



MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: ARA MIHRANIAN, AICP, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: AUGUST 23, 2016

SUBJECT: DEVELOPMENT CODE AMENDMENT FOR SHORT-TERM RENTALS
(CASE NO. ZON2016-00188)

Project
Manager: Octavio Silva, Associate Planner *OS*

RECOMMENDATION

- 1) Review Staff's responses to the Commission's questions and concerns raised at the July 12th meeting regarding short-term rentals;
- 2) Identify a preferred option on how the City should address short-term rentals; and,
- 3) Request the Council's input on the Commission's preferred option on short-term rentals before proceeding with drafting code language.

BACKGROUND

On July 12, 2016, based on the Council's direction and initiation of code amendment proceedings at its May 16, 2016 meeting, the Planning Commission reviewed Staff's proposed code amendment language to the City's Development Code to prohibit short-term rentals and the advertisement of such uses within the City's Single-Family Residential Zoning Districts. That evening, the Commission raised several questions and comments pertaining to Staff's recommendation including to provide more information on the consistency of the proposed code amendments in relation to the City's Local Coastal Specific Plan, to provide additional information that analyzes the number of short-term rentals in the City, possibly regulating short-term rentals within the City's Multi-Family Residential Zoning Districts, and options for allowing short-term rentals through a permit

process. The Commission continued the public hearing to its August 23, 2016 meeting in order to allow Staff the time needed to provide responses. Attached are the July 12th P.C. Staff Report and meeting Minutes (Attachments A and B, respectively).

The Commission is being asked tonight to review Staff's responses and to identify a preferred option to address short-term rentals for the Council's input before proceeding with drafting code language.

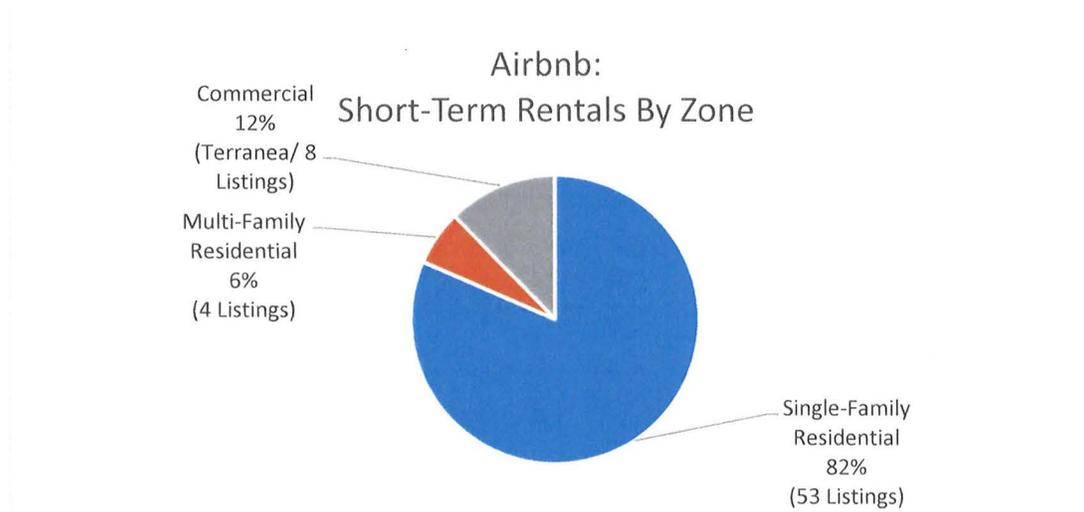
DISCUSSION

The following discussion responds to the questions and issues raised by the Planning Commission at the July 12th meeting.

Short-Term Rentals in the City

During the July 12th meeting, the Commission directed Staff to further analyze the number of short-term rental properties in the City and to also identify the zoning district in which these properties are located. At that meeting, Staff indicated that there were approximately 80 short-term rental properties within the City. The information was based upon a survey that was completed by a private vendor (Host Compliance) and reflected listings from April of this year. On August 8, 2016, Staff completed an independent survey of two popular hosting websites, Airbnb and VRBO, and prepared the following charts to summarize its findings:

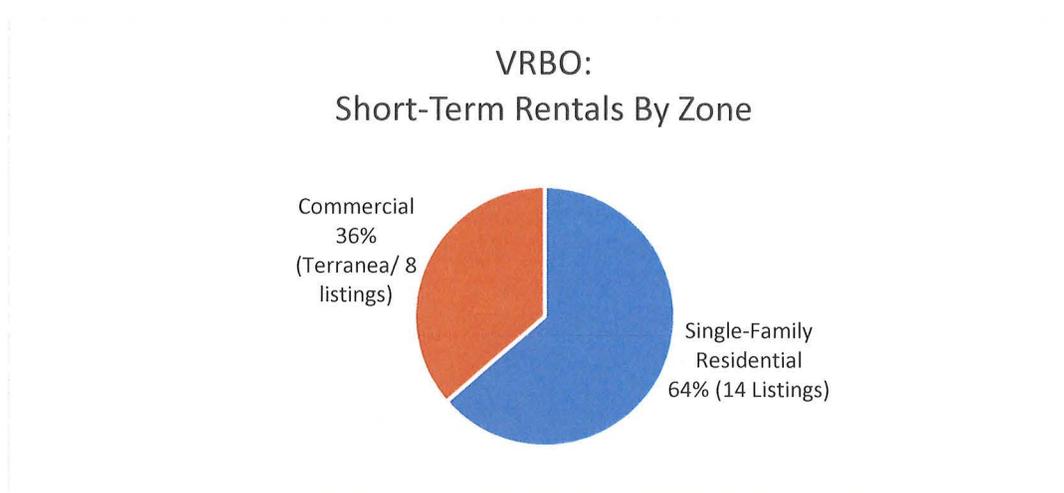
Chart No. 1



Staff's survey of the Airbnb website found a total of 65 short-term rental listings in the City of Rancho Palos Verdes. Chart No. 1 (above) indicates 82% of listings (53 listings) were located in Single-Family Residential zoning districts, which include the RS-1, RS-2, RS-

3, RS-4 and RS-5 zoning districts. Additionally, the Chart indicates that 12% of the listings (8 listings) were properties designated as Commercial. More specifically, these listings were located in the City's Commercial Residential (CR) zoning district which only accounts for the Terranea Resort property. Lastly, the Chart identifies that 6% of short-term rental listings (4 listings) in the City were located in Multi-Family Residential Districts, which included the RM-8 and RM-22 zones.

Chart No. 2



Staff's survey of the VRBO website found a total of 22 listings in the City of Rancho Palos Verdes. Chart No. 2 (above) identifies that 64% of short-term rental listings (14 listings) were located in Single-Family Residential zoning districts, which include the RS-1, RS-2, RS-3, RS-4 and RS-5 zones. The survey also found that 36% of the short-term rental listings (8 listings) were located within the Terranea Resort, which has a zoning designation of CR. The survey did not identify any short-term rental listings within the City's Multi-Family Residential Zoning Districts.

Regulating Multi-Family Zoning Districts

During the July 12th meeting, the Commission inquired why Staff chose to exclude multi-family zoned properties from Staff's recommended prohibition of short-term rentals and the advertising of such uses. As reported that evening, the proposed code amendments that were presented to the Commission on July 12th excluded these zoning districts because they generally consist of uses, such as a multi-tenant apartments, that may allow for a variety of rental and occupancy options including frequent turn-overs. While the information from the surveys summarized above indicates that the number of short-term rental listings within the City's Multi-Family Residential zoning districts are relatively low (6% of listings on Airbnb and no listings on VRBO), Staff could proceed to include the City's Multi-Family Residential zoning districts as part of the code amendment if the Commission directs Staff to do so.

Short-Term Rental Complaints

At the July 12th meeting, the Commission asked Staff to provide additional information about the number and nature of complaints associated with short-term rentals in the City.

The City's Code Enforcement Division receives complaints related to short-term rentals. Over the past year, there has been a noticeable uptick in complaints reported to the Code Enforcement Division representing an increase from one or two annual complaints to one or two complaints per month. The nature of the complaints include excessive noise, trash, and parking issues associated with parties held at a property, as well as perceived safety concerns with the high turn-over of occupants. The Code Enforcement Division reports that the complaints received typically involve three properties located in the City, along:

- Hightide Drive;
- Sunnyside Ridge Road; and,
- Avenida Altissima

A query from the Los Angeles County Sheriff's Department found that the property located at Sunnyside Ridge Road received 8 calls for service from May 2015 to May 2016. In addition, the Code Enforcement Division reports that complaints are submitted only sporadically, perhaps in part because other complaints are filed with the Sheriff's Department during days or hours when City Staff is unavailable.

Short-Term Rental Regulation Options

At the July 12th meeting, the Planning Commission directed Staff to provide additional information about the options available to the City for regulating short-term rentals including Staff's original prohibition recommendation. Thus, Staff is suggesting the following three options for discussion and consideration by the Planning Commission.

1. Short-Term Rentals Permitted By Discretionary Permit

The first option to regulating short-term rentals is to permit them through the issuance of a discretionary permit, such as a conditional use permit, in which conditions of approval can be imposed on the hosting property. At the July 12th meeting, Staff was directed to assess whether short-term rentals can be permitted through a process similar to that of a Bed & Breakfast use. Pursuant to Sections 17.02.025(C) and 17.04.030(E) of the RPVMC, Bed & Breakfast uses are permitted in Single and Multi-Family Residential Zoning Districts, respectively, through the approval of a Conditional Use Permit (CUP), which requires a public hearing before the Planning Commission and a submittal fee of \$7,222. Section 17.76.140(C) of the RPVMC establishes development standards for Bed & Breakfast Uses in the City (attached), which include, but not limited to parking, noise and location requirements. The City of Rancho Palos Verdes currently has one permitted

Bed & Breakfast use located at 4273 Palos Verdes Drive South, which was authorized through a Home Occupation Permit; prior to the City's requirement for a CUP for a Bed & Breakfast use.

Staff researched the approach of regulating short-term rentals subject to conditions, such as a CUP, and found that this approach is often seen as a compromise between proponents and opponents of short-term rentals. It provides a mechanism for permitting short-term rentals with the City's ability to establish conditions for the operation of such a use, such as requiring the owner be on the premises during rentals to prevent unintended consequences (i.e. parties).

However, it is important to note that such an approach may discourage hosting properties from seeking such a permit if the conditions of approval are too complex, burdensome, or costly (since some property owners are hosting their residence to supplement their limited income). Additionally, in instances when the City is seeking a code enforcement action against a violating property, it is often times more difficult for a City to demonstrate that the property is in violation of a particular condition of approval. For example, if a host property has a limit on the number of rentals allowed in a given year, the City would be tasked with keeping track of how many rentals have occurred on that property and notify the permit applicant if it was found that rentals exceeded the permitted amount. The approach to permitting short-term rentals, subject to conditions, would require an extensive enforcement framework, and allows the fees and Transient Occupancy Tax (T.O.T) collected to offset City incurred costs. Given this, Staff does recognize that this option, with the appropriate measures, is a viable option to allowing the use of short-term rentals while mitigating impacts to neighboring properties. This option can be achieved via a Conditional Use Permit, or a similar type of discretionary permit that may cost less (depending on the review process).

2. Short-Term Rentals Permitted By-Right

Another option to the regulation of short-term rentals is to permit them by-right. Often this approach includes a requirement that a host property register with the City, obtain a business license, and pay the City's T.O.T. which is 10% in the City of Rancho Palos Verdes. At the July 12th meeting, the Commission directed Staff to research the City of Los Angeles' approach to regulating short-term rentals. Staff's research found that the City of Los Angeles is in the process of establishing a registration approach and is seeking to adopt a Home-Sharing Registration ordinance that would establish, but not be limited to, the following regulations:

- Home-sharing to be limited to one's own primary residence;
- Requires hosts to register with the City and remit a Transient Occupancy Tax (T.O.T.);
- Limits home-sharing to 120 days a year;
- Prohibits any person from advertising home-sharing that is not registered with the City; and,

- Bans the ability of residential apartments to be converted to short-term rental uses (this is to prevent a reduction in affordable housing)

Research found that Los Angeles' proposed ordinance encourages registration and payment of taxes because there are heavy financial penalties (including back taxes, penalties, and interest for not complying). Additionally, Staff's found that ensuring that host properties are registered and remitting T.O.T. to the City, as well as complying with other registration requirements, involves an extensive enforcement framework, Staff time, and City resources. The fees collected by the host registration and remittance of T.O.T., along with the fines collected from violating host properties, can help to off-set the City incurred costs for regulating "by-right" short-term rentals. Similar to Option No. 1, the "by-right" regulation of short-term rentals may also provide the City the opportunity to establish criteria or regulating measures on short-term rentals through specific Code requirements (see above). This would be best achieved if the City pursues a registration process similar to that of the City of Los Angeles that would allow Staff the opportunity to ensure the residence in question complies with the Code criteria.

3. Prohibiting Short-Term Rentals

As previously reported, a common approach taken by Cities to regulate short-term rentals is to prohibit them all-together. Of Cities on the Peninsula, Staff found that the Cities of Rolling Hills and Palos Verdes Estates have adopted ordinances prohibiting short-term rentals, and the City of Rolling Hills has taken current action to also prohibit short-term rentals. With respect to the City of Rancho Palos Verdes, short-term rentals are currently prohibited in the City's Development Code because the Development Code is a permissive Code, as described in Section 17.86.030 and short-terms rentals is not a listed permitted use in single-family and multi-family zoning districts. Staff's original recommendation to prohibit short-term rentals and its advertisement, was intended to add language to the Code to further clarify this current Code's prohibition of the use.

It should be noted that at the July 12th meeting, Staff proposed language that would clarify the City's prohibition of short-term rentals as part of the Code's regulation of Bed and Breakfast Inns. As of late, the City Attorney is exploring a different approach by creating a list of prohibited uses per zoning district. If this is selected as the preferred option, Staff will come back with this specific code language.

Lastly, in considering the prohibition as an option, this type of ordinance allows the City to take enforcement action against a violating property owner, and once a violating property is found, it can be monitored by the City (or by its selected vendor). Although a ban may appear to eliminate short-term rental uses from the City, it may also drive the hosts underground. Some hosts may disguise their properties online, or eliminate the rental paper trail, which makes enforcement even more costly and time consuming, with no tax revenue to offset the cost of enforcement. (Also see more detailed discussion of enforcement options below.)

Given that the Commission's discussion from the July 12th meeting differs from the Council's discussion when initiating the code amendment proceedings, Staff recommends that the Commission identify and forward its preferred option, of the three listed above, to the Council for its review before proceeding with preparing specific code language to ensure the Commission is in aligned with the Council's intent.

Enforcement of the Proposed Code Amendments

At the July 12th meeting, the Commission questioned the City's ability to enforce the prohibition or regulation of short-term rentals and the advertising of such uses. Depending on the eventual code language that is adopted, Staff plans on a two-step enforcement process, which includes public outreach and enforcement.

- a. Public outreach. Staff would notify the various hosting websites of the City's ordinance (i.e., prohibition or permitted) as it pertains to short-term rentals. Additionally, Staff would conduct a comprehensive public outreach effort that would include posting specific information related to the ordinance on the City's website, writing an article in the City's quarterly newsletter, as well as the posting information on the City's social media pages (Facebook and Nextdoor).
- b. Enforcement. As originally reported to the City Council, due to limited staff resources to monitor hosting platforms or respond to public complaints, Staff intends to utilize a private vendor (Host Compliance) that provides monitoring services of short-term rentals (both if prohibited or regulated). The use of monitoring services by this vendor, which is the only vendor currently in this niche industry, may provide the City an opportunity to take a more proactive approach in identifying violating properties and will minimize potential Staff costs to enforce the City's ordinance on short-term rentals and the advertisement of such uses. Through the use of this service, Staff can identify a violating property and provide a notification, prior to an event taking place, which may reduce the need for Sheriff Department assistance of service calls at a later time. Additionally, according to the City Attorney, the City has the ability to regulate the advertisement of short-term rentals if it violates provisions of the City's Municipal Code

Amending the Local Coastal Specific Plan

At the July 12th meeting, Staff recommended that the Planning Commission continue the public hearing on the proposed short-term rental code amendment in order for Staff to prepare and publicly notice an accompanying amendment to the City's Local Coastal Specific Plan (LCSP). At that time, Staff believed that the LCSP needed to be amended in order to reflect, and to be consistent with, the proposed amendments to the Development Code. However, after further assessment and discussion with the City Attorney's Office, it was found that an amendment to the LCSP would not be required if Code language is adopted to prohibit short-term rentals. This determination was made

based on the fact that the City's Development Code is considered to be a permissive code, in that if a land use is not identified as a permitted use, then it is assumed that it is not permitted. Given the Development Code's silence on short-term rentals, it is assumed that short-term rentals are currently prohibited throughout the City, including areas within the LCSP (which are only those properties seaward of PVDW and PVDS in the City's Coastal Zone). However, it is Staff's opinion that if the City pursues the option to permit short-term rentals, either by-right or through some form of discretionary permit, then the City would have to prepare an amendment to the LCSP to allow short-term rentals, as they are currently considered prohibited. Based on the Commission-selected preferred option and the Council's input, Staff will determine what steps will be needed as it relates to the LCSP and will present that information to the public and the Commission at a future meeting.

It should be noted that the City's position was conveyed to Coastal staff at an in-person meeting on August 1, 2016 and memorialized in an email. At the meeting, Coastal staff did not seem to agree with Staff's determination that a LCSP amendment would not be required in order for the City to adopt code amendments to prohibit short-term rentals and the advertising of such uses, and that a LCSP amendment would be needed to allow short-term rentals. Nevertheless, Coastal staff indicated that they would continue to monitor how the City proceeds with the proposed code amendment process until further notification.

ADDITIONAL INFORMATION

Prohibiting Party Houses

As the Commission heard at the July 12th meeting from Staff and members of the public, one of the primary concerns residents have with the use of short-term rentals is parties and their impacts on the neighborhood. City Staff is exploring the possibility of adopting an ordinance that would prohibit the use of residences for commercial parties or events in the City. If the Council supports such an ordinance, it may be processed concurrently with the short-term rentals code amendment.

Public Correspondence

As of the preparation of this report, Staff has received six public comments (see attached). Public correspondence received after the transmittal of this report will be provided to the Commission the night of the meeting as late correspondence.

Next Steps

If the Commission identifies a preferred option to regulating short-term rentals this evening, as recommended by Staff, it will be forwarded to the City Council for its input at its September 20th meeting. As previously reported, the purpose of this added step in the

process is to ensure the Commission is proceeding in line with the Council's intent. Depending on the Council's review at its September 20th meeting, this item will be returned to the Commission at a re-noticed public hearing to review specific code language. Once the Commission formulates its recommended code language, it will be forwarded to the City Council for its consideration at a duly noticed public hearing.

CONCLUSION

Regulation of short-term rentals is not a one-size fits all and varies from City to City. The Commission's questions and concerns help Staff to further assess the issue of regulating short-term rentals and to prepare a code amendment that is unique to the City's community and needs. Based on this, Staff recommends that the Commission identify a preferred option and forward it to the City Council for its consideration prior to proceeding with drafting specific code language.

ALTERNATIVES

In addition to Staff's recommendation, the following alternatives are available for the Planning Commission's consideration:

- 1) Identify additional questions or concerns for Staff to research and assess and continue the public hearing to the September 27, 2016 meeting.

ATTACHMENTS

- Attachment A- July 12th PC Meeting Staff Report
- Attachment B- July 12th PC Meeting Minutes
- Bed and Breakfast Code Language
- Public comments



MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: ARA MIHRANIAN, AICP, COMMUNITY DEVELOPMENT DIRECTOR 
DATE: JULY 12, 2016
SUBJECT: CODE AMENDMENT TO PROHIBIT SHORT-TERM RENTALS AND THE ADVERTISEMENT OF SHORT-TERM RENTALS IN ALL SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS (CASE NO. ZON2016-00188)

Project Manager: Octavio Silva, Associate Planner 

RECOMMENDATION

Adopt P.C. Resolution No. 2016-___, thereby recommending to the City Council that the Council adopt an Ordinance amending Chapter 17.02 (Single-Family Residential Districts), Chapter 17.76 (Miscellaneous Permits and Standards), and Chapter 17.96 (Definitions) of Title 17 of the City's Development Code to prohibit short-term rentals and the advertisement of short-term rentals in all of the City's single-family residential zoning districts.

BACKGROUND

At the October 20, 2015 City Council meeting, in response to the uptick in public complaints regarding the operation of short-term rentals in residential neighborhoods, the City Council requested Staff research how neighboring Cities regulate short-term rentals. The Council's directive was to provide options that would regulate such uses within City.

On May 17, 2016, Staff reported (see attached Staff Report) to the City Council how other neighboring cities regulate short-term rentals, as well as recommending that the City

Council consider initiating code amendment proceedings to prohibit short-term rentals in all of the City's single-family residential zoning districts. After some discussion and considering public testimony (see attached minutes), the City Council agreed with Staff's recommendation and initiated the code amendment proceedings. Thus, pursuant to Section 17.68.030(A) of the RPVMC, the Planning Commission is being asked this evening to review and recommend draft code language that will be forwarded to the Council for consideration.

A Public Notice of tonight's public hearing was published in the *Peninsula News* on June 23, 2016. Additionally, the Public Notice was also emailed to all "Interested Parties" who previously submitted comments to the City regarding short-term rentals, and on July 1, 2016, a listserve message was sent to Breaking News subscribers, as well as posted on the City's Nextdoor account.

DISCUSSION

Hosting platforms found on the internet, such as Airbnb and Flipkey, have facilitated the popularity of renting single-family residences as vacation rentals on a short term basis. A recent survey of vacation rental websites conducted by an outside source, Host Compliance, found 101 listings and 80 unique short-term rental properties within the City of Rancho Palos Verdes (not including vacation home exchanges). Up until recently, the City received an occasional complaint regarding short-term rentals. However, over the past few months, the City's Code Enforcement Division has received numerous complaints from residents regarding short-term rentals occurring within the City, creating adverse impacts in residential neighborhoods throughout the City. The most common impacts reported include excessive noise, trash and parking problems. More specifically, complaints received indicate that short-term rental properties within the City are typically being utilized as "party-houses" to host weddings or other large banquet-related celebrations, which are often conducted on weekends and extend into late hours of the night.

A number of Cities in the area have taken steps to prohibit short-term rental and related uses within their communities (see attachment). Among the cities located on the Peninsula, Staff found that the City of Rolling Hills adopted an ordinance to prohibit short-term rentals, while the City of Palos Verdes Estates is considering adopting an ordinance to prohibit short-term rentals. Lastly, Staff found that the City of Rolling Hills Estates currently does not have regulations surrounding short-term rentals

Title 17 (Development Code) of the Rancho Palos Verdes Municipal Code (RPVMC) is silent regarding regulations or prohibitions relating to short-term rentals. However, the Zoning Code is structured as a "permissive zoning system" such that short-term rentals, which are uses that are not specifically enumerated in the Zoning Code, are currently considered to be prohibited in the City. In order to eliminate any ambiguity or confusion as to whether or not short term rentals are permitted or prohibited, Staff recommends adding language to the Zoning Code specifically prohibiting short-term rentals.

Proposed Code Language

Pursuant to the City Council's direction, Staff recommends that in order to clearly enumerate the prohibition and distinction between short-term rentals and "bed and breakfast inns," which are conditionally permitted in single-family residential zones, that amendments be considered to Chapter 17.02.025 (Single-Family Residential – Uses and development permitted by conditional use permit), Chapter 17.76.140 (Bed and Breakfast Inns), and Chapter 17.96 (Definitions). The proposed language deletions are shown in ~~strikethrough~~ text, and the proposed language additions are shown in underline text.

17.02.025 - Uses and development permitted by conditional use permit.

- C. ~~Bed and breakfast inns; shall not include short-term rentals as defined in sec. 17.96.1705 of this code, as short-term rentals and the advertisement of short-term rentals are prohibited in all Single-Family Residential (RS) Districts, including the RS-A-5, RS-1, RS-2, RS-3, RS-4 and RS-5 zones;~~

17.76.140 - Bed and breakfast inns.

A. Purpose. This section provides criteria for the development, operation and regulation of bed and breakfast inns in the City. The purpose of this section does not apply to short-term rentals or the advertising of short-term rentals, as defined by sections 17.96.025 and 17.96.1705 of this code, as short-term rentals and the advertising of such uses is prohibited. These criteria ensure that bed and breakfast inns are developed and operated on adequate sites, at proper and desirable locations with respect to surrounding land uses, and the goals and objectives of the general plan and any applicable specific plans. These criteria further ensures that if located in residential districts, bed and breakfast inns are compatible with a residential environment.

17.96.025- Advertisement

"Advertisement" means any printed or lettered announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website or application, or any other form.

17.96.1705- Short-Term Rental

"Short-term rental" shall mean:

- a. A rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than thirty days, while at least one of the dwelling unit's owners or lessees lives on-site, in the dwelling unit, throughout the visitors' stay;
- b. A rental of a dwelling unit or part of a dwelling unit where lodging is furnished for compensation for a period of less than thirty days without concurrently being occupied by the dwelling unit's owner or lessee.

As noted in the above text, the prohibition of short-term rentals does not include the use of "bed and breakfasts" which is a conditionally permitted use in the City's single-family

residential zoning districts, nor does it include vacation home exchange programs, as such programs which typically don't involve the transaction of money between program participants. It should be noted that the use of short-term rentals is currently permitted at Terranea (Commercial-Recreational Zoning District) for the bungalows, casitas, and villas units owned by private entities when not occupied by the owner. For these units that are rented out as a short-term rentals, Terranea controls the key access and collects the transient occupancy tax that is paid to the City. Staff's proposed prohibition on short-term rentals in single family residential zoning districts would not prohibit the continued operation of short-term rentals at Terranea because the property is not zoned as a single-family residential zoning district.

With over 100 on-line hosting platforms and an equal amount of property listings throughout the City, which are constantly added, changed or removed on a day-to-day basis, compliance monitoring and enforcement of the City's recommended ban can prove to be cumbersome. In order to assist in the enforcement of the prohibition, it is recommended that the advertising of short-term rentals also be prohibited as described in the proposed text shown above. By prohibiting the advertising of short-term rentals, there would be no right to advertise illegal activity, which would allow the City to then take action directly against websites and/or the proprietor that facilitate such rentals and violating properties.

ADDITIONAL INFORMATION

Enforcement

As originally reported to the City Council, due to limited staff resources to monitor hosting platforms or respond to public complaints, Staff intends to utilize a private vendor (Host Compliance) that provides monitoring services of short-term rentals. The use of monitoring services by this vendor, which is the only vendor currently in this niche industry, may provide the City an opportunity to take a more pro-active enforcement approach in identifying violating properties and will minimize potential Staffing costs to enforce the prohibition of short-term rentals and the advertisement of such uses.

Public Outreach

If the proposed code amendments to prohibit the use and advertisement of short-term rentals are approved by the City Council, Staff's approach to inform the public of the ban would be a two-step process. First, Staff would notify the various hosting websites of the City's Ordinance prohibiting the use and advertisement of short-term rentals. Secondly, Staff would conduct a comprehensive public outreach effort that would include specific information related to the ban on the City's website, within the City's quarterly newsletter, as well as the City's social media resources (Facebook and Nextdoor).

Public Correspondence

As of the preparation of this report, Staff received a petition supporting the ban on short-term rentals (see attachment), and an email in opposition to the proposed ban (see attachment). Public correspondence received after the transmittal of this report will be provided to the Commission the night of the meeting as late correspondence.

Environmental Assessment

Staff has reviewed the proposed application for compliance with the California Environmental Quality Act (CEQA). It has been determined that the proposed Code Amendment is exempt from CEQA, pursuant to Section 15061(b)(3) because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment, but rather will clarify prohibited uses of residential property in the City.

CONCLUSION

For the reasons stated throughout the Staff Report, Staff recommends that the Planning Commission review the proposed code language and if the proposed language is acceptable, adopt P.C. Resolution No. 2016-___, thereby recommending that the City Council adopt an ordinance prohibiting the use or advertisement of short-term rentals.

ALTERNATIVES

In addition to Staff's recommendation, the following alternatives are available for the Planning Commission's consideration:

- 1) Adopt P.C. Resolution No. 2016-____, recommending that the City Council approve the proposed Zoning Code Amendments with modifications;
- 2) Direct Staff to come back with modified language for consideration at a continued public hearing; or,
- 3) Direct Staff to come back at the next meeting with a resolution recommending that the City Council reject the prohibition of short-term rentals in the City's residential zoning districts and to develop a process for allowing the use.

ATTACHMENTS

- Draft P.C. Resolution No. 2016-___
 - Draft Ordinance No. ____
- May 17, 2016 City Council Staff Report (includes Table No.1 and public comments)
- May 17, 2016 C.C. Minutes

- Petition in Support of the Short-Term Rental Ban
- Email in Opposition of the Short-Term Rental Ban

P.C. RESOLUTION NO. 2016-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES RECOMMENDING TO THE CITY COUNCIL THAT THE COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 17.76 (MISCELLANEOUS PERMITS AND STANDARDS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S DEVELOPMENT CODE TO PROHIBIT SHORT-TERM RENTALS AND THE ADVERTISEMENT OF SHORT-TERM RENTALS IN ALL OF THE CITY'S SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, the Development Code (Title 17) is structured as a "permissive zoning system" such that short-term rentals, are uses that are not specifically enumerated in the Zoning Code, and are currently considered to be prohibited in the City; and,

WHEREAS, the City of Rancho Palos Verdes Development Code does not provide sufficient regulations for short-term rentals nor does the Development Code expressly prohibit short-term rentals; and,

WHEREAS, on October 20, 2015, the City Council requested that Staff research how neighboring Cities regulate short-term rentals, and requested that Staff provide the City Council with options for the regulating such uses within the City; and,

WHEREAS, on May 17, 2016, Staff reported to the City Council how other neighboring cities regulate short-term rentals, as well as recommending that the City Council consider initiating code amendment proceedings to prohibit short-term rentals in all of the City's single-family residential zoning districts. After some discussion and considering public testimony, the City Council initiated the code amendment proceedings; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), it has been determined that the proposed Code Amendment is exempt from CEQA, pursuant to Section 15061(b)(3) because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment, but rather will clarify prohibited uses of residential property in the City; and,

WHEREAS, on June 23, 2016, a Public Notice was published in the *Peninsula News* and mailed to all interested parties, providing notice of a public hearing before the Planning Commission on July 12, 2016; and

WHEREAS, on July 12, 2016, the Planning Commission held a duly-noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The Planning Commission finds that the facts set forth in the recitals of this Resolution are true and correct and are incorporated herein by reference as though set forth in full.

Section 2: The Planning Commission has reviewed and considered the amendments to Chapter 17.02 (Single-Family Residential Districts), Chapter 17.76 (Miscellaneous Permits and Standards) and 17.96 (Definitions) of the City's Municipal Code of Title 17 of the City's Municipal Code.

Section 3: The Planning Commission finds that the amendments to Title 17 are consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that they uphold, and not hinder, the goals and policies of those plans.

Section 4: The Planning Commission finds that the amendments to Title 17 are necessary to preserve the public health, safety, and general welfare in the area.

Section 5: For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby recommends that the City Council adopt an Ordinance entitled, AN ORDINANCE amending "CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 17.76 (MISCELLANEOUS PERMITS AND STANDARDS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S MUNICIPAL CODE TO PROHIBIT SHORT-TERM RENTALS AND THE ADVERTISEMENT OF SHORT-TERM RENTALS" in the form attached to this Resolution as Exhibit "A".

PASSED, APPROVED, AND ADOPTED this 12th day of July 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

RECUSSALS:

ABSENT:

David L. Tomblin,
Chairman

Ara Mihranian,
Community Development Director
Secretary to the Planning Commission

EXHIBIT "A"

DRAFT ORDINANCE NO. ___

Please see attached.

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 17.76 (MISCELLANEOUS PERMITS AND STANDARDS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S DEVELOPMENT CODE TO PROHIBIT SHORT-TERM RENTALS AND THE ADVERTISEMENT OF SHORT-TERM RENTALS IN ALL OF THE CITY'S SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, the Development Code (Title 17) is structured as a "permissive zoning system" such that short-term rentals, are uses that are not specifically enumerated in the Zoning Code, and are currently considered to be prohibited in the City; and,

WHEREAS, the City of Rancho Palos Verdes Development Code does not provide sufficient regulations for short-term rentals nor does the Development Code expressly prohibit short-term rentals; and,

WHEREAS, on October 20, 2015, the City Council requested that Staff research how neighboring Cities regulate short-term rentals, and requested that Staff provide the City Council with options for the regulating such uses within the City; and,

WHEREAS, on May 17, 2016, Staff reported to the City Council how other neighboring cities regulate short-term rentals, as well as recommending that the City Council consider initiating code amendment proceedings to prohibit short-term rentals in all of the City's single-family residential zoning districts. After some discussion and considering public testimony, the City Council initiated the code amendment proceedings; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), it has been determined that the proposed Code Amendment is exempt from CEQA, pursuant to Section 15061(b)(3) because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment, but rather will clarify prohibited uses of residential property in the City; and,

WHEREAS, on June 23, 2016, a Public Notice was published in the *Peninsula News* and mailed to all interested parties, providing notice of a public hearing before the Planning Commission on July 12, 2016; and,

WHEREAS, on July 12, 2016, the Planning Commission reviewed and considered the proposed code amendments to Chapter 17.02 (Single-Family Residential Districts),

Chapter 17.76 (Miscellaneous Permits and Standards) and Chapter 17.96 (Definitions) of Title 17 of the Municipal Code, and adopted P.C. Resolution No. 2016-____, recommending that the City Council adopt this Ordinance; and,

WHEREAS, on _____, after notice issued pursuant to the provisions of the Rancho Palos Verdes Municipal Code, the City Council of the City of Rancho Palos Verdes conducted and concluded a duly noticed public hearing concerning the Municipal Code amendments contained herein as required by law, and received testimony from City staff and all interested parties regarding the proposed amendments; and,

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

Section 1. The facts set forth in the Recitals are true and correct.

Section 2: The City Council finds that the amendments to the Title 17 are consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that they uphold, and not hinder, the goals and policies of those plans.

Section 3: The City Council finds that the amendments to Title 17 are necessary to preserve the public health, safety, and general welfare in the area.

Section 4. Chapter 17.02.025 (Single-Family Residential – Uses and development permitted by conditional use permit), Chapter 17.76.140 (Bed and Breakfast Inns, and Chapter 17.96 (Definitions) of the Rancho Palos Verdes Municipal Code are hereby amended to read as follows (proposed deletions ~~struck out~~; proposed additions underlined):

17.02.025 - Uses and development permitted by conditional use permit.

C. Bed and breakfast inns; shall not include short-term rentals as defined in sec. 17.96.1705 of this code, as short-term rentals and the advertisement of short-term rentals are prohibited in all Single-Family Residential (RS) Districts, including the RS-A-5, RS-1, RS-2, RS-3, RS-4 and RS-5 zones;

17.76.140 - Bed and breakfast inns.

A. Purpose. This section provides criteria for the development, operation and regulation of bed and breakfast inns in the City. The purpose of this section does not apply to short-term rentals or the advertising of short-term rentals, as defined by sections 17.96.025 and 17.96.1705 of this code, as short-term rentals and the advertising of such uses is prohibited. These criteria ensure that bed and breakfast inns are developed and operated on adequate sites, at proper and desirable

locations with respect to surrounding land uses, and the goals and objectives of the general plan and any applicable specific plans. These criteria further ensures that if located in residential districts, bed and breakfast inns are compatible with a residential environment.

17.96.025- Advertisement

“Advertisement” means any printed or lettered announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website or application, or any other form.

17.96.1705- Short-Term Rental

“Short-term rental” shall mean:

- a. A rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than thirty days, while at least one of the dwelling unit’s owners or lessees lives on-site, in the dwelling unit, throughout the visitors’ stay;
- b. A rental of a dwelling unit or part of a dwelling unit where lodging is furnished for compensation for a period of less than thirty days without concurrently being occupied by the dwelling unit’s owner or lessee.

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

PASSED, APPROVED and ADOPTED this ___TH day of _____ 2016.

Mayor

ATTEST:

Carla Morreale, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF RANCHO PALOS VERDES)

I, CARLA MORREALE, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. ___ passed first reading on _____, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on _____, and that the same was passed and adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

AGENDA DESCRIPTION:

Consideration and possible action to initiate a code amendment regarding short-term rentals in the City (Planning Case No. ZON2016-00188)

RECOMMENDED COUNCIL ACTION:

- (1) Review the options to regulate short-term rentals in the City, including Staff's recommended option to prohibit short-term rentals in the City's single-family residential zoning districts; and,
- (2) If Staff's recommended option is deemed acceptable, initiate Code Amendment proceedings to prohibit short-term rentals in the City's single-family residential zoning districts.

FISCAL IMPACT: If short-term rentals are prohibited in the City's single-family residential zoning districts, in order to monitor hosting platforms on the Internet, funding is recommended to outsource this service in an amount ranging between \$4,500 and \$7,800 annually. A budget appropriation will be brought back to the Council with more information at a later date.

Amount Budgeted:	N/A
Additional Appropriation:	N/A
Account Number(s):	N/A

ORIGINATED BY: Octavio Silva, Associate Planner *OS*

REVIEWED BY: Ara Mihranian, AICP, Community Development Director *AMS*

APPROVED BY: Doug Willmore, City Manager *DW*

ATTACHED SUPPORTING DOCUMENTS:

- A. Public Comments (page A-1)
-

BACKGROUND AND DISCUSSION:

At the October 20, 2015 meeting, the City Council requested that Staff research the issue of short-term rentals in neighboring cities and provide options for regulating such uses in the City.

Hosting platforms found on the Internet, such as Airbnb, VRBO and Flipkey, have facilitated the popularity of renting single-family residences as vacation rentals on a short-term basis. While the City does not have a definition for short-term rentals, generally the industry considers a short-term rental to be any single-family residential unit rented for a period of less than 30 consecutive days. A recent survey of vacation rental websites, conducted by an outside source, found 101 listings and 80 unique

short-term rental properties within the City of Rancho Palos Verdes (not including vacation home exchanges).

Up until recently, the City received an occasional complaint regarding short-term rentals. However, over the past few months, the City's Code Enforcement Division has received numerous complaints from residents regarding short-term rentals occurring in the City and adversely impacting a neighborhood's character. Generally speaking, the complaints seem to be focused upon five known residences that are being used to host parties or large groups. The public concerns expressed include excessive noise, parking issues and trash accumulation. The City's Development Code (Title 17) is currently silent as to express regulations or prohibitions relating to short-term rentals. However, the Development Code is structured as a "permissive zoning system" such that short-term rentals, as uses not specifically enumerated in the Development Code, are currently prohibited. That being said, the Development Code being silent regarding short-term rentals in the City's residential districts introduces ambiguity and makes code enforcement more difficult by failing to provide clear direction to the City's residents and property owners.

The City of Rancho Palos Verdes' Development Code, like those of many cities, was not written to anticipate the advent of short-term rentals and their potential to cause negative impacts in the community. As a result, many cities have found themselves reevaluating their codes to address these issues more specifically. A recent survey of local cities found that regulation of short-term rentals varies among jurisdictions (see Table No. 1 below). Among the cities located on the Peninsula, Staff found that the City of Rolling Hills adopted an ordinance to prohibit short-term rentals, while the City of Palos Verdes Estates is considering adopting an ordinance to prohibit short-term rentals. Lastly, Staff found that the City of Rolling Hills Estates currently does not have regulations surrounding short-term rentals, however, it is Staff's understanding that short-term rentals are considered commercial activity and therefore prohibited in residential zones.

Table No. 1: Regulation of Short-Term Rentals

City	Prohibits Short-Term Rentals	Permits Short-Term Rentals by Right	Permits Short-Term Rentals Subject to Conditions	Other
City of Rolling Hills	Prohibited in Single-Family Residential Zones			
City of Palos Verdes Estates	Considering prohibiting short-term rentals in Commercial, Single family, and Multi-Family Zones			

City	Prohibits Short-Term Rentals	Permits Short-Term Rentals by Right	Permits Short-Term Rentals Subject to Conditions	Other
City of Rolling Hills Estates				No adopted ordinance or regulations
City of Manhattan Beach	Prohibited In Single-Family Residential Zones			
City of Hermosa Beach	Considering prohibiting short-term rentals in residential zones			
City of Redondo Beach				Focusing on enhanced public outreach and education
City of Malibu			Requires a Special Use Permit in Residential Zones	
City of Los Angeles		Requires Registration w/ the City		

While there is no clear consensus on the regulation of short-term rentals or a single approach to regulate such uses, the following three options that are commonly considered by cities regulating short-term rentals (as shown in Table No 2 below), as well as the pros and cons of each option, is available for the Council's consideration:

Table No. 2: Pros and Cons of Regulating Short-Term Rentals

Options	Pros	Cons
Prohibit Short-Term Rentals	<ul style="list-style-type: none"> • Preservation of residential character of the neighborhood • Mitigating potential noise, traffic, and parking impacts to neighborhoods 	<ul style="list-style-type: none"> • Transit occupancy taxes cannot be collected • Challenges with monitoring hosting platforms • Challenges with enforcement • Encourages an underground economy
Permit Short-Term Rentals by Right	<ul style="list-style-type: none"> • Means of income for property owners • Increase revenue for the City through collection of TOT and business licenses 	<ul style="list-style-type: none"> • Threats to the residential character of the neighborhood • Potential noise, traffic and parking impacts to surrounding neighbors • Potential decrease in property values

Options	Pros	Cons
	<ul style="list-style-type: none"> • Reduced housing stock (if continually used as short term rental) • Reduced code enforcement challenges 	
Permit Short-Term Rentals Subject to Conditions (i.e. Conditional Use Permit or Special Use Permit)	<ul style="list-style-type: none"> • Means of income for property owners • Increase revenue for the City through collection of TOT, business licenses and permits • The City's ability to regulate the operation and impose conditions. 	<ul style="list-style-type: none"> • If City's conditions are too strict or complex, operators may not comply • Challenges with enforcement of conditions • Encourages an underground economy

Of the three options listed above, Staff's recommended option is to prohibit short-term rentals in the City's single-family residential zoning districts. Staff's research found that programs enacted to permit and regulate short-term rentals in other cities are often cumbersome and tend to lack effective enforcement and monitoring. In addition, Staff found that some cities, such as Manhattan Beach, which initially sought to permit short-term rentals, reversed their decision after receiving complaints about such uses from the community. Prohibiting short-term rentals would preserve the residential character of the City's neighborhoods and would allow City Staff to take immediate enforcement action, once a violating property is found. It should be noted that this option may present some enforcement challenges, as short-term rental listings vary from day-to-day and can occur on multiple hosting platforms available on the Internet. Furthermore, to minimize Staff resources in monitoring hosting platforms, Staff would have to rely on complaint-based notifications of violating properties. Thus, in an effort to address such challenges, City Staff recently met with a private vendor (Host Compliance) that provides monitoring services of short-term rentals. The cost for such services varies between approximately \$4,500 and \$7,800 a year based on the desired services. The use of monitoring services by this vendor, which is the only vendor currently in this niche industry, may provide the City an opportunity to take a more pro-active enforcement approach in identifying violating properties and will minimize potential Staffing costs to enforce the prohibition of short-term rentals. If the Council is interested in utilizing services provided by this vendor, Staff will come back with a professional service agreement and budget appropriation.

Staff's recommended option would require the initiation of a Code Amendment to expressly prohibit short-term rentals in the City's single-family residential zoning districts. If initiated, the Code Amendment would be reviewed by the Planning Commission at a duly noticed public hearing and a recommendation forwarded to the City Council. More specifically, the City will have to prepare a Code Amendment that addresses the following:

- Codify a definition of short-term rentals.

- Expressly prohibit the use of short-term rentals in all single-family residential zoning districts

It should be noted that the prohibition of short-term rentals does not include the operation of “bed-and-breakfasts” which are a conditionally permitted use in the City’s single-family residential zoning districts and which provide more occupant oversight, since “bed-and-breakfast” uses are generally owner-occupied and operate under established conditions of approval. In addition, the prohibition of short-term rentals would not apply to vacation home exchange programs, as such programs typically do not involve the exchange of money between program participants and do not result in code enforcement complaints. Thus, the “short-term rental” definition that the Planning Commission will be asked to consider will exclude home exchange programs. Additionally, the use of short-term rentals is currently permitted at the Terranea Resort (Commercial-Recreational Zoning District) for the bungalows, casitas, and villas units owned by private entities when not occupied by the owner. For these units that are rented out as a short-term rental, the resort controls the key access and collects the transient occupancy tax that is paid to the City. Staff’s proposed prohibition on short-term rentals in single family residential zoning districts would not apply to the Terranea Resort.

CONCLUSION:

Cities have options available to regulate short-term rentals, each of which presents some positive and negative aspects of regulating such uses. Due to the code enforcement complaints and concerns that prompted this item to be brought before the City Council, Staff is recommending the prohibition of short-term rentals.

ALTERNATIVES:

In addition to the Staff recommendations, the following alternative actions are available for the City Council’s consideration:

1. Identify additional options for Staff to research for Council consideration at a future meeting;
2. Affirm that the City’s Zoning Code, operating as a “permissive zoning system,” currently prohibits short-term rentals because such uses are not specifically enumerated in the Zoning Code, and direct Staff not to proceed with amending the Code; or,
3. Direct Staff to take no action at this time.

Octavio Silva

From: Julie Peterson
Sent: Wednesday, May 04, 2016 2:31 PM
To: Octavio Silva
Subject: FW: Air bnb on Sunnyside Ridge Road

From: Chrissy K Meisterheim [mailto:ckmeisterheim@gmail.com]
Sent: Wednesday, February 10, 2016 4:13 PM
To: Julie Peterson <JulieP@rpvca.gov>
Subject: Air bnb on Sunnyside Ridge Road

Dear Ms. Julie Peterson

We have been informed that the owners of the property at 2553 Sunnyside Ridge Road use this single-family residential building for short-term rental, advertise and make the property available, in regular daily basis and without special use license, for wedding receptions, baby showers, birthdays and other entertainment purposes. Such unpermitted use adversely impacts the surrounding properties, substantially increases noise, impedes pedestrian access, degrades vehicular circulation and equally important inflicts a negative bearing on the character of the community and the street.

We believe using the property in the single-family residential (RS) district as rental event venue without special use license violates the zoning ordinance, municipal code section 17.02.020, Uses and development permitted (Ord. No. 529, § 17, 11-15-11; Ord. No. 535, § 3, 4-17-12). We hereby request the city of RPV code enforcement to follow-up in this matter and use appropriate enforcing mechanism to a) prevent owners to continue using this property in such manner, or b) require special use license with detailed plan as well as imposing appropriate and reasonable conditions and restrictions to stop all disturbances from this property and to maintain the quite and friendly character of the Sunnyside Ridge Road community.

We appreciate if you keep us informed on any development in this matter. Please feel free to contact me for additional details if needed.

For reference, advertisement for this property can be found here: https://www.airbnb.com/rooms/9493841?s=SPw4T5_G

Sincerely,

Chrissy Meisterheim,
President, Sunnyside Community Association


--

Octavio Silva

From: Julie Peterson
Sent: Wednesday, May 04, 2016 2:31 PM
To: Octavio Silva
Subject: FW: Sunnyside Ridge Air bnb situation
Attachments: image1.jpeg; ATT00001.txt

-----Original Message-----

From: Michelle Smith [mailto:smsmith831@gmail.com]
Sent: Sunday, March 13, 2016 8:36 PM
To: Julie Peterson <JulieP@rpvca.gov>
Subject: Sunnyside Ridge Air bnb situation

Hi Julie,

I am the neighbor of the house that keeps renting their house out for parties on Air bnb. It's just plain odd how people can subject their once neighbors to this strange situation where complete strangers come into our street... Line it with many cars causing congestion and then proceed to have complete strangers party all evening into the late hours. My only recourse is to wait until the evening hours to call in a noise violation to the police. That doesn't stop all the traffic coming and going and parking on both sides of street and in front of my house. It's just extremely inconsiderate ...

I never see the neighbors, the Meyers, as I am a busy professional that travels for work often during the week. Would be nice to have my peace and quiet back...on weekends. But if I have no ordinance to back me up, I suspect the Meyers will continue to profit at my expense. I am really surprised at their selfishness. Here is an article from Daily Breeze I believe that shows neighboring cities are cracking down on these short term rentals..Aka one night only party situations.

Hoping that my city will help put a stop to people profiting at other's expense. Thanks, Michelle Smith

Redondo Beach Short-term rental crack down

by Megan Barnes

Redondo Beach will soon crack down on property owners who illegally rent out their homes on Airbnb and other popular vacation rental websites.

The City Council on Tuesday voted unanimously to keep short-term rentals outlawed and step up code enforcement rather than tax and regulate the growing industry, which has generated complaints from neighbors who say they now live next to nonstop party houses.

While neighboring cities such as Manhattan Beach and even tiny Rolling Hills have passed ordinances explicitly banning home rentals under 30 days, Community Development Director Aaron Jones said they already

see COUNCIL / 23

... those who haven't
inside the free aquarium at
Manhattan Beach pier, that
it bears. As much as it e
tains, it inspires.

And yet, Skechers C
Beach resident M
along with his assi
Oceanography and
(OTS) Board Presi
Manhattan Beach
know that it can b
nonprofit that lea
the city and runs

They know th
create more me

In his son's
committed \$
Harrison Gree
rior restoration
"beautification
The city ha
\$150,000 bef
interest in do
contribute and
ing council ap

Greenbert
up to \$2.5 mil
to raise additi
agreements are
He hopes the

Octavio Silva

From: Julie Peterson
Sent: Wednesday, May 04, 2016 2:32 PM
To: Octavio Silva
Subject: FW: Inquire about possible zoning code violation at 3664 Hightide Dr. RPV

From: Ara Mihranian
Sent: Tuesday, March 15, 2016 10:38 PM
To: Julie Peterson <JulieP@rpvca.gov>
Subject: Fwd: Inquire about possible zoning code violation at 3664 Hightide Dr. RPV

Hi Julie.
Can you please provide a response to the email sender

Thanks!
Ara

Sent from my iPhone

Begin forwarded message:

From: <jnbertolina@cox.net>
Date: March 15, 2016 at 9:31:39 PM PDT
To: <planning@rpv.com>
Subject: **Inquire about possible zoning code violation at 3664 Hightide Dr. RPV**

We live across the street from the house on 3664 Hightide Dr, which was sold last May and we had not observed anyone living there. There is a work crew building a swimming pool. In the last few weeks, we have seen a number of different cars parked in the driveway and on the street usually for one or two nights. It has occurred to us that it might be operating as a daily rental and we searched the Air BnB. This appears to be the listing:
<https://www.airbnb.com/rooms/9382619?checkin=04%2F01%2F2016&checkout=04%2F08%2F2016&s=PwIUuROa#host-profile>

Needless to say we are very concerned about this situation. We would like to know if this is a violation of the city code as this is a residential single family area.

Thank you for prompt attention and we await your response.



Octavio Silva

From: Julie Peterson
Sent: Wednesday, May 04, 2016 2:33 PM
To: Octavio Silva
Subject: FW: RPV Nuisance Property - 7242 Avenida Altisima (operating a bed and breakfast out of a residence)

From: Ara Mihranian
Sent: Monday, March 21, 2016 12:25 PM
To: Nicole Jules <NicoleJ@rpvca.gov>
Cc: Julie Peterson <JulieP@rpvca.gov>
Subject: RE: RPV Nuisance Property - 7242 Avenida Altisima (operating a bed and breakfast out of a residence)

Thanks Nicole.
We are monitoring this situation here in RPV.

Ara Michael Mihranian
Deputy Director of Community Development



30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
310-544-5228 (telephone)
310-544-5293 (fax)
aram@rpvca.gov
www.rpvca.gov

WE ARE IN PROCESS OF SWITCHING TO A NEW WEB AND EMAIL DOMAIN. IF YOU HAVE ME IN YOUR CONTACTS, PLEASE SWITCH MY EMAIL FROM ARAM@RPV.COM TO ARAM@RPVCA.GOV.



Do you really need to print this e-mail?

This e-mail message contains information belonging to the City of Rancho Palos Verdes, which may be privileged, confidential and/or protected from disclosure. The information is intended only for use of the individual or entity named. Unauthorized dissemination, distribution, or copying is strictly prohibited. If you received this email in error, or are not an intended recipient, please notify the sender immediately. Thank you for your assistance and cooperation.

From: Nicole Jules
Sent: Monday, March 21, 2016 9:01 AM

To: Planning <Planning@rpvca.gov>
Cc: Ara Mihranian <AraM@rpvca.gov>
Subject: FW: RPV Nuisance Property - 7242 Avenida Altisima (operating a bed and breakfast out of a residence)

FYI

Nicole
Department of Public Works
310-544-5275

From: Tracy Burns [mailto:akamomma@gmail.com]
Sent: Monday, March 21, 2016 7:21 AM
To: Nicole Jules <NicoleJ@rpvca.gov>
Subject: Re: RPV Nuisance Property - 7242 Avenida Altisima (operating a bed and breakfast out of a residence)

Hi Nicole,

The issue of SHORT TERM Rental properties has come up on the neighborhood website/app "Nextdoor". Seems some property managers and short term rental property owners wanted to drum up support to show the City of PVE for another meeting regarding this issue. When I shared my actual experiences living next to one of these properties, it got heated. I would like to note that I did not give out my address or my neighbors address. SHE joined in the conversation and did it herself, along with her actual AirBnB ad and a long story about her financial needs. If PVE is dealing with this, I'm sure RPV will have to do the same or is already dealing with it. Can you please advise who I should speak with in Code Enforcement and confirm the current laws?

https://countryclubpalosverdes.nextdoor.com/news_feed/?post=22788139

Sincerely,
Tracy Burns

On Mon, Feb 3, 2014 at 5:26 PM, Nicole Jules <NicoleJ@rpv.com> wrote:

Hi Tracy & Ben,

Thank you for your email. I have forwarded your email to our Code Enforcement Officers who will follow-up on this issue as appropriate.

If you have additional questions or concerns, please don't hesitate contacting the City.

Nicole Jules, Senior Engineer

 City of Rancho Palos Verdes
Department of Public Works

30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
nicolej@rpv.com

(310) 544-5275 – (310) 544-5292 f

From: Tracy Burns [<mailto:akamomma@gmail.com>]
Sent: Saturday, February 01, 2014 5:38 PM
To: Nicole Jules
Subject: RPV Nuisance Property - 7242 Avenida Altisima (operating a bed and breakfast out of a residence)

City of RPV,

I would like to register a formal complaint about a property owner operating a hotel (DAILY rooms for rent) and an event space out of her home in a residential neighborhood. Since the middle part of 2013 we have noticed a severe increase in traffic, parking problems and late night parties with loud music. Deputies have shown up to the address a couple of times within the last year because of the late night parties with loud music (we did not call, it was other neighbors). Due to all the late night parties, parking problems and unsavory characters constantly coming and going, we conducted some research and found the advertisement for her bed and breakfast. The listing indicates she has been operating since July 2013. The ad states her home is "great for parties" and that she will stay on site in most cases. Both of these assertions are confirmed in the reviews by her paying guests and many complimented her on being a wonderful hostess with some mentioning being served a continental style breakfast. Please review the ad and the reviews written by her numerous paying guests including the DAILY ROOM RATES provided in the link below:

Property information and room rates:

<https://www.airbnb.com/rooms/1055562>

Maura's bio and reviews from paying guests:

<https://www.airbnb.com/users/show/5813489>

Nuisance Property:
Maura Mizuguchi - Owner

7242 Avenida Altisima

Rancho Palos Verdes, CA

90275

Excerpt taken from ad on airbnb:

"If you plan to just rent room(s), you will be sharing the home with the family. You will have full access to the kitchen, dining, deck, pool area, laundry facilities.

