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# SPECIAL MEETING CITY COUNCIL AGENDA

WEDNESDAY, JANUARY 27, 2021 AT 5:00 P.M.

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## SPECIAL NOTICE

### Teleconferencing and Telephonic Accessibility In Effect

Pursuant to Executive Orders N-25-20, N-29-20, N-33-20, N-35-20, and N-60-20 executed by the Governor of California, and the directives under the "Regional Stay At Home Order" from the California Department of Public Health, in response to the state of emergency relating to novel coronavirus disease 2019 (COVID-19) and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 *et seq.*), members of the City Council, the City Manager, City Attorney, City Staff, and City Consultants may participate in this meeting by teleconference. Additionally, pursuant to the above-referenced executive orders, the public is not permitted to physically attend the meeting at City Hall to which this agenda applies, but any member of the public may listen or participate in the open session of this meeting as specified below.

Members of the public wanting **to listen to the open session** of this special meeting may do so by tuning-in live via <http://laquinta.12milesout.com/video/live>.

Members of the public wanting **to address the City Council during the meeting**, for public comment are requested to send an email notification to the La Quinta City Clerk's Office at [CityClerkMail@LaQuintaCA.gov](mailto:CityClerkMail@LaQuintaCA.gov), **no later than 12:00 p.m. on the day of the meeting**, and specify the following information:

- 1) Full Name
- 2) City of Residence
- 3) Phone Number
- 4) Public Comment
- 5) Subject
- 6) Written or Verbal Telephonic Comments

**The email “subject line” must clearly state “Written Comments” or “Verbal Telephonic Comments.”**

**Verbal telephonic public comments – requests to speak must be emailed to the City Clerk no later than 12:00 p.m. on the day of the meeting;** the City will facilitate the ability for a member of the public to be audible to the City Council and general public for the item(s) by contacting him/her via phone and queuing him/her to speak.

**Only one person at a time may speak by telephone and only after being recognized by the Mayor.**

**Written public comments must be received by the City Clerk’s Office no later than 12:00 p.m. on the day of the meeting,** and will be distributed to the City Council, made publicly available, incorporated into the agenda packet and public record of the meeting, and will not be read during the meeting unless, upon the request of the Mayor, a brief summary of any public comment is asked to be read, to the extent the City Clerk’s Office can accommodate such request.

**CALL TO ORDER**

ROLL CALL: Councilmembers: Fitzpatrick, Peña, Radi, Sanchez, Mayor Evans

**PLEDGE OF ALLEGIANCE**

**CONFIRMATION OF AGENDA**

**PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

At this time, members of the public may address the City Council on any matter not listed on the agenda by emailing **written public comments** or requests to provide **verbal telephonic public comments** as indicated above. Please limit your comments to three (3) minutes (or approximately 350 words). The City Council values your comments; however, in accordance with State law, no action shall be taken on any item not appearing on the agenda unless it is an emergency item authorized by Government Code § 54954.2(b).

**STUDY SESSION**

1. DISCUSS SHORT-TERM VACATION RENTAL PROGRAM AD-HOC COMMITTEE RECOMMENDATIONS

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**MAYOR’S AND COUNCIL MEMBERS’ ITEMS**

**ADJOURNMENT**

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The next regular meeting of the City Council will be held on February 2, 2021 at 4:00 p.m. at the City Hall Council Chambers, 78495 Calle Tampico, La Quinta, CA 92253.

**DECLARATION OF POSTING**

I, Monika Radeva, City Clerk, of the City of La Quinta, do hereby declare that the foregoing Agenda for the La Quinta City Council meeting was posted on the City’s website, near the entrance to the Council Chambers at 78495 Calle Tampico, and the bulletin boards at the Stater Brothers Supermarket at 78630 Highway 111, and the La Quinta Cove Post Office at 51321 Avenida Bermudas, on January 25, 2021.

DATED: January 25, 2021

MONIKA RADEVA, City Clerk  
City of La Quinta, California

**Public Notices**

- The La Quinta City Council Chamber is handicapped accessible. If special equipment is needed for the hearing impaired, please call the City Clerk’s office at (760) 777-7092, twenty-four (24) hours in advance of the meeting and accommodations will be made.
- If special electronic equipment is needed to make presentations to the City Council, arrangements should be made in advance by contacting the City Clerk’s office at (760) 777-7092. A one (1) week notice is required.
- If background material is to be presented to the Councilmembers during a City Council meeting, please be advised that eight (8) copies of all documents, exhibits, etc., must be supplied to the City Clerk for distribution. It is requested that this take place prior to the beginning of the meeting.
- Any writings or documents provided to a majority of the City Council regarding any item(s) on this agenda will be made available for public inspection at the Community Development counter at City Hall located at 78495 Calle Tampico, La Quinta, California, 92253, during normal business hours.

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# City of La Quinta

CITY COUNCIL SPECIAL MEETING: January 27, 2021

## STAFF REPORT

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**AGENDA TITLE:** DISCUSS SHORT-TERM VACATION RENTAL PROGRAM AD-HOC COMMITTEE RECOMMENDATIONS

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### RECOMMENDATION

Discuss Short-Term Vacation Rental Program Ad-Hoc Committee recommendations.

### EXECUTIVE SUMMARY

- The Short-Term Vacation Rental (STVR) Program Ad-Hoc Committee's (Committee) final recommendations were presented to Council on December 15, 2020.
- The recommendations were color-coded based on three (3) categories:
  1. **Blue** – staff recommends implementing or implementation is underway,
  2. **Green** – recommendation was incorporated into the December 15, 2020 La Quinta Municipal Code (Code) (Ordinance No. 486) update, and
  3. **Yellow** – for further discussion and consideration.
- The recommendations color-coded in yellow, including an analysis of the staff or fiscal resources necessary for implementation are presented to Council for further discussion and consideration in this report.

### BACKGROUND/ANALYSIS

The California Constitution grants broad "police power" to cities to make and enforce laws for the promotion and protection of health, safety, and general welfare related to legitimate governmental purposes, which includes the cities' land use, zoning, and related licensing powers. (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 882.) With respect to STVRs, they are governed like other matters subject to city ordinance under the exercise of the police power. The seminal California case on STVRs expressly upholds the ability of cities to adopt ordinances regulating – even banning – STVRs. (*Ewing v. City of Carmel-by-the-Sea* (1991) 234 Cal.App.3d 1579, 1592.) Referencing the evolution and elasticity of the police power, the *Ewing* case expressly decided a city ordinance banning STVRs is neither a "Taking" nor a violation of Due Process, Equal

Protection, Privacy, or other provisions in the U.S. Constitution. Under this authority, the City has regulated STVRs since 2012 with the adoption of Ordinance No. 501 and Chapter 3.25 of the Code.

In November 2019, Council approved the formation of a Committee tasked to review the STVR Program, including current regulations, application and permit/licensing process, compliance and enforcement, outreach and marketing, and make advisory recommendations to Council; and on February 3, 2020, Council appointed 15 individuals to serve on the Committee for a period of one year.

At the December 15, 2020 meeting, the Council received the final comprehensive recommendations from the Committee. The Committee's recommendations were organized in a table format and color-coded based on three (3) categories:

1. **Blue** – items that staff has already implemented, recommends implementing, or implementation is underway,
2. **Green** – recommendation was incorporated into the December 15, 2020 Code update (Ordinance No. 586), and
3. **Yellow** – for further discussion and consideration (Attachment 1).

The recommendations color-coded in yellow, including an analysis of the staff or fiscal resources necessary for implementation are presented to Council for further discussion and consideration in this report.

#### **1.b Committee Recommendation:**

Increase field enforcement staffing by at least two additional full-time STVR trained officers available for immediate dispatch during times of need.

**Analysis:** One additional full-time Code Compliance Officer has been added to assist enforcement efforts. An active pilot program has been underway to employ temporary security and code compliance contract services when and if needed, particularly during high season.

**Resource/Cost:** Increasing field enforcement staffing by the addition of one full-time Code Compliance Officer would cost \$100,000 annually.

