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June 6, 2022

Mayor Linda Evans
Mayor Pro Tem Kathleen Fitzpatrick
Councilmember John Peña
Councilmember Robert Radi
Councilmember Steve Sanchez
City Manager Jon McMillen
City Clerk Monika Radeva
City Attorney William H. Ihrke

CITY OF LA QUINTA
CITY CLERK DEPARTMENT

Re: Response to VRON-LQ Letter Dated June 1, 2022, Regarding the Initiative Measure Petition Entitled “Phase-out and Permanent Ban of Non-Hosted Short-Term Vacation Rentals in Non-Exempt Areas of the City of La Quinta (hereinafter ‘Initiative Petition’).”

Honorable Mayor, Mayor Pro Tem, City Council Members, City Clerk, City Manager and City Attorney:

We are members of Neighbors for Neighborhoods (N4N) and the proponents of the Initiative Petition objected to by the attorneys for Vacation Rental Owners & Neighbors-La Quinta (VRON-LQ) in their letter to you dated June 1, 2022. We strongly disagree with VRON-LQ’s claims and arguments, and we urge you to adopt the Resolutions identified in the Agenda and accompanying Staff Report for the City Council Meeting on Tuesday, June 7, 2022, which are the following:

- Adopt Resolution Accepting the Certification of the Riverside County Registrar of Voters as to Sufficiency of the Initiative Petition (Resolution 2022-017).
- Order the Submission to the Qualified Electors of the City an Initiative Ordinance and Ballot Measure Proposing the “Phase-out and Permanent Ban of Non-Hosted Short Term Vacation Rentals in Non-Exempt Areas of the City of La Quinta” By December 31, 2024, at the general municipal election to be held on November 8, 2022. (Resolution 2022-018).
- Setting priorities for filing written arguments and providing for the filing of rebuttal arguments regarding the initiative ordinance and ballot measure; and directing the city attorney to prepare an impartial analysis of the same (Resolution 2022-019).
- Requesting Riverside County to consolidate the election for the initiative ordinance and ballot measure with the general municipal and statement general election, to be held on November 8, 2022 (Resolution 2022-020).

BACKGROUND:

On January 12, 2022, a Notice of Intent to Circulate Petition was filed with the City Clerk/Elections Official pursuant to Elections Code section 9202.

On January 27, 2022, within the 15 days prescribed by Elections Code 9203 (a) the City Attorney prepared an official title and summary for the Initiative to be used by the proponents for publication and circulation of a petition, which was provided to the proponents by the City Clerk/Election Official on the same day.

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On February 2, 2022, the proponents filed with the City Clerk/Elections Official the publication affidavit as required by Elections Code section 9206.

On February 2, 2022, the City Clerk/Elections Official confirmed to the proponents the number of registered voters in the City of La Quinta was 24,487. The Initiative petition must be signed by not less than 10% of the registered voters in the City in order to qualify for the Ballot – Elections Code section 9215.

On February 3, 2022, Petition for Circulation was filed with the City Clerk/Elections Official. Within the 2 1/2 months after the petition was filed, volunteers circulated the petitions for signatures. It was a grass roots effort to reach the voters in the city. Volunteers walked neighborhoods, set up tables at local grocery stores and in highly visible locations within neighborhoods to obtain signatures. Volunteers worked tirelessly to inform the electors of the significance of the Initiative Petition. Signatures were collected from voters living in La Quinta residential communities, apartments and HOAs.

On February 4, 2022, Top Funder Sheet (with no names) was filed with the City Clerk/Elections Official.

On April 21, 2022, as required by Elections Code section 9210 the proponents presented the City Clerk/Elections Official for filing a total of 444 sections of the petition.

On April 25, 2022, the City Clerk/Elections Official notified the proponents based on the prima facie review the total number of signatures affixed to the petition equaled or exceeded the minimum number of signatures required by Elections Code section 9215. The City Clerk/Elections Official accepted the petition for filing in accordance with Elections code section 9210(b). The petition was submitted to the Office of the Riverside County Registrar of Voters for full verification of signatures pursuant to Elections Code section 9211.

On June 3, 2022, the proponents were notified by the City Clerk/Elections Official the Office of the Riverside County Registrar of Voters had issued a Certificate of Sufficiency. All 3667 signatures submitted were examined of which 3,244 were found to be sufficient, which is in excess of the minimum number of signatures (2,448) required to qualify the initiative to be placed on the ballot. – Elections Code sections 9215 and 1405.

On June 3, 2022, with regard to Elections Code sections 9211 and 9215, the sufficiency of the petition is scheduled for Council consideration at the June 7, 2022, regular City Council meeting.

LEGAL AUTHORITIES:

Courts have long protected the rights of citizens under the California Constitution to initiate change through the initiative process. (Robins v. Pruneyard Shopping Center (1979) 23 Cal.3d 899, 907-908.) “The initiative and referendum are not rights ‘granted the people, but...power[s] reserved by them. Declaring it ‘the duty of the courts to jealously guard this right of the people’ ...the courts have described the initiative and referendum as articulating ‘one of the most precious rights of our democratic process...’[I]t has long been our judicial policy to apply a liberal construction to this power wherever it is challenged in order that the right not be improperly annulled. If doubts can reasonably be resolved in favor of the use of this reserve power, courts will preserve it.” (Rossi v. Brown (1995) 9 Cal.4th 688, 695.) “...[T]he governing cases also have recognized that an unreasonably literal or inflexible application of constitutional or statutory requirements that fail to take into account the purpose underlying the

particular requirements at issue would be inconsistent with the fundamental nature of the people's constitutionally enshrined initiative power..." (Associated Home Builders etc. Inc. v. City of Livermore (1976) 18 Cal.3d. 582, 591.)

Courts have long held that "technical deficiencies in referendum and initiative petitions will not invalidate the petitions if they are in substantial compliance with statutory and constitutional requirements." (MHC Financing Limited Partnership Two v. City of Santee (2005) 125 Cal.App.4th 1372, 1389.)

Over the years, numerous relatively minor departures from the constitutional and statutory requirements applicable to initