



PUBLIC HEARING

Date: December 20, 2016

Subject: Consideration and Possible Action to Adopt a Code Amendment to Affirm the Prohibition of Short-term Rentals and to Prohibit the Advertisement of Short-term Rentals in the City's Residential Districts (Case No. ZON2016-00188)

Subject Property: Citywide

1. **Report of Notice Given:** Acting City Clerk Takaoka
2. **Request for Staff Report:** Mayor Campbell
3. **Staff Report & Recommendation:** Director Mihranian and Associate Silva
4. **Council Questions of Staff (factual only, no opinions):**
5. **Declare the Hearing Open:** Mayor Campbell
6. **Public Testimony:** Mayor Campbell invites brief comments from the public.

Appellant: N/A

Applicant: City of Rancho Palos Verdes

8. **Rebuttal:** N/A
9. **Declare Hearing Closed:** Mayor Campbell
10. **Council Deliberation:** Questions of staff in response to testimony
11. **Council Action:**

AGENDA DESCRIPTION:

Consideration and possible action to adopt a code amendment to affirm the prohibition of short-term rentals and to prohibit the advertisement of short-term rentals in the City's residential districts (Case No. ZON2016-00188).

RECOMMENDED COUNCIL ACTION:

- 1) Adopt Urgency Ordinance No. ___U, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS; and,
- 2) Introduce Ordinance No. ____, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.

FISCAL IMPACT: As a result of a comprehensive code enforcement program to address unpermitted short-term rentals in the City, Staff anticipates that approximately \$33,481 (non-benefited, maximum 950 work hours annually) would have to be allocated for the annual salary of a part-time Code Enforcement Officer.

Amount Budgeted:	N/A
Additional Appropriation:	\$17,000 (mid-year figure)
Account Number(s):	101-4003-441-12-00: \$15,500 101-4003-441-29-00: \$1,500

ORIGINATED BY: Octavio Silva, Associate Planner *O.S.*

REVIEWED BY: Ara Mhrianian, AICP, Director of Community Development *A.M.*

APPROVED BY: Doug Willmore, City Manager *D.W.*

ATTACHED SUPPORTING DOCUMENTS:

- A. Urgency Ordinance No. ____U (page A-1)
- B. Ordinance No. ____ (page B-1)
- C. P.C. Resolution No. 2016-14 (page C-1)
- D. Public comments received since November 30, 2016 (page D-1)
- E. Coastal Commission letter dated December 6, 2016 (page E-1)

All previous Staff Reports, Meeting Minutes, and public comments on this topic can be found on the City's website for the November 29, 2016, Planning Commission agenda at <http://www.rpvca.gov/772/City-Meeting-Video-and-Agendas>

BACKGROUND AND DISCUSSION:

At the November 29, 2016, Planning Commission meeting, the Planning Commission voted 5 to 2 (with Commissioners Emenhiser and Nelson dissenting) to recommend that the City Council adopt specific code language affirming the existing prohibition of short-term rentals in the City's Residential Zoning Districts (Attachment B). The proposed text amendment would also prohibit the advertising of short-term rentals located within the City and provide definitions for "advertising," "responsible party" and "short-term rentals." In addition, the Planning Commission recommended that the City Council include the express prohibition of short-term rentals, and the advertisement of short-term rentals, within the City's Multi-Family Residential Zoning Districts.

On December 1, 2016, a public notice was published in the *Palos Verdes Peninsula News*, announcing tonight's agenda item. To date, Staff has received six (6) public comments regarding the proposed code amendments, as well as comments on the general topic of short-term rentals (Attachment D).

Recommended Code Amendment Language

The Planning Commission's recommended code language amends Chapter 17.02 (Single Family Residential Districts), Chapter 17.04 (Multi-Family Residential Districts) and Chapter 17.96 (Definitions) of the RPVMC (deletions in ~~strikethrough~~ text, additions underlined).

17.02.026 - Short-Term Rentals and Advertisement of Short Term Rentals

- a. No Person shall operate a Short-Term Rental in a single-family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's single-family residential zoning districts.

17.04.050 - Short-Term Rentals and Advertisement of Short-Term Rentals

- a. No Person shall operate a Short-Term Rental in a multi-family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's multi-family residential zoning districts.

17.96.025 - Advertisement

"Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website, platform or application, any form of television or radio broadcast or any other form of communication, whose primary purpose is to propose a commercial transaction.

17.96.1593- Responsible Party

"Responsible Party" means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit failure to correct after receiving notice from the City of the violation.

17.96.1705 - Short-Term Rental

"Short-Term Rental" means 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, except as allowed by Section 17.76.140.

Enforcement

Enacting the foregoing language will enable Staff to proceed with proactively enforcing the City's prohibition of short term rentals, particularly advertisement on hosting (website) platforms. The City's enforcement of the prohibition may occur in any combination of the following:

1. Criminal Penalties – The City files a misdemeanor complaint against the operator of the short-term rental (maximum penalties of \$1,000 per violation, and/or 6 months imprisonment);
2. Civil Penalties
 - a. Administrative Citations – The City sends an administrative citation to the operator of the short-term rental (fines currently range between \$100 and \$500)¹; or,
 - b. Civil Injunctions – based on evidence collected by the City and neighboring property owners, the City petitions the court for an injunction and a judgement is made based on the preponderance of the evidence.

¹ With respect to administrative citations, as a separate item on this evening's agenda, the City Council will be asked to consider amending Municipal Code Title 1.16 to establish a second tier of administrative fines (increasing the fines to between \$1,000 and \$3,000) that will be more punitive for violators of, among other things, the City's ban on short-term rentals.

In order to immediately enforce the City's prohibition of the advertisement and operation of short-term rentals, the City Council is being asked to adopt the attached Urgency Ordinance (Attachment A), which will make the proposed code amendments effective immediately. The adoption of the proposed Urgency Ordinance requires a four-fifths (4/5) vote of the City Council on the basis of a need for an "immediate preservation of the public peace, health and safety" (Government Code Section 36937(b)). The same ordinance is also being proposed for first reading. City Staff and the City Council have received multiple complaints about short term rentals. Specifically, the City has received complaints about noisy parties early in the morning and late at night, the parking of large party vehicles on residential streets, and an increase in trash in residential neighborhoods. These require immediate enforcement action requiring the adoption of this Urgency Ordinance.

ADDITIONAL INFORMATION:

On December 6, 2016, the City received a letter from the California Coastal Commission (Attachment E) regarding the regulation of short-term rentals in the Coastal Zone statewide. As previously reported, the City's Development Code is a permissive Code, in that if a land-use is not specifically identified as permitted, then it is considered to be prohibited. In the case of short-term rental uses, they are considered prohibited within the City since they are not enumerated as a permitted use. As an extension of the City's Development Code, short-term rentals within the Local Coastal Specific Plan are also considered to be prohibited, as they are not identified as a permitted use. Short-term rentals are permitted in the City's Commercial Recreational (CR) Zoning District (Terranea), which is located within the City's Coastal Specific Plan Area; therefore Staff is of the opinion that the City complies with the Coastal Commission's intent of allowing some short-term rental opportunities within the Coastal Zone.

CONCLUSION:

Staff recommends that the City Council review the Planning Commission's recommended proposed code language and if acceptable, adopt Urgency Ordinance No. ___U, making the code amendments effective immediately, and introduce Ordinance No. ___ for first reading, second reading of the Ordinance would be presented to the City Council on January 17, 2017, with the Ordinance being effective thirty days after the second reading.

ALTERNATIVES:

In addition to the Staff recommendations, the following alternatives are available for the City Council's consideration:

1. Direct Staff to return with modified language for consideration at a continued public hearing.

2. Adopt the Planning Commission's recommended code language, with the exception of the prohibition of short-term rentals in the City's Multi-Family Residential Zoning Districts.
3. Introduce Ordinance No. _____, but take no action on Urgency Ordinance No. ____U.
4. Direct Staff to take no further action at this time.

ORDINANCE NO. ___ U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT-TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, on May 17, 2016, the City Council of the Rancho Palos Verdes initiated text amendment proceedings to adopt language to expressly articulate the existing prohibition of short-term rentals within the City; and,

WHEREAS, on July 12, 2016, the Planning Commission considered proposed text amendment language to expressly prohibit short-term rentals and the advertisement of such uses with the City, after which the Planning Commission continued the meeting to allow City Staff time to further research the issue of short-term rentals and to identify additional options for the regulation of such uses; and,

WHEREAS, on August 23, 2016, the Planning Commission was presented with options to regulate short-term rentals in the City, and after considering public testimony and evidence presented that evening, the Commission, on a 4-2 vote, recommended to the City Council that short-term rentals be prohibited within the City, with the exception of home sharing, where the property owner is present at all times; and,

WHEREAS, on September 20, 2016, the Planning Commission's recommendation was presented to the City Council for consideration, to which the City Council affirmed that pursuant to Section 17.86.030, the City's Development Code is structured as a "permissive zoning system"; thus, because such that short-term rentals are uses that are not specifically enumerated in the Zoning Code, they are currently prohibited in the City; and,

WHEREAS, on October 18, 2016, the City Council was presented with an update on code enforcement activities related to the regulation of short-term rentals, as well as possible code amendments to bolster the City's enforcement framework, and directed Staff to work with the City's Planning Commission to prepare amended code language that would prohibit short-term rentals and the advertisement of short-term rentals; and,

WHEREAS, on November 29, 2016, the Planning Commission adopted P.C. Resolution No. 2016-14, recommending that an ordinance be adopted affirming the prohibition of short-term rentals in the City's Residential Zoning Districts (RS and RM),

prohibiting the advertising of short-term rentals in the City, and providing definitions for advertising, responsible party and short-term rentals; and

WHEREAS, on December 1, 2016, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the City Council on December 20, 2016; and