**Implementation:** An active pilot program has been underway employing temporary security and code compliance as needed, particularly during high season.

#### **7.e Committee Recommendation:**

Quiet hours shall be between the hours of 10 p.m. and 8 a.m. No amplified noise shall be permitted between the hours of 8 p.m. to 8 a.m.

**Analysis:** Executive Order No. 9 is currently in effect and it prohibits sound amplification outside at any time, and limits noise (whether inside or outside) to the extent that it disturbs the peace and quiet of any neighborhood or imposes upon the privacy and rights of others nearby. Current Code prohibits

sound amplification between 10 p.m. and 7 a.m., and the recommendation is to extend the “no sound amplification with one additional hour, from 7 a.m. to 8 a.m.

**Resource/Cost:** Nominal cost/resource impact.

**Implementation:** Staff proposes to administer a noise monitoring devices pilot program (Program) to evaluate effectiveness in noise mitigation (see attached Noise Monitoring Device Pilot Program and Objectives), and recommends no additional noise restrictions be implemented until the effectiveness of this Program is evaluated. The Program will be for a 90-day period starting after the current state’s “Regional Stay At Home” order is lifted. Pursuant to the Code, staff has the authority to impose a mitigating condition requiring the installation of a noise monitoring device at STVR properties, to address noise impacts (Section 3.25.070.P). Pending results of the Program, additional noise mitigation measures may be implemented.

**8.c Committee Recommendation:**

Limit overnight parking for STVR properties (see also below). (This is the way some HOA communities manage occupancy issues).

**Analysis:** Overnight parking is already regulated via current Code overnight occupancy and on-site parking requirements. A permit or renewal shall not be issued unless it can be demonstrated that there exists adequate onsite parking by a ratio of 4:1 – for every four occupants, one onsite parking spot must be provided, and no more than 2 street parking spots can be counted towards the required parking. On-site parking shall be on an approved driveway, garage, and/or carport areas (Section 3.25.050.F). For example, a STVR that is permitted for 12 occupants requires 3 parking spots (divide the number of permitted occupants by 4 = number of parking spots required; any fraction thereof is rounded up). HOAs may impose more restrictive regulations.

**Resource/Cost:** No resource/cost impact because overnight parking is already regulated in current Code.

**Implementation:** The current Code requires that STVRs provide on-site parking spots, and that a maximum of 2 street parking spots can be counted towards the parking requirements. For new permits and renewals, staff will require submittal of a site plan that shows the existence of on-site parking spots to meet the Code requirement. If adequate onsite parking based on the number of occupants cannot be achieved, the STVR permit can be conditioned to reduce the number of bedrooms (the number of bedrooms is the indicator for the number of occupants allowed in a STVR). HOAs may impose more restrictive regulations.

**9.a Committee Recommendation:**

Require the Owner/Contact person/Property Manager to obtain a list of vehicle license plate numbers for renters occupying the property. This list must be

available to the compliance officer upon demand. Failure to provide this list will result in a citation.

**Analysis:** This information can be helpful to staff when necessary to investigate a violation regarding overoccupancy, to address street parking impacts, or other violations. Staff recommends that obtaining a list of vehicle license plate numbers not be required, but that Code Compliance reserve the option to ask that a list be provided if needed for enforcement investigation.

**Resource/Cost:** No resource/cost impact to staff because this requirement would be imposed on the Owner/Property Manager, and to be made available to the compliance officer upon demand.

**Implementation:** Staff can implement this at any time or if needed to investigate a code violation. Staff recommends that obtaining vehicle license plate numbers not be required but that Code Compliance reserve the option to obtain a list when requested.

#### **9.b Committee Recommendation:**

Limit the number of vehicles that may be parked on the street to a maximum of three (3) vehicles during times the STVR property is rented.

**Analysis:** This recommendation is problematic because current Code allows a greater number of daytime occupants. For example, a four-bedroom STVR allows up to 16 occupants during daytime hours 7:00 a.m. to 10:00 p.m. Limiting the number of vehicles parked on the street to a maximum of three vehicles is unreasonable, especially if the renters have guests visiting during the daytime hours. The City does not currently impose restrictions on public street parking. HOAs may impose more restrictive regulations.

This recommendation could be clarified to limit parking on the street during overnight hours (10:00 p.m. to 7:00 a.m.).

**Resource/Cost:** Limiting the number of vehicles on the street tied to an STVR would require a tracking system such as obtaining a list of all vehicles (license plate numbers) and/or require that renters place a permit decal (rear view mirror hanger) or dashboard placard to identify each vehicle associated with an STVR. Oversight of this requirement would require the Owner or Property Manager to obtain information from the renter and would require staff time to gather this information and to track this activity. In addition, extra field work for code compliance officers is required if needed to verify compliance with the street parking limit.

**Implementation:** The Code already establishes that adequate onsite parking be provided for the occupants of the STVR based on a parking ratio requirement, which helps to minimize impacts on street parking. The City does not currently impose restrictions on public street parking. HOAs may impose more restrictive regulations.



**11.a Committee Recommendation:**

Reduce the current 3-strikes rule to a 2-strikes rule for noise and personal conduct violations.

**Analysis:** Executive Order No. 9 currently in effect imposes a 2-strikes rule, resulting in a minimum 30-day suspension of the STVR permit. Staff recommends that the 2-strikes rule be maintained for a period of time, and that Code Compliance maintain the discretion to determine if a minor violation should count as a strike, in an effort to educate hosts. The minor violation would be recorded on their permit but not counted towards a strike. However, if these same violations persist, then they could be counted towards a strike. The Code Compliance Officer would have the discretion on when the violation should count based on this analysis.

**Resource/Cost:** Nominal resource/cost impact.

**Implementation:** The 2-strikes rule is currently in effect under Executive Order No. 9, until lifted. If the current Code 3-strikes rule is to be reduced to a 2-strikes rule as part of the permanent Ordinance, then a Code update would be required.

**18. Committee Recommendation:**

STVR permits shall be separated into two (2) types of permit categories: Homeshares and STVR Properties:

**Homeshare Permit:** Rentals where the property owner hosts visitors in the owner's home, while the owner lives on-site and is in the home throughout the visitor's stay.

**STVR Permit:** Owner is not living on-site and in the home throughout the visitor's stay.

**Analysis:** Staff is in support with the addition of a Homeshare Permit type as defined above. Here are some other permit category types for consideration:

- 1) Homeshare Permit: owner's primary residence; owner is in the home throughout the visitor's stay; no minimum night stay and no limit to number of days rental per year.
- 2) Primary Residence Permit LR (Limited Rental): owner's primary residence; limited rental of 90 or 120 days per year; minimum two-night stay; owner is not required to be present during visitor's stay.
- 3) STVR Permit (LR): rentals limited to no more than 90 or 120 days per year; minimum two-night stay; owner is not required to be present during the visitor's stay.
- 4) STVR Permit: No limit to number of days rental per year; no minimum night stay; owner is not required to be present during the visitor's stay; can allow this permit type for the Tourist Commercial zone only.

Some considerations for limiting the number of days rental:

- Currently, a STVR property can be rented 365 days of the year.
- Imposing a 90-days per year limit allows rental for 1/4 of the year.
- Imposing a 120-days per year limit allows rental for 1/3 of the year.
- With a cap to the number of days for rental in a year, the frequency of rentals would be reduced, which also reduces the density/overconcentration of the STVR activity in a neighborhood.
- Limited rental of 90 days or 120 days per year would allow rental to be concentrated during the seasonal demand, or rental can be spread throughout the year.
- With 52 weekends in a year, 120 days rental per year would allow rental every weekend of the year if each rental was for 2 nights.

90-days rental per year would not allow every weekend of rental.

**Resource/Cost:** Each permit type will be assigned an adequate permit cost through a fee study. It will be necessary to track the number of days rental per year by enhancing our permit tracking and compliance monitoring services, which would be at a minimal cost impact.

**Implementation:** Code update would be required to define different permit category types. Upon review of new permits or permit renewals, applicant determines which permit category applies to their STVR and the City (contract permit tracking service software) will track rental activity for compliance.

#### **19. Committee Recommendation:**

**Homeshare permit fees should be less than STVR permit fees.**

**Analysis:** A STVR fee study is currently underway to determine permit fees and associated cost recovery. Fees will be structured based on the permit type, for example Homeshare permit fees will likely be less than STVR permit fees.

**Resource/Cost:** Fee study would include all approved types of permit categories and associated cost recovery.

**Implementation:** Council to adopt revised STVR permits fee schedule based on approved permit categories.

#### **20. Committee Recommendation:**

**STVR Permit requires a two-night minimum stay.**

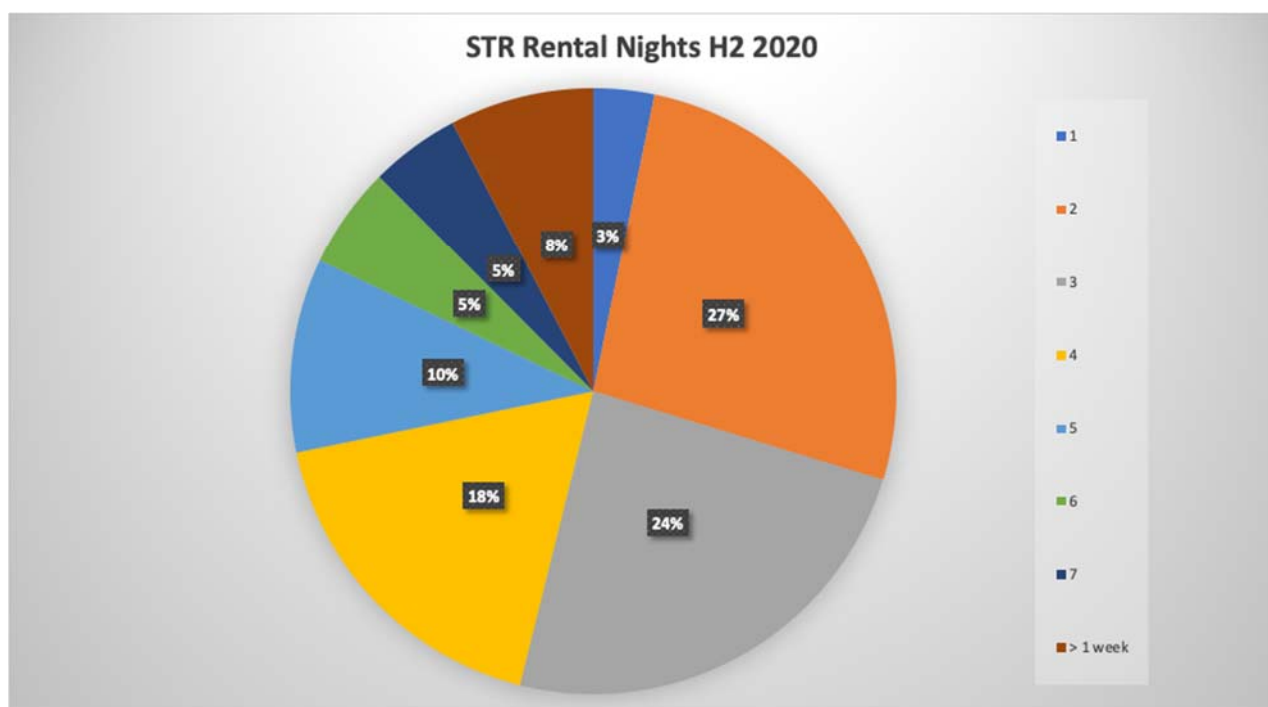
**Analysis:** Staff is in support of a two-night minimum stay. The intent of this Committee recommendation was that a minimum two-night stay are typically renters who come to enjoy the home, rest and relax, and visit the La Quinta area, versus the one-night stay which could lend itself to the weekend vacation party house. The Committee also discussed requiring a three-night minimum stay, but agreed to a two-night minimum stay. Some Committee members argued that a two-night minimum would not allow the business traveler needing

a stay of just one night. The two-night minimum stay would not be required for Homeshare permits or the STVR Permits in the TC zone as discussed above.

#### 2020 Stats on STVR Rental Nights

- 3% of rentals were one-night stays.
- 27% of rentals were two-night stays.
- 24% of rentals were three-night stays.
- 18% of rentals were four-night stays.
- 10% of rentals were five-night stays.
- 5% of rentals were six-night stays.
- 5% of rentals were seven-night stays.
- 8% of rentals were stays more than one week.

Nearly 70% of rentals were stays between two to four nights.



**Resource/Cost:** Contract permit tracking software to monitor rental stays for compliance with two-night minimum stay.

**Implementation:** Code update required to establish two-night minimum stay.

#### **23. Committee Recommendation:**

All costs associated with administering the STVR program should be fully covered by the permit/licensing fees.

**Analysis:** A STVR fee study underway and will incorporate any changes resulting from this study of the Program. Fee study will factor in staff's administration of the program, permit processing, compliance monitoring, code compliance, and contract vendor costs. It is a policy decision of the Council on assigning fees commensurate with full cost recovery.

**Resource/Cost:** Fee study will factor in staff’s administration of the program, permit processing, compliance monitoring, code compliance, and contract vendor costs.

**Implementation:** Council to adopt revised fee schedule. It is a policy decision of the Council on assigning fees commensurate with full cost recovery.

**28. Committee Recommendation:**

To revise the daytime and overnight occupancies of STVRs.

**Current Ordinance**

**Committee Recommendation**

Number of Bedrooms	Total Overnight Occupants	Total Daytime Occupants (Including Number of Overnight Occupants)
0 – Studio	2	2 - 8
1	2 - 4	2 - 8
2	4 - 6	4 - 8
3	6 - 8	6 - 12
4	8 - 10	8 - 16
5	10 - 12	10 - 18
6	12 - 14	12 - 20
7	14	14 - 20
8	16	16 - 22
9	18	18 - 24

Number of Bedrooms	Total Overnight Occupants*	Total Daytime Occupants (Including Number of Overnight Occupants)  **
Studio	3 (1 must be child under 12)	6
1	4 (2 must be children under 12)	6
2	4	8
3	6	10
4	8	12
5	10	14
6	12	16
7	14	18
8 or more	16	18

\* Overnight (10:01 p.m. – 6:59 a.m.)

\*\* Daytime (7:00 a.m. – 10:00 p.m.)

Note: Occupancy levels exceeding these numbers shall require a Special Events Permit.

**Analysis:** The range in numbers in the current Ordinance for daytime and overnight occupancies allow for flexibility, without changing the Code.

Alternate Consideration – Special Permit for STVRs with five (5) or more bedrooms:

To address the impacts of large numbers of people in an STVR that have the potential to disturb the peace and quiet of a neighborhood, an alternate

consideration is to require a special permit for STVRs with five (5) bedrooms or more. With STVRs of five bedrooms or more, the occupancy allowances range from 10-24 daytime occupants and 10-18 overnight occupants, which has been the problematic party houses causing disruption in the neighborhood.

Current active STVR properties with five (5) or more bedrooms:

- Of the 1,356 STVR properties, 69 have 5 or more bedrooms, which represents 5% of STVR properties.
- 250 complaints received and 18 citations issued in 2020 for STVRs with five bedrooms or more; 109 complaints received and 13 citation issued in 2019 for STVRs with 5 bedrooms or more.

A special STVR permit for properties with five (5) or more bedrooms would be subject to special standards in order to mitigate potential negative impacts of noise, parking, privacy, and overcrowding/disruptive parties. Standards can include:

- Evaluation of adequate on-site parking spaces
- No impact to street parking availability in the neighborhood
- Physical distance of STVR (i.e., outdoor gathering areas) from adjacent properties
- Require installation of noise monitoring devices
- Require inspection of the property to verify number of bedrooms and to evaluate all factors above.
- A permit can be denied if any one or more of the above criteria are not met.

Current permitted STVRs of 5 bedrooms or more will be required to undergo the special permit review process upon their renewals – no grandfathering of existing STVRs with 5 bedrooms or more. The permit fee for STVRs with 5 bedrooms or more will be assessed as part of the fee study, to cover the cost of permit application review, inspection, and compliance.

**Resource/Cost:** Administration of this special permit review will require more staff time to evaluate permit application based on special standards and to conduct field inspections. A special permit that must meet certain standards will be discretionary and must meet certain findings for approval. A review authority and appeals process would need to be structured. Special permit fee would be included in the fee study.

**Implementation:** Staff does not recommend revising the daytime and overnight occupancies of STVRs. To address the impacts of large numbers of people in an STVR that have the potential to disturb the peace and quiet of a neighborhood, an alternate consideration is to require a special permit for STVRs with five (5) bedrooms or more. This change will require a Code update and adoption of revised fee schedule to add a fee for a special permit.

**29-32. Committee Recommendation: Property Density/Overconcentration:**

1. STVR Permits (properties where the Owner is not living on-site and in the home throughout the visitor's stay; owners are not resident on the property and may be managed by absentee property owners or property management firms):
  - a. For single family residences, one STVR property per 300 feet radius of a previously permitted property.
  - b. For condominium complexes consisting of four or more units, two STVR properties per 300 feet radius.
2. Homeshare Permits (rentals where the property owner hosts visitors in the owner's home, while the Owner lives on-site and in the home throughout the visitor's stay), density limitations do not apply.
3. Tourist Commercial Zones should be exempt from density limitations.
4. Implementation of density limitations:
  - a. Approve pending and new applications that comply with the density requirement above
  - b. Properties that have their permits suspended shall be required to reapply for a permit and be subjected to the density recommendations

Phasing in density limits to existing STVR's that do not comply with the density requirement with renewals effective in 2022.

**Analysis:** The current Code states that the city may limit the number of STVR in a given geographic area based on a high concentration of STVR, and the review procedure and criteria shall be developed and adopted by resolution of the City Council (Sections 3.25.060.D and H).

Staff has been working with Deckard Technologies to create an updated map of STVR properties throughout La Quinta. The maps will illustrate the density of STVRs within geographic areas, zones, and HOA communities. The maps and data analytics will be presented at the meeting.

Staff does not recommend implementation of the density/overconcentration standards recommended by the Committee based on the following points:

- Radius distance standard will be difficult to implement, requires precise technical measurements and mapping drawn to scale for each STVR application;
- Most Owners/Property Managers do not have the tools to create the radius distance maps and will require them to hire a computer draftsman or design professional, adding costs and time to the permit process;
- If the radius distance mapping is to be done by staff for each application, the City would need assistance using mapping program software;
- Would prohibit current STVR from obtaining permit renewals and new STVR permits would not qualify;
- Establishing review criteria and a permit review and appeals process (public hearings) goes against permit streamlining efforts the City staff has been implementing over the past several years and continues to do;

- Process and administration would be cost and time intensive for both staff and applicants.

Other density/overconcentration standards to consider:

- Limit percentage of STVRs by geographic area: by neighborhood or defined area, or by zone (i.e., percentage limit of STVR within any defined geographic area, such as the Cove, etc.). HOAs may impose more restrictive density standards or can impose their own density standards (could be less restrictive in HOA).
- Capping total number of STVRs in City (exclude Tourist Commercial zones and HOA communities).
- Limit number of days to rent; reduces the frequency of rentals
- Limit the number of STVR permits that a property owner can have,
- Limit the number of STVR permits by outside investor, or owner that resides outside of La Quinta or outside of the Coachella Valley or Riverside County can have (can be specific to residential neighborhoods – not limit HOA, not limit TC zones),
- Tourist Commercial zones should be exempt from any density standards.
- Different permit types, i.e., Homeshare, Primary Residence and Limited Rental, can help reduce the density and frequency of rental activity in a neighborhood.

Implement stronger enforcement regulations recently adopted and evaluate program

Another consideration is to not impose a density standard at this time, and allow the new enforcement and compliance measures, recent Code updates, and other performance standards be put into practice. The recent implementation of stronger enforcement regulations, such as increased fines, penalty of operating without a STVR permit (no permit can be granted to that owner), and penalty for advertising without a permit will help to minimize density/overconcentration of STVRs. Density standards may be considered at a later time (within six months or a year), after the STVR program establishes a track record and the program can then be further evaluated.

**Resource/Cost:** Process and administration of recommended density standards would be cost and time intensive for both staff and applicants.

**Implementation:** Staff does not recommend implementation of the density/overconcentration standards. A resolution will need to be adopted by Council and the Code may need to be updated.

**37. Committee Recommendation: Welcome Guest Video**

Creation of a video to be posted on the City website and YouTube with a link that can be easily shared by Hosts to their guests as part of their pre-arrival on-boarding process. Content of a short, approximately 3-4-minute video would serve to welcome guests to La Quinta while notifying them that we are



a "Neighbors First Community" and outlining expectations about noise, parking, trash, and occupancy. The video could also be shared via social media channels as part of a greater STVR marketing strategy. As time is of the essence, a simple but professional card deck style recording with interspersed stock video and professional voice-over could be created cost-effectively for immediate roll-out with a longer range goal of replacing it with an improved video with high quality production once a larger budget is established. A QR code to view the video could be included in the Good Guest brochure

**Analysis:** This effort would help with promoting education and outreach to STVR hosts, renters, and the La Quinta community about the STVR program. Work with Marketing to hire video production.

**Resource/Cost:** Costs for video production approximately \$15,000 - \$20,000 (includes compulsory "workshop" video for new permit holders and for permit holders that are renewing their permits.

**Implementation:** Work with Marketing for production of Welcome Guest Video and Compulsory Workshop for New Permittees and Violators/Suspended Permit holders.

Prepared by: Danny Castro, Design and Development Director  
Approved by: Jon McMillen, City Manager




Attachments: 1. Committee Recommendations (color-coded)  
2. Noise Monitoring Device Pilot Program and Objectives



## **ATTACHMENT 1**

# **STVR Ad Hoc Committee Enforcement Recommendations**

**DECEMBER 15, 2020**

-  blue – staff has already implemented, recommends implementing, or implementation is underway;
-  green – recommendation has been incorporated in the recent Code update;
-  yellow – for further discussion and consideration;
- white – staff does not recommend.

**ENFORCEMENT**

**Part 1 - Issues before an enforcement event – Communicating with the City / Verifying a complaint**

<b>1</b>	<b>Committee Recommendation</b>
1.a	Staff the hotline with live, (local, trained) personnel who are familiar with La Quinta geography and empowered and equipped to initiate complaint resolution immediately.
1.b	Increase field enforcement staffing by at least two additional full time STVR trained officers available for immediate dispatch during times of need.
1.c	Hotline and enforcement staff should be dynamically managed: more staff when the hotline is heavily used (evenings and weekends) and less staffing at times when complaints tend to be low (weekday mornings and afternoons).
1.d	Require a code inspection on a property prior to granting an STVR license. This inspection should be for the purposes of verifying accuracy with respect to the application, particularly in the areas of occupancy limits (number of bedrooms) and living arrangements (room conversions, etc.).

**Issue 2: STVR Homeowner not registering with the City**

<b>2</b>	<b>Committee Recommendation</b>
2.a	Require that a City of La Quinta STVR permit number be included in all property advertisements on all platforms (VRBO, print, web, etc.).
2.b	Publicize the registration requirements regularly on the web site and through social media outlets.
2.c	Where possible, partner with HOA communities and Management Companies to exchange information on STVR rental activities.
2.d	Include mail inserts to all residents in any surface mailings sent out to residents.
2.e	Assess significant monetary penalties for non-compliance. These penalties must be paid before an STVR license can be obtained.

**ENFORCEMENT**

**Issue 3: STVR Owner not aware of the rules**

3	Recommendation
3.a	Applicants, any individuals listed as contacts for the property, and any designated Management Company representatives who directly manage a property must attend a compulsory workshop prior to the issuance of permits. Applicants must sign a document asserting they have attended the workshop, understand the rules and agree to be bound by them.
3.b	STVR Owners, any individuals listed as contacts for the property, and any designated Management Company representatives who are directly responsible for managing a property that has been assessed a violation must retake the compulsory workshop at their own expense before a license for that property can be renewed.
3.c	This training workshop should also be open to the public so that interested parties (neighbors, potential new STVR licensees) can familiarize themselves with the requirements and responsibilities of STVR ownership.
3.d	False advertising (i.e. number of bedrooms, sleeping capacity, occupancy limits) will result in a citation, and count as a strike against the property.

**Issue 4: Renters not aware of the rules**

4	Recommendation
4.a	The City require the property owner/manager assert that a renter has been provided with all current City ordinances governing expected behavior in advance of allowing that renter to occupy the property.
4.b	A condensed copy of the relevant ordinance(s) must be permanently fixed to a prominent location inside the property. This document will be generated by the City and outline the relevant rules in plain language. <i>(duplicate of 4.a)</i>
4.c	Update and strengthen the “Good Neighbor” brochure to include specific language relating to noise and personal behavior requirements. Require a copy be included as part of every rental agreement.
4.d	Changes to City ordinances, including adoption of temporary orders must be posted in a prominent location inside the property within 48 hours of adoption, and before the property can be rented again. <i>(duplicate of 4.a)</i>

**ENFORCEMENT**

**Issue 5: Neighbors not aware of the rules**

<b>5</b>	<b>Recommendation</b>
5.a	<p>ALL neighbors adjacent to (on all sides) and across the street from an STVR property be notified by the city and supplied with the same documents the Owner is required to furnish to the renter. (This could be a requirement placed on the STVR owner if the City feels it is appropriate – as long as the neighbor gets the information). These documents must include:</p> <p>A copy of the City STVR Ordinance A copy of the “Good Neighbor” brochure Contact information for complaints to the City. Contact information for the Property owner and the Property Manager if applicable. A link to the City STVR website where interim rule changes are posted.</p>
5.b	<p>These documents should be refreshed annually as part of the license renewal process.</p>
5.c	<p>A document should be provided to the neighbor explaining the meaning of any technical terms. Where possible real-life examples should be used to illustrate the terms used. This document should be provided to renters as well.</p>

**ENFORCEMENT**

**The Enforcement Event**

**Issue 6: No contact with Owner/Representative**

6	Recommendation
6.a	Implement an escalation process whereby if the first call to the designated contact goes unanswered within a <u>30-minute window</u> , a call is made to RSO and a mandatory citation is issued.
6.b	As described above, increase the number of trained and dedicated enforcement personnel to levels that can actively address the situation with or without the homeowner / property manager.

**Issue 7: Noise/Behavior/Party Events**

7	Recommendations
7.a	A document should be prepared and provided to all parties clarifying definitively the meaning of any technical measurements and how these measurements should be interpreted. (See also above).
7.b	Enforcement personnel should be provided with and trained to use relevant noise level meters and other tools that enhance objective measurement of noise. They should also be trained to explain the results of these measurements to neighbors and renters in the event of a complaint.
7.c	Where possible, real-life examples should be used to illustrate the terms used. This document should be provided to renters as well.
7.d	The City should implement tutorial workshops that clarify what the noise and behavior rules are. These workshops should be open to all community members and conducted on a regular basis (perhaps once every calendar quarter).
7.e	Quiet hours shall be between the hours of 10:00 p.m. and 8 a.m. No amplified noise shall be permitted between the hours of 8 p.m. to 8 a.m.

**Issue 8: Occupancy Limit Violations**

8	Recommendations
8.a	Empower and require enforcement personnel to ask and verify (subject to legal applicability) the number of occupants at time of a complaint.
8.b	Notify the STVR owner or property manager immediately if a citation will be issued. This will enable recovery of any fines from the occupants before security deposits are refunded, etc.
8.c	Limit overnight parking for STVR properties (see also below). (This is the way some HOA communities manage occupancy issues)

**ENFORCEMENT**

**Issue 9: Parking**

9	Recommendations
9.a	Require the Owner/Contact person/Property Manager obtain a list of vehicle license plate numbers for renters occupying the property. This list must be available to the compliance officer upon demand. Failure to provide this list will result in a citation.
9.b	Limit the number of vehicles that may be parked on the street to a maximum of three vehicles during times the property is rented.

**Issue 10: Trash**

10	Recommendations
10.a	Current regulations are adequate for dealing with this issue, however during the process of getting a license, the STVR applicant should be specifically made aware of the current trash collection policy, including the availability of larger capacity bins and concierge collection services, as well as the fines associated with non-compliance.
10.b	The STVR owner must inform the renter <u>in writing</u> of the property specific trash policy as part of the rental agreement.

**ENFORCEMENT**




**Part 3 - After the Enforcement Event**

**Issue 11: Repeat offenders/3 strikes**

11	Recommendations
11.a	Reduce the current 3-strike rule to a 2-strike rule for noise and personal conduct violations.
11.b	In the event an STVR permit is suspended for any cause, the City shall notify the Owner, and any contact person or Property Management firm associated with the property. In addition, a notification of suspension shall be sent to all neighbors adjacent to (on all sides) and across the street from of the suspended property.
11.c	Staff the hotline with a live, (local) person who is familiar with La Quinta geography and empowered and equipped to initiate complaint resolution immediately. (See previously).
11.d	Increase field enforcement staffing by at least two full time STVR trained officers available for immediate dispatch during times of need. (See previously).

# STVR Ad Hoc Committee Violations Recommendations

**DECEMBER 15, 2020**

-  blue – staff has already implemented, recommends implementing, or implementation is underway;
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- white – staff does not recommend.