Please note the pricing on this site is for the guest room...however, if you are interested in more rooms the pricing is as follows: (note that the pricing is for each room and each room can sleep 2 people)

Master bedroom with a King bed (private bath) available for \$175 per night.

Children room with two twin beds (private bath) available at an additional \$75 per night.

Guest room with a queen bed (shared bath) at \$125 per night.

Extra guest room or playroom with a day bed that turns into two twins or a double bed (shared bath) at \$100 per night.

Extra persons in any of the rooms are \$35 per night.

When requesting a rental please state what rooms you are interested in. Also indicate if you are a couple or singles and ages of children so that we can put you in the correct rooms.

If you rent for just one night instead of two or if you rent the entire house, there will be a cleaning fee.

Housekeeper available to run errands, grocery shop, prepare simple meals, tidy up at \$20 per hour + cost of purchased items."

I do not know what your policy is on processing nuisance properties complaints, but for the sake of neighbor relations I'd prefer to remain anonymous.

Sincerely,

Tracy Burns



--
Tracy

Octavio Silva

From: Julie Peterson
Sent: Wednesday, May 04, 2016 2:34 PM
To: Octavio Silva
Subject: FW: 7242 Avenida Altisima - Nuisance Property/ Event Space Rental / Hotel (one night minimum stay)

From: Tracy Burns [mailto:akamomma@gmail.com]
Sent: Monday, March 28, 2016 2:24 PM
To: Julie Peterson <JulieP@rpvca.gov>
Subject: 7242 Avenida Altisima - Nuisance Property/ Event Space Rental / Hotel (one night minimum stay)

The owner, Maura Mizuguchi, identified herself and posted this AirBnB ad on the community messageboard on NextDoor in regards to Short Term Rentals.

It should be noted that if you Google "Palos Verdes Party House" the ad Maura posted pops at the top of the results. Also, within the ad she posted there are direct quotes and photos indicating the use of the property. Ex. "This is a great place for a party"; "I may or may not be available on site due to my work schedule and travel schedule"; "One night minimum"; "Accommodating guests for a pool party"- photo caption showing a large group of party goers next to her pool.

----- Forwarded message -----

From: Tracy Burns <akamomma@gmail.com>
Date: Wed, Mar 23, 2016 at 1:44 AM
Subject: Maura - AirBnB Ad
To: Tracy Burns <akamomma@gmail.com>

<https://www.airbnb.com/rooms/1055562?s=6zmQo5N8>

Feng Shui Beach House - Ocean Views

[United StatesCaliforniaRancho Palos Verdes](#)
[Rancho Palos Verdes, CA, United States](#)
(111)

Mm

Private room
8 Guests
5 Beds
Request to Book Instant Book

One-time fee charged by host to cover the cost of cleaning their space

This helps us run our platform and offer services like 24/7 support on your trip.

This helps us run our platform and offer services like 24/7 support on your trip. It includes VAT.

[× Close](#) Request to Book

\$130

Per Night

Check in[]

Check out[]

Guests

[1 ▼]

Request to Book

[] Saved to Wish List Save to Wish List

962 travelers saved this place

Share:

[Email](#) [Email](#) [Messenger](#) [Messenger](#) ... More

[Report this listing](#)

You have reported this listing. [Undo?](#)

About this listing

Wake up to panoramic ocean views of the Pacific!

Contact Host



Entry to the home!

The Space

Accommodates: 8

Bathrooms: **3.5**

Bedrooms: **1**

Beds: **5**

Check In: **2:00 PM**

Check Out: **12:00 PM (noon)**

Property type: House

Room type: **Private room**

House Rules

Amenities

- Kitchen
- Internet
- TV
- Shampoo

+ More

- Kitchen**
- Internet**
- TV**

Essentials

- Shampoo**
- Heating**

Air Conditioning

- Washer**
- Dryer**
- Free Parking on Premises**
- Wireless Internet**
- Cable TV**

Breakfast

Pets Allowed

- Family/Kid Friendly**
- Suitable for Events**

Smoking Allowed

- Wheelchair Accessible**
- Elevator in Building**
- Indoor Fireplace**
- Buzzer/Wireless Intercom**
- Doorman**

Pool

- Hot Tub**
 - Gym**
 - 24-Hour Check-in**
 - Hangers**
 - Iron**
 - Hair Dryer**
 - Laptop-Friendly Workspace**
-

Prices

- Extra people: **No Charge**
 - Security Deposit: **\$1000**
 - Weekly discount: **9%**
 - Monthly discount: 51%**
 - Cancellation: **Strict**
-

Description

The Space

Please read the description in its entirety and state what room(s) you are interested in. The pricing calculated on this site is for the guest room only (occupancy 2). That price is \$130 per night. If you want more rooms or a different room, each room is priced differently.

Welcome to beautiful Palos Verdes, the only area in LA with true shoreline sea cliffs. The house is featured in Ms. Sugita's website as the "Beach House" and incorporates modern Feng Shui principles.

Be our guest or stay on your own at our 4 bedroom, 3.5 bath recently remodeled home overlooking the Pacific Ocean. The house is on a private road. There is a museum feel and gives a sense that you are on the edge of the world.

The house has unobstructed panoramic views of the Pacific Ocean and is peaceful and tranquil. There is a swimming pool and ultimate privacy!

This is not for the bargain hunter, but for those who are looking for upscale accommodations. Competitively, these accommodations are a fraction of the cost to the local hotel rooms that average \$450 per night (double occupancy) at the Terranea resort.

Cable TV, internet available. There is no air-conditioning.

If you plan to just rent room(s), you will be sharing the home with the family. You will have full access to the kitchen, dining, deck, pool area, laundry facilities.

Please note the pricing on this site is for the guest room...however, if you are interested in more rooms the pricing is as follows: (note that the pricing is for each room and each room can sleep 2 people)

Master bedroom with a King bed (private bath) available for \$180 per night. This room has private access to the pool and private access to the front deck of of the home. There is a pull-out double bed couch in the master bedroom should you want to house 4 people in the room for an additional \$70 charge.

Children room with two twin beds (private bath) available at an additional \$80 per night. This room has private access to the pool.

Guest room with a queen bed (shared bath) at \$130 per night.

Extra guest room with a queen bed (shared bath) at \$105 per night.

Extra persons in any of the rooms are \$35 per night.

When requesting a rental please state what rooms you are interested in. Also indicate if you are a couple or singles and ages of children so that we can put you in the correct rooms.

If you rent for just one night instead of two or if you rent the entire house, there will be a cleaning fee.

Housekeeper available to run errands, grocery shop, prepare simple meals, tidy up at \$20 per hour + cost of purchased items.

There is an iPhone connection for music in the main living area that hooks to outdoor speakers on the front deck and back pool area.

Layout and Design:

The house is a ranch style with a total of four bedrooms. Two bedrooms, each with a private bath, are at the south side of the house (master room and child's bunk room) are accessible to the pool area. Two bedrooms that share a bathroom are at the north side of the house. In the middle of the house is a large open floor plan where the dining area and living area is one large room. There is a powder room and access to the front deck and backyard pool area. The kitchen connects to the dining room. An office that is closed off from most of the house is also in the center of the house. The house is very contemporary yet very warm with lots of wood.

As guests of the home, you will have full access to the entire place - kitchen, living area, outdoor space, swimming pool.

Guest Access

All condiments, spices, oils are available for the guests! Please help yourself!

Interaction with Guests

I may or may not be available on site due to my work and travel schedule. Housekeeper is available to assist in questions and I am very responsive to texts/emails.

The Neighborhood

The house is on a private street and is very private. Yet the house is close to shops and grocery stores.

Getting Around

It is best to have a car and there is plenty of parking. Uber is readily available if you prefer not to have a car.

Other Things to Note

If you rent just rooms, you will share the house with the family.

The house is on a private street and noise and capacity restrictions apply. All guests must be registered with the host.

There are security cameras and remote security settings.

[+ More](#)

House Rules

Please remove decorative pillows from the bed before sleeping. Do not use the pillows to sleep on. The material is very expensive.

No smoking, no pets. Owners are extremely allergic to cats and dogs.

Wet suits only in tiled areas (bathrooms, laundry room). The house is floored in premium maple and the wood will buckle / rot if any dampness remains on the surface.

No high heels on the wood floor - you will leave knicks and indentations on the wood's surface that will be costly to repair.

Non-smoking house - a fee for odor removal will be charged for non-compliance.

The pool is not heated during the winter. The heating element for jacuzzi is not working properly.

This is a great place for a party. However, the house is on a private street. Please note that everything must be put back in its original place. Fees for clean up and re-positioning of goods and furniture will be assessed if the items are not put back in its original places.

+ More

Safety Features

Smoke Detector

Carbon Monoxide Detector

Availability

1 night minimum stay

[View Calendar](#)



Sunset views and a view of Catalina island (on left).











[See all 28 photos](#)

111 Reviews

0

Search reviews

Press to search

Highlights

View (59)Host (40)Pool (29)Recommend (28)Clean (26)Comfortable (21)Bedroom (20)Area (14)Spacious (12)Location (11)Check in (8)Kitchen (8)Neighborhood (7)Bathroom (6)Arrival (6)

Octavio Silva

From: Julie Peterson
Sent: Wednesday, May 04, 2016 2:35 PM
To: Octavio Silva
Subject: FW: Short Term Rentals on PVP Peninsula

-----Original Message-----

From: shari graner [mailto:sharigraner@aol.com]
Sent: Thursday, April 28, 2016 9:00 AM
To: Ara Mihranian <AraM@rpvca.gov>
Cc: Octavio Silva <OctavioS@rpvca.gov>; Julie Peterson <JulieP@rpvca.gov>; Gabriella Yap <gyap@rpvca.gov>
Subject: Short Term Rentals on PVP Peninsula

> Good Morning to RPV City Officials :-

>

> I am sure you've seen the April 21st Daily Breeze and PVPeninsula News articles reporting that PVE has joined RH and RHE in developing protocol for short-term and home-stay rentals (Airbnb, vrbo, homestay, etc.). As we know, RPV will be the last city on the bandwagon. I know this is on the slate for your May 17th meeting. These newspaper articles state:

>

> PVE: to city council for approval, a ban on all short-term rentals which includes any space rented for fewer than 30 days. It will be a combined effort between neighborhoods and the city in providing information and monitoring.

>

> RHE: relies on existing municipal code banning commercial uses in residential areas to prevent short-term rentals.

>

> RH: prohibits any home rented for fewer than 30 days.

>

> RPV: nothing yet!

> You may recall my previous email mentioning that my street, Sunnyside Ridge Road, has a real problem with short-term rentals. The home at 2553 is rented (\$500/night) on Airbnb through August and beyond. We endure parties, parking problems, poolside nudity, strangers in our neighborhood. It has come to my attention that porn film producers avail themselves of Airbnb rentals for filming.

> There are two other nearby neighborhood homes here that are short-term rentals - both in view from my home in the canyon behind me. Those homes have PVDE addresses - the Zack home (vrbo.com, \$675.00 / night) and another that the Sheriff's Department has researched enough to know it is rented out over the internet. There are no quiet weekends here in summertime.

> The short-term rental owners stay in other, cheaper (\$85.00/night) Airbnb rentals while their homes are being rented out. They also stay with family members or friends. The one home (with which the Sheriff is familiar) on PVDE may have no inhabitants.

> Allow me to share below the contact information with you for our Sunnyside Ridge Road Homeowners Association Board of Directors for your further communications. I would very much appreciate being copied on any correspondence. Thank you.

Octavio Silva

From: Julie Peterson
Sent: Wednesday, May 04, 2016 2:35 PM
To: Octavio Silva
Subject: FW: Short Term Rentals on PVP Peninsula

-----Original Message-----

From: shari graner [mailto:sharigraner@aol.com]
Sent: Thursday, April 28, 2016 9:00 AM
To: Ara Mihranian <AraM@rpvca.gov>
Cc: Octavio Silva <OctavioS@rpvca.gov>; Julie Peterson <JulieP@rpvca.gov>; Gabriella Yap <gyap@rpvca.gov>
Subject: Short Term Rentals on PVP Peninsula

> Good Morning to RPV City Officials :-

>

> I am sure you've seen the April 21st Daily Breeze and PVPeninsula News articles reporting that PVE has joined RH and RHE in developing protocol for short-term and home-stay rentals (Airbnb, vrbo, homestay, etc.). As we know, RPV will be the last city on the bandwagon. I know this is on the slate for your May 17th meeting. These newspaper articles state:

>

> PVE: to city council for approval, a ban on all short-term rentals which includes any space rented for fewer than 30 days. It will be a combined effort between neighborhoods and the city in providing information and monitoring.

>

> RHE: relies on existing municipal code banning commercial uses in residential areas to prevent short-term rentals.

>

> RH: prohibits any home rented for fewer than 30 days.

>

> RPV: nothing yet!

> You may recall my previous email mentioning that my street, Sunnyside Ridge Road, has a real problem with short-term rentals. The home at 2553 is rented (\$500/night) on Airbnb through August and beyond. We endure parties, parking problems, poolside nudity, strangers in our neighborhood. It has come to my attention that porn film producers avail themselves of Airbnb rentals for filming.

> There are two other nearby neighborhood homes here that are short-term rentals - both in view from my home in the canyon behind me. Those homes have PVDE addresses - the Zack home (vrbo.com, \$675.00 / night) and another that the Sheriff's Department has researched enough to know it is rented out over the internet. There are no quiet weekends here in summertime.

> The short-term rental owners stay in other, cheaper (\$85.00/night) Airbnb rentals while their homes are being rented out. They also stay with family members or friends. The one home (with which the Sheriff is familiar) on PVDE may have no inhabitants.

> Allow me to share below the contact information with you for our Sunnyside Ridge Road Homeowners Association Board of Directors for your further communications. I would very much appreciate being copied on any correspondence. Thank you.

>
>
>
>



> Thank you all for your time and consideration.

>

> Shari Graner

>



> sharigraner@aol.com

>

>

> Sent from my iPad

**MINUTES
RANCHO PALOS VERDES CITY COUNCIL
REGULAR MEETING
MAY 17, 2016**

The meeting was called to order at 6:04 P.M. by Mayor Dyda at Fred Hesse Community Park, 29301 Hawthorne Boulevard.

City Council roll call was answered as follows:

PRESENT: Brooks, Campbell*, Duhovic*, Misetich, and Mayor Dyda

ABSENT: None

*Councilman Duhovic and Mayor Pro Tem Campbell arrived late.

Also present were Doug Willmore, City Manager; David Aleshire, City Attorney; Gabriella Yap, Deputy City Manager; Teresa Takaoka, Deputy City Clerk; and, Carla Morreale, City Clerk.

PUBLIC COMMENTS: (This section of the agenda is for audience comments regarding Closed Session items)

None.

CLOSED SESSION ITEMS ANNOUNCED:

City Attorney Aleshire announced the items to be discussed in Closed Session.

RECESS TO CLOSED SESSION:

At 6:05 P.M., the Council recessed to Closed Session.

*Councilman Duhovic and Mayor Pro Tem Campbell arrived at 6:07 P.M., prior to the start of the Closed Session.

RECONVENE TO REGULAR SESSION:

The meeting was reconvened to Regular Session at 7:02 P.M.

ROLL CALL:

City Council roll call was answered as follows:

PRESENT: Brooks, Campbell, Duhovic, Misetich, and Mayor Dyda

ABSENT: None

City Council Minutes
May 17, 2016
Page 1 of 16

Also present were Doug Willmore, City Manager; David Aleshire, City Attorney; Gabriella Yap, Deputy City Manager; Michael Throne, Director of Public Works; Cory Linder, Director of Recreation and Parks; Ara Mihranian, Community Development Director; Trang Nguyen, Deputy Director of Finance; Ron Dragoo, Principal Engineer; So Kim, Senior Planner; Octavio Silva, Associate Planner; Teresa Takaoka, Deputy City Clerk; and, Carla Morreale, City Clerk.

Also present were the following: Captain Dan Beringer, Lomita Station, Los Angeles County Sheriff's Department; and Elizabeth Sala, West Vector Control District Board Member.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Deputy City Clerk Takaoka.

CLOSED SESSION REPORT:

City Attorney Aleshire reported on the following Closed Session items: 1) With respect to the Existing Litigation in the Parks, et al. v. The City of Rancho Palos Verdes case, a status report was provided and no reportable action was taken; 2) With respect to the Existing Litigation in the Cherine Medawar; Jill Medawar v. City of Rancho Palos Verdes, et. al. case, a status report was provided and no reportable action was taken; 3) With respect to the item regarding Potential Litigation against the City, based on a letter from attorney Ted. K. Lippincott, a status report was provided and no reportable action was taken; and, 4) With respect to the Public Employee Performance Evaluation of the City Manager, there was discussion and no reportable action taken.

Mayor Dyda reported that the City Council is in the process of creating a process for the performance evaluation which has contributed to the delay, but noted the Council is moving forward in that process.

CEREMONIAL:

Mayor Dyda recognized Dr. George Wissa, business owner of Golden Cove Pharmacy, and presented him with a Certificate of Recognition for his contributions and customer service to the residents of the City and Peninsula.

MAYOR'S ANNOUNCEMENTS:

Mayor Dyda announced that Public Works week was May 15-21 and thanked the Public Works staff for their continual efforts in improving the quality of life for all of the City's residents. Mayor Dyda thanked and recognized the many volunteers who have participated in the Recreation and Parks Volunteer Program contributing to the success of 38 volunteer projects and events throughout the City in 2015.

City Council Minutes
May 17, 2016
Page 2 of 16

RECYCLE DRAWING:

Mayor Dyda announced Recyclers of the Month from the May 3, 2016 City Council meeting: Adriana Ginsburg and Sherry Unmack. He indicated that all winners receive a check for \$250 representing a year of free refuse service and urged everyone to participate in the City's Recycling Program.

APPROVAL OF AGENDA:

Councilman Duhovic moved, seconded by Councilman Misetich, to approve the agenda, as presented.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Misetich and Mayor Dyda
NOES: None
ABSENT: None

PUBLIC COMMENTS FOR ITEMS LISTED ON THE AGENDA FOR THE STUDY SESSION:

None.

PUBLIC COMMENTS: (Audience Comments regarding Items Not on the Agenda)

Noel Weiss, provided comments regarding concerns about the Rancho LPG Tank Facility located in San Pedro.

Jim Gordon, Rancho Palos Verdes, provided comments regarding the City's major accomplishment in improving the traffic situation along the Palos Verdes Drive East switchbacks; and noted concern regarding the closure of the bridge at Trump National Golf Course which was to be closed due to geological issues.

Diane Smith, Rancho Palos Verdes, provided comments regarding the improved traffic situation along the Palos Verdes Drive East switchbacks.

Bernadette Sabath, Peninsula Verde resident, Rancho Palos Verdes, provided comments regarding the recent May 10, 2016 Planning Commission meeting where concerns regarding Green Hills Memorial Park were discussed.

