



**PLANNING COMMISSION
STAFF REPORT
September 20, 2022**

Prepared by: Thomas Last, Community Development Director

DATA SUMMARY

Application Number: 22PLN-35
Subject: A Request for Interpretation by the Planning Commission to determine if the Development Code allows more than one Short-Term Rental per property
Location/ APN: General interpretation of the Development Code, not specific to a particular property
Applicant: Evan Glasco and Joy Garner

RECOMMENDATION:

Staff recommends the Planning Commission reject the applicant's interpretation that the City's Development Code permits more than one short-term rental on a parcel of land.

BACKGROUND:

In 2018, the City amended the Development Code to allow short-term rental (STRs) units in certain single-family residential zones. Prior to this amendment, STRs were not allowed in the City. Short-term rentals fall into two specific categories: 1) hosted short-term rentals, where no more than 2 rooms can be rented in a home; and 2) vacation rental homes, where the entire home can be rented. Since its implementation, staff has consistently implemented this new provision to allow only one STR per property. Earlier this year the applicants applied for a 2nd STR (a vacation rental home) on their property and City staff rejected that application.

INTERPRETATION REQUEST:

The applicants request the Planning Commission make an interpretation of the Development Code that it allows more than one STR per property. They have provided the Planning Commission with documentation they believe allows for more than one STR per property (Attachment 1).

ANALYSIS:

Staff position is that the Development Code only allows one STR per property. If the Code intended to allow more than one STR on a property, the City would have then stated what that number was. If the City did not, there would be no limit. Specifically, if interpreted to allow more than one, then why not 3, 4 or 5 STRs on a property? This is clearly not the intent since the City was trying to also protect the residential character of the single-family neighborhoods where STRs were going to be allowed. The position of allowing multiple STRs would have created a significant conflict with the neighborhood

character. Some of the specific concerns were with the commercialization of residential areas, additional traffic, and lack of parking in these neighborhoods.

Table 2-7 of the City's Development Code refers to "Vacation Rental Unit", the singular form. This is typical of almost all the uses identified in the land use tables. The intent is singular uses for each zone.

As it pertains to the use of plural forms of specific uses, the Development Code uses the general plural form hundreds of times, and when used, it is clearly not intended to imply that limitless specific uses are to be allowed on a property. Plural forms are used in general terms as the use applies city-wide.

When examining the intent of the STRs, and the City's consideration to even allow those uses in the City, both the Planning Commission and City Council expressed concerns with converting rental housing into STRs. As noted above, the City debated the concern with protecting the residential character of established neighborhoods with allowing limited STRs with specific operating standards. Also, during the hearing process there was significant concern raised by housing advocates with the loss of long-term rental properties to the STRs. See Attachment 2 for the City Council and Planning Commission staff reports from 2018.

During the most recent amendments of the Development Code, the Planning Commission (in June) agreed with staff's request to confirm that only one STR was allowed on a property. Additionally, the Commission supported the position that second units on a property could not be used as STRs. The City Council also agreed and adopted this amendment to further reinforce this position. In conclusion, the City Council concurred with staff's position that only one STR is allowed per property and that was the intent of this code provision.

Attachments:

1. Applicant's justification packet
2. Council Staff Report from April 2018, including three Planning Commission reports (no other attachments provided but available at City Hall)
3. Current text on short-term rentals