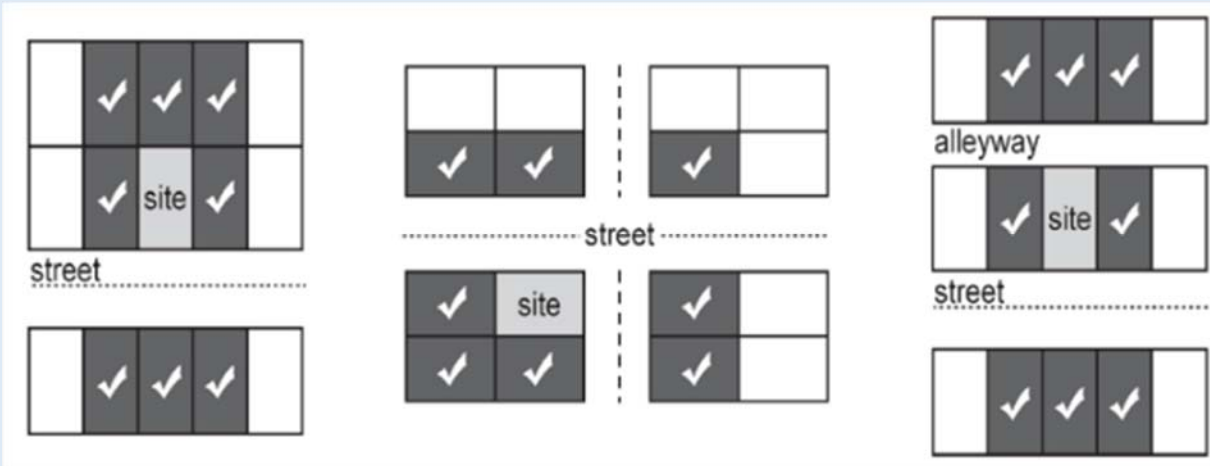
**VIOLATIONS**

**Part II - Recommendations on Violations**

**Issue: Communicating with the City / Verifying a complaint**

	<b>Committee Recommendation</b>	<b>Code Update</b>
12	<p>General STVR Violations (Noise/ Parking)</p> <ul style="list-style-type: none"> <li>a. First Violation: \$1,000</li> <li>b. Second Violation: \$2,000 + Suspension of STVR permit for a period of not less than 30 days and not more than 1 year</li> </ul>	<p>General STVR Violations (Occupancy/Noise/Parking).</p> <ul style="list-style-type: none"> <li>a. First violation: \$1,000;</li> <li>b. Second violation: \$2,000;</li> <li>c. Third violation: \$3,000</li> </ul>
13	<p>Operating a STVR without a valid short-term vacation rental permit</p> <ul style="list-style-type: none"> <li>a. First Violation: \$4,000 + Suspension on applying for a STVR permit for a period of not less than 30 days (with every additional day being an offense)</li> <li>b. Second Violation: \$6,000 + Suspension on applying for a STVR permit for a period of not less than 1 year (with every additional day being an offense)</li> </ul>	<p>Operating a STVR Without a Valid Short-Term Vacation Rental Permit.</p> <ul style="list-style-type: none"> <li>a. First violation: \$3,000;</li> <li>b. Second or more violations: \$5,000;</li> </ul> <p>In addition to the fine set forth above, the first violation of operating a STVR without a valid short-term vacation rental permit shall be cause for an owner (or person and/or entity that owns or controls a business or organization or other entity of any kind, such as a limited liability company, which is the owner a property) to be prohibited for all time from being eligible to be issued a short-term vacation rental permit and/or business license for use of a property as a short-term vacation rental unit.</p>




16 The City will notify all adjacent properties as indicated in the illustration below in the event an STVR permit is revoked for any reason or any length of time.



17 **Quiet hours shall be between the hours of 10:00 p.m. and 8 a.m. No amplified noise shall be permitted between the hours of 8 p.m. to 8 a.m.**

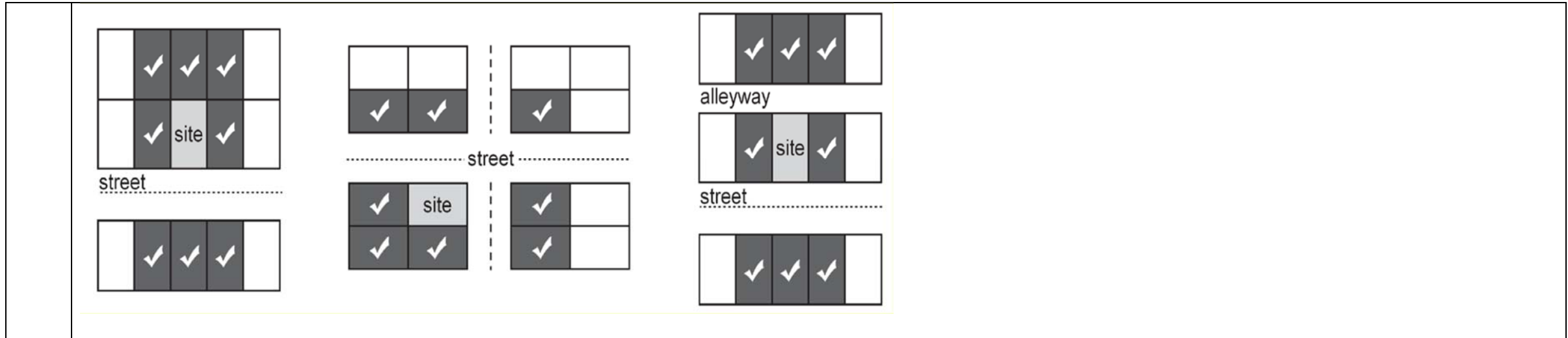
# STVR Ad Hoc Committee Permitting Recommendations

**DECEMBER 15, 2020**

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- white – staff does not recommend.

**PERMITTING**




	<b>Recommendations</b>
18	<p>Short Term Rental permits shall be separated into two types of permit categories: Homeshares and STVR Properties:</p> <ul style="list-style-type: none"> <li>• <u>Homeshare Permit</u>: Rentals where the property owner hosts visitors in the owner’s home, while the owner lives on-site and is in the home throughout the visitor’s stay.</li> <li>• <u>STVR Permit</u>: Owner is not living on-site and in the home throughout the visitor’s stay.</li> </ul>
19	Homeshare permit fees should be less than STVR permit fees.
20	STVR Property Permits requires a two-night minimum stay.
21	<p>Neighbor Notification of a new permit or permit renewal:</p> <ol style="list-style-type: none"> <li>a. Permittee shall notify (at their expense) adjacent property owners of their receiving a permit to operate. For the purposes of notification, the term “adjacent property” will include all properties surrounding the licensed property as shown in Figure 1 of Permitting Subcommittee Recommendations document.</li> <li>b. If the subject property is in a HOA community, the Permittee shall also notify (at their expense) the Homeowner Association.</li> <li>c. The Permittee shall provide complete documentation regarding rules and regulations pertaining to the rental to the adjacent properties described in (a) and (b) above. This shall include complete copies of any City recommended documents, contact information for the owner and any designated representative(s), as well as contact details for the City complaint hotline.</li> <li>d. The permittee shall provide to the City proof of service and HOA notification (if applicable) to adjacent property owners as described above, in the form of registered mail receipts or an affidavit certifying service.</li> </ol> <p>Figure 1. Adjacent properties requiring notification of a permit being granted:</p>



22	<p>Property Inspection:</p> <ul style="list-style-type: none"> <li>Virtual inspection: The City shall prepare, and supply to the applicant, a list of requirements that are necessary for property evaluation. The applicant shall provide photographic and any other supporting evidence that these requirements have been met.</li> <li>Physical Inspection: The licensee shall make the property available for a physical inspection upon notification from the City. City inspection shall be at the sole discretion of the City and any fees will be paid for by the applicant homeowner</li> </ul>
23	All costs associated with administering the program should be fully covered by the permit/licensing fees.
24	Permits shall not be transferable.
25	The City shall prepare an integrated, comprehensive relational database of permittees and applicants. This data framework shall allow for on demand statistical analysis of all aspects of the STVR program, including but not limited to: contact information for the owner and designated emergency contact or property management firm, types of permit, density in relation of adjacent properties, history with details on complaints and/or citations, and any other fields necessary for the effective enforcement and reporting on the STVR program.
26	The address of properties having suspended permits shall be published on the City STVR website, together with the duration of the suspension.
27	In the event a property owner is cited for operating without a permit, a period of not less than 6 months shall pass before the owner can apply for a permit. In the event a property owner is cited a second time for operating without a permit, that owner shall not be eligible for a permit at all.