CITY MANAGER REPORT:

City Manager Willmore introduced and welcomed the City's new Human Resources Manager, Mary Ortiz Bradley.

City Council Minutes
May 17, 2016
Page 3 of 16

City Manager Willmore invited Elizabeth Sala, the City's representative on the West Vector Control District Board, to provide a report and updated information from the West Vector Control.

Elizabeth Sala, West Vector Control District Board Member, provided an oral report regarding health concerns pertaining to West Nile Virus which is transmitted by mosquitos; the new invasive Aedes mosquito which is carrying the Zika Virus; and ticks and Lyme disease.

City Manager Willmore invited Director of Public Works Throne to provide a brief report and presentation in honor of Public Works' Week.

Director of Public Works Throne provided a report and short video clip regarding the responsibilities of the Public Works Department in the areas of construction, maintenance, engineering, administration, and contract management.

CONSENT CALENDAR:

City Clerk Morreale reported that late correspondence was distributed prior to the meeting regarding Item D (Consideration and Possible Action to Reject All Bids received for the RPVtv Building Improvement Project), Item H (Consideration and Possible Action to Award a Professional Services Agreement to KOA Consulting, Inc. to Aid in the Administration of Public Works Projects), Item I (Consideration and Possible Action to Authorize a Project Budget Increase to the Sunnyside Ridge Trail Segment Project that is Cost Neutral to the City Budget), Item J (Consideration and Possible Action to Receive and File a Report on Green Hills Memorial Park regarding Pacific Terrace/Memorial Terrace Mausoleum), and Item L (Consideration and Possible Action to Award a Construction Agreement to Hardy and Harper, Inc. for the Construction of the Annual Sidewalk Repair and Replacement Program Project, and to Award a Professional Services Agreement to Sunbeam Consulting for Inspection Services); and there were requests to speak regarding Item E (Consideration and Possible Introduction of an Ordinance to Permit Special Events on City Property and Public Rights-of-Way), Item I (Consideration and Possible Action to Authorize a Project Budget Increase to the Sunnyside Ridge Trail Segment Project that is Cost Neutral to the City Budget), and Item J (Consideration and Possible Action to Receive and File a Report on Green Hills Memorial Park regarding Pacific Terrace/Memorial Terrace Mausoleum).

Brief discussion ensued between Councilman Duhovic and Principal Engineer Dragoo regarding Item D (Consideration and Possible Action to Reject All Bids received for the RPVtv Building Improvement Project), and Item H (Consideration and Possible Action to Award a Professional Services Agreement to KOA Consulting, Inc. to Aid in the Administration of Public Works Projects).

City Council Minutes
May 17, 2016
Page 4 of 16

Councilman Duhovic requested that Item N (Consideration and Possible Action to Approve the Sheriff's Law Enforcement Agreement and Deployment Survey) be removed from the Consent Calendar for separate consideration.

Councilman Misetich moved, seconded by Councilwoman Brooks, to approve the Consent Calendar, as amended, with Item E (Consideration and Possible Introduction of an Ordinance to Permit Special Events on City Property and Public Rights-of-Way), Item I (Consideration and Possible Action to Authorize a Project Budget Increase to the Sunnyside Ridge Trail Segment Project that is Cost Neutral to the City Budget), and Item J (Consideration and Possible Action to Receive and File a Report on Green Hills Memorial Park regarding Pacific Terrace/Memorial Terrace Mausoleum), to follow immediately after the Consent Calendar; and Item N (Consideration and Possible Action to Approve the Sheriff's Law Enforcement Agreement and Deployment Survey) to follow after Regular Business.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Misetich and Mayor Dyda
NOES: None
ABSENT: None

Motion to Waive Full Reading

Adopted a motion to waive reading in full of all ordinances presented at this meeting with consent of the waiver of reading deemed to be given by all Council Members after the reading of the title.

Approval of Minutes

Approved the Minutes of the April 19, 2016 Regular Meeting.

Register of Demands

ADOPTED RESOLUTION NO. 2016-17, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING FUNDS FROM WHICH THE SAME ARE TO BE PAID.

Consideration and Possible Action to Reject All Bids received for the RPVtv Building Improvement Project

- 1) Rejected all bids received for the RPVtv Building Improvement Project; and,
- 2) Directed Staff to revise the project bidding criteria, modify the scope of work without impacting essential elements of the project, with a goal of decreasing the construction cost, and re-advertise the project as soon as possible.

City Council Minutes
May 17, 2016
Page 5 of 16

Consideration and Possible Introduction of an Ordinance to Permit Special Events on City Property and Public Rights-of-Way

This item was removed from the Consent Calendar for separate consideration.

Consideration and Possible Action to Initiate Proceedings for the Annual Levy and Assessments of the Existing Citywide Landscaping and Lighting Maintenance District

1) ADOPTED RESOLUTION NO. 2016-18, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) FOR FY 2016-17 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; 2) ADOPTED RESOLUTION NO. 2016-19, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, APPROVING THE ENGINEER'S REPORT IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT FOR FY 2016-17; and, 3) ADOPTED RESOLUTION NO. 2016-20, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT FOR FY 2016-17 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

Consideration and Possible Action regarding Two Claims Against the City by Rick Anthony Egan and Dylan Michael Egan

Rejected the claims and directed Staff to notify the claimants' attorney.

Consideration and Possible Action to Award a Professional Services Agreement to KOA Consulting, Inc. to Aid in the Administration of Public Works Projects

1) Authorized the award of a contract with KOA Consulting, Inc. for Professional Services up to \$100,000 for assistance in the administration of Public Works Projects as needed; 2) Authorized the Mayor and City Clerk to execute the Professional Services Agreement with KOA Consulting, Inc.; and, 3) Authorized the Mayor and City Clerk to execute the Professional Services Agreement, subject to approval as to form by the City Attorney.

Consideration and Possible Action to Authorize a Project Budget Increase to the Sunnyside Ridge Trail Segment Project that is Cost Neutral to the City Budget

This item was removed from the Consent Calendar for separate consideration.

Consideration and Possible Action to Receive and File a Report on Green Hills Memorial Park regarding Pacific Terrace/Memorial Terrace Mausoleum

This item was removed from the Consent Calendar for separate consideration.

Consideration and Possible Action to Authorize the City Clerk to file a Notice of Completion for the ADA Access and Sidewalk Improvements on the Palos Verdes Drive West Project

1) Accepted the project as complete; 2) Authorized the City Clerk to file a Notice of Completion for the project with the Los Angeles County Recorder; and if no claims are filed within 35 days after recordation, send a notice to the surety company to exonerate the Performance Bond; and, 3) Authorized the Director of Public Works to release the 5% construction retention payment to DASH Construction Company, Inc., 35 days after recordation of the Notice of Completion by the Los Angeles County Recorder, contingent upon no claims being filed on the project, and the contractor posting an acceptable warranty bond with the City.

Consideration and Possible Action to Award a Construction Agreement to Hardy and Harper, Inc. for the Construction of the Annual Sidewalk Repair and Replacement Program Project, and to Award a Professional Services Agreement to Sunbeam Consulting for Inspection Services

1) Approved the project specifications on file in the Public Works Department for the Sidewalk Repair and Replacement Program, FY 2015-16; 2) Awarded a Public Works Agreement, in a form approved by the City Attorney, to Hardy & Harper, Inc. for construction services related to the Sidewalk Repair and Replacement Program, FY 2015-16 for an amount not-to-exceed \$303,000; 3) Awarded a Professional Services Agreement, in a form approved by the City Attorney, to Sunbeam Consulting for Construction Management and Inspection services for the amount of \$25,200; and, 4) Authorized Staff to use an additional 10% (\$30,300) for a construction contingency.

Consideration and Possible Action to Award a Construction Agreement to Hardy and Harper, Inc., for the Construction of the Residential Street Rehabilitation Project, Phase I, Area 2 – Concrete and Asphalt Repairs; and to Award a Professional Services Agreement to Anderson Penna Partners, Inc., for Construction Management and Inspection Services

1) Approved the construction plans and project specifications on file in the Public Works Department for the Residential Street Rehabilitation Project, Phase I, Area 2 – Concrete

City Council Minutes
May 17, 2016
Page 7 of 16

Asphalt Repairs; 2) Awarded a Public Works Agreement for Construction to Hardy & Harper, Inc. for a not-to-exceed amount of \$1,789,000 for construction services related to the Residential Street Rehabilitation Project, Phase I, Area 2 – Concrete Asphalt Repairs; 3) Awarded a Professional Services Agreement to Anderson Penna Partners, Inc., for Construction Management and Inspection services for the amount of \$259,453; 4) Authorized Staff to use an additional 10% (\$178,900) for project contingency; and, 5) Authorized the Mayor and City Clerk to execute the Professional Services and Construction Agreements, subject to approval as to form by the City Attorney.

Consideration and Possible Action to Approve the Sheriff’s Law Enforcement Agreement and Deployment Survey

This item was removed from the Consent Calendar for separate consideration.

#

ITEMS REMOVED FROM THE CONSENT CALENDAR:

Consideration and Possible Introduction of an Ordinance to Permit Special Events on City Property and Public Rights-of-Way

City Clerk Morreale reported there was one request to speak regarding this item.

Minas Yerelian, provided comments regarding the waiver of fees for residents for local events and non-profit organizations to be included in the proposed ordinance.

Discussion ensued among Council Members and staff.

Councilwoman Brooks moved, seconded by Councilman Misetich, to: INTRODUCE ORDINANCE NO. 581, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, ADDING A NEW CHAPTER ENTITLED “SPECIAL EVENT PERMITS” TO TITLE 12 OF THE RANCHO PALOS VERDES MUNICIPAL CODE.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Misetich and Mayor Dyda
NOES: None
ABSENT: None

Consideration and Possible Action to Authorize a Project Budget Increase to the Sunnyside Ridge Trail Segment Project that is Cost Neutral to the City Budget

City Clerk Morreale reported that late correspondence was distributed prior to the meeting and there were two requests to speak regarding this item.

City Council Minutes
May 17, 2016
Page 8 of 16

Director of Public Works Throne provided a brief staff report and PowerPoint presentation regarding this item.

Discussion ensued among Council Members and staff.

Sharon Yarber, Rancho Palos Verdes, requested information regarding the cost of the proposed changes and the award of the contract; and raised concerns regarding the surface over the concrete walkway as it impacts the safety of equestrians.

Madeline Ryan, Rancho Palos Verdes, provided comments regarding the change in design of the walkway; concerns regarding the surface of the walkway, suggesting the use of compacted decomposed granite for the surface; and, commented on the additional amount of funding to KOA for construction management.

Councilman Duhovic moved, seconded by Councilwoman Brooks, to: 1) Authorize the Director of Public Works to execute a change order to the design contract with KOA in the amount of \$20,000; and, 2) Authorize an increase to the project budget in the amount of \$35,000 to accommodate additional costs associated with the revised design.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Misetich and Mayor Dyda
NOES: None
ABSENT: None

Consideration and Possible Action to Receive and File a Report on Green Hills Memorial Park regarding Pacific Terrace/Memorial Terrace Mausoleum

City Clerk Morreale reported that late correspondence was distributed prior to the meeting and there were four requests to speak regarding this item.

Senior Planner Kim provided a staff report and PowerPoint presentation regarding this item.

Noel Weiss, provided comments regarding the use of an interpretation review process for concerns regarding internments in the Pacific Terrace/Memorial Terrace Mausoleum and storage of vaults on Inspiration Slope at Green Hills Memorial Park.

Sharon Loveys, provided comments and a PowerPoint presentation regarding setbacks and burials at the Pacific Terrace/Memorial Terrace Mausoleum at Green Hills Memorial Park.

Joanna Jones-Reed, Vista Verde, provided comments regarding a recent Planning Commission meeting and concerns regarding Green Hills Memorial Park.

City Council Minutes
May 17, 2016
Page 9 of 16

Lori Brown, Vista Verde Condos, Lomita, provided comments regarding the sales of plots as part of the Master Plan of Green Hills Memorial Park.

Discussion ensued among Council Members, staff, and City Attorney Aleshire.

Councilman Duhovic moved, seconded by Mayor Pro Tem Campbell, to receive and file a report on Green Hills Memorial Park regarding the niches and vaults inside the Pacific Terrace/Memorial Terrace Mausoleum.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Missetich and Mayor Dyda

NOES: None

ABSENT: None

RECESS AND RECONVENE:

Mayor Dyda called a recess from 8:29 P.M. to 8:41 P.M.

REGULAR BUSINESS:

Consideration and Possible Action to Appoint a Member to Fill the Vacancy on the Emergency Preparedness Committee (EPC)

As there was no request for a staff report, City Clerk Morreale distributed ballots for the selection of a member to fill the vacancy on the EPC.

After one round of balloting, Joe Locascio was unanimously selected to fill the vacancy on the Emergency Preparedness Committee, said term of office until January 2019.

Consideration and Possible Action to Address Nighttime Activities at Marilyn Ryan Sunset Point Park

Senior Planner Kim provided a brief staff report and PowerPoint presentation regarding this item.

Councilman Duhovic recused himself from the discussion and left the dais at 8:56 P.M.

Discussion ensued among Council Members, staff, and City Attorney Aleshire.

Jerry Duhovic, Rancho Palos Verdes, provided comments regarding concerns about daytime and nighttime activities that occur at the Marilyn Ryan Sunset Point Park, including problems with late night visitors, graffiti, use of alcohol, loud noise and music, and trash.

Mickey Rodich, provided comments regarding concerns about the nighttime activities that take place at the Marilyn Ryan Sunset Point Park.

Councilwoman Brooks, seconded by Councilman Misetich, to: Consider implementing Staff's recommended Option Nos. 8 through 11 and direct Staff to return with details on their implementation.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Misetich and Mayor Dyda
NOES: None
ABSENT: Duhovic (recused)

Councilman Duhovic returned to the dais at 9:14 P.M.

REORDER OF THE AGENDA:

Mayor Pro Tem Campbell moved, seconded by Councilman Misetich, to reorder the agenda to hear Item No. 4 (Consideration and Possible Action to Initiate a Code Amendment regarding Short-Term Rentals in the City) next due to the number of speakers present for that item.

Without objection, Mayor Dyda so ordered.

Consideration and Possible Action to Initiate a Code Amendment regarding Short-Term Rentals in the City (Planning Case No. ZON2016-00188)

City Clerk Morreale reported that late correspondence was distributed prior to the meeting and there were 13 requests to speak regarding this item.

Mayor Dyda stated that due to the number of requests to speak, each speaker would be allowed two minutes to state his/her position regarding this item.

Associate Planner Silva provided a staff report and PowerPoint presentation regarding this item.

Discussion ensued among Council Members, staff, and City Attorney Aleshire.

The following people spoke in support of the staff recommendation to prohibit short-term rentals in the City's single-family residential zoning districts, due to concerns regarding safety issues, traffic and parking problems, use of residences as "party houses," impact on neighborhoods, use of alcohol, excessive noise, trash issues, and large crowds and fighting: Noel Park, Rancho Palos Verdes; Arline Grotz, Rancho Palos Verdes; Jarrold Koch, Rancho Palos Verdes; Justin Holcher, Rancho Palos Verdes; Greg Mitre, Rancho

City Council Minutes
May 17, 2016
Page 11 of 16

Palos Verdes; Carmen Mitre, Rancho Palos Verdes; Yulia, Rancho Palos Verdes; and, Chris Huang, Rancho Palos Verdes.

The following people spoke in opposition to the staff recommendation, due to desiring the ability to rent their homes out occasionally for various reasons including renting a home for visiting relatives, keeping a vacant home occupied and maintained, and for rental income or home exchanges: Wes Wang, Rancho Palos Verdes; Ling Tang, Rancho Palos Verdes, Yolanda Pan, Rancho Palos Verdes, and, Alan Siegel, Rancho Palos Verdes.

Councilman Misetich moved, seconded by Councilman Duhovic to approve the staff recommendation to: 1) Review the options to regulate short-term rentals in the City, including Staff's recommended option to prohibit short-term rentals in the City's single-family residential zoning districts; and, 2) Initiate Code Amendment proceedings to prohibit short-term rentals in the City's single-family residential zoning districts.

Discussion continued among Council Members, staff, and City Attorney Aleshire.

The motion passed on the following roll call vote:

AYES: Brooks, Duhovic, Misetich and Mayor Dyda
NOES: Campbell
ABSENT: None

Councilman Misetich moved, seconded by Councilman Duhovic, to extend the meeting to 11:00 P.M.

Without objection, Mayor Dyda so ordered.

RECESS AND RECONVENE:

Mayor Dyda called a brief recess from 10:15 P.M. to 10:24 P.M.

Consideration and Possible Action to Resume the Peafowl Trapping Program for 2016

City Clerk Morreale reported that there were two requests to speak regarding this item.

Councilman Duhovic moved, seconded by Councilwoman Brooks, to waive the staff report.

Without objection, Mayor Dyda so ordered.

Noel Park, Rancho Palos Verdes; Carol Mueller, Rancho Palos Verdes; Anette; and, Bob Koch, Rancho Palos Verdes spoke in support of the staff recommendation.

City Council Minutes
May 17, 2016
Page 12 of 16

Natalie Massey, Rancho Palos Verdes, stated that she loves the peafowl and wanted to ensure humane trapping of the peafowl.

Councilman Misetich moved, seconded by Councilwoman Brooks, to: 1) Receive and file a final summary report on the 2015 Peafowl Trapping Program; and, 2) Review the 2016 Peafowl Census Report, and direct Staff to resume the humane trapping and relocation of up to 150 peafowl for 2016 within the five neighborhoods identified in the Peafowl Management Plan.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Misetich and Mayor Dyda
NOES: None
ABSENT: None

Consideration and Possible Action to Approve in Concept a Lease of City Hall Property to the Rancho de los Palos Verdes Historical Society for Storage and Curation of Historic Palos Verdes Peninsula Artifacts

City Clerk Morreale reported that there was one request to speak regarding this item.

Director of Public Works Throne provided a brief staff report and PowerPoint presentation regarding this item.

Discussion ensued among Council Members, staff, and City Attorney Aleshire.

Dwight Abbott, Board Member and Co-Founder, Palos Verdes Historical Society, Palos Verdes Estates, provided comments regarding the purpose of the Historical Society, and the desire to temporarily locate the artifacts trailer of the Historical Society, to be used for storage and cataloging of Peninsula historical artifacts on the City Hall property.

Councilwoman Brooks moved, seconded by Councilman Misetich, to: 1) Approve in concept a lease of City Hall property to the Rancho de los Palos Verdes Historical Society; and, 2) Direct staff to commence lease negotiations and submit to the City Council a draft lease agreement for consideration.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Misetich and Mayor Dyda
NOES: None
ABSENT: None

Councilman Duhovic moved, seconded by Councilwoman Brooks, to extend the meeting to 11:20 P.M.