WHEREAS, on December 20, 2016, 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, 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) and Section 15321. Section 15061 states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Code Amendment is exempt 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, City staff and the City Council have received multiple complaints about short-term rentals in the City. Specifically, the City has received complaints about noisy parties disturbing the peace of residential neighborhoods early in the morning and late at night, the parking of oversized party vehicles on residential streets, and an increase in trash in residential neighborhoods; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods with the City by regulating short-term rentals and the advertising of short-term rentals in the City; and,

WHEREAS, the urgency of this Ordinance to the immediate preservation of public peace, health, and safety is demonstrated by the preceding recitals of fact; and,

WHEREAS, Government Code Section 36937 expressly authorize the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health or safety, if the ordinance is approved by four-fifths of the City Council. To this end, this Ordinance is adopted for the immediate preservation of the public peace, health and safety, given the impacts associated with short-term rentals in the City's residential zoning districts.

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

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, and are incorporated herein by reference.

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. The City Council further finds that the amendments to Title 17 are express restatements of the existing prohibition on short-term rentals in the City, as the City's Municipal Code is permissive, and short-term rentals are not a permitted use.

Section 3: The City Council finds that the amendments to Title 17 expressly prohibiting short-term rentals and the advertisement thereof are necessary to preserve the public health, safety, and general welfare in the City's residential (RS and RM) zoning districts.

Section 4. Section 17.02.026 (Short-Term Rentals and Advertisement of Short-Term Rentals) of Chapter 17.02 (Single-Family Residential (RS) Districts) of Article I (Residential Districts) of Title 17 (Zoning) is hereby added as follows (proposed additions underlined):

17.02.026 - Short-Term Rentals and Advertisement of Short-term Rentals

- a. No Person shall operate a Short-Term Rental in a single family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's single- family residential zoning districts.

Section 5. Section 17.04.050 (Short Term Rentals and Advertisement of Short Term Rentals) of Chapter 17.04 (Multiple-Family Residential (RM) Districts) of Article I

(Residential Districts) of Title 17 (Zoning) is hereby added as follows (proposed additions underlined):

17.04.050 - Short-Term Rentals and Advertisement of Short-term Rentals

- a. No Person shall operate a Short-Term Rental in a multi-family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's multi-family residential zoning districts.

Section 6. Sections 17.96.025 (Advertisement), 17.96.1593 (Responsible Party), and 17.96.1705 (Short Term Rental) of Chapter 17.96 (Definitions) of Article VIII (Administration) of Title 17 (Zoning) is hereby added as follows (proposed additions underlined):

17.96.025 - Advertisement

“Advertisement” means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website, platform or application, any form of television or radio broadcast or any other form of communication, whose primary purpose is to propose a commercial transaction.

17.96.1593- Responsible Party

“Responsible Party” means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit includes failure to correct after receiving notice from the City of the violation.

17.96.1705 - Short-Term Rental

“Short-Term Rental” means 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, except as allowed by Section 17.76.140.

Section 7. 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 8. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code Section 36937. The City Clerk shall cause a summary of this ordinance to be published in accordance with Governmental Code Section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

Section 9. This Urgency Ordinance shall go into effect and be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

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

Brian Campbell, Mayor

ATTEST:

Teresa Takaoka, Acting City Clerk

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT-TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, on May 17, 2016, the City Council of the City of Rancho Palos Verdes initiated text amendment proceedings to expressly articulate the existing prohibition on short-term rentals within the City; and,

WHEREAS, on July 12, 2016, the Planning Commission considered proposed text amendment language to expressly prohibit short-term rentals and the advertisement of such uses with the City, after which the Planning Commission continued the meeting to allow City Staff time to further research the issue of short-term rentals and to identify additional options for the regulation of such uses; and,

WHEREAS, on August 23, 2016, the Planning Commission was presented with options to regulate short-term rentals in the City, and after considering public testimony and evidence presented that evening, the Commission, on a 4-2 vote, recommended to the City Council that short-term rentals be prohibited within the City, with the exception of home sharing, where the property owner is present at all times; and,

WHEREAS, on September 20, 2016, the Planning Commission's recommendation was presented to the City Council for consideration, to which the City Council affirmed that pursuant to Section 17.86.030, the City's Development Code is structured as a "permissive zoning system"; thus, because such that short-term rentals are uses that are not specifically enumerated in the Zoning Code, they are currently prohibited in the City; and,

WHEREAS, on October 18, 2016, the City Council was presented with an update on code enforcement activities related to the regulation of short-term rentals, as well as possible code amendments to bolster the City's enforcement framework, and directed Staff to work with the City's Planning Commission to prepare amended code language that would prohibit short-term rentals and the advertisement of short-term rentals; and,

WHEREAS, on November 29, 2016, the Planning Commission adopted P.C. Resolution No. 2016-14, recommending that an ordinance be adopted affirming the prohibition of short-term rentals in the City's Residential Zoning Districts (RS and RM),

prohibiting the advertising of short-term rentals in the City, and providing definitions for advertising, responsible party and short-term rentals; and

WHEREAS, on December 1, 2016, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the City Council on December 20, 2016; and

WHEREAS, on December 20, 2016, 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, 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) and Section 15321. Section 15061 states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Code Amendment is exempt 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, City staff and the City Council have received multiple complaints about short-term rentals in the City. Specifically, the City has received complaints about noisy parties disturbing the peace of residential neighborhoods early in the morning and late at night, the parking of oversized party vehicles on residential streets, and an increase in trash in residential neighborhoods; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods with the City by regulating short-term rentals and the advertising of short-term rentals in the City; and,

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

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, and are incorporated herein by reference.

