

TOWN OF LOS ALTOS HILLS  
Staff Report to the Planning Commission

February 1, 2018

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SUBJECT: INTRODUCTION OF AN AMENDMENT TO CHAPTER 10 OF THE MUNICIPAL CODE (ZONING) TO ADOPT SHORT TERM RENTAL REGULATIONS WITHIN RESIDENTIAL ZONES. FILE # 117-17-MISC

FROM: Marni Moseley, AICP, Senior Planner

APPROVED: Suzanne Avila, AICP, Planning Director SA

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RECOMMENDATION: That the Planning Commission:

Review the draft short-term rental ordinance (Attachment 1) and Short-term Rental Policy and Applicant Agreement (Attachment 2), accept public comment, and forward a recommendation to the City Council.

BACKGROUND:

The Planning Commission considered a draft short-term rental ordinance on August 3, 2017 and recommended approval of the ordinance with several edits, to the City Council. The Council considered the amended ordinance on September 21, 2017 and directed staff to work with the Planning Commission to revise the ordinance to simplify the permit process and establish regulations to address neighborhood impacts for short-term rentals that are not operating in compliance with Town Code.

DISCUSSION:

The specific direction by the City Council on September 21, 2017 was as follows:

- **Prohibit short-term rental properties as commercial enterprises:** The Council was firm that short-term rental uses shall be limited to residents of the Town, and that the property should contain the owner's primary residence.
- **Only restrict problem rentals:** There are 30 to 75 short-term rentals advertised in and around Los Altos Hills. Many operate without any issue or impact on neighborhoods. Those short-term rentals should be allowed to continue without undue burden or restriction. The commercial listings and problem rentals should be removed and/or addressed through application of appropriate conditions of approval or code enforcement action when needed.

Based on this direction, staff revised the draft ordinance as follows:

- **Short-term rental license:** Rather than require an in-depth permit application process, a simple short-term rental license (similar to a business license) would be

applied for, potentially online, which would determine compliance with the homeowner requirement along with agreement to the Short-Term Rental Policy.

- The Town could work with a vendor that would regularly review all Los Altos Hills short-term rental listings and pursue compliance with the licensing and policy agreement. This would better establish the Town's ability to track and enforce nuisance violations and complaints.
- **Conditional Short-Term Rental Permit:** While the Town cannot adopt regulations that only apply to problem rentals, clear expectations can be set for applicants which would simplify the process for revocation. Applicants who wish to pursue a short-term rental after revocation would be subject to a more restricted permit process with appropriate conditions to address specific impacts. This would effectively allow the Town to apply more stringent regulations on problem sites while allowing those in good standing to operate with fewer restrictions. The process would also allow an applicant to pursue an exception to the general rules within the Ordinance. For example:
  - The Ordinance restricts short-term rental applicants to only registered property owners and requires the property to contain their primary residence. A local resident, who does not reside on the property full time could request an exception through the conditional permit process; or
  - A property owner who is interested in renting out more than one space at the same time could document the appropriateness of their request through the conditional permit process.

The conditional permit process would allow the applicant to provide appropriate justification and documentation as to how the use will comply with the intent of the Short-term Rental Ordinance and Policy. Through a noticed public hearing process staff and neighbors would consider the intended use and apply additional requirements or limitations to ensure the use does not become a nuisance for the neighborhood.

While the Ordinance grants the Site Development Committee the authority to approve conditional short-term rental permits, staff anticipates that most applications would be forwarded to the Planning Commission for review. The intention is to allow the Planning Director to approve justifiable exceptions when neighbor concerns have been adequately addressed, similar to the existing Fast Track process for new residences. If a consensus cannot be reached or the impacts are particularly egregious the matter would be forwarded to the Planning Commission.

- **Policy and Agreement:** Staff has drafted a Short-term Rental Policy and Applicant Agreement. This document will coincide with the license application and require the property owner to sign documenting their agreement to adhere to the Town's standards and what would be considered a violation.

ATTACHMENTS:

1. Draft short-term rental ordinance
2. Draft short-term rental policy and applicant agreement
3. September 21, 2017 City Council minutes

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE OF THE TOWN OF LOS ALTOS HILLS AMENDING SECTION 10-1.702 AND ADDING SECTIONS 10-1.1202 THROUGH 10-1.1208 TO THE LOS ALTOS HILLS MUNICIPAL CODE PERTAINING TO SHORT-TERM RENTAL REGULATIONS WITHIN RESIDENTIAL ZONES

**WHEREAS**, the City Council of the Town of Los Altos Hills (“Town”) wishes to amend the Municipal Code with regard to regulation of short-term rentals in Town and establish regulatory and enforcement guidelines.

**NOW, THEREFORE**, the City Council of the Town of Los Altos Hills does **ORDAIN** as follows:

**Section 1. AMENDMENTS**

The following sections are hereby added to Title 10, Chapter 1 (“Zoning”) of the Los Altos Hills Municipal Code to read as follows. Sections and subsections that are not amended by this ordinance are not included below, and shall remain in full force and effect.

**Article 7. Accessory uses and structures permitted (R-A).** is hereby amended:

**10-1.702 Accessory uses and structures permitted (R-A).**

.....

(r) One short-term rental unit operated pursuant to the requirements of Article 12 of this chapter.

.....

**Article 12. Short-term Rental of Residential Property** is hereby added:

**10-1.1201 Purpose and intent.**

The purpose of this chapter is to establish regulations governing the short-term rental of residential property within the Town of Los Altos Hills. The establishment of these regulations will provide for additional residential options while ensuring that short-term rental activities do not become a nuisance or a threat to public health, safety, or welfare due to excessive noise, disorderly conduct, overcrowding, traffic congestion, illegal parking, refuse accumulation, and other effects related to short-term rentals.

#### **10-1.1202 Definitions.**

For purposes of this chapter, the following definitions apply:

(a) "Primary residence" means the property is used as the property owner/host/applicant's primary dwelling for a minimum of 270 days per year and must be listed as the mailing address with the Santa Clara County Assessor for the parcel where it is located.

(b) "Short-term rental" means to provide transient lodging use in exchange for compensation in any dwelling unit, in whole or in part, on residential property for a period of thirty (30) consecutive calendar days or less.

(c) "Validated nuisance" means a prohibited use or impact associated with a short-term rental as listed under the Short-term Rental Policy and Application Agreement required with a Short-term Rental License, and which sufficient documentation is provided to confirm the occurrence and extent of the violation.

#### **10-1.1203 Short-term rentals prohibited.**

No person shall use or maintain, nor shall any person authorize, aid, facilitate or advertise the use of, any residential property on any parcel for short-term rental without registering and obtaining a Short-term Rental License from the Town of Los Altos Hills. All short-term rental license applicants must review and sign the Short-term Rental Policy and Application Agreement as approved by the City Council, and comply with the conditions set forth therein.

Short-term rental licenses shall be reviewed and approved by the Planning Director or his or her designee. No Short-term Rental License shall be approved without a signed Short-term Rental Policy and Application Agreement and compliance with the provisions of this chapter.

#### **10-1.1204 General requirements.**

Short-term rentals permitted on residential property shall be subject to following restrictions and requirements:

(a) A maximum of one (1) short term rental unit is permitted per residential property.

(b) The short-term rental property shall contain the primary residence of the property owner and/or the short-term rental host/applicant.

(c) The short-term rental shall comply with all applicable local, state, and federal laws, including but not limited to state and local health, safety, fire, and building codes.

(d) The host must provide all renters with facilities for sleeping, bathing, and toileting within a permanent dwelling that is suitable for human occupancy. Rental of sleeping space in or on balconies, porches, tents, sheds, vehicles, garages or outdoor areas is prohibited.

(e) Short-term rental uses are permitted solely for residential purposes only. No events or uses that are commercial in nature, as specifically defined in the Short-Term Rental Policy and Applicant Agreement, are permitted.

(f) All short-term rental parking must be provided on-site in approved parking areas. No overnight street parking is permitted pursuant to Municipal Code section 4-3.1006.

(g) The host is responsible for ensuring the short-term rental property does not create or become a nuisance due to any short-term rental occupant activities. Any short-term rental with three (3) validated nuisance violations, as defined in **10-1.1202** of this chapter, will result in revocation of the short-term rental license.

#### **10-1.1205 Conditional Short-Term Rental Permit Approval required.**

An applicant may apply for a Conditional Short-Term Rental Permit if an exception to the general requirements under 10-1.1204 is requested or if a previously approved short-term rental license has been revoked. A noticed public hearing before the Site Development Committee is required for consideration of a Conditional Short-Term Rental permit.