Without objection, Mayor Dyda so ordered.

Consideration and Possible Action regarding the Fraud, Waste, and Abuse Hotline

City Clerk Morreale reported that there were two requests to speak regarding this item.

City Attorney Aleshire provided a brief report regarding this item.

Discussion ensued among Council Members, staff, and City Attorney Aleshire.

Councilman Duhovic moved, seconded by Councilman Misetich, to extend the meeting to midnight.

Without objection, Mayor Dyda so ordered.

Sheri Hastings, Rancho Palos Verdes, provided comments regarding her software engineer and computer background, stated that there is no anonymity for most programs unless there is a very secure firewall, noting she hacked into the program and was appalled at what her investigations revealed.

Noel Park, Rancho Palos Verdes, provided comments regarding the offensive nature of the Fraud, Waste and Abuse Hotline Program, the waste of money for this program, and encouraged the Council to cancel the program.

Jarel Wheaton, Rancho Palos Verdes, provided comments regarding the offensive nature of the Fraud, Waste and Abuse Hotline Program and risks that the City is exposed to by a Council Member acting inappropriately, noting the Program is not a good use of City funds.

Councilman Duhovic moved, seconded by Mayor Dyda, to approve the staff recommendation to: 1) Direct Staff to revise the City's current Fraud, Waste, and Abuse Hotline Policy to incorporate the recommended changes discussed below, or other changes that the Council deems appropriate, and to present the revised Policy to the Council for adoption; 2) Direct Staff to review the City's website – specifically, the pages concerning the Fraud Hotline – and prepare to make updates with The Network/NAVEX that will implement the changes in the revised Policy and help potential reporters to file appropriate reports; and, 3) Direct that the program continue one additional year, with the initial point of contact being the City Attorney's Office.

City Attorney Aleshire noted that the program as revised will be brought back to the City Council.

City Council Minutes
May 17, 2016
Page 14 of 16

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Missetich and Mayor Dyda
NOES: None
ABSENT: None

Consideration and Possible Action to Approve the Sheriff's Law Enforcement Agreement and Deployment Survey

In response to questions from Councilman Duhovic, Deputy City Manager Yap provided information regarding the growth rate increase based on new positions with the Sheriff's Department and increased directed patrols on an as-needed basis.

Councilwoman Brooks moved, seconded by Councilman Duhovic, to authorize the City Manager to sign the FY16-17 Law Enforcement Services Agreement for the Peninsula Region (Rancho Palos Verdes, Rolling Hills, and Rolling Hills Estates); and the FY16-17 Rancho Palos Verdes Deployment Survey with the Los Angeles County Sheriff's Department.

The motion passed on the following roll call vote:

AYES: Brooks, Campbell, Duhovic, Missetich and Mayor Dyda
NOES: None
ABSENT: None

STUDY SESSION:

DISCUSSION TOPICS:

Review of Tentative Agendas and Council Goals and Priorities

This item was continued to the June 6, 2016 City Council meeting.

FUTURE AGENDA ITEMS:

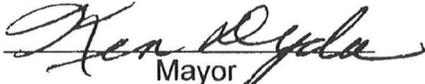
This item was continued to the June 6, 2016 City Council meeting.

CITY COUNCIL ORAL REPORTS:

This item was continued to the June 6, 2016 City Council meeting.

ADJOURNMENT:

At 12:05 A.M. on May 18, 2016, Mayor Dyda adjourned the meeting to an Adjourned Regular Meeting to be held on May 31, 2016 at 6:30 P.M. at Hesse Park for a Budget Workshop.


Mayor

Attest:



City Clerk

W:\City Council Minutes\2016\20160517 CC MINS.docx

City Council Minutes
May 17, 2016
Page 16 of 16

Petition to Ban Airbnb in the City Of Rancho Palos Verdes

Petition summary and background	<p>We the undersigned, are petitioning your office to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p> <p>The homeowners who rent room(s)/homes using these unregulated services are running commercial businesses, a hotel, in residentially zoned areas without business licenses or permits. Further, appropriate hotel taxes are also not being collected on behalf of the city.</p> <p>Having these commercial businesses in our residentially zoned neighborhoods:</p> <ul style="list-style-type: none"> - Reduces property values - Increases traffic and parking congestion - Changes the character of our neighborhoods - Increases crime risk with influx of transient visitors <p>We ask the City Council to follow the lead of Rolling Hills, Manhattan Beach and Santa Monica to ban these short-term rental services from operating within Rancho Palos Verdes.</p>
Action petitioned for	We, the undersigned, are concerned citizens, are petitioning our city leaders to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.

Printed Name	Signature	Address	Date
JUDY KIZIRIAN			8/8/15
CRISTINA VIFFIS			8/8/15
ERNESTO MOLINA			8/8/15
Janet Louie			8/8/15
MARY SIMONELL			8/8/15
Joseph Simonell			8/8/15
ED DANK			8/8/15

Petition to Ban Airbnb in the City Of Rancho Palos Verdes

Petition summary and background	<p>We the undersigned, are petitioning your office to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p> <p>The homeowners who rent room(s)/homes using these unregulated services are running commercial businesses, a hotel, in residentially zoned areas without business licenses or permits. Further, appropriate hotel taxes are also not being collected on behalf of the city.</p> <p>Having these commercial businesses in our residentially zoned neighborhoods:</p> <ul style="list-style-type: none"> - Reduces property values - Increases traffic and parking congestion - Changes the character of our neighborhoods - Increases crime risk with influx of transient visitors <p>We ask the City Council to follow the lead of Rolling Hills, Manhattan Beach and Santa Monica to ban these short-term rental services from operating within Rancho Palos Verdes.</p>
Action petitioned for	<p>We, the undersigned, are concerned citizens, are petitioning our city leaders to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p>

Printed Name	Signature	Address	Comment	Date
Alex Chao	<i>[Signature]</i>			7/27/15
Chien CHAO	<i>[Signature]</i>			7/27/15
Joel Stoler	<i>[Signature]</i>			7/27/15
Shani Stoler	<i>[Signature]</i>			7/27/15
Karen Hartman	<i>[Signature]</i>			8/1/15
Sherry Fawcett	<i>[Signature]</i>			8/1/15
VAHID BORDABADI	<i>[Signature]</i>			8/5/15

Petition to Ban Airbnb in the City of Rancho Palos Verdes

Petition summary and background	<p>We the undersigned, are petitioning your office to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p> <p>The homeowners who rent room(s)/homes using these unregulated services are running commercial businesses, a hotel, in residentially zoned areas without business licenses or permits. Further, appropriate hotel taxes are also not being collected on behalf of the city.</p> <p>Having these commercial businesses in our residentially zoned neighborhoods:</p> <ul style="list-style-type: none"> - Reduces property values - Increases traffic and parking congestion - Changes the character of our neighborhoods - Increases crime risk with influx of transient visitors <p>We ask the City Council to follow the lead of Rolling Hills, Manhattan Beach and Santa Monica to ban these short-term rental services from operating within Rancho Palos Verdes.</p>
Action petitioned for	<p>We, the undersigned, are concerned citizens, are petitioning our city leaders to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p>

Printed Name	Signature	Address	Comment	Date
EMILIO ENRIQUETA	<i>[Signature]</i>			7/27/15
EISA C. ENRIQUETA	<i>[Signature]</i>			7/27/15
Mark Jenkins	<i>[Signature]</i>			7/27/15
Wendy Murdoch	<i>[Signature]</i>			7/27/15
Robert Ng	<i>[Signature]</i>			7/27/15
Janet Ng	<i>[Signature]</i>			7/27/15
Victor SAA	<i>[Signature]</i>			8/5/15

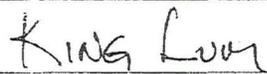
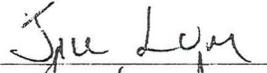
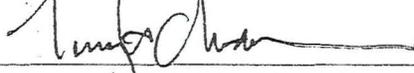
Petition to Ban Airbnb in the City Of Rancho Palos Verdes

Petition summary and background	<p>We the undersigned, are petitioning your office to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p> <p>The homeowners who rent room(s)/homes using these unregulated services are running commercial businesses, a hotel, in residentially zoned areas without business licenses or permits. Further, appropriate hotel taxes are also not being collected on behalf of the city.</p> <p>Having these commercial businesses in our residentially zoned neighborhoods:</p> <ul style="list-style-type: none"> - Reduces property values - Increases traffic and parking congestion - Changes the character of our neighborhoods - Increases crime risk with influx of transient visitors <p>We ask the City Council to follow the lead of Rolling Hills, Manhattan Beach and Santa Monica to ban these short-term rental services from operating within Rancho Palos Verdes.</p>
Action petitioned for	<p>We, the undersigned, are concerned citizens, are petitioning our city leaders to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p>

Printed Name	Signature	Address	Date
KENNETH GASH			8/8/15
ANITA GASH			8/8/15
Stacey Michaels			8/16/15
Doug MARIMON			8/16/15
Jenny LIM			8/15/15
JOAN MEICHTRY			9-18-15

Petition to Ban Airbnb in the City Of Rancho Palos Verdes

Petition summary and background	<p>We the undersigned, are petitioning your office to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p> <p>The homeowners who rent room(s)/homes using these unregulated services are running commercial businesses, a hotel, in residentially zoned areas without business licenses or permits. Further, appropriate hotel taxes are also not being collected on behalf of the city.</p> <p>Having these commercial businesses in our residentially zoned neighborhoods:</p> <ul style="list-style-type: none"> - Reduces property values - Increases traffic and parking congestion - Changes the character of our neighborhoods - Increases crime risk with influx of transient visitors <p>We ask the City Council to follow the lead of Rolling Hills, Manhattan Beach and Santa Monica to ban these short-term rental services from operating within Rancho Palos Verdes.</p>
Action petitioned for	<p>We, the undersigned, are concerned citizens, are petitioning our city leaders to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p>

Printed Name	Signature	Address	Date
KING LOUIE			8.14.15
JILL LOUIE			8.14.15
			8.14.15

Petition to Ban Airbnb in the City Of Rancho Palos Verdes

Petition summary and background	<p>We the undersigned, are petitioning your office to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p> <p>The homeowners who rent room(s)/homes using these unregulated services are running commercial businesses, a hotel, in residentially zoned areas without business licenses or permits. Further, appropriate hotel taxes are also not being collected on behalf of the city.</p> <p>Having these commercial businesses in our residentially zoned neighborhoods:</p> <ul style="list-style-type: none"> - Reduces property values - Increases traffic and parking congestion - Changes the character of our neighborhoods - Increases crime risk with influx of transient visitors <p>We ask the City Council to follow the lead of Rolling Hills, Manhattan Beach and Santa Monica to ban these short-term rental services from operating within Rancho Palos Verdes.</p>
Action petitioned for	<p>We, the undersigned, are concerned citizens, are petitioning our city leaders to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p>

Printed Name	Signature	Address	Date
Wendy & Mike Lin			8/20/15

Petition to Ban Airbnb in the City Of Rancho Palos Verdes

Petition summary and background	<p>We the undersigned, are petitioning your office to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p> <p>The homeowners who rent room(s)/homes using these unregulated services are running commercial businesses, a hotel, in residentially zoned areas without business licenses or permits. Further, appropriate hotel taxes are also not being collected on behalf of the city.</p> <p>Having these commercial businesses in our residentially zoned neighborhoods.</p> <ul style="list-style-type: none"> - Reduces property values - Increases traffic and parking congestion - Changes the character of our neighborhoods - Increases crime risk with influx of transient visitors <p>We ask the City Council to follow the lead of Rolling Hills, Manhattan Beach and Santa Monica to ban these short-term rental services from operating within Rancho Palos Verdes.</p>
Action petitioned for	<p>We, the undersigned, are concerned citizens, are petitioning our city leaders to pass a city ordinance to ban short term home and room rental services, such as Airbnb, in the city of Rancho Palos Verdes.</p>

Printed Name	Signature	Address	Date
Antoinette Laura			8/8/15
Hirotomoto			8/8/15
Stephen A'Heath			8/8/15
Brenda A'Heath			8/8/15
Beth Brief			8/8/15
Eric Louie			8/8/15

Octavio Silva

From: Jennifer T. Taggart <
Sent: Tuesday, July 05, 2016 2:29 PM
To: Octavio Silva
Subject: Comments on Code Amendment (Case No. ZON2016-00188)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Silva –

I am a resident of Rancho Palos Verdes and currently live at [redacted] Rancho Palos Verdes, Ca 90725. I serve on the City's Infrastructure Advisory Management Committee, but make these comments only in my capacity as a resident of Rancho Palos Verdes and not in my capacity as a member of the IMAC.

I oppose the proposed Code Amendment to prohibit short-term rentals in specified single-family residential districts and the advertising of such and urge the Planning Commission and City staff to reconsider this issue.

The prohibition is too broad in nature to address the perceived problems. It is my understanding that the proposal is to define short term rentals as rentals for less than 30 days. It is further my understanding that the reason for prohibiting short term rentals is because certain properties are or may be "party houses" and the residential neighborhoods do not want the traffic, noise and trash associated with properties rented for short term party houses.

However, by prohibiting all short term rentals, it will prohibit "good" rentals along with bad rentals. It is overly broad. There is virtually no short term affordable hotel capacity on the Palos Verdes peninsula. Hotels may be located relatively far given our widely spread out community. Accordingly, local short term house rentals are a viable alternative when family or friends come to visit. Short term private rentals are also useful in the event a RPV resident has to relocate for a short time, such as for pest control, appliance repair, or similar activity but want to stay near. My mother, for example, prefers a short term rental near our home instead of staying at the cost prohibitive Terranea or in San Pedro when she comes to visit. The proposed Code Amendment would unnecessarily eliminate such options for her when her short term occupation has never been the source of any traffic, noise or trash complaints.

If the problem is traffic, noise and trash associated with party houses, then a more tailored Code Amendment would be wise. There should be some data gathering to identify precisely what the problem(s) are with respect to short term rentals. If the problem is noise, then perhaps stepped up enforcement of the existing noise ordinance is a preferable option over a blanket prohibition. Or perhaps inclusion of some sort of regulation of short term rentals to address noise complaints, such as revising the noise ordinance to make clear that owners of short term rentals must advise tenants of noise requirements and be subject to fines if the short term tenants are subject of complaints, with an escalation provision for two or more complaints, etc. If the problem is traffic, then short term rentals can be regulated to limit the number of tenant vehicles to the parking spaces associated with the rental unit. Regulation tailored to the problem(s) identified by data would be smarter than a blanket prohibition.

Additionally, would this prohibit the renting out of a room in an existing home? Some properties have tenants that rent rooms....often without a lease. Would such an arrangement qualify as a short term rental and thus be banned by a blanket prohibition? Or would these be allowed but just "whole house" rentals banned? What about a guest house on a property?

Would such a blanket prohibition include short term rentals for film activity?

I urge the Planning Commission to oppose the ban and instead collect data and craft tailored regulations designed to address the actual problems associated with short term rentals in our community.

Jennifer Taggart

CITY OF RANCHO PALOS VERDES
PLANNING COMMISSION MINUTES
REGULAR MEETING
JULY 12, 2016

CALL TO ORDER

The meeting was called to order by Chairman Tomblin at 7:02 p.m. at the Fred Hesse Community Room, 29301 Hawthorne Boulevard.

PLEDGE OF ALLEGIANCE

Commissioner Bradley led the assembly in the Pledge of Allegiance.

ATTENDANCE

Present: Commissioners Bradley, Emenhiser, James, Leon, Nelson, Vice Chairman Cruikshank, and Chairman Tomblin.

Absent: None

Also present were Community Development Director Mihranian, Associate Planner Silva, and Assistant City Attorney Burrows.

APPROVAL OF AGENDA

The agenda was unanimously approved as presented.

COMMUNICATIONS

Director Mihranian reported that at their June 21, 2016 meeting the City Council introduced an ordinance that amended Title 12 of the City's Municipal Code establishing a procedure for the trimming and removal of view impairing city trees through the Public Works Department.

Director Mihranian gave a brief report on the July 4th festivities held at the Civic Center. He also distributed late correspondence for agenda item No. 2 and for public comments on non-agenda items.

COMMENTS FROM THE AUDIENCE (regarding non-agenda item):

Noel Weiss stated that what he distributed to the Commission is a request for an interpretation hearing for Municipal Code Section 17.08.050 and 17.90.010. He explained the reason for the request, which stemmed from the authorization to allow Green Hills to

store vaults on the roof of Inspiration Slope Mausoleum. He asked that the Planning Commission agendaize this topic at a future meeting.

Sharon Loveys asked when someone will tell Green Hills “no”. She expressed her frustration with the City’s permission to allow Green Hills to store vaults on the roof of Inspiration Slope Mausoleum. She also discussed her frustration with the burials that take place in front of her unit and the loss of privacy it has caused her.

Matt Martin stated that to add insult to injury, at the back of the mausoleum in front of his home there is a terrible smell from the mold growth that is taking place on the building. He invited staff and the Commission to the site to see and smell the problem.

Debbie Landes discussed her concerns with what is happening at Green Hills and the City’s reaction and help to these problems.

Minas Yerelian discussed a recent encounter he had with Mr. York. He discussed the golf course at Mr. York’s site and stated the golf course must be a playable golf course, otherwise the CUP must be revoked.

Commissioner Emenhiser asked staff if they can have someone from staff go to Green Hills to look at the mold issue raised by Mr. Martin.

Director Mihranian replied that he will have the Building Official look at the issue.

Commissioner Nelson acknowledged that there appears to be mold, however he did not notice the smell when he was there.

CONSENT CALENDAR

1. Approval of June 14, 2016 Minutes

Vice Chairman Cruikshank moved to approve the minutes as presented, seconded by Commissioner Bradley. Approved without objection, with Commissioner Leon abstaining since he was absent from that meeting.

NEW PUBLIC HEARINGS

2. Short-term vacation rentals (Case No. ZON2016-00188):

Associate Planner Silva presented the staff report, explaining the item is in response to a City Council initiated code amendment to prohibit short-term rentals in single family residential districts. He noted that the Municipal Code does not currently provide a definition of or address short-term rentals and noted that the use is technically prohibited because the Development Code is written as a permissive code, and short term rentals is not listed as a permissible use. He noted that a survey completed by an outside vendor found 101 websites and 80 rentals in the city. As a result, the City has noted an increase

in complaints in regards to short-term rentals, which focus on noise, trash, neighborhood character, and parking shortages. He discussed the proposed code amendments, as well as how the proposed ban would be enforced. He noted that staff has received several public comments as a result of this proposed amendment, and these comments are fairly split between those opposed to the proposed amendment and those in favor of the proposed amendment. He stated that staff after consulting with the Coastal Commission, it was determined that an amendment to the Local Coastal Plan (LCP) would be required for this amendment. Therefore, staff is recommending the Planning Commission continue the public hearing to the August 23rd meeting in order to allow staff to prepare a Local Coastal Plan Amendment to be considered in conjunction with the proposed code amendments.