Section 2: The City Council finds that this text amendment to Title 17 is 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. The City Council further finds that the amendments to Title 17 are express restatements of the existing prohibition on short-term rentals in the City, as the City's Municipal Code is permissive, and short-term rentals are not a permitted use.

Section 3: The City Council finds that the amendments to Title 17 expressly prohibiting short –term rentals and the advertisement thereof are necessary to preserve the public health, safety, and general welfare in the City's residential (RS and RM) zoning districts.

Section 4. Section 17.02.026 (Short-Term Rentals and Advertisement of Short-Term Rentals) of Chapter 17.02 (Single-Family Residential (RS) Districts) of Article I (Residential Districts) of Title 17 (Zoning) is hereby added as follows (proposed additions underlined):

17.02.026 - Short-Term Rentals and Advertisement of Short-term Rentals

- a. No Person shall operate a Short-Term Rental in a single family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's single-family residential zoning districts.

Section 5. Section 17.04.050 (Short Term Rentals and Advertisement of Short Term Rentals) of Chapter 17.04 (Multiple-Family Residential (RM) Districts) of Article I (Residential Districts) of Title 17 (Zoning) is hereby added as follows (proposed additions underlined):

17.04.050 - Short-Term Rentals and Advertisement of Short-term Rentals

- a. No Person shall operate a Short-Term Rental in a multi-family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's multi-family residential zoning districts.

Section 6. Sections 17.96.025 (Advertisement), 17.96.1593 (Responsible Party), and 17.96.1705 (Short Term Rental) of Chapter 17.96 (Definitions) of Article VIII (Administration) of Title 17 (Zoning) is hereby added as follows (proposed additions underlined):

17.96.025 - Advertisement

“Advertisement” means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website, platform or application, any form of television or radio broadcast or any other form of communication, whose primary purpose is to propose a commercial transaction.

17.96.1593- Responsible Party

“Responsible Party” means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit includes failure to correct after receiving notice from the City of the violation.

17.96.1705 - Short-Term Rental

“Short-Term Rental” means 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, except as allowed by Section 17.76.140.

Section 7. 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 8. 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.

P.C. RESOLUTION NO. 2016-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES RECOMMENDING TO THE CITY COUNCIL THAT AN ORDINANCE BE ADOPTED AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S DEVELOPMENT CODE TO AFFIRM THE PROHIBITION OF SHORT TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY AND TO CODIFY DEFINITIONS OF ADVERTISEMENT, RESPONSIBLE PARTY AND SHORT-TERM RENTALS, AS WELL AS RECOMMENDING TO THE CITY COUNCIL THAT CONSIDERATION BE GIVEN TO INCLUDE PROHIBITING SHORT TERM RENTALS IN THE CITY'S MULTI-FAMILY ZONING DISTRICTS.

WHEREAS, on May 17, 2016, the City Council initiated code amendment proceedings to prohibit short-term rentals within the City; and,

WHEREAS, on July 12, 2016, the Planning Commission considered proposed code amendment language to prohibit short-term rentals and the advertisement of such uses with the City, after which the Planning Commission continued the meeting to allow City Staff time to further research the issue of short-term rentals and to identify additional options for the regulation of such uses; and,

WHEREAS, on August 23, 2016, the Planning Commission was presented with options to regulate short-term rentals in the City, and after considering public testimony and evidence presented that evening, the Commission, on a 4-2 vote, identified its preferred option to be prohibition of short-term rentals in the City, with the exception of such rentals that are limited to single rooms and guest homes where the property owner is present at all times; and,

WHEREAS, on September 20, 2016, the Planning Commission's preferred option for the regulation of short-term rentals was presented to the City Council for consideration, to which the City Council affirmed that pursuant to Section 17.86.030, the City's 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 thus currently considered to be prohibited in the City; and,

WHEREAS, on October 18, 2016, the City Council was presented with an update on code enforcement activities related to the regulation of short-term rentals, as well as possible code amendments to bolster the City's enforcement framework, to which the City Council, among other things, directed Staff to work with the City's Planning Commission to prepare amended code language that would prohibiting the advertisement of short-term

rentals in the City's single-family residential zoning districts and the creation of a "prohibited use" list in the City's residential zoning districts; 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 November 3, 2016, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the Planning Commission on November 29 2016; and

WHEREAS, on November 29, 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 Chapters 17.02 (Single-Family Residential (RS) Districts) and 17.96 (Definitions) of the City's Municipal Code of Title 17 of the City's Municipal Code to clarify the existing ban on short-term rentals, establish a ban on advertising of short term rentals, and provide relevant definitions.