(a) Additional limitations and restrictions may be imposed to ensure any nuisance concerns or site-specific limitations are adequately addressed to ensure that the short-term rental use would be compatible with the general intent of this Ordinance and the policies of the Town of Los Altos Hills. Additional limitations or restriction may include but are not limited to:

- i. limitation on number of rental rooms or occupants
- ii. additional off-street parking provisions
- iii. modification of quiet hours for occupants
- iv. neighborhood notification and or ongoing communication requirements

(b) Pursuant to 10-1.1002 of the Municipal Code, the decision of the Site Development Committee may be appealed to the Planning Commission.

#### **10-1.1206 Fees.**

The City Council may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this chapter.

#### **10-1.1207 Violations a public nuisance—Penalties, nuisance abatement, and other remedies.**

Any short-term rental operated, conducted, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance which the City may seek to abate, remove, and enjoin in any manner provided by law. Such remedies shall be in addition to any other remedies available to the City under this chapter or applicable local or state law.

## **SECTION II. SEVERABILITY.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City

Council of the Town of Los Altos Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION III. EFFECTIVE DATE AND PUBLICATION.**

This ordinance shall take effect thirty (30) days after adoption. Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance or a summary thereof to be published once, with the names of those City Councilmembers voting for or against it in a newspaper of general circulation in the Town of Los Altos Hills, as required by law.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## TOWN OF LOS ALTOS HILLS

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Los Altos Hills, CA 94022  
Phone: (650) 941-7222  
www.losaltoshills.ca.gov



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## Short-Term Rental Policy and Applicant Agreement

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Approved by City Council – X/X/XXXX

### **Intent:**

The purpose of this policy is to inform applicants of the Town's expectations of the standard operating practices of short-term rentals within in the Town. The Town is a rural residential community with expectations of peace and privacy for its residents. Short-term rentals are permitted with the expectation that their use would not impact the neighbors or the character of the community. All property owners are responsible for ensuring their renters are informed of and comply with this policy.

The short-term rental host/applicant must in addition comply with all provisions of the Short-term Rental Ordinance and ensure the property does not become a nuisance, as listed below, due to any short-term rental occupant activities. Any short-term rental with three (3) validated nuisance violations will result in revocation of the short-term rental license.

### **Prohibited Nuisance Activities**

***Parking:*** All renters and residents must park on-site. The Town prohibits parking on pathways at any time and does not permit on-street parking overnight, including private streets. The Property Owner/host/applicant are responsible for ensuring that sufficient parking is available for themselves and their renter(s), resident(s) and visitor(s) throughout their stay.

***Noise:*** Outdoor amplified sound systems are prohibited. All short-term rentals must comply with the Town's noise limitations as described in Section 5-2.02 of the Municipal Code: 50 decibels during daytime and 40 decibels at nighttime. Daytime shall be the period from 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 7:00 p.m. on weekends and Town Holidays, Pacific Standard Time or Daylight-Saving Time.

***Events:*** Short-term rental uses are permitted solely for residential purposes only. No events or uses that are commercial in nature are permitted. Such prohibited uses include site rentals for weddings, corporate meetings/events/trainings, photo or video shoots, birthday parties, and other non-residential events and commercial gatherings.

***Visitors:*** Renters are permitted to have visitors as long as all visitors abide by the short-term rental policy. The host/applicant is responsible for ensuring the visitors' compliance.

***Minors:*** Adult supervision is required throughout the rental period for all renting minors.



**PROPERTY OWNER SIGNATURE REQUIRED:**

I hereby acknowledge that I have read, understand and accept the Short-Term Rental Policy and agree to abide by these restrictions and ensure all renters of my property understand and comply. I understand that any documented violations of this policy may be used to revoke my short-term rental license and that I will be held financially responsible for Town time and materials associated with any nuisance violation documentation and/or abatement.

Property Owner Signature	Date	/	/
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# Town of Los Altos Hills

## City Council Regular Meeting Minutes

Thursday, September 21, 2017

Council Chambers, 26379 Fremont Road, Los Altos Hills, California

### CALL TO ORDER (6:00 P.M.)

Mayor Waldeck called the meeting to order at 6:05 p.m.

B. Pledge of Allegiance

A. Roll Call

Present: Mayor Waldeck, Vice Mayor Radford, Councilmember Corrigan,  
Councilmember Spreen, Councilmember Wu

Absent: None

Staff: City Manager Carl Cahill, City Attorney Steve Mattas, Planning  
Director Suzanne Avila, Public Works Director/City Engineer Allen  
Chen, Senior Planner Marni Moseley, Consultant Planner Steve  
Padovan, City Clerk Deborah Padovan

1. AGENDA REVIEW

There were no changes to the agenda.

2. PRESENTATIONS AND APPOINTMENTS

A. Appointment to the Los Altos Hills Education Committee

City Clerk Padovan presented the application of **Janna Land**.

**Janna Land, Los Altos Hills**, introduced herself and expressed interest in serving on the Education Committee.

**MOTION MADE AND SECONDED: Vice Mayor Radford moved to appoint Janna Land to the Los Altos Hills Education Committee for a four-year term. The motion was seconded by Councilmember Spreen.**

Motion Carried 5 to 0:

AYES: Mayor Waldeck, Vice Mayor Radford, Councilmember Corrigan,

Councilmember Spreen, Councilmember Wu

NOES: None

ABSENT: None

ABSTAIN: None

**B. Appointment to the Los Altos Hills Public Art Committee**

**City Clerk Padovan** presented the application of **Nicole Andrews**.

**Nicole Andrews, Los Altos Hills**, introduced herself to the City Council and expressed her interest in serving on the Public Art Committee.

**MOTION MADE AND SECONDED: Councilmember Corrigan moved to appoint Nicole Yvonne Andrews to the Public Art Committee for a four-year term. The motion was seconded by Vice Mayor Radford.**

Motion Carried 5 to 0:

AYES: Mayor Waldeck, Vice Mayor Radford, Councilmember Corrigan, Councilmember Spreen, Councilmember Wu

NOES: None

ABSENT: None

ABSTAIN: None

**C. Report by the Open Space Committee on the Status of Grassroots Ecology Work at Byrne Preserve and Town Open Spaces**

**Kit Gordon, Co-Chair of the Los Altos Hills Open Space Committee**, thanked the Council for enhancing our open spaces. She provided an update on the status of the Grassroots Ecology fire management work at Byrne Preserve.

Council discussion ensued. No action was taken.

**E. Annual Report of the Los Altos Hills Public Art Committee**

**Farah Tabatabai, Member of the Public Art Committee**, presented the annual report of the committee.

Council asked questions of **Ms. Tabatabai** and received her responses. No action was taken.

F. Presentation by John Swan, a Member of the Los Altos School District Citizens' Oversight Committee for General Obligations Bonds, Requesting the City Council Consider a Resolution Supporting a School Site in Los Altos Hills

**John Swan, Los Altos Hills**, requested the Council consider a school site in Los Altos Hills.

Council asked questions of **Mr. Swan** and received his responses. No action was taken.

Council discussion ensued. **Vice Mayor Radford** informed the Council that he would be moderating a session on Wednesday, September 27th where plans will be presented showing how a school could be built on a current site.

**DIRECTION:** The City Manager shall prepare a letter encouraging the Los Altos Hills School District Trustees to attend the Creative Facilities Solutions Event scheduled for Wednesday, September 27th from 6:30 to 8:00 pm at the Hillview Community Center.

**3. PRESENTATIONS FROM THE FLOOR Persons wishing to address the Council on any subject not on the agenda may do so now. Please complete a Speaker Card located on the back table of the Council Chambers and submit it to the City Clerk. Comments are limited to two (2) minutes per speaker. California law prohibits the Council from acting on items that do not appear on the agenda. Under a Resolution previously adopted by the Council, such items can be referred to staff for appropriate action, which may include placement on the next available agenda.**

There were no presentations from the floor.

**4. CONSENT CALENDAR**

**MOTION MADE AND SECONDED:** Vice Mayor **Radford** moved to approve the **CONSENT CALENDAR** as stated. The motion was seconded by Councilmember **Spreen**.

Motion Carried 5 to 0:

AYES: Mayor Waldeck, Vice Mayor Radford, Councilmember Corrigan, Councilmember Spreen, Councilmember Wu

