Host shall submit a semi-annual report to the Department by January 1 and July 1 of each year, regarding the number of days the Residential Unit or any portion thereof has been rented as a Short-Term Rental since either initial registration of the last report, whichever is more recent, and any additional information the Department may require to demonstrate compliance with the program.
- (7) Annual Audit. Each calendar year, the Town will select approximately at least tenfive percent (~~105~~%) of licensed properties to audit to ensure License compliance. This audit will include:
 - (A) Review of compliance with program requirements;
 - (B) Property inspection; and
 - (C) Transient Occupancy Tax payment review.If a Short-Term Rental is deemed non-compliant, the Department shall follow the Administrative Enforcement Procedures outlined in Section 5.34.070.

(8) Program Evaluation. The Director shall provide a report to the Town Council within two years of the initiation of the Program, including information on the number of licensed short-term rentals, their location, average length of stay, all enforcement actions related to the Program, and fiscal impacts including revenue and program management costs.

5.34.060 – Requirements for Hosting Platforms

- (a) All Hosting Platforms shall notify Hosts listing a Residential Unit through the Hosting Platform's service that (i) CMMC Chapter 5.34 regulates Short-Term Rental of Residential Units in the Town; (ii) Chapter 5.34 requires the Host to obtain a Town License under said chapter; and (iii) Short-Term Rental of Residential Units are subject to the Town's transient occupancy tax under CMMC Chapter 3.08. This notice shall be provided prior to the Host listing the Residential Unit on the Hosting Platform.
- (b) A Hosting Platform shall comply with the requirements of CMMC Chapter 3.08 (Transient Occupancy Tax) and Chapter 5.04 (Business Licenses), among any other applicable requirements, collecting and remitting all required Transient Occupancy Taxes, and this provision shall not relieve a Hosting Platform of liability related to an occupant's, resident's, Business Entity's, or Owner's failure to comply with the requirements of CMMC Chapters 3.08 and 5.04. A Hosting Platform shall maintain a record demonstrating that the taxes have been remitted to the Town.
- (c) A Hosting Platform may provide, and collect a fee for, Booking Services in connection with Short-Term Rentals for Residential Units located in the Town only when the Hosting Platform exercises reasonable care to confirm that those Residential Units are lawfully registered on the Town's Short-Term Rental Registry at the time the Residential Unit is rented for short-term rental. The Hosting Platform shall contact the Short-Term Rental License Program Town Contact to confirm that the Residential Unit is lawfully registered on the Short-Term Rental Registry.
- (d) For each Short-Term Rental transaction for which a Hosting Platform has provided a Booking Service, the Hosting Platform shall maintain records, which the Hosting Platform provides to the Town upon request. Said records must contain the following information:
 - (1) The name of the Owner or Business Entity who offered a Residential Unit for Tourist or Transient Use,
 - (2) The address of the Residential Unit,
 - (3) The dates for which the tourist or transient use procured use of the Residential Unit using the Booking Service provided by the Hosting Platform, and

- (4) The registration number for the Residential Unit.
- (e) Notwithstanding any other provision of this chapter, nothing in this program shall relieve an individual, Business Entity, or Hosting Platform of the obligations imposed by any and all applicable provisions of state law and the Corte Madera Municipal Code including but not limited to those obligations imposed by CMMC Chapters 3.08 and 5.04. Further, nothing in this program shall be construed to limit any remedies available under any and all applicable provisions of state law and the Corte Madera Municipal Code including but not limited to CMMC Chapters 3.08 and 5.04.

5.34.070 Enforcement Procedures.

- (a) Town Contact. The Department shall designate and post on the Town website, a contact person for members of the public who wish to file oral or written complaints under this program or who otherwise seek information regarding this program or Short-Term Rentals. This contact person shall also provide information to the public upon request regarding quality of life issues, including, for example, noise violations, vandalism, or illegal dumping, and shall direct the member of the public to forward any such complaints to the appropriate Town department. All complaints filed with the Town shall be forwarded to the Host/Property Owner within two business days.
- (b) Determination of Violation. Upon the filing of a written Complaint that an Owner, Host or Hosting Platform has violated this Chapter 5.34, the Director shall take reasonable steps necessary to determine the validity of the Complaint. The Director shall have discretion to determine whether there is a potential violation of this Chapter 5.34. To determine if there is a violation of this Chapter, the Director may initiate an investigation of the subject property or the allegedly unlawful activities. This investigation may include, but is not limited to, an inspection of the subject property and/or a request for any pertinent information from the Owner, Host or Hosting Platform, such as leases, business records, or other documents. If the Director finds there is no violation of this Chapter or basis for an investigation for an unlawful activity, the Director shall so inform the complainant within 60 days of the filing of any Complaint.
- (c) Violations of this ordinance shall be an infraction except as provided in this section. The Director shall also have discretion to enforce this chapter by one of the methods set forth in this section.

