



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: JANUARY 28, 2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: DON PENMAN
COMMUNITY DEVELOPMENT DIRECTOR**

TOM BARTLETT, AICP, CITY PLANNER

SUBJECT: PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL TO CONSIDER THE COMMISSION'S DISCUSSION AND COMMENTS REGARDING POSSIBLE EXCEPTIONS TO THE CITY-WIDE PROHIBITION ON RESIDENTIAL SHORT-TERM RENTALS

MEETING

DATE: FEBRUARY 9, 2022

SUMMARY RECOMMENDATION:

That the City Council review and consider the Planning Commission discussion and comments regarding possible exceptions to the City-wide prohibition on residential short term-rentals, as well as additional information provided within this report; and choose to not establish any exceptions to the prohibition.

BACKGROUND:

On March 31, 2021 the City Council received a request from a local property owner for consideration of allowing certain short-term rentals of residential properties, based on the homeowner's limited income and the need for that homeowner to provide support to a disabled dependent, and supplement his own Social Security income. Such a short-term rental allowance would have to be accommodated as an exception to the current prohibition of short-term rentals of

residential properties. The City Council asked for the Planning Commission to discuss the idea, and that a report come back to the City Council at a future date.

On May 6th, 2021, the Planning Commission considered the City Council’s March 31st, 2021 referral. Community Development Department staff prepared a written staff report and delivered a presentation to the Commission to facilitate the discussion. Copies of the Planning Commission agenda package and presentation material provided by Staff are provided as Attachments B and C to this report.

At the conclusion of the staff presentation, the Commission engaged in a robust discussion regarding the “pros and cons” regarding relaxation of the short-term rentals ban. To summarize the Commission’s “pros and cons”:

PROS	CONS
The existing Bed & Breakfast Inn provisions in the Development Code might accommodate, but it doesn’t apply to all residential zones; also, merely by its existence it suggests that such an allowance may be reasonable.	Property owners already can establish income-generating ADUs and JADUs, and loan funds are available from the City for low-income seniors to do so. ADUs and JADUs also contribute to City’s affordable housing goals.
Creating such an exception could accommodate a genuine family and/or medical need, while differentiating such exceptions from transient traveler occupation and ‘party houses’.	The principal issue and underlying circumstances have not changed as to why the short-term rentals ban exists. Any short-term rental invites misuse (e.g., ‘party houses’ or other disruptive transient related nuisances).
Like City of Malibu (and other cities), a permit system can be employed with enforcement and permit revocation based on strict adherence to requirements and conditions. Permit fees could cover the costs.	Such an exception “opens the door” to short-term rental activities in the City’s residential neighborhoods. It is very difficult to distinguish between legitimate family-owned and well managed rentals versus absentee owner rentals.
Incorporate “Good Neighbor” policies and requirements regarding loud music at night and other disruptions, together with a specified local contact approach for monitoring and reporting.	Administrative and enforcement burdens are too many and they’re too complicated. One specific concern relates to personal information disclosures that would be required on the part of the unit owner(s).
Allow as the only exception, but with a condition that three or more Sheriff calls to the address will cause permit revocation.	Other options already are available for earning income from use of one’s residential home, such as board and care of a tenant (room rentals). And these are more easily monitored and enforced than short-term rentals.
Allow only if further research demonstrates that this particular type of exception (a family &/or medical based need) can be supported by a greater demand than just the one.	The likelihood of attracting problematic renters is greater with short-term rentals than with a long-term rental. With short-term rentals the advertising and booking entity is some internet-based entity, not the actual property owner.
-----	The City does not have the resources (esp. staffing) to adequately monitor and enforce.

-----	In any form, short-term rental properties reduce the city's permanent housing stock.
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The entirety of the discussion is available via the Granicus meeting recording:

http://calabasas.granicus.com/MediaPlayer.php?view_id=4&clip_id=7117.

(Applicable timeframe is from 1:30:15 to 2:20:15.)

Furthermore, as shown in the Staff's presentation to the Planning Commission (Attachment B), any established short-term rentals would not only invite nuisance situations and remove an existing viable housing units from the City's permanent housing stock, but would also undermine the value and profitability of local and legally established hotels.

Overall Staff Assessment

To summarize all of the foregoing, the local property owner who addressed the City Council last year has a number of other options available under the City's zoning ordinance which can generate supplemental income for him and his family. As the Planning Commission noted among the listed "pros and cons": ADUs and/or JADUs can be created on the property; one or more rooms can be rented out to boarders; or, possibly (via a CUP) a Bed & Breakfast Inn could be established. Also, Staff would like to point out that for situations where the property owner intends to reside elsewhere and make the entire property available for use under a rental contract, the entire home can be rented as permanent housing on a long-term basis, such as to a family or to six (maximum) unrelated persons. This is allowed fundamentally under State and federal law, as well as the City's zoning ordinances.

To conclude, upon consideration of the pros and cons listed by the Planning Commission (and noting particularly that the cons outweigh the pros), and recognizing that sufficient income-generating alternatives already exist for income generation from a residential property, Staff finds that an exception to the City's short-term rental prohibition is not warranted.

FISCAL IMPACT/SOURCE OF FUNDING:

There is no fiscal impact from the Council's consideration of this item because no final action would be taken by way of policy adoption or ordinance approval. If the Council would request Staff to prepare a Code amendment to provide for limited

exceptions to the short-term rental prohibition, a budget would need to be developed and authorized to address after-hours complaints and enforcement, along with the possibility of a permitting process and associated fees for accommodating these rentals.

REQUESTED ACTION:

That the City Council review and consider the Planning Commission discussion and comments regarding possible exceptions to the City-wide prohibition on residential short term-rentals, as well as additional information provided within this report; and choose to not establish any exceptions to the prohibition.

ATTACHMENTS:

- A. May 6, 2021 Staff Report, inclusive of all Exhibits
- B. Staff presentation to the Planning Commission on May 6, 2021