# STVR Ad Hoc Committee Occupancy and Property Density Recommendations

**DECEMBER 15, 2020**

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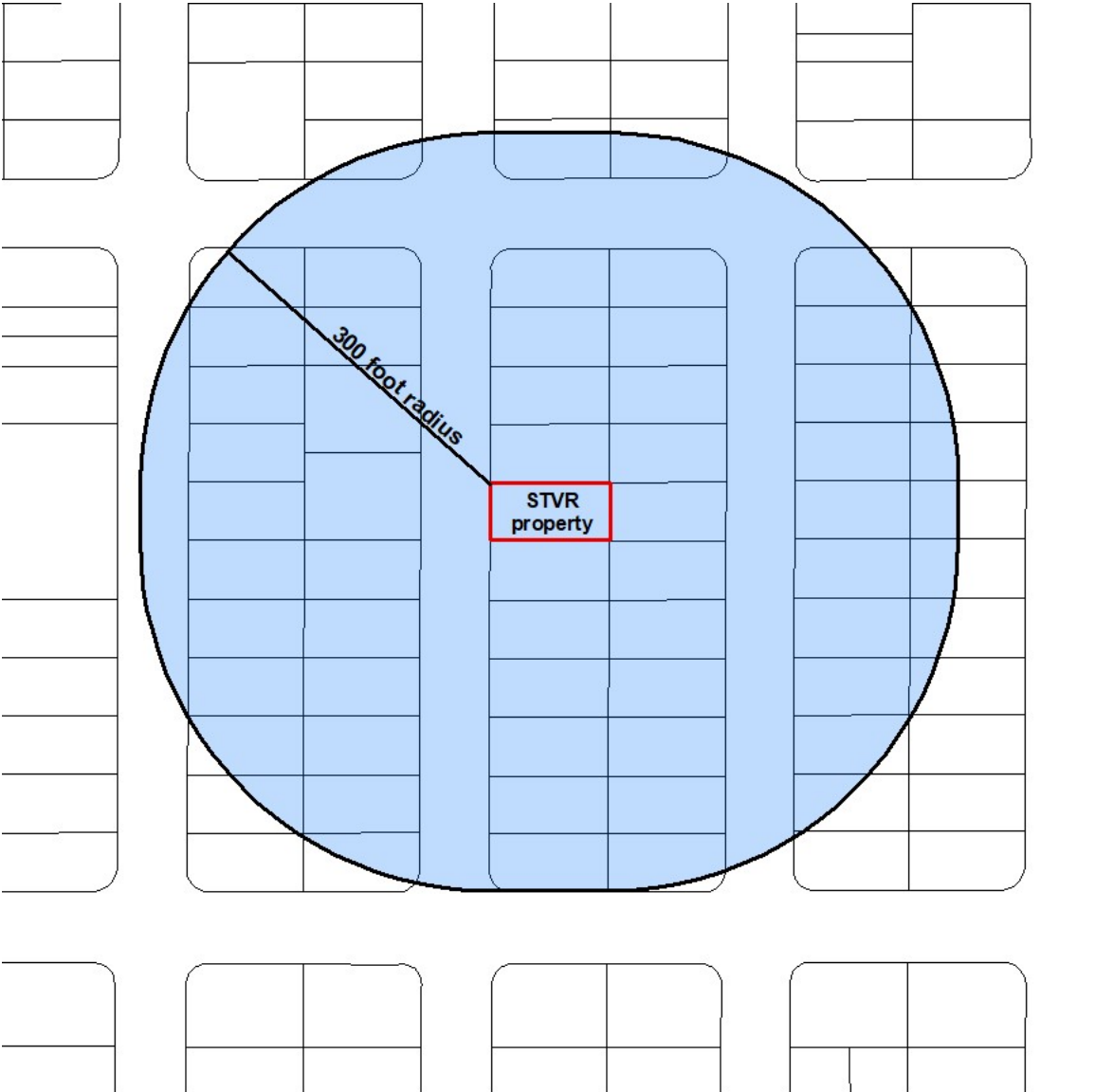
**OCCUPANCY DENSITY**

<b>Recommendations</b>																																																																	
<b>28</b>	Current Ordinance – limits the number of occupants that are permitted to occupy rental property.		Recommendation																																																														
	<table border="1"> <thead> <tr> <th>Number of Bedrooms</th> <th>Total Overnight Occupants*</th> <th>Total Daytime Occupants (Including Number of Overnight Occupants)**</th> </tr> </thead> <tbody> <tr> <td>0 – Studio</td> <td>2</td> <td>2 – 8</td> </tr> <tr> <td>1</td> <td>2 – 4</td> <td>2 – 8</td> </tr> <tr> <td>2</td> <td>4 – 6</td> <td>4 – 8</td> </tr> <tr> <td>3</td> <td>6 – 8</td> <td>6 – 12</td> </tr> <tr> <td>4</td> <td>8 – 10</td> <td>8 – 16</td> </tr> <tr> <td>5</td> <td>10 – 12</td> <td>10 – 18</td> </tr> <tr> <td>6</td> <td>12 – 14</td> <td>12 – 20</td> </tr> <tr> <td>7</td> <td>14</td> <td>14 – 20</td> </tr> <tr> <td>8</td> <td>16</td> <td>16 – 22</td> </tr> <tr> <td>9</td> <td>18</td> <td>18 – 24</td> </tr> </tbody> </table>	Number of Bedrooms	Total Overnight Occupants*	Total Daytime Occupants (Including Number of Overnight Occupants)**	0 – Studio	2	2 – 8	1	2 – 4	2 – 8	2	4 – 6	4 – 8	3	6 – 8	6 – 12	4	8 – 10	8 – 16	5	10 – 12	10 – 18	6	12 – 14	12 – 20	7	14	14 – 20	8	16	16 – 22	9	18	18 – 24	<table border="1"> <thead> <tr> <th>Number of Bedrooms</th> <th>Total Overnight Occupants*</th> <th>Total Daytime Occupants (Including Number of Overnight Occupants)**</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>3 (1 must be child under 12)</td> <td>6</td> </tr> <tr> <td>1</td> <td>4 (2 must be children under 12)</td> <td>6</td> </tr> <tr> <td>2</td> <td>4</td> <td>8</td> </tr> <tr> <td>3</td> <td>6</td> <td>10</td> </tr> <tr> <td>4</td> <td>8</td> <td>12</td> </tr> <tr> <td>5</td> <td>10</td> <td>14</td> </tr> <tr> <td>6</td> <td>12</td> <td>16</td> </tr> <tr> <td>7</td> <td>14</td> <td>18</td> </tr> <tr> <td>8 or more</td> <td>16</td> <td>18</td> </tr> </tbody> </table>	Number of Bedrooms	Total Overnight Occupants*	Total Daytime Occupants (Including Number of Overnight Occupants)**	Studio	3 (1 must be child under 12)	6	1	4 (2 must be children under 12)	6	2	4	8	3	6	10	4	8	12	5	10	14	6	12	16	7	14	18	8 or more	16	18
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	<p>*Overnight (10:01 p.m. – 6:59 a.m.)                      ** Daytime (7:00 a.m. – 10:00 p.m.)                      Note: Occupancy levels exceeding these numbers shall require a Special Events Permit.</p>																																																																

**PROPERTY DENSITY**

	<b>Recommendations</b>
29	STVR Permits (properties where the Owner is not living on-site and in the home throughout the visitor’s stay; owners are not resident on the property and may be managed by absentee property owners or property management firms): e. For single family residences, one STVR property per 300 feet radius of a previously permitted property (See Figure 1, attached). f. For condominium complexes consisting of four or more units, two STVR properties per 300 feet radius (see Figure 2, attached).
30	Homeshare Permits (rentals where the property owner hosts visitors in the owner’s home, while the Owner lives on-site and in the home throughout the visitor’s stay), density limitations do not apply.
31	Tourist Commercial Zones should be exempt from density limitations.
32	Implementation of density limitations: a. Approve pending and new applications that comply with the density requirement above b. Properties that have their permits suspended shall be required to reapply for a permit and be subjected to the density recommendations c. Phasing in density limits to existing STVR’s that do not comply with the density requirement with renewals effective in 2022





**Figure 1.** Illustrative example of La Quinta Cove with proposed 300 foot density recommendation.



**Figure 2.** Illustrative example of condominium complex (PGA West) with proposed limit of two STVR properties within 300 foot radius.



**Figure 3.** Example of 300 foot radius in the Cove limiting density/concentration of STVR. Five (5) STVRs would be allowed, out of 144 properties within given area. This amounts to 3% STVR properties within the given area.








**Figure 4.** Example of 300 foot radius in North La Quinta limiting density/concentration of STVR. Eight (8) STVRs would be allowed, out of 165 properties within given area. This amounts to 4% STVR properties within the given area.