NOES: None

ABSENT: None

ABSTAIN: None

A. Review of Disbursements: August 1, 2017 - August 31, 2017 \$1,364,165

- B. Amending the Resolution 53-17 Establishing Standing Committees and Adopting General Special Rules Pertaining Thereto to Clarify the Wording Regarding a Committee Member Whose Term Has Expired Serves Until Replacement is Appointed (Staff: D. Padovan)
- C. Resolution 54-17 Awarding a Contract to Audio Visual Design Group to Update the Audio/Video System in the City Council Chambers (Staff: D. Padovan)
- D. Rejection of Claim of Santosh Bhati (Staff: D. Padovan)
- E. Approval of Annual Investment Report for Fiscal Year Ending June 30, 2017 (Staff: P. Lin)
- F. Resolution 55-17 Authorizing the December 2017 Town Holiday Closure from December 20, 2017 through January 1, 2018 (Staff: P. Lin)
- G. Resolution 56-17 Authorizing an Hourly Rate of \$80 for the Temporary Part-Time Finance Project Manager (Staff: P. Lin)
- H. Memorandum for Fiscal Year 2017-18 Carryover Encumbrance (Staff: P. Lin)
- I. Resolution 57-17 Authorizing the City Manager to Execute Payment to the Sea by Alexander Steakhouse in the Aggregate Amount of \$19,620 (Staff: P. Lin)
- J. Adoption of Ordinance 571 (Second Reading) Amending Los Altos Hills Municipal Code Section 4-3.1002 to reflect "Pathways" rather than "Parkways" (Staff: C. Cahill)
- K. Resolution 58-17 Approving the List of Projects Eligible to be Funded by SB1: The Road Repair and Accountability Act (Staff: A. Chen)
- L. Resolution 59-17 Accepting Dedication of a Right-of-Way Easement; Lands of Dutchints Development, LLC; 24925 Oneonta Drive (Staff: A. Chen)
- M. Resolution 60-17 Accepting the Grant of a Pathway Easement; Lands of Heng and Pareigis; 25383 La Rena Lane (Staff: A. Chen)
- N. Resolution 61-17 Accepting the Grant of an Open Space Easement on the Lands of Heng and Pareigis; 25383 La Rena Lane (Staff: S. Avila)
- O. Resolution 62-17 Accepting the Grant of an Open Space Easement on the Lands of Grau and Jones; 24802 Olive Tree Lane (Staff: S. Avila)
- P. Authorize the City Manager to Amend the Contract with Superior for Additional

User Licenses and Addition of Code and Inspection Modules for Trak-iT Permit Management and Tracking Software (Staff: S. Avila) (Resolution 63-17)

**5. COUNCIL INITIATED ITEMS**

- A. Discussion and Possible Action to Amend the Standing Committee Resolution to Update Committee Charters (Mayor Waldeck)

**Mayor Waldeck** presented the standing committee resolution.

Council discussion ensued.

**Carol Gottlieb, Chair of the Environmental Design and Protection Committee (EDPC)**, said that the EDPC is part of the Fast Track process and they are asking that their attendance at Fast Track hearings be included in the charter of the committee.

**Allan Epstein, Member of the Finance and Investment Committee (FIC)**, explained the proposed charter edits to the FIC.

DIRECTION: Return the charter amendments to the Public Art Committee and Open Space Committee for further review and edits.

**6. PUBLIC HEARINGS**

- A. Introduction of an Ordinance (First Reading) Amending Chapter 10 of the Los Altos Hills Municipal Code (Zoning) to Adopt Short-Term Rental Regulations Within Residential Zones. File # 117-17-MISC (Staff: M. Moseley)

**Mayor Waldeck** opened the Public Hearing.

**Senior Planner Marni Moseley** presented the staff report.

The Council now considered public comment.

**Eric Evans, Los Altos Hills**, said that the proposed ordinance is restrictive and would prohibit residents from taking part in vacation rental exchanges. Also, residents would not be allowed to take advantage of federal and state tax codes.

**Betty Kayton, Los Altos Hills**, suggested the Council look at her submitted written suggestions and send it back to the Planning Commission in order to get the ordinance right.

**Jill Snyder, Los Altos Hills**, ask that we take a step back and ask why are we even considering this ordinance. She was not in support of allowing short-term rentals.

**Maria Caffey, Los Altos Hills**, said her personal belief is that there should be no short-term rentals.

**Jack Caffey, Los Altos Hills**, does not believe that short-term rentals will add anything to the community and was not in support of the ordinance.

**Eric Bredo, Los Altos Hills**, said that if the ordinance was adopted it would be legalizing these types of rentals. He was not in support of the ordinance.

**Carrie Snyder, Los Altos Hills**, said that short-term rentals are businesses and Los Altos Hills has no businesses. She was not in support of short-term rentals.

**Peter Evans, Los Altos Hills**, said there has been no discussion on enforcing existing ordinances. He was not in favor of short-term rentals, but there is a difference between owner occupied and empty rentals.

**Scott Vanderlip, Los Altos Hills**, was not in favor of the ordinance.

**Mayor Waldeck** closed the Public Hearing.

**City Attorney Steve Mattas**, responding to a question from **Vice Mayor Radford**, said that people may rent rooms in their houses currently and the Town's ordinance does not prohibit one from operating a business in Town, but short-term rentals are allowed right now. If the Town wanted to prohibit short-term rentals, it must expressly do so.