Section 3: The Planning Commission is also recommending that the City Council consider including prohibiting short-term rentals in the City's multi-family zoning districts.

Section 4: 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 5: 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 6: 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 to the City Council that an Ordinance be adopted entitled, AN ORDINANCE amending "CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS AND TO CODIFY DEFINITIONS FOR ADVERTISEMENT, RESPONSIBLE PARTY AND SHORT-TERM RENTALS," in the form attached to this Resolution as Exhibit "A".

PASSED, APPROVED, AND ADOPTED this 29th day of November 2016, by the following vote:

AYES: Commissioners Bradley, James, Leon, Vice-Chairman Cruikshank and Chairman Tomblin

NOES: Commissioners Emenhiser and Nelson

ABSTENTIONS: NONE

RECUSSALS: NONE

ABSENT: NONE


Ara Mhramian, AICP
Community Development Director
Secretary to the Planning Commission


David L. Tomblin,
Chairman

EXHIBIT "A"

DRAFT ORDINANCE NO. __

Please see attached.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S DEVELOPMENT CODE TO AFFIRM THE PROHIBITION OF SHORT TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND TO CODIFY DEFINITIONS OF ADVERTISEMENT, RESPONSIBLE PARTY, AND SHORT-TERM RENTALS.

WHEREAS, on May 17, 2016, the City Council initiated code amendment proceedings to prohibit short-term rentals within the City; and,

WHEREAS, on July 12, 2016, the Planning Commission considered proposed code amendment language to prohibit short-term rentals and the advertisement of such uses with the City, after which the Planning Commission continued the meeting to allow City Staff time to further research the issue of short-term rentals and to identify additional options for the regulation of such uses; and,

WHEREAS, on August 23, 2016, the Planning Commission was presented with options to regulate short-term rentals in the City, and after considering public testimony and evidence presented that evening, the Commission, on a 4-2 vote, identified its preferred option to be prohibition of short-term rentals in the City, with the exception of such rentals that are limited to single rooms and guest homes where the property owner is present at all times; and,

WHEREAS, on September 20, 2016, the Planning Commission's preferred option for the regulation of short-term rentals was presented to the City Council for consideration, to which the City Council affirmed that pursuant to Section 17.86.030, the City's 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 thus currently considered to be prohibited in the City; and,

WHEREAS, on October 18, 2016, the City Council was presented with an update on code enforcement activities related to the regulation of short-term rentals, as well as possible code amendments to bolster the City's enforcement framework, to which the City Council, among other things, directed Staff to work with the City's Planning Commission to prepare amended code language that would prohibit the advertisement of short-term rentals in the City's single-family residential zoning districts and the creation of a "prohibited use" list in the City's residential zoning districts; 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 November 3, 2016, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the Planning Commission on November 29 2016; and

WHEREAS, on November 29, 2016, the Planning Commission reviewed and considered the proposed code amendments to Chapter 17.02 (Single-Family Residential (RS) Districts) and Chapter 17.96 (Definitions) of Title 17 of the Municipal Code Municipal Code, and adopted P.C. Resolution No. 2016-14, 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 prohibiting short –term rentals are necessary to preserve the public health, safety, and general welfare and the advertisement thereof in the City’s single-family residential zoning districts.

Section 4. 17.02 (Single-Family Residential (RS) Districts) 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):

17.02.026 - Prohibition of Short-Term Rentals and Advertisement of Short Term Rentals

- a. No Person shall operate a Short-Term Rental in a single family residential zoning district as defined in Section 17.96.1705.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's single family residential zoning districts as defined in Section 17.96.025.

17.96.025 - Advertisement

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

17.96.1593- Responsible Party

"Responsible Party" means any property owner or tenant, or any agent or representative thereof.

17.96.1705 - Short-Term Rental

"Short-Term Rental" means 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, except as allowed by Section 17.76.140.

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:

Teresa Takaoka, Acting City Clerk

Octavio Silva

From: Irene Henrikson <Irene.henrikson@cox.net>
Sent: Wednesday, November 30, 2016 7:23 AM
To: Ara Mihranian; Ken Dyda; susanbrooks01@yahoo.com; Octavio Silva
Subject: Airbnb Touts Benefits of Home-Sharing for Seniors in New Report

Follow Up Flag: Follow up
Flag Status: Flagged

<http://fortune.com/2016/11/21/airbnb-senior-hosts/>

My hope is that the State of Ca will legislate regulations for Airbnb so to override the city at least for future seniors if not in our lifetime. There were those of us who posed no problem for our neighbors and you did not listen to us but rather to the few loud mouths who speak with venom. It was mentioned at last night's meeting that due to STRs, traffic congestion was worse at Crest and Hawthorne. REALLY? And, again , my hope is that a future City Council will listen to us.