# STVR Ad Hoc Committee Top 5 Marketing Priorities

**DECEMBER 15, 2020**

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MARKETING

	<b>Priorities/Recommendations</b>
33	<p><b>Host Checklist:</b> This checklist would be pushed to Hosts via the MuniRevs email list and possibly also posted in MuniRevs as a task to be completed and tracked. The priority would be distribution to owners and managers of known problem properties. The goal of the checklist is to educate Hosts on best practices they should implement immediately to ensure guests are informed and neighbors' interests are being considered. Checklist items include items required by city code, but also recommendations for specific items that engage a responsible Host to manage expectations before problems arrive.</p>
34	<p><b>Good Neighbor/Good Guest Brochure:</b> The Good Neighbor Brochure has been updated by the City marketing staff and the sub-committee has offered suggestions to make it even more useful for Hosts. One suggestion is to rename it the Good Guest brochure, making it a one-sided sheet for easy posting and durability in a vacation rental. The Sub-Committee has suggested a second, Neighbor specific brochure be considered to educate neighbors about when and how to open complaints, for example "Call about This, Not That". The Neighbor specific brochure would be distributed to all homes in the vicinity of a vacation rental as part of the neighbor notification requirement recommended by the Permitting sub-committee.</p>
35	<p><b>Host Training &amp; Best Practices:</b> The sub-committee has outlined a draft guest on-boarding process for the purpose of creating a Host Training Certification with live workshops and/or video training and a Host testing platform. The goal of the training is to improve hosting capabilities and guest management for reduced complaints and compliance thus less violations. This tactic supports recommendations from the Permitting sub-committee that Hosts complete training for permit renewal.</p>
36	<p><b>Violation Notice/Supplement:</b> Guests are often uninformed by Hosts and/or lacking intel about the noise orders and expectations when renting a vacation rental. The sub-committee discussed the possibility of creating a Violation Brochure/Letter issued to Guests when Code Enforcement or the Sheriff visits the home in response to a complaint. Currently, Citations are issued to Owners and not Guests. The intent of this strongly worded 1 page document would be to inform the Guest that a citation with fines may have been issued for which they may be financially responsible as well and that any additional complaints may result in their immediate evacuation from the property and the Host's license being suspended.</p>
37	<p><b>Welcome Guest Video:</b> Creation of a video to be posted on the City website and YouTube with a link that can be easily shared by Hosts to their guests as part of their pre-arrival on-boarding process. Content of a short, approximately 3-4-minute video would serve to welcome guests to La Quinta while notifying them that we are a "Neighbors First Community" and outlining expectations about noise, parking, trash, and occupancy. The video could also be shared via social media channels as part of a greater STVR marketing strategy. As time is of the essence, a simple but professional card deck style recording with interspersed stock video and professional voice-over could be created cost-effectively for immediate roll-out with a longer range goal of replacing it with an improved video with high quality production once a larger budget is established. A QR code to view the video could be included in the Good Guest brochure.</p>



# Noise Monitoring Device

Pilot Program

**COMMUNITY RESOURCES**





# Program Overview

## PURPOSE

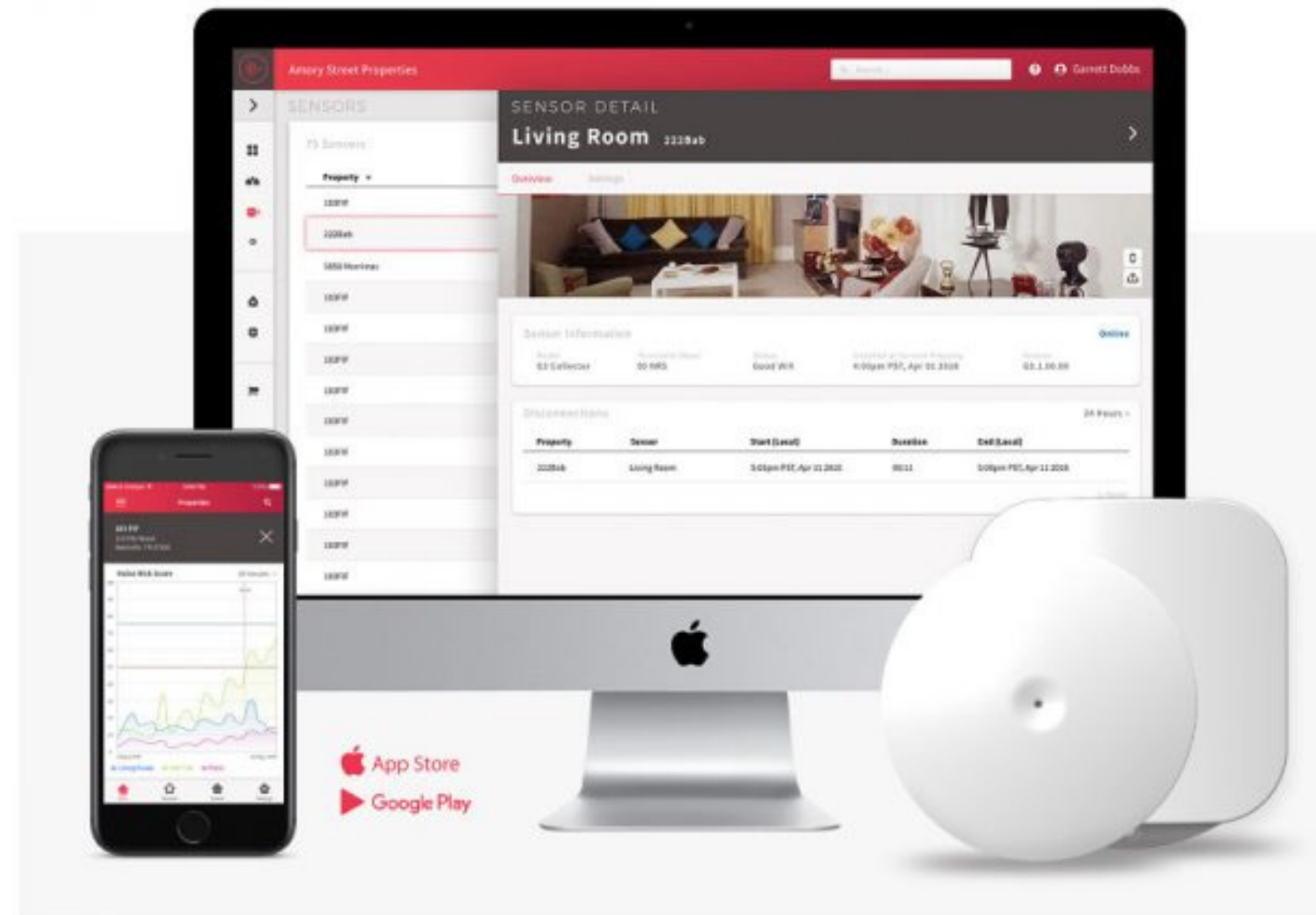
To confirm whether noise monitoring devices are effective in noise mitigation.

## WHO'S INVITED TO THE PROGRAM?

Everyone is eligible to apply. City will create an interest list and review applicants.

## CITY WILL CATEGORIZE PROPERTIES BY THE FOLLOWING:

- Size of property
- PGA West
- Cove
- N. of HWY 111
- Homes with Pools
- Houses with several neighbors
- STVR managed by property management company
- Does landlord live on site?
- Does landlord live far from STVR?





# Program Overview

## PROGRAM RULES

- Participant must agree to install device for period of time
- Provide City with information from the device
- Participant keeps device at the end of the Pilot
- Landlord must use device correctly and honestly
- Participants will not get cited unless egregious incident occurs

## NUMBER OF DEVICES TO BE INSTALLED

- 1 room monitor device
- 1 noise aware device
- Total of 2 devices and both devices installed in same household

## DEVICE PLACEMENT

- Near a swimming pool
- Near sliding door (indoor or outdoor)
- Near back patio door
- Back patio
- Living room



# Program Overview

## QUESTIONS STAFF HOPES TO ANSWER

- How early does system detect issue?
- How long does it take for the landlord to respond?
- Which device captures noise fastest?
- How does each device measure noise in real time?
- Does it make a difference?
- Can it resolve issue before neighbor calls hotline?
- Does it keep an issue from escalating?
- If device(s) are effective, will problem properties be mandated to use?





# Program Overview

## TIMELINE

Secure agreement with noise monitoring device companies in January and take to Council early June.

## SCHEDULE - INITIATES WHEN GOV STAY AT HOME ORDERS END. STEPS LISTED CHRONOLOGICALLY:

- Meet with Noise Aware
- Meet with Room Monitor
- Secure an Agreement
- Select Properties
- Initiate Pilot Program
- 1st Team Check-In
- Pilot Program Month 2
- 2nd Team Check-In
- Pilot Program Month 3
- 3rd and Final Team Check-in
- Data Assessment
- Pilot Program Debrief
- Debrief with Noise ware and Room Monitor
- Staff report
- Present at Council

