

**MINUTES OF THE ADJOURNED REGULAR STUDY SESSION
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 3, 2015 @ 5:00 p.m.
Community Development Department
910 Calle Negocio Suite 100
San Clemente, CA 92673**

CALL TO ORDER

Chair Brown called the Adjourned Regular Study Session of the Planning Commission of the City of San Clemente to order at 5:00 p.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, CA 92673.

ROLL CALL

Commissioners Present: Wayne Eggleston, Michael Smith, Zhen Wu, Chair pro tem
Barton Crandell, Vice Chair Jim Ruehlin, Chair Donald Brown

Commissioners Absent: Michael Blackwell

Staff Present: Jim Pechous, City Planner
Cecilia Gallardo-Daly, Community Development Director
Tom Rendina, Business Services Officer
Adam Atamian, Associate Planner
Brent Panas, Code Compliance Supervisor
Todd Leishman, City Attorney's Office Representative

AGENDA

Vacation Rentals (Atamian)

Discussion of potential zoning amendment related to vacation rentals continued from the Study Session of November 18, 2015.

Cecilia Gallardo-Daly, Community Development Director, provided an overview of the current issues related to vacation rentals, and potential Municipal Code amendments to address concerns.

Brent Panas, Code Compliance Supervisor, discussed current enforcement issues related to the City's vacation rentals.

Tom Rendina, Business Services Officer, discussed the current permitting process for vacation rentals, and provided a general overview of the City's tourism and Transient Occupancy Tax statistics.

Brent Panas, Code Compliance Supervisor, discussed some enforcement related considerations of potential zoning standards for vacation rentals.

Tom Rendina, Business Services Officer, discussed enforcement related considerations of administrative permitting requirements for vacation rentals.

Adam Atamian, Associate Planner, presented an overview of how other cities zone for vacation rentals, and what the City's options are regarding a potential zoning amendment. Mr. Atamian limited his discussion to information regarding the potential zones where vacation rentals could be permitted, potential operating standards for the use, and potential development standards for vacation rental properties.

Brian Bosson, representing the Orange County Vacation Rental Association, spoke in support of vacation rentals, providing a hand-out to the Planning Commissioners and staff, entitled, "The Future of Short Term Rentals: The Future Looks Great for San Clemente."

Kathie Yehle, resident and vacation rental owner, stated that she has good tenants that bring money into town through shopping and dining.

Monica Burik, resident, stated that she understands the right to rent out one's home for short durations, but sees the negative effects of vacation rentals in residential neighborhoods. She stated that there should be a limit on the number of days someone can rent their home per year, and that all permits for vacation rentals should be revocable.

Susan Nelson, resident, spoke about the negative effects of vacation rentals in residential neighborhoods as an unregulated nuisance to families that live in the City year-round.

Tricia Mading, resident, spoke about how many neighboring cities are banning the use to protect residential neighborhoods.

Valerie Hirsh, resident, spoke about the recent proliferation of vacation rentals and the subsequent negative effects of them in residential neighborhoods.

Don Slater, resident and vacation rental owner, spoke about the positive contributions of vacation rentals. Mr. Slater noted that any parking problems associated with vacation rentals in the North Beach area is a result of the insufficient amount of parking provided by the area's commercial businesses.

Sandra Sturla, resident, spoke about the difficulties that homeowners associations (HOA) have in regulating the use and encouraged permits that require HOA approval prior to allowing a property to be used as a vacation rental.

Russell Parks, resident and vacation rental owner, spoke about how vacation rentals do not operate like hotels, and are compatible with residential neighborhoods for that reason.

Jim Laurent, resident, spoke about how vacation rentals change the character of a neighborhood from a residential use to a commercial use. He stated that even the best vacation rental users are not compatible with a family that lives in the neighborhood year round.

Brad den Dulk, resident and representative of the Orange County Vacation Rental Managers Association, spoke about the City's "dual character" as being both a tourist destination and a great residential community to raise a family. He spoke about the positive contributions that vacation rentals make to the City.

During discussion the Commissioners, either individually or in agreement, provided the following commentary:

- Requested staff provide more information related to noise/nuisance complaints related to vacation rentals and non-short term residences.
- Requested staff provide more information related to the adequacy of current Code Compliance staff to address vacation rental enforcement issues.
- Established from staff the zoning requirements of similar uses, such as hotels and bed and breakfasts.
- Requested staff provide more information related to the ability of the City to ask for or require proof of insurance for vacation rentals in the permit application and renewal process.
- Requested staff provide options for a more robust definition of "home-sharing," including the minimum amount of time that a property owner would need to reside on the property to qualify as such.
- Requested staff provide more information related to how other cities regulate multi-family buildings used for vacation rentals.
- Discussed parking concerns related to vacation rentals, in light of the large amount of properties in the City that are currently nonconforming to current parking requirements.
- Discussed the need for negative noise and light impacts from vacation rentals to be addressed in some fashion.
- Requested staff provide more information related to any state laws related to the definition of "transient occupancy" that specify how many days a rental can be considered short term.
- Requested staff provide more information related to the geographic distribution of current vacation rentals in the City, specifically asking for a map of the residential areas west of the I-5 freeway where most vacation rentals are located.
- Discussed the need for minimum distancing requirements to be included in any potential zoning standards.

- Discussed the need for explicit language to address and limit the use of vacation rentals as event centers, or event hosting venues.
- Requested staff provide more information related to any state laws that could conflict with a City's ability to regulate maximum occupancy of a vacation rental.
- Discussed the need for staff to identify ways to improve Transient Occupancy Tax collection, such as using more online resources.
- Discussed the benefit that notifying neighbors would provide during the vacation rental application process, and other mechanisms to provide surrounding properties with a vacation rental management's contact information.
- Requested staff provide more information related to police enforcement issues of complaints received about vacation rentals.
- Established that many regulations have the potential to impact the City's ability to regulate vacation rentals, including the Coastal Act and the City's Housing Element.
- Discussed the difference between vacation rentals and typical single- and multi-family dwellings, and the importance of proving adequate standards to maintain the character of the existing neighborhoods to protect the City's quality of life.

COMMISSION COMMENT - None


ADJOURNMENT

Adjourn to the Adjourned Regular Planning Commission meeting to be held at 6:00 p.m. on December 16, 2015 in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,


Donald Brown, Chair

Attest:


Jim Pechous, City Planner