Irene and Paul Henrikson

Octavio Silva

From: Susan <sueestes@cox.net>
Sent: Saturday, December 10, 2016 8:03 AM
To: Octavio Silva
Subject: Short-Term Rental Code Amendments...

Hi Octavio,

Thank you for the information. I concur with your memo as stated.

As a home owner in RPV, I continue to support the Planning Commission's recommendations to the City Council to prohibit Short-Term Rentals in RPV residential zones . I will plan to attend the review on December 20, and I wish to have my written support of these recommendations included in the record.

Sincerely,

Susan M. Estes

Octavio Silva

From: yuz <yuz12703@gmail.com>
Sent: Monday, December 05, 2016 12:40 PM
To: Octavio Silva
Subject: Re: Short-Term Rental Code Amendments to be Considered by the City Council at its Meeting on December 20, 2016

Hi Octavio,

One question for you:
This code is not applying to townhouse and Apartment or CD, right?

Thanks

John

On Mon, Dec 5, 2016 at 8:20 AM, Octavio Silva <OctavioS@rpvca.gov> wrote:

Hello,

On December 20, 2016, the City Council will review the Planning Commission's recommended code amendments to Title 17 of the RPVMC to:

- * Affirm the prohibition of Short-Term Rentals in the City's Residential Zoning Districts
- * Prohibit the advertisement of Short-Term Rentals in the City, and;
- * Provide a definition for advertising, responsible party, and Short-Term Rentals.

As an interested party, I have attached a copy of the public notice for the proposed code amendments for your reference. If you have any questions, please feel free to contact me, Octavio Silva, Associate Planner at [\(310\) 544-5234](tel:3105445234) or via email at octavios@rpvca.gov.

Thank you,

Octavio Silva

--

Thanks

John Zhu

Octavio Silva

From: Anita Gash <anitag1@cox.net>
Sent: Monday, December 05, 2016 9:02 AM
To: Octavio Silva; sd_williamson@mac.com; joe.carole@me.com; mchil@att.net; Dipak.Ranparia@rmslifeline.com; junemose@cox.net; dortheamontoya@msn.com; deraney@cox.net; terry.bettino@gmail.com; noelparkone@gmail.com; mark.coleman@charter.com; Carolyn Petru; Valerie Grant; gregmitre@cox.net; nonadatta@hotmail.com; andrewkitto@msn.com; margy bloom; marg.shih@gmail.com; jrsmith210@cox.net; tigermark9; hollysgrt@aol.com
Cc: Michael Huang; Ara Mihranian
Subject: Re: Short-Term Rental Code Amendments to be Considered by the City Council at its Meeting on December 20, 2016

Thanks Octavio. I appreciate the update. Thought you and others should read this article.
<http://qz.com/842996/what-happens-when-a-30-billion-startup-stops-being-nice-and-starts-being-real/>

Best,
Anita Gash

On 12/5/2016 8:28 AM, Octavio Silva wrote:

Hello,

On December 20, 2016, the City Council will review the Planning Commission's recommended code amendments to Title 17 of the RPVMC to:

- * Affirm the prohibition of Short-Term Rentals in the City's Residential Zoning Districts
- * Prohibit the advertisement of Short-Term Rentals in the City, and;
- * Provide a definition for advertising, responsible party, and Short-Term Rentals.

As an interested party, I have attached a copy of the public notice for the proposed code amendments for your reference. If you have any questions, please feel free to contact me, Octavio Silva, Associate Planner at (310) 544-5234 or via email at octavios@rpvca.gov.

Thank you,

Octavio Silva

Octavio Silva

From: Alan Siegel <siegelal@yahoo.com>
Sent: Monday, December 05, 2016 9:48 AM
To: Octavio Silva
Subject: Re: Short-Term Rental Code Amendment to be Considered by the City Council at its Meeting on December 20, 2016

Follow Up Flag: Follow up
Flag Status: Completed

Mr Silva-

Thank you for the notice.

Doesn't the notice also need to mention 17.04 Multiple Family Residential Districts? Based on the direction from the Planning Commission, I thought that this was going to be discussed...or will this be discussed in a subsequent City Council meeting?