(1) If the Director finds that conditions at the subject property constitute a danger to health and safety, that person shall take the following actions:

- A. Issue an Order to the Owner, Host and Hosting Platform suspending their Short-Term Rental License, notifying them of the unsafe conditions, describing the steps necessary to cure said conditions and advising them

of their right to contest the Order by requesting a hearing pursuant to Section 9.05.060 of the Corte Madera Municipal Code.

B. Refer the matter for administrative enforcement.

(2) By civil action. The Town may institute civil proceedings for injunctive and monetary relief, including civil penalties, against an Owner, Host or Hosting Platform for violations of this chapter under any circumstances, without regard to whether a Complaint has been filed or the Director has made a determination of a violation. If the Town is the prevailing party in any civil action under this subsection, an Owner, Host and Hosting Platform in violation of this Chapter 41A may be liable for civil penalties of not more than \$1,000 per day for the period of the unlawful activity. Interested Parties other than the Town may not seek or obtain civil penalties. The prevailing party shall be entitled to attorneys' fees.

By administrative citation. The Director shall issue an administrative citation as provided in Chapter 9.05. Any person receiving a citation shall have the right to contest the citation at a hearing as set forth in Chapter 9.05.

(3) Notwithstanding the provisions of Section 9.05.050(a), if the same Host has been cited three or more times in the prior 12 months, and the Director determines that the violations pose a threat to public health and safety, the fines, for subsequent violations shall be as follows:

- A. For the first citation issued under this subdivision, up to one thousand five hundred dollars (\$1,500).
- B. For the second citation issued under this subdivision, up to three thousand dollars (\$3,000).
- C. For the third citation issued under this subdivision and for every citation thereafter, up to five thousand dollars (\$5,000).

(4) If the same Owner, Host or Hosting Platform has violated this Chapter three or more times in the prior 24 months, the third violation and any subsequent violations shall constitute a misdemeanor.

(d) Private right of action. An Interested Party, as defined in Section 5.34.30, may institute a civil action for injunctive and monetary relief against an Owner, Host or Hosting Platform if all of the following criteria are met:

- (i) The Interested Party has filed a Complaint with the Department;
- (ii) The Director has not made a written determination pursuant to subsection 5.34.070(b) that there is no violation of this Chapter or basis for an investigation for an unlawful activity;

- (iii) An administrative hearing officer has not issued a final determination pursuant to subsection 9.05.080(e) regarding the Complaint within 135 days of the filing of the Complaint;
- (iv) After such 135-day period has passed, the Interested Party has provided 30 days' written notice to the Director and the Town Attorney of their intent to initiate civil proceedings; and
- (v) The Town has not issued a final determination pursuant to subsection 9.05.080(e) or initiated civil proceedings by the end of that 30-day notice period.
- (vi) Under this subsection 5.34.070(d), the prevailing party shall be entitled to the costs of suit, including reasonable attorneys' fees, pursuant to an order of the court.

(e) Revocation of License. The Director shall revoke a Short-Term Rental License issued under this chapter if that person concludes any of the following:

- (1) The Short-Term Rental is not current on transient occupancy taxes and has not paid all such taxes to the Town in full by the date upon which such taxes became due.
- (2) There have been three or more upheld citations for violations of the Corte Madera Municipal Code at the Short-Term Rental property within a twenty-four (24) month period. For the purposes of this subsection, “upheld citations” means citations that were neither overturned after contest or appeal nor dismissed.
- (3) The Short-Term Rental applicant has submitted a Short-Term Rental application containing a material misrepresentation or omission of material facts.
- (4) There has been a transfer or an attempt to transfer a Short-Term Rental License to another person, entity, or property.

Revocation decisions by the Director shall be in writing and are subject to appeal through the process set forth in Section 9.05.095 (Right to Judicial Review).

(f) Public nuisance violations; 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, and the Town Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the Town under Section 1.04.030 (Public Nuisances), Chapter 9.04 (Nuisances) and Chapter 9.05 (Administrative Citation) or under state law.

5.34.080 – No Vested Rights Conferred by License.

Short-Term Rental Licenses shall not be construed as providing property rights or vested interests and entitlements in continued operation of a short-term rental. Short-Term Rental Licenses are revocable licenses that expire as provided by the Short-Term Rental Licensing Program. Short-Term Rental Licenses do not run with the land.

Section 3. Amendments to Title 18 (Zoning) of the Corte Madera Municipal Code.

Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Corte Madera Municipal Code is hereby amended to amend Section 18.04.350, add Section 18.04.707, and amend Section 18.08.020 as follows:

18.04.350 Home Occupation.

“Home occupation” means an accessory use of a dwelling unit for gainful employment, involving the manufacture, provision or sale of goods and/or services in accord with the regulations prescribed in Section 18.08.030, and which does not alter the exterior of the property or affect the residential character of the neighborhood, but excluding a short-term rental in compliance with Chapter 5.34 (Short-Term Rental License).

* * *

18.04.707 Short-term Rental.

“Short-term rental” has the same meaning as set forth in Section 5.34.030 of this Code.

18.04.805 Transient.

“Transient” means a person residing at a dwelling unit, bed and breakfast or hotel/motel, for fourteen or fewer days in any calendar year. “Transient” has the same meaning as set forth in Section 5.34.030 of this Code.

* * *

18.08.020 Permitted and conditional uses in residential districts.

The following schedule indicates by the symbol "X" the uses that are permitted uses and the uses that are conditional uses in each residential district:

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
----------------	-------------------------------------	-----------------------	----------------------	---------------------------	---------------------------

(1) Single-family dwellings	X	X	X	X	X
(2) Multiple dwellings	X				
(3) Home occupations, complying with the provisions of Section 18.08.030(1)	X	X	X	X	X
(4) <u>Short-term rentals, complying with the provisions of Chapter 5.34</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
(5) Incidental and accessory structures and uses for the exclusive use of residents on the site and their guests limited to the following:					
(A) Garages and carports	X	X	X	X	X
(B) Garden structures, including, but not limited to, arbors and pool houses.	X	X	X	X	X
(C) Greenhouses	X	X	X	X	X
(D) Storage buildings	X	X	X	X	X
(E) Recreation rooms	X	X	X	X	X
(F) Hobby shops and studios not containing noisy or objectionable machinery or equipment, and not involving on-premises sales	X	X	X	X	X
(6) Keeping of household pets not exceeding three adult pets of any given species, not exceeding six pets total	X	X	X	X	X
(7) Temporary subdivision sales offices complying with Section 18.08.030(3)	X	X	X	X	X
(8) Private swimming pools and hot tubs complying with the provisions of Section 18.08.030(4)	X	X	X	X	X
(9) Residential care facilities as defined in Section 18.04.650	X	X	X	X	X
(10) Group homes for six or fewer persons	X	X	X	X	X
(11) Small family day care home	X	X	X	X	X
(12) One accessory dwelling unit or junior accessory dwelling unit which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X
(13) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) in compliance with the provisions of Chapter 18.21	X	X	X	X	X
(14) Outdoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23		X	X	X	X

(15) Indoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23	X	X	X	X	X
---	---	---	---	---	---

Conditional Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(1) Multiple houses complying with the provisions of Section 18.08.030(6)	X				
(2) Common swimming pools	X				
(3) Private stable for the keeping of not more than three horses on a site of not less than two acres, and one additional horse for each acre in addition to two acres			X	X	X
(4) Bed and breakfast	X				
(5) Large family day care home ¹	X	X	X	X	X
(6) Day care center	X				
(7) Philanthropic and/or eleemosynary institution	X	X	X	X	X
(8) Private, nonprofit library, nonprofit art gallery, or nonprofit museum	X	X	X	X	X
(9) Private, noncommercial recreation center, park, swim club or similar facility	X				
(10) Private, noncommercial club or lodge	X	X	X	X	X
(11) Public utility or public service structure or installation, when found by the planning commission to be necessary for the function of a conditional uses	X	X	X	X	X
(12) Accessory structures and uses, located on the same site, and necessary for the function of a conditional uses	X	X	X	X	X
(13) Keeping of animals other than household pets					X
(14) Speculative grading and certain structures as defined in Section 18.24.100	X	X	X	X	X
(15) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl	X	X	X	X	X

or pea fowl) and/or honey bees (apis Mellifera) in compliance with the provisions of Chapter 18.21					
--	--	--	--	--	--

¹ Large family day care home permit, pursuant to Section 18.08.030.

Section 4. Compliance with the California Environmental Quality Act (“CEQA”).

The adoption of this ordinance is categorically exempt from CEQA under 14 C.C.R. section 15301 (Existing Facilities) since the added regulations establish a licensing program for existing private single-family homes which does not involve expansion of structures or expansion of the residential use of existing structures as regulated.

Section 5. Effective Date.

This ordinance shall become effective on January 1, 2024, in compliance with California Government Code Section 36937.

Section 6. Posting.

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting on the ____ day of _____, 2023; and adopted on the ____ day of _____, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Charles Lee, Mayor

ATTEST:

Lorena Barrera, Town Clerk