Assistant City Attorney Burrows stated she would like to respond to some of the questions that have been raised in the public correspondence in regards to the legality of enforcing a ban on short-term rentals. She noted there is case law supporting prohibitions on short-term rentals in residential areas and the definition of a short-term rental. She also noted other issues the courts have considered is what justifications cities may have for prohibiting short-term rentals, and briefly listed some of those issues. She stated this will be addressed further in the staff report if the Commission continues the public hearing to the August 23rd meeting.

Commissioner Emenhiser asked why vacation exchanges was specifically exempted from this proposed code amendment.

Associate Planner Silva explained that the vacation exchange typically does not include the exchange of money and involves families trading houses for a vacation period.

Commissioner Emenhiser asked if the Terranea Resort has a position on this subject.

Director Mihranian answered that they do not. He pointed out that since Terranea is a commercial zoned property, this prohibition does not apply to them.

Commissioner Emenhiser stated he was concerned about unintended consequences and this regulation seems to be stepping right along. He asked staff to outline the enforcement process.

Director Mihranian answered that staff has found through research that the most effective enforcement of this prohibition would be through the actual advertisement. He explained the listings are posted on websites, and there is a vendor who has software which allows them to scan all of the websites and find the advertisements. The vendor would then notify the property owner that this short-term rental is not allowed.

Commissioner Emenhiser referred to the current lawsuit in Hermosa Beach, and asked staff if there was some logic to waiting for the Hermosa Beach lawsuit to work its way through the courts before this city makes a decision.

Director Mihranian explained that Hermosa Beach is unique in that they don't have a certified LCP, so Coastal Commission staff has told the City that in order for their ordinance to be effective in their coastal zone they need to apply for a Coastal Development Permit. Rancho Palos Verdes does not need to do that, as we have a certified LCP. What is being challenged in Hermosa Beach is that a Coastal Permit has not been issued, and not so much the language of the prohibition.

Commissioner Emenhiser asked how many complaints staff has received in regards to short-term rentals on an individual residential property.

Associate Planner Silva estimated two complaints per month, noting that the problems and issues usually happen on the weekends. Therefore, complaints are not typically filed with the City but rather with the Sheriff's Department.

Commissioner Emenhiser questioned if this prohibition is coming about because of possibly five homes in the City that there have been complaints about.

Director Mihranian explained that the City's code enforcement officer has periodically received complaints about short-term rentals, however there has been an increase in the past year. He stated the City has not taken a proactive approach on this issue because the Code is not very clear. He stated he would not characterize the issue as just two or five homes, as there appears to be more out there, based on some of the calls the city received. He also noted it may be more of an issue in specific neighborhoods.

Commissioner Emenhiser asked if this is a form of taking.

Assistant City Attorney Burrows responded that she had found two published cases in California which found that ordinances banning short-term rentals in residential areas does not constitute taking. She also noted that she found no published cases with the opposite finding.

Commissioner Emenhiser asked if this Ordinance would apply only to single family homes, and not multi-family units.

Director Mihranian answered that it would only apply to single family residences, not multi-family or commercial.

Commissioner Leon felt the Commission should know how many complaints staff receives. He also asked how many complaints staff receives for noise or bad behavior in general, that are not related to short-term rentals.

Director Mihranian stated staff randomly receives noise complaints, but those types of complaints will typically go to the Sheriff's Department, and staff will have to do some research to find the answer.

Commissioner Bradley stated he would like to see a validation that there is a problem. He noted that there have been complaints, but how do we know that these complaints were a result of short-term rentals. He stated he would not like to see the City adopt an ordinance that is very constraining without validating there was really a problem. He noted that there are cities that have taken a less constraining approach rather than going to an all-out moratorium. He questioned why, under a permissive use, a vacation exchange would be permitted and a vacation rental not permitted, and asked if it was because of an exchange of funds. He noted that it is not specifically permitted that homes can be exchanged. He also questioned if the City has received any complaints in regards to the B&B establishments in the City. He felt this information was important to have before making any constraining regulations.

Commissioner James recapped that the consultant has identified over a hundred websites advertising rentals, and eighty rentals have been identified in Rancho Palos Verdes. However, of those eighty rentals, some are on commercial properties. He asked staff how many vacation rentals are in single-family residential neighborhoods.

Associate Planner Silva answered that staff will have that information in the August 23rd staff report.

Commissioner James did not feel there was a good reason to make a distinction between multi-family residential areas and single-family residential areas for short-term rentals. He stated he would like a better explanation from staff as to why this distinction is made. He then referred to staff's definition of short-term rental, and asked why there were two sections to the definition. He felt that one definition would be sufficient and the two should be combined. He also suggested that it not be limited to owners or lessees, but rather owners, lessees, or representatives.

Director Mihranian answered it was a stylistic approach to be very clear and make a distinction on whether it is owner occupied or not occupied. Staff can certainly combine the two sections if that is the suggestion of the Commission.

Commissioner Leon noted that in regards to code enforcement, staff is reactive rather than proactive. He asked why staff would now be proactive with this issue.

Director Mihranian felt that when the Council considered this code amendment initiation, it was because it was something that is a concern to the Council, especially in light of the comments they are receiving from residents. It was also understood that this would be a policy change, as the Council would be directing staff to be proactive.

Chairman Tomblin stated that if someone moves out of their home and rents it out for the weekend, isn't it already in the code because it could be considered a hotel arrangement or a transient situation.

Director Mihranian explained that various parts of the Municipal Code can be pulled together and say that it isn't allowed. However, staff has not enforced these sections of

the code thus far by saying that a hotel is being operated in a residential zone. He explained that staff wanted to get clear direction from the City Council before going down that path and the Council has given the direction this is something they want to pursue.

Chairman Tomblin asked if the Code mandates that a manager or owner be on site at a Bed and Breakfast.

Director Mihranian explained there is a section in the Code that lists all of the criteria required to operate a Bed and Breakfast. It requires that the operators of the Bed and Breakfast resides on the property and there is an employee on the property at all times.

Chairman Tomblin asked if it would be prohibited under this proposal for a homeowner to rent a room in their home to a college student or other person on a short term basis.

Director Mihranian answered it would be prohibited if it is for a time period of less than 30 days.

Chairman Tomblin opened the public hearing.

Arline Grutz stated she lives on Hightide Drive and discussed an issue she had with a neighboring property that is rented as an Airbnb and the abuse that took place on the property. She stated an owner would be concerned about the water waste and other issues, while a tenant might not necessarily be as concerned.

Michael Yu stated he is an Airbnb host in Rancho Palos Verdes. He stated that his opinions tonight are his only, and he did not represent any special interests or anyone else. He asked the Commission to reconsider the proposed ban. He felt the Commissioners have a lot of valid questions and did not think the Commission has the right answers to fulfill a large mandate such as a ban. He stated he has been a host for over one year and has had over 80 visitors to his property. He has received no complaints from the neighbors, Sheriff's Department, or the City. He stated he has had visitors from all over the world, and Rancho Palos Verdes is no longer a secluded area. He felt a ban could affect the Peninsula's economy. He stated that if the City wants an outright ban, he suggested postponing that decision and take some time to look for alternative solutions.

Commissioner Nelson asked Mr. Yu how he felt about a permit process to operate a short-term rental.

Mr. Yu answered that he would be amenable to a permit process.

Commissioner James asked Mr. Yu if he rents out his entire home, or if he rents out rooms and if he is on the property.

Mr. Yu explained his property includes a main house and a guest house in the rear yard, and it is the guest house he lists on Airbnb. He stated the guest house is approximately

500 square feet, and the largest group he has accommodated was two parents and three children.

Commissioner Emenhiser asked Mr. Yu how he would deal with noisy or disruptive renters, and if he had any suggestions on how these types of guests can be dealt with when the owner is not on the property.

Mr. Yu noted that his house rules include no drinking or smoking on the property. He explained how Airbnb works, noting that potential guests will notify the owner and explain their reasons for wanting to stay at the property. He noted that sometimes he will receive requests to host a wedding shower or to have a party, and he rejects these requests.

Chairman Tomblin asked Mr. Yu if he leaves his house and rents it out to guests.

Mr. Yu answered that during the year he has been a host and there has always been someone from his family at the house.

Vice Chairman Cruikshank asked Mr. Yu if Airbnb can receive complaints, or if they are just a pass-through.

Mr. Yu stated he could not answer that question. He added that hosts can look to see how potential guests have been rated by other hosts, and it will be up to the host to either accept or decline the guest's request.

Chairman Tomblin asked Mr. Yu, as a host, if he would have a problem with a permit that said that the owner or a manager must be on-site to oversee the rental period.

Mr. Yu answered he would be fine with someone from his family staying on the property whenever there is a guest, if it was required by a permit.

Adrienne Ferree stated she currently hosts international students, which is not affiliated with Airbnb. However, she has been thinking of listing her house through Airbnb. She explained that she currently lives alone in her home, as her daughters have moved away. She pointed out that when her daughters were home there were a lot more cars at the house and a lot more people going in and out. Therefore, as with hosting the international students, if she were to host with Airbnb she would be home with the guests. She also had no issue with a permitting process by the City.

Chairman Tomblin asked Ms. Ferree how many rooms she currently has students staying in, or that she might rent out through Airbnb.

Ms. Ferree explained she has two master suites in her home and she rents one of the master suites out.

Chairman Tomblin asked Ms. Ferree how long the students typically stay with her.

Ms. Ferree answered the stay is typically anywhere from two weeks to nine months.

Mitra Nejat asked if the homeowners of Rancho Palos Verdes are going to vote on this Ordinance, or if the City has the right or the authority to just make this rule.

Assistant City Attorney Burrows answered that cities across the Nation have the authority to enact zoning ordinances, which regulate the usage of land. This authority has been challenged countless times and the courts have consistently upheld the city's ability to make findings supporting specific uses of land in specific areas, and a division of those uses. In the city of Rancho Palos Verdes there are residential zones and commercial zones, with various subparts of those different zones. These zones are controlled by state law and the city's adopted General Plan. She explained that zones are then amended through the code amendment process.

Ms. Nejat stated that if something is harmful to the residents of Rancho Palos Verdes, then in turn it would be harmful to the city, and the city should take action. She questioned how the city would determine what is harmful, or if that even plays into the decision.

Chairman Tomblin explained this is before the City because of complaints that have been raised by residents.

Ms. Nejat understood, however pointed out that two or three complaints is not a representation of the entire city. She also noted that as a homeowner, she can have a party and be noisy every day of the week, and questioned how the city will control that. She felt that this proposed ordinance is an extreme, and is taking a right away from the homeowner. She questioned if it was actually Terranea that accounted for the bulk of the advertisements found by the consultant.

Commissioner Nelson commented that this is a law City, and the City gets its authority from the State. The City Council is represents the people who live in the City, and are elected at large. They are charged with the responsibility of setting up the laws and regulations of the City. He did not feel this issue was over by any means.

Commissioner James felt there are questioned that need to be answered and there is no reason to rush this back to the City Council.

Commissioner James moved to continue the public hearing to August 23, 2016, seconded by Vice Chairman Cruikshank.

Commissioner James felt staff can do a better job giving the Commission some of the underlying facts. He is unclear on the number of complaints that have been received in regards to Airbnb rentals and he does not know how many of those complaints are in single family residential zones. If there is going to be an Ordinance that is in any way restricting the property owner's right to use their own property, the city should be careful and make sure they are responding to a real problem. Currently, he does not have a

picture of what the real problem is, and does not have enough presentation of facts to make an informed decision.

Commissioner Bradley agreed, stating he would like to have a better understanding of the problem. He understood this is a trending event through many cities. He noted that he has used vacation rentals many times, and treats these rentals like his own home. He stated he would like to understand what the problem is that this specific City has before moving to an Ordinance that is very restrictive. He also requested getting a general understanding of vacation sharing, Bed and Breakfast, and the permitting involved, and not just the vacation rentals singularly. He also requested staff show the number of rentals advertised in single family zones, multi-family zones, and even at Terranea.

Commissioner Emenhiser understood that people have a right to peace and tranquility in their home, and if everyone ran their establishment like Mr. Yu there would most likely be no complaints. He shared Commissioner James and Bradley's concerns regarding facts and numbers, and requested more information. He was also disturbed that there is a perspective vendor identifying the problem and then presenting themselves as the solution. He was concerned that vacation exchange would be exempted from this proposed Ordinance, as he felt it could be a potential loophole that people could use. He explained that he read the City Council minutes for this item, and understood that when it comes to land use issues the City Council turns to the Planning Commission to vet the issues and come forth with a recommendation. He therefore did not think this should be moved along quickly. Lastly, he referred to the speaker who rents rooms to international students and others, and felt that when looking at cases like these the City should tread very lightly.

Commissioner Leon stated he supported the other Commissioners in the request to have more facts and to understand if this is a real problem. He also discussed the City of Santa Barbara, where short-term rentals are banned, and as a consequence everyone rents their homes for a month. If the renter happens to leave before the month is up, the property owner will refund that portion of the rental money. He stated that this speaks to unintended consequences. He felt that companies such as Uber and Airbnb are here to stay, and the City should have ways to have them be good citizens as opposed to taking their bread bowl.

Commissioner Nelson felt the City was making a mountain out of a mole hill. He also felt there were some First Amendment issues to take into consideration. He discussed code enforcement and seriously questioned if the code enforcement staff would be going to these properties on a Friday or a Saturday night. He pointed out that Hermosa Beach is estimating they will have to hire two new code enforcement officers to enforce their ban, at a cost of \$200,000 per year. He also felt that it will take no time at all for residents to figure a way around any ban the City might attempt to enforce. While he appreciated the City Council's attempts, he felt the best solution may be to allow the use by permit. Otherwise, this may turn into an unenforceable mountain.

Vice Chairman Cruikshank agreed with the previous comments. He explained that in watching the City Council meeting, the concerns focused on nighttime safety and the issues that occur that would require law enforcement to come to the site. He agreed the problem might not be huge now, but felt it was something that will become more and more popular and it would behoove the City to start looking at the situation now. He felt the City needed to be smart about this issue and look into the future. He felt the City should always encourage home based businesses, and this use is not too much different from a home based business. He was more concerned with the disturbances to neighbors and the safety issues. He felt the permit process may be beneficial, and noted the City of Los Angeles has included fines in their process. He also thought it made sense to have a responsible party at the site when the property was being rented. He stated the multi-family zone should be included in this discussion. Lastly, he noted the \$7,200 conditional use permit fee to register as a Bed and Breakfast was very high, and questioned if there was an opportunity to simplify the process and lower the fee for this type of use.

Chairman Tomblin acknowledged the Planning Commission is appointed by the City Council, and does have certain authority to take action on an item. He felt the City Council looks to the Commission to do the vetting on an item, walk through the issues, and make a recommendation to the Council. He felt the City Council had a sense of urgency on this item, however it was up to the Planning Commission to take the time to get all the facts and make an informed decision to recommend to the Council. He also thought the topic of homeowner's rights and free enterprise was interesting. He felt there are two types of rentals in the City, one where there is a rental with the owner on site and one where a home is rented out and there is no owner or representative on site. If a permit process were put in place he questioned if the option where the owner is just renting out rooms or is always on site could have a less expensive, more streamline version of the application. He felt that multi-family zoning districts should be part of this process, but added that the City regulations should not supersede the Homeowners Association CC&Rs in regards to this topic. He also felt vacation exchanges should be better defined and included.

Commissioner Nelson noted he gave a copy of the CC&Rs from his HOA to staff, noting that in his development short-term rentals are banned. He stated that the enforcement is done through the HOA Board.

Director Mihranian pointed out that the City does not enforce CC&Rs and CC&Rs stand as a civil matter between the property owner and the HOA.

Commissioner Emenhiser moved to amend the motion that staff bring back language for a registration process so that the Commission can consider both a registration and a prohibition.

Director Mihranian did not think this had to be part of the motion since, based on the comments from the Commission, staff would be bringing back to the Commission more facts on the proposed prohibition as well as the option of a permit process.

Commissioner Emenhiser withdrew his amendment to the motion.

Director Mihranian felt it would be important for the Commissioners to view the tape of the May 17th City Council meeting, as there was a very different tone at that meeting and the public that attended that meeting gave a very different side to what they're living with in terms of the potential impacts.

Chairman Tomblin asked if there was something that could be done with the Sheriff's Department that these particular houses that are causing the problems be monitored.

Director Mihranian explained that what the Sheriff's Department can enforce is whatever is codified in the Municipal Code. He stated that staff is working with the Sheriff's Department to understand what type of calls they are receiving in regards to these short-term rentals, however it's hard to pinpoint since the Sheriff's Department receives calls based on a specific address. The Sheriff's Department does not keep a log of these types of specific complaints.

Chairman Tomblin questioned if there was some type of letter generated from the Community Development Department that can notify the property owner that there has been complaints regarding an issue with a recent short-term rental.

Director Mihranian stated it is difficult for the City to send a letter to a resident unless there is something codified that staff can cite and explain to the resident that they are in violation of that particular code section.

Commissioner Emenhiser felt the goal should be to encourage the Mr. Yu's of the City and to punish those who do not follow the rules.

The motion to continue the public hearing to August 23, 2016 was approved, (7-0).

ITEMS TO BE PLACED ON FUTURE AGENDAS

3. Pre-Agenda for the meeting on July 26, 2016

Chairman Tomblin stated that he and the Vice Chairman had met with the Mayor, City Manager, City Attorney, and the Director regarding the motions made in regards to Green Hills and the upcoming closed session meeting. Because there is a conflict with the City Attorney's schedule on Tuesday nights, the question was asked as to how early the closed session meeting could be held or if it could be held on another night.

Assistant City Attorney Burrows suggested the Director poll the Commissioners via email to find an agreeable time or alternate evening.

ADJOURNMENT

The meeting was adjourned at 9:28 p.m.

17.76.140 - Bed and breakfast inns.

- A. Purpose. This section provides criteria for the development, operation and regulation of bed and breakfast inns in the city. These criteria ensure that bed and breakfast inns are developed and operated on adequate sites, at proper and desirable locations with respect to surrounding land uses, and the goals and objectives of the general plan and any applicable specific plans. These criteria further ensure that if located in residential districts, bed and breakfast inns are compatible with a residential environment.
- B. Applicability.
1. Conditional Use Permit Required. In zoning districts where such conditional uses are allowed by this title, the development of a bed and breakfast inn or the conversion of any portion of an existing use or structure into a bed and breakfast inn shall require the approval of a conditional use permit by the planning commission pursuant to the requirements of this chapter and Chapter 17.60 (Conditional Use Permit) of this title.
 2. Findings. In order to approve a conditional use permit for a bed and breakfast inn, the planning commission must make the findings listed below and the findings listed in Chapter 17.60 (Conditional Use Permits) of this title:
 - a. That the proposed bed and breakfast inn will not contribute to the undesirable proliferation of such uses;
 - b. That the operation of the proposed bed and breakfast inn will not adversely affect adjacent or nearby residences;
 - c. If located in a residential zoning district, that the operation of the proposed bed and breakfast inn will not alter the residential character of the neighborhood or create vehicular or pedestrian traffic which changes the residential character of the neighborhood and dwelling unit where the bed and breakfast inn is being operated.
- C. Development Standards.
1. Residential Interface. If the proposed bed and breakfast use is located within or adjacent to a residential zoning district, the following standards shall be imposed to reduce the impact of the bed and breakfast inn on adjacent residential uses:
 - a. Public Entrances. Public entrances and loading areas shall be designed or screened so as to avoid facing an adjoining residence.
 - b. Guest Arrivals. Guests are not permitted to check in or check out between the hours of ten p.m. and seven a.m.
 - c. Use. The establishment and conduct of a bed and breakfast inn in a residential zoning district shall not change the principal residential character of the use of the dwelling unit, nor shall there be any exterior evidence of the bed and breakfast use being conducted. The bed and breakfast inn use shall be clearly incidental to the residential use.
 2. Lighting. The lighting provisions of Section 17.56.040 (Environmental Protection) shall apply and all exterior lighting shall be arranged and shielded to prevent off-site illumination. In residential zoning districts, only ground-oriented, shielded or diffused lighting shall be allowed.
 3. Signage. Signage related to the bed and breakfast inn use shall only be allowed in nonresidential zoning districts and shall conform to the requirements of Section 17.76.050 (Sign permit).
 4. Parking. One paved off-street parking space for every bedroom available for lodging shall be provided on the property on which the bed and breakfast use is located.
 5. Employees. With the exception of one outside employee, there shall be no employment of help in connection with the operation of the bed and breakfast inn other than the individuals residing at the residence.

6. Appearance. All structures must comply with general appearance, setbacks and landscaping standards and regulations applicable to the principal zoning district in which the bed and breakfast inn is located.
 7. Noise. There shall be no noise or other disturbance created by the bed and breakfast inn use.
 8. Location. A bed and breakfast inn shall not be located within one thousand feet of any other bed and breakfast inn.
 9. Operation. The operators of a bed and breakfast inn must reside on the property on which it is located and the site shall be maintained in a neat and orderly manner and operated as specified by the conditional use permit.
 10. Intensification of Use. Any accessory activities or improvements that change or intensify the use of a bed and breakfast inn previously approved through a conditional use permit by the planning commission, including, but not limited to, the addition of bedrooms or exterior improvements, shall require prior review and approval by the director. The director has the discretion to refer the requested activity to the planning commission for review.
- D. Enforcement. In the event that written complaints are received regarding the operation of a bed and breakfast inn, the director shall investigate and may refer the complaints to the planning commission. The planning commission will hold a public hearing to review the complaints, the conditional use permit or other approvals, pursuant to Chapter 17.60 (Conditional Use Permits).
1. Public Hearing. If a public hearing is held to review the conditional use permit, the planning commission may add, delete or modify conditions of approval, or revoke the conditional use permit pursuant to Section 17.86.060 (Enforcement) of this title.
 2. Appeal. Any decision by the planning commission to add, modify or delete conditions of approval, or to revoke the conditional use permit may be appealed to the city council pursuant to Section 17.80.070 (Hearing Notice and Appeal Procedures) of this title.

(Ord. 320 § 7 (part), 1997)

Octavio Silva

From: Guri Otterlei <guri.otterlei@cox.net>
Sent: Wednesday, July 13, 2016 12:43 PM
To: Octavio Silva
Subject: Short term rental

Hello,

We strongly support the ban on short term rental on Rpv, and wondering what happened during yesterday's meeting?
Thanks in advance for your response!

Guri Otterlei

Sent from my iPhone

Octavio Silva

From: Faith B.Stapleton <fbstapleton@cox.net>
Sent: Friday, July 15, 2016 9:01 PM
To: Octavio Silva
Subject: Short term rentals

Dear Mr. Silva:

My neighbor, Jan Peterson, was kind enough to share with me your response to her request re continuation of Short Term Rental issue now pending decision.

There was mention of delay to obtain additional information so requested. The information is presently complete and finished, simply we, the homeowners, do not want Rentals of Thirty Days or less to be allowed, end of story. A costly permit sort of solution may add to the City's balance sheet however, neighborhood character cannot be purchased.

Please make accessible the identities of those who have requested additional information. Thank you for this consideration.

Respectfully,

Faith Stapleton

3656 Hightide Dr. RPV

Octavio Silva

From: Faith B. Stapleton <fbstapleton@cox.net>
Sent: Friday, July 15, 2016 9:16 PM
To: Octavio Silva; Joe Barger; donway@cox.net; janrpv@gmail.com
Subject: Airbnb/RPV

Precedent for RPV! Yea!

Begin forwarded message:

<http://www.latimes.com/local/lanow/la-me-ln-santa-monica-airbnb-conviction-20160713-snap-story.html>



Santa Monica convicts its first Airbnb host under tough home-sharing laws

By Los Angeles Times

Santa Monica, which last year passed some of the nation's toughest regulations on short-term rentals, has now co...

Octavio Silva

From: Guri Otterlei <guri.otterlei@cox.net>
Sent: Friday, July 15, 2016 3:02 PM
To: Octavio Silva; Kit Fox
Subject: Re: Short term rental

Hi Octavio,

Thank you for the response! I hope this issue is not turned into a fund raising opportunity for the city! The residents here (many with children) do not want strangers coming and going next door to them in residential neighborhoods, frequent large parties etc. etc, and it needs to be stopped...

Hello Kit:

I didn't see an update regarding this date change (from July 12 to August 23) on the Nextdoor Portuguese Bend webpage/ emails!? (Some people showed up for the jul12 meeting!). Could you please make update on the webpage regarding the date change, why, and what the city is doing? Many people (me for one) may not be reading the city's webpage, but rely on the Nextdoor information.

Thank you!

Guri Otterlei

Sent from my iPhone

> On Jul 13, 2016, at 1:39 PM, Octavio Silva <OctavioS@rpvca.gov> wrote:

>

> Hello,

>

> The Planning Commission continued the proposed Code Amendments to their August 23, 2016 meeting in order for staff to provide some additional information that was requested. In addition, they asked staff to provide other options to regulating short-term rentals, which may include a permit process.

>

> In order to stay up-to-date on the latest developments regarding short-term rentals, I would recommend that you visit the City's website and sign up for email notifications from the City. When the next meeting approaches, you will be notified of the meeting time and location, in the event that you would like to attend the meeting. Below, I have included a link to the City's website for your convenience.

>

> <http://www.rpvca.gov/list.aspx>

>

> If you have any further questions, please feel free to contact me.

>

> Thank you,

> Octavio Silva

>

> -----Original Message-----

> From: Guri Otterlei [mailto:guri.otterlei@cox.net]

> Sent: Wednesday, July 13, 2016 12:43 PM

> To: Octavio Silva <OctavioS@rpvca.gov>

> Subject: Short term rental

>

> Hello,

Octavio Silva

From: Ara Mihranian
Sent: Monday, July 25, 2016 11:10 AM
To: elizabethstaes@yahoo.com; Julie Peterson; Doug Willmore; Ken Dyda
Cc: Tracy Burns; Octavio Silva
Subject: RE: Palos Verdes Estates Short Term Rental - 1329 Via Margarita - July 15-17, 2016

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Kallas,

Thank you for taking the time to email RPV your concerns regarding short-term rentals, and what PVE is doing.

The City of RPV is in the process of amending its code to address short-term rentals.

The Planning Commission conducted a public hearing at its July 12th meeting and continued the matter to its August 23rd meeting.

To stay updated on what RPV is doing and to receive electronic notifications, I suggest joining the City's list-serve for this topic at the following link:

<http://www.rpvca.gov/list.aspx>

Ara

Ara Michael Mihranian
Community Development Director



30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
310-544-5228 (telephone)
310-544-5293 (fax)
aram@rpvca.gov
www.rpvca.gov



Do you really need to print this e-mail?

This e-mail message contains information belonging to the City of Rancho Palos Verdes, which may be privileged, confidential and/or protected from disclosure. The information is intended only for use of the individual or entity named. Unauthorized dissemination, distribution, or copying is strictly prohibited. If you received this email in error, or are not an intended recipient, please notify the sender immediately. Thank you for your assistance and cooperation.

From: elizabethstaes@yahoo.com [mailto:elizabethstaes@yahoo.com]

Sent: Tuesday, July 19, 2016 6:18 AM

To: Julie Peterson <JulieP@rpvca.gov>; Ara Mihranian <AraM@rpvca.gov>; Doug Willmore <DWillmore@rpvca.gov>; Ken Dyda <Ken.Dyda@rpvca.gov>

Cc: Tracy Burns <akamomma@gmail.com>

Subject: Fwd: Palos Verdes Estates Short Term Rental - 1329 Via Margarita - July 15-17, 2016

RPV City Staff, Mayor and Manager

I forward the email below so you will be aware of how my city PVE is dealing with their short term rental ban. Our code was updated to provided explicit definitions for short term rentals to clarify that this commercial use of residential property is prohibited. Commercial use of residential property was already prohibited but this added language was to assist in understanding and interpreting code as well as enforcing the code.

It took 15 months of multiple discussions and meetings but it was clear that the majority supported a ban and it became official on July 15.

Unfortunately the homeowners at 1329 Via Margarita continue their short term rental business as evidenced by the photos below. I would also like to add that there is yet another rental car across the street this morning.

I believe my concerns in my email below have been discounted completely by the city planning director and additionally her obvious statement regarding guests not automatically making for short term rental business is disrespectful.

My message to RPV is that as you navigate the short term rental issue in your community you do so with integrity and respect and keep the nature of your community in mind. Additionally ensure you are prepared to enforce the ban with a real actionable plan that will be effective and long lasting.

I hope your city won't discount your citizens concerns like mine were below.

Elizabeth Kallas

Sent from my iPhone

Begin forwarded message:

From: Sheri Repp <srepp@pvestates.org>

Date: July 18, 2016 at 5:45:38 PM PDT

To: Elizabeth Staes <elizabethstaes@yahoo.com>

Cc: Lewy Kallas <lewykal@gmail.com>, Anton Dahlerbruch <adahlerbruch@pvestates.org>, Elizabeth Corpuz <ecorpuz@pvestates.org>, Ellisa Hall <ehall@pvestates.org>

Subject: RE: Palos Verdes Estates Short Term Rental - 1329 Via Margarita - July 15-17, 2016

Good afternoon Elizabeth. I am responding to your email on behalf of the City Council and the staff.

Last week, I had an extensive discussion with the owner of 1329 Via Margarita. While they were not happy with the outcome of the ordinance, they understand that the short-term rental use is no longer permitted. Advertising has ceased and they will no longer rent their home in a manner that is inconsistent with the ordinance.

Your neighbors appear to be a very social family and it is likely that guests will still frequent their home. The City's interest is focused on the business aspect of short-term rentals and we will respond if there is evidence of a violation. Please note that having a guest does not automatically make for a commercial or short-term rental activity.

We will be periodically checking for listings on the various short-term rental websites. I trust that your neighbors will be in compliance from this point forward. Please let us know if you find any listing for any properties with Palos Verdes Estates.

*Sheri Repp Loadsman
Deputy City Manager/
Planning & Building Director*

City of Palos Verdes Estates
340 Palos Verdes Drive West
Palos Verdes Estates, CA 90274
(310) 378-0383

bcc

From: Elizabeth Staes [<mailto:elizabethstaes@yahoo.com>]

Sent: Sunday, July 17, 2016 7:10 PM

To: Anton Dahlerbruch <adahlerbruch@pvestates.org>; Sheri Repp <srepp@pvestates.org>; James Goodhart <jgoodhart@pvestates.org>; Elizabeth Corpuz <ecorpuz@pvestates.org>; Jennifer King <jking@pvestates.org>; City Council <citycouncil@pvestates.org>; James Vandever <jvandever@pvestates.org>; Betty Lin Peterson <bpeterson@pvestates.org>; John Rea <jrea@pvestates.org>; Ellisa Hall <ehall@pvestates.org>

Cc: Lewy Kallas <lewykal@gmail.com>

Subject: Palos Verdes Estates Short Term Rental - 1329 Via Margarita - July 15-17, 2016





City staff and City Council members-

The residents at 1329 Via Margarita continue their short term rental business which is now explicitly prohibited in our municipal code.

Attached are photos of the guests, who arrived on July 15 and departed on July 17, 2016.

The city Planning Commission and City Council, as well as its residents, did their due diligence, followed protocol and determined this commercial use of residential property was not congruent with our city's goals and objectives resulting in the update to our municipal code.

Please advise how the city will handle these code violations.

Thank you for your attention to this matter.
Elizabeth Kallas

[Titi's Profile - Airbnb](#)



Titi's Profile - Airbnb

I've traveled all over the world and have lived in Europe, Asia, and different parts of the US. I enjoy meet...

Octavio Silva

From: Ara Mihranian
Sent: Tuesday, August 16, 2016 8:18 AM
To: Octavio Silva
Subject: FW: Short-term vacation rentals (Case No. ZON2016-00188)
Attachments: RPV Planning Commission 20160815.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please attach this to your staff report.

Ara Michael Mihranian
Community Development Director



30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
310-544-5228 (telephone)
310-544-5293 (fax)
aram@rpvca.gov
www.rpvca.gov



Do you really need to print this e-mail?

This e-mail message contains information belonging to the City of Rancho Palos Verdes, which may be privileged, confidential and/or protected from disclosure. The information is intended only for use of the individual or entity named. Unauthorized dissemination, distribution, or copying is strictly prohibited. If you received this email in error, or are not an intended recipient, please notify the sender immediately. Thank you for your assistance and cooperation.

From: Alan Siegel [mailto:siegelal@yahoo.com]
Sent: Tuesday, August 16, 2016 12:23 AM
To: PC <PC@rpvca.gov>
Cc: Planning <Planning@rpvca.gov>
Subject: Short-term vacation rentals (Case No. ZON2016-00188)

Please include the attached letter in the Planning Commission public comments for Case No. ZON2016-00188.

Thank you.

August 16, 2016

To Rancho Palos Verdes Planning Commission
cc: Community Development Department

I am a 25-year resident homeowner in Rancho Palos Verdes and I am writing to provide input into the Planning Commission's consideration of a ban on Short-Term Rentals (Case No. ZON2016-00188).

You may recall that I spoke against the proposed ban at the May 17th, 2016 City Council meeting.

I understand and empathize with the residents' complaints of the 5 "bad apples" who rent their houses to short-term tenants who host late-night parties that bother the neighbors. However, I feel that an outright ban on short-term rentals is too drastic of an action to take by the city and will result in unintended consequences. I feel that the city already has sufficient enforcement powers to fine or shut down the few properties that cause the problems. Specifically these are the Nuisance ordinances and Chapter 9.24 – Law Enforcement Expenses Caused by Unruly Parties and Gatherings.

There are many other people operating *de facto* Bed & Breakfasts in their homes and guest houses and are not causing problems for their neighbors. At the July 12, 2016 Planning Commission meeting, the Commission heard about responsible short-term rental owners.

This is a very complicated issue and I appreciate that the Commission has recognized that there is a big difference between "whole house" rentals and "owner-occupied" room rentals. I also appreciate that the Commission wants to review this issue in totality with the ordinance that permits legal Bed & Breakfasts within the city. One other related point is the inclusion of Multiple-Family Residential Districts in the Commission's analysis, as considering only Single-Family Residential Districts is short-sighted, as several Commissioners mentioned at the July 12th meeting.

One path of consideration is to ban all "whole house" rentals as these are the source of complaints. However, this would inadvertently ban the very likely and desirable situations where an RPV family needs to rent a nearby house while their own home is under construction or to host visiting relatives. Mayor Pro-Tem Campbell mentioned in his public remarks that he has used a local AirBnB and it was a convenient alternative to the one resort hotel in town.

Comments were also made about the legal Bed & Breakfast option, as defined in Municipal Code Chapter 17.76.140. I urge the Commission to carefully review the process required to obtain a Conditional Use Permit to allow one to rent a room in one's house. Please see Chapter 17.60 for details.

In my opinion, the onerous requirements of the CUP have prevented owners from following the legal path, and this has fostered the unofficial short-term rentals.

I am sure that you can appreciate that the CUP requirements are entirely appropriate for other permitted uses like golf courses and driving ranges; growing of crops on more than one acre; outdoor active recreational uses and facilities; and government facilities. However, requiring the following applications and fees to simply rent out a room or 2 in one's house is excessive:

- Uniform Planning Application (3 pages)
- Burden of Proof Statement
- Environmental Information and Checklist Form (18 pages)
- 3 copies of Site Plan, Elevation Plan, Floor Plan, Parking Plan
- 2 copies of Vicinity Map showing all properties within a 500' radius
- 2 copies of Mailing Labels of all neighbors within a 500' radius
- \$7,226 in fees
- 3 – 6 month typical processing period.

Even if one were to start this process and pay the fees, there is no guarantee that the CUP would be found in compliance of all of the requirements. It is no wonder that there are no legally advertised Bed & Breakfasts in RPV!

The Community Development Department has done a good job of reviewing nearby cities and their approach to short-term rentals. I would like to propose that the Commission consider what another city, La Quinta California, has enacted to regulate and tax short-term rentals. Please see <http://www.la-quinta.org/city-services/short-term-vacation-rentals/short-term-vacation-rentals>

La Quinta is a city that shares many of the same characteristics of RPV: population of about 38,000; affluent; resort attractions; aging population; with limited accommodations.

It set up a very simple and straightforward way to register a short-term rental with a:

- 1 page Permit Application with \$25 annual fee
- 1 page Business License with fees of \$18 to \$46
- 1 page monthly form to report and pay the required 10% Transient Occupancy Tax

La Quinta also requires owners to provide to each renter a copy of their Good Neighbor Brochure see <http://www.la-quinta.org/home/showdocument?id=16764>. This outlines the expectations of renters in regards to noise, trash, parking, etc.

The homeowner or an appointed agent is also expected to respond to any complaint within 45 minutes or the police will be called. This, as well as owners requiring

substantial security deposits from their renters, and the threat of immediate expulsion helps to ensure that the short-term renters do not adversely disturb the neighborhood.

I urge the Planning Commission to take a measured approach to the issue, not enact an outright ban on short-term rentals, and consider removing the CUP requirement for Bed & Breakfasts. Providing an easy way for owners to be compliant with a streamlined application process, and graduated enforcement provisions for non-compliance will allow owners, renters and neighbors to accomplish their respective goals. This will also allow the City to collect the TOT that is currently not being collected.

Thank you for your thoughtful consideration.

Alan Siegel

via email