Thank you,

Alan Siegel

From: Octavio Silva <OctavioS@rpvca.gov>
To: Tracy Burns <akamomma@gmail.com>; "sharigraner@aol.com" <sharigraner@aol.com>; "ckmeisterheim@gmail.com" <ckmeisterheim@gmail.com>; "smsmith831@gmail.com" <smsmith831@gmail.com>; "donway@cox.net" <donway@cox.net>; "jnbertolina@gmail.com" <jnbertolina@gmail.com>; Joe Barger <jrb17521@gmail.com>; Jeannette Peterson <janrpv@gmail.com>; "tbake377@gmail.com" <tbake377@gmail.com>; "andrearpv@gmail.com" <andrearpv@gmail.com>; "sebarryte@cox.net" <sebarryte@cox.net>; "fhkoehler@cox.net" <fhkoehler@cox.net>; "jjmbutcher@verizon.net" <jjmbutcher@verizon.net>; hc mccarthy <mccarthyhc@gmail.com>; Dan Powell <dpowell@thonbeck.com>; Faith B. Stapleton <fbstapleton@cox.net>; wes wang <wes_wang@hotmail.com>; Lynn Tang <lbtang@yahoo.com>; Alan Siegel <siegelal@yahoo.com>
Sent: Monday, December 5, 2016 8:15 AM
Subject: Short-Term Rental Code Amendment to be Considered by the City Council at its Meeting on December 20, 2016

Hello,

On December 20, 2016, the City Council will review the Planning Commission's recommended code amendments to Title 17 of the RPVMC to:

- * Affirm the prohibition of Short-Term Rentals in the City's Residential Zoning Districts
- * Prohibit the advertisement of Short-Term Rentals in the City, and;
- * Provide a definition for advertising, responsible party, and Short-Term Rentals.

As an interested party, I have attached a copy of the public notice for the proposed code amendments for your reference. If you have any questions, please feel free to contact me, Octavio Silva, Associate Planner at (310) 544-5234 or via email at octavios@rpvca.gov.

Thank you,

Octavio Silva

Octavio Silva

From: Gabriella Yap
Sent: Wednesday, December 07, 2016 11:27 AM
To: Ara Mihranian; Octavio Silva
Subject: Fwd: More Airbnb ban unpleasantness

Sent from my Samsung device

----- Original message -----

From: cprotm73@cox.net
Date: 12/7/2016 6:34 AM (GMT-08:00)
To: CC <CC@rpvca.gov>
Subject: Fwd: More Airbnb ban unpleasantness

--

Ken Dyda

> From: Irene Henrikson <Irene.henrikson@cox.net>
> Subject: More Airbnb ban unpleasantness
> Date: Tue, 6 Dec 2016 07:52:33 -0800
> To: cprotm73@cox.net

>
> Dear Ken,

> I normally do not forward emails but I felt that you should be made aware of the unfortunate situation created by 2 or 3 people on Avenida Altisima.

> I received this email from my friend, Maura, who has been in compliance with the city's regulations. Her guests, like mine, park in her driveway and she does not allow parties. But for whatever reason, her neighbors are abhorrent towards her. They instigated the mob at the City Council meeting. After you read her email, you will get a sense of her anguish.

> Irene Henrikson

>
>>
>> Hi Irene,

>> Thanks for your text asking me how I am doing...as I had previously mentioned, since receiving the cease and desist letter, I have stopped accepting short term rentals. I do not know why I am continuing to be demonized by my neighbors. I am so stressed out and now do not feel as though I can even enjoy my home!

>> For example, I had blocked my Airbnb calendar as I had my mom and step dad in town and friends staying with me at my home. My neighbor, Tracy Burns, who must not have anything to do but watch my Airbnb calendar, reports me as someone who continues to do short term rentals. I had to explain to the city that a blocked calendar did not mean I had booked a rental! A blocked calendar merely means the home is not available for booking.

>> Last month, I had girlfriends staying with me as my friend's cousin was having her wedding at Los Verdes. While I was at work in my office in Sherman Oaks, a man fitting the description of my neighbor, Greg deLamare, came out of his home and trespassed onto

my property with what was described as high powered lens and took pictures of my girlfriends undressing! My friend's mother, aunt, and husband saw him and his photography equipment as well and was so shocked and distraught. The bride was in tears!!! In fact, I was just speaking to them yesterday and they are still worried with where those pictures may be displayed.

>>

>> More distressful is that Greg then went into the backyard of Tracy Burns and both were reported to point cameras through the bushes snapping photos of my friends in the living area. My friends asked them to stop and both of them continued to invade their privacy with these unwelcome actions. How would you like getting your photos taken in the privacy of your own home by your neighbors!

>>

>> Additionally, I have taken a friend's daughter and her boyfriend in my home while they both are sorting out where to live. They both recently moved back to Palos Verdes (where they attended high school) from Spain and needed a place to stay. They too were subject to being photographed by Tracy Burns as they unpacked and unloaded their cars for their 5 week stay with me.

>>

>> It has gotten to a point where I cannot enjoy my home and welcome friends to share the enjoyment of my home. I do not understand why these STR opponents feel they are above the law and have anointed themselves as the STR police.

>>

>> I am gravely concerned what this ban has done for our community. The opponents claim they deserve peaceful enjoyment of their homes and so do I.

>>

>> I hope the City Council realizes what they have done and use their position as elected leaders in our community to heal our divides. They need to denounce the actions of these opponents who see the ruling of their votes as a license to demonize those who were supporting home sharing rules.

>>

>> Thanks for thinking of me and yes, would love to catch up soon!!!