**Ms. Moseley** outlined the key features in the proposed ordinance: one would need a one-time permit and maintain an active business license; the host is required to be onsite through the rental period so a responsible party is local and able to address any issues; it requires separate parking for the rental, but retaining the ability to determine the number based on the proposed rental; and the requirement to have house rules that must be posted. **Councilmember Wu** asked why staff chose to model the ordinance after Sunnyvale? **Ms. Moseley** replied that the feedback received from the Council was similar to what Sunnyvale had implemented.

**Councilmember Spreen** thanked staff because he said that the Council did not provide enough direction earlier this year. The problematic situations that we are dealing with are bad neighbors, multi-tenant long term situations, unsupervised short-term rental party houses, unsupervised hotel rentals, and unoccupied homes. What hasn't been a problem are well supervised, on-site short-term rentals. He said that he wouldn't mind "clamping down" on unsupervised, short-term rentals, but was not ready to stop responsible owners.

**Mayor Waldeck** agreed with **Councilmember Spreen**. He said that the Town works on a system of complaints and with a limited police force and officers won't be out there looking for trouble. A number of complaints have occurred over the

past few years that have been dealt with. The Council needs to find the proper balance.

**Vice Mayor Radford** asked about someone who simply wants to rent out their home for the weekend, has to stay in that home? **Ms. Moseley** replied "yes, that is the way the ordinance is written in order to reduce the ability or the potential for those issues that need to be addressed by a property owner." **Vice Mayor Radford** expressed that he did not believe that any developer should be allowed to build a house in Los Altos Hills, not take residence, and immediately start using it as a hotel and simply renting it out to whomever they wish. He firmly believed that homeowners should be allowed to rent their homes out, on the weekend, if there are no problems caused by the rental.

**Councilmember Wu** said it is a "disruptive economy" coming to our Town, but the good news is Los Altos Hills is not alone as other cities are facing similar issues. She suggested partnering with Atherton in order to work out solutions. She did not think the proposed ordinance would address the real issues of public safety, traffic, noise, etc. Further, she said the money in short-term rentals is very alluring and that is good income for some.

**Councilmember Corrigan** thanked everyone in attendance. She suggested that the Council is nowhere near approving a policy at this time. She expressed concerns that we are creating a regulation that is basically punishing all for the actions of a few. She suggested creating some rigid guidelines that apply to nuisances. Some concepts for restrictions on nuisance, short-term rentals (defined as 30 days or less) are as follows:

- Impose a minimum number of nights
- Homeowner must be on property or on contiguous lot
- Ban multiple renters concurrently/No "Beds for Rent" or sub-tenants allowed
- Limit the maximum number of renters/people on property to coincide with the number or beds and baths being rented
- Homeowner must notify neighbors
- Restrict rental listings to platforms that allow for neighbor complaints
- Require phone and email for both property owner and renter be supplied to Town-24x7x365
- Demand that all parking associated with property be 100% contained on site
- "Host" must be one and the same as Property owner
- Minors (under 21) may rent only with an adult present--either their own adult chaperone or the homeowner
- Constrain the maximum number of nights a home may be rented in a year
- Impose financial penalties for failure to comply and to cover all costs including, but not limited to, Town Staff, damages, law enforcement, etc.



**Mayor Waldeck** said that we are trying to regulate against something, but not so sure that the focus is correct. He would like to send the list outlined by **Councilmember Corrigan** back to the Planning Commission for further review.

Further Council discussion ensued.

**Councilmember Corrigan** stated that it was agreed that no property in Los Altos Hills shall be purchased or built for the sole use as a short-term rentals or event rentals. The guidelines proposed by her shall be written up and provided to staff and the Planning Commission. We must tighten up the restrictions on the nuisances. No short-term rentals for a non-owner-occupied property.

**City Attorney Mattas** said from a practical and enforcement standpoint, we would want to have people be part of a system. The Town could construct an over-the-counter permit that would get people into the system and then if the way they operate violates that permit, they would agree that they are subject to these higher constraints. The challenge is that Towns have to enforce ordinances in a similar manner and when rules apply, it is better if individuals are voluntarily acknowledging that they are subject to those rules.

**DIRECTION:** Return the ordinance to the staff and Planning Commission with the suggestions outlined by the City Council.

