

CAPISTRANO BAY DISTRICT
AGENDA REPORT
July 16, 2019

Quality of Life

ITEM 8

Allowable Work Hours for Housecleaning Services

In the previous board meeting, a lengthy discussion regarding noise disturbances resulted in direction by the Board to have security more actively enforce the District's construction and service work hours policy. The current policy is as follows for construction, remodeling and landscape/gardening work:

- Monday thru Friday 7:00 AM to 5:00 PM
- Saturdays 8:00 AM to 2:00 PM
- Sundays NO WORK

The District's policy on work hours is not regulated by Ordinance and is only addressed within the Security Post Orders and is actually silent in reference to housecleaning services. The policy only refers to construction and remodel projects, and landscape/gardening work.

In speaking to several rental managers, it has been pointed out that many of their rental clients have already signed contracts, some of which begin their vacation week on a Sunday. Given the lack of an enabling ordinance regulating allowable work hours, also the fact that the District policy is silent in reference to housecleaning services, and additionally the timing issue with some pre-contracted rental clients, a possible solution might be to enact a District ordinance addressing all work and service possibilities that could be made effective in January 2020.

This would give all the rental operators sufficient time to not only honor their existing contracts but also time to set new guidelines for future rental clients that excludes Sunday arrivals.

Below is the work hours policy as it appears in the Security Post Orders:

1. **CONSTRUCTION WORK HOURS** – Monday - Friday, 7 AM to 5 PM
Saturday 8 AM to 2 PM

2. **SUNDAY WORK BY PROPERTY OWNERS**

Property owners may personally conduct maintenance, repairs, cleaning, yardwork, etc. on *Sundays* provided any loud noise is after 9 AM and at no time shall it disturb the neighbors.

3. **SUNDAY EMERGENCY SERVICE OR OTHER PERMITTED WORK**

This shall be for emergency repairs/service or *activity approved by the District Mgr.* Some examples of emergency work would be leaking plumbing and water lines, gas leaks, electrical repairs to house power, winter storm damage repairs, flood control, sand bagging, boarding up windows, etc.

4. **GARDENERS/SPA SVC. etc HOURS** – Monday - Friday 7 AM to 5 PM
Saturday 8 AM to 5 PM

5.38.080 Conditions of Permit Issuance and Renewal.

(a) All permits and renewals issued pursuant to this Chapter are subject to the following standard conditions:

(1) The owner shall ensure that the short-term rental complies with all applicable codes regarding fire, building and safety, and all other relevant laws and ordinances.

(2) The owner shall provide proof that short-term rentals are not prohibited by its Homeowners Association Conditions, Covenants and Restrictions ("CC&Rs") or any other community standards/guidelines, applicable to the proposed short-term rental.

(3) The short-term rental unit in which a permit is being requested must pass an initial inspection by the City prior to permit issuance. The City may conduct additional inspections as deemed necessary or prudent prior to subsequent renewals.

(4) The owner shall provide a twenty-four (24) hour emergency contact located within a twenty-five (25) mile radius of the short-term rental that will be available to respond to issues at the short-term rental.

(5) The short-term rental must have a minimum of two (2) off-street parking spaces.

(6) The short term rental must have a visible house number easily seen from the street, day or night.

(7) Short-term rentals shall be used only for overnight lodging accommodations. They may not be used for weddings, parties, bachelor/bachelorette parties, conferences or similar events.

(8) All advertising for the short-term rental shall include the City issued permit number.

(9) The primary overnight and daytime occupant of the short-term rental must be an adult eighteen (18) years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.

(10) Prior to occupancy, the owner shall obtain the name, address and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The owner shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the short-term rental with the provisions of this Chapter. This information shall be readily available upon request of any police officer or employee of the City authorized to enforce this Chapter or State law.

(11) The owner shall require all occupants to agree to a minimum stay of two (2) consecutive nights.

(12) The maximum overnight occupancy of the short term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental. The Director of Community Development may, when unusual size, interior layout, parking or other physical characteristics are shown, approve a greater maximum number of overnight occupants as part of a permit application or renewal.

(13) The maximum number of vehicles allowed at the short term rental shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles maximum with two (2) or more bedrooms within the short term rental. The Director of Community Development may, when unusual size, parking or other physical characteristics are shown, approve a greater maximum number of vehicles as part of a permit application or renewal. The owner must make a sufficient number of parking spaces accessible to tenants to accommodate the maximum number of vehicles allowed.

(14) No on-site exterior signs are to be posted advertising a short-term rental.

(15) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler and between the hours of 5:00 p.m. the day before and 8:00 a.m. the day after the scheduled trash collection days, as provided in Chapter 6.10. The owner of the short-term rental shall provide sufficient trash collection containers and service to meet the demand of the occupants.