>>

>> xoxo

>> Maura

>>

>>

>>

>>

>>

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



RECEIVED

DEC 09 2016

COMMUNITY DEVELOPMENT
DEPARTMENT**(Sent Individually via US Mail)**

December 6, 2016

TO: Coastal Planning/Community Development Directors

SUBJECT: Short-Term/Vacation Rentals in the California Coastal Zone

Dear Planning/Community Development Director:

Your community and others state and nationwide are grappling with the use of private residential areas for short-term overnight accommodations. This practice, commonly referred to as vacation rentals (or short-term rentals), has recently elicited significant controversy over the proper use of private residential stock within residential areas. Although vacation rentals have historically been part of our beach communities for many decades, the more recent introduction of online booking sites has resulted in a surge of vacation rental activity, and has led to an increased focus on how best to regulate these rentals.

The Commission has heard a variety of viewpoints on this topic. Some argue that private residences should remain solely for the exclusive use of those who reside there in order to foster neighborhood stability and residential character, as well as to ensure adequate housing stock in the community. Others argue that vacation rentals should be encouraged because they often provide more affordable options for families and other coastal visitors of a wide range of economic backgrounds to enjoy the California coastline. In addition, vacation rentals allow property owners an avenue to use their residence as a source of supplemental income. There are no easy answers to the vexing issues and questions of how best to regulate short-term/vacation rentals. The purpose of this letter is to provide guidance and direction on the appropriate regulatory approach to vacation rentals in your coastal zone areas moving forward.

First, please note that vacation rental regulation in the coastal zone must occur within the context of your local coastal program (LCP) and/or be authorized pursuant to a coastal development permit (CDP). The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply. We do not believe that regulation outside of that LCP/CDP context (e.g., outright vacation rental bans through other local processes) is legally enforceable in the coastal zone, and we strongly encourage your community to pursue vacation rental regulation through your LCP.

The Commission has experience in this arena, and has helped several communities develop successful LCP vacation rental rules and programs (e.g., certified programs in San Luis Obispo and Santa Cruz Counties going back over a decade; see a summary of such LCP ordinances on our

website at:

https://documents.coastal.ca.gov/assets/la/Sample_of_Commission_Actions_on_Short_Term_Rentals.pdf). We suggest that you pay particular attention to the extent to which any such regulations are susceptible to monitoring and enforcement since these programs present some challenges in those regards. I encourage you to contact your local district Coastal Commission office for help in such efforts.

Second, the Commission has not historically supported blanket vacation rental bans under the Coastal Act, and has found such programs in the past not to be consistent with the Coastal Act. In such cases the Commission has found that vacation rental prohibitions unduly limit public recreational access opportunities inconsistent with the Coastal Act. However, in situations where a community already provides an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate. In any case, we strongly support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for vacation rentals, while providing appropriate regulation to ensure consistency with applicable laws. We believe that appropriate rules and regulations can address issues and avoid potential problems, and that the end result can be an appropriate balancing of various viewpoints and interests. For example, the Commission has historically supported vacation rental regulations that provide for all of the following:

- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.).
- Limits on the types of housing that can be used as a vacation rental (e.g., disallowing vacation rentals in affordable housing contexts, etc.).
- Limits on maximum vacation rental occupancies.
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period.
- Requirements for 24-hour management and/or response, whether onsite or within a certain distance of the vacation rental.
- Requirements regarding onsite parking, garbage, and noise.
- Signage requirements, including posting 24-hour contact information, posting requirements and restrictions within units, and incorporating operational requirements and violation consequences (e.g., forfeit of deposits, etc.) in rental agreements.
- Payment of transient occupancy tax (TOT).
- Enforcement protocols, including requirements for responding to complaints and enforcing against violations of vacation rental requirements, including providing for revocation of vacation rental permits in certain circumstances.

These and/or other provisions may be applicable in your community. We believe that vacation rentals provide an important source of visitor accommodations in the coastal zone, especially for larger families and groups and for people of a wide range of economic backgrounds. At the same time we

also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise and traffic impacts. We also recognize concerns regarding the impact of vacation rentals on local housing stock and affordability. Thus, in our view it is not an 'all or none' proposition. Rather, the Commission's obligation is to work with local governments to accommodate vacation rentals in a way that respects local context. Through application of reasonable enforceable LCP regulations on such rentals, Coastal Act provisions requiring that public recreational access opportunities be maximized can be achieved while also addressing potential concerns and issues.

We look forward to working with you and your community to regulate vacation rentals through your LCP in a balanced way that allows for them in a manner that is compatible with community character, including to avoid oversaturation of vacation rentals in any one neighborhood or locale, and that provides these important overnight options for visitors to our coastal areas. These types of LCP programs have proven successful in other communities, and we would suggest that their approach can serve as a model and starting place for your community moving forward. Please contact your local district Coastal Commission office for help in such efforts.

Sincerely,

A handwritten signature in black ink that reads "Steve Kinsey". The signature is written in a cursive, slightly slanted style.

STEVE KINSEY, Chair
California Coastal Commission