The Council now considered Agenda Item 2.D.

2.D. Annual Report of the Los Altos Hills Community Relations Committee

**Roy Woolsey, Chair of the Los Altos Hills Community Relations Committee**, presented the annual report of the committee.

Council thanked **Mr. Woolsey** and the committee for their hard work the past year. No action was taken.

The Council meeting went into recess at 8:55 p.m.

The Council reconvened to open session at 9:05 p.m.

B. Appeal of a Planning Commission Decision Affirming the Requirement to Construct a Native Path Along the Westerly Property Line in Conjunction with the Development of a New Residence; Site Development Permit #166-08-ZP-SD-GD; Lands of Emad-Vaez; 27333 Ursula Lane; File #394-16-PM (Staff: S. Avila)

**Mayor Waldeck** opened the Public Hearing.

**Consultant Planner Steve Padovan** presented the staff report.

Council asked clarifying questions of staff and received responses.

**Sadhir Emad-Vaez, Los Altos Hills, Owner of the property located at 27333 Ursula Lane,** spoke in support of the pathway removal on his property.

Council asked questions of **Mr. Emad-Vaez** and received his responses.

**Kimberly Lee, Los Altos Hills,** said that she is in favor of pathways, but this one doesn't make sense.

**Linda Swan, Los Altos Hills,** said it is a very important connector path and would like to see it built.

**Ann Duwe, Los Altos Hills,** said this pathway is a final link that has been planned for decades.

**Felix Lee, Los Altos Hills,** said he a cardiologist and that the grade of the pathway would be too steep for most individuals to climb.

**Nick Duncel, Los Altos Hills,** spoke in support of keeping the pathway on the property.

**Scott Vanderlip, Los Altos Hills,** spoke in support of keeping the native pathway.

**Ginger Summit, Los Altos Hills,** said she was surprised this was before the Council as it had been resolved years ago. She expressed her support of keeping the pathway on the property.

**Susan Cretekos, Los Altos Hills,** spoke in support of keeping the path on the property.

**Carol Gottlieb, Los Altos Hills,** spoke in support of keeping the pathway.

**Eric Bredo, Los Altos Hills,** stated that he hikes the paths as a geriatric adult and supports the pathway.

**Alisa Bredo, Los Altos Hills,** said that the Pathways Committee has been trying to make connections and this pathway has been on the map. She believed it would be used by equestrians and non-equestrians.

**Carrie Snyder, Los Altos Hills,** said that we sacrifice our privacy for the sake of pathways and suggested keeping the natural pathway.

**Sue Welch, Los Altos Hills,** spoke in support of keeping the pathway on the property.

**MOTION MADE AND SECONDED: Vice Mayor Radford moved to extend the meeting past 10:00 p.m. The motion was seconded by Mayor Waldeck.**

Motion Carried 5 to 0:

AYES:            Mayor Waldeck, Vice Mayor Radford, Councilmember Corrigan, Councilmember Spreen, Councilmember Wu

NOES:            None

ABSENT:        None

ABSTAIN:      None

**Kjell Karlsson, Los Altos Hills**, spoke in support of keeping the path in place and that the Council should send it back to the Planning Commission.

**Teresa Baker, Los Altos Hills**, spoke in support of keeping the pathway on the property.

**Mayor Waldeck** closed the Public Hearing.

Council discussion ensued.

**Councilmember Corrigan** said this property is problematic. She believed that the cost of this pathway is prohibitive and reminded the Council of the history of cost decisions and pathway decisions to get us to this point. She further outlined the reasons this pathway does not make sense in that location and fiscally. What she has asked for time and time again is a reasonableness standard to what we are building, where it is going, why we need it and what it will cost.

**Vice Mayor Radford** said this pathway troubles him. He has said in the past that pathway connectors are important, but slope and cost should be taken into account. He does not support asking some homeowners to significantly pay more than others just because we deem a pathway necessary. He suggested the homeowner pay the in-lieu fee and have the Pathways Committee prioritize the cost to build this path and show the connector.

**Councilmember Wu** said she spoke with the owner of the property and the owner was not aware of the easement when he purchased the property. However, the owner is willing to build the pathway, but had some concerns with privacy, liability and cost. She said it is "not affordability, but fairness." She went to the property on Friday, September 15th to investigate the path. During one of her visits she walked down the west side, where she held on to the fence and went down. She said that there is drainage, but not walkable, and would difficult to construct a path there. Then she went to the other slope, but didn't go all the way down, but the steepness is much milder.

**Councilmember Spreen** said that he was a member of the subcommittee on pathway costs cap and was on board with the new way the Pathways Committee is doing things. In 2009, a contract was made between the owner of this property and the Town for a pathway and open space easement. The current owner made a private deal to buy the property and the fact that due diligence might not have been accomplished, that is not what the Town is expecting. The Town is expecting a pathway at that location. He considers this pathway different than what is taking place in the Pathways Committee currently.

**Mayor Waldeck** thanked everyone for participating. He agreed with **Councilmember Spreen's** comments. He said that in 2009 the Town had a deal, and a "deal is a deal." To wait eight years to back out of the deal goes against his grain. It is a business deal and to ask for relief eight years later did not make sense to him. Further, he said that privacy is not generally an issue as people aren't looking in homes, but at the environment around them.

**Vice Mayor Radford** questioned Pathways Committee member **Ann Duwe** about the pathway location and received her responses.

**Councilmember Corrigan** expressed concerns about eleventh hour negotiations.

**MOTION MADE AND SECONDED: Councilmember Spreen moved to uphold the Planning Commission's decision and require the construction of a native pathway within the existing easement prior to final approval. The motion was seconded by Councilmember Wu.**

Motion Carried 3 to 2:

AYES: Mayor Waldeck, Councilmember Spreen, Councilmember Wu

NOES: Vice Mayor Radford, Councilmember Corrigan

ABSENT: None

ABSTAIN: None

## **7. NEW BUSINESS**

### **A. Discussion of October City Council Meeting Schedule (Staff: D. Padovan)**

**City Clerk Padovan** presented the staff report.

**MOTION MADE AND SECONDED: Councilmember Corrigan moved to cancel the October 19, 2017 regular City Council meeting and schedule a special meeting on October 11, 2017. The motion was seconded by Councilmember Spreen.**

Motion Carried 5 to 0:

AYES: Mayor Waldeck, Vice Mayor Radford, Councilmember Corrigan, Councilmember Spreen, Councilmember Wu

NOES: None

ABSENT: None

ABSTAIN: None

**8. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES**

**Mayor Waldeck** said that his term on the Los Altos Hills County Fire District is expiring at the end of this year and suggested another councilmember volunteer. He directed that this topic be agendized at the meeting in October.

Further, he said that the Cities Association is creating a new aircraft noise roundtable for the South Bay and would like to invite a member from each city to sit on that roundtable. **Mayor Waldeck** was looking for a volunteer and requested the item be agendized for October. In the alternative the Council could delegate to the Mayor the authority to make the appointment.

**DIRECTION:** **Mayor Waldeck** shall have the authority to appoint a member to the Cities Association roundtable group on South Bay arrivals.

**Councilmember Corrigan** said that the Silicon Valley Clean Energy requested an individual sit on a subcommittee being formed. Secondly, a homeowner who is working on realizing some personal energy savings in his home, has come up against current policies for color and material for energy savings. She would like to send the discussion of color and materials as they relate to energy savings to the Environmental Initiatives Committee. Council discussion ensued and suggested an ad hoc committee be formed of several individuals to discuss the topic at a future meeting.

**A. Town of Los Altos Hills Assessment of Town Operations Key Recommendations and City Council Subcommittee Report on Proposed Implementation Measures (Staff: C. Cahill)**

**City Manager Cahill** presented the recommendations of the subcommittee on the organizational assessment.

**Councilmember Wu** had specific questions on the recommendations. She will plan to meet with the City Manager and this item will return in October.

**9. STAFF REPORTS**

**A. City Manager – Report on the LASD Solar Project**

**City Manager Cahill** said that the Gardner Bullis solar project has been continued to very early October.

**B. City Attorney**

No report.

**C. City Clerk - No report.**

**City Clerk Padovan** reminded the Council of the LAH Innovators event on Sunday, September 24, 2017 at 2:00 p.m.

**D. Planning Director**

**Planning Director Avila** stated that Austin Hancock is our new building inspector and Veronica Flores is now the building technician.

**E. Administrative Services Director – Not present.**

**F. Public Works Director**

**Director Allen Chen** said that the crosswalk is now in place at Fremont and Concepcion Roads.

**10. ADJOURN**

The meeting adjourned at 11:07 p.m.

Respectfully submitted,

*Deborah Padovan*

Deborah Padovan  
City Clerk

The minutes of the September 21, 2017 regular City Council meeting were approved as presented at the November 16, 2017 regular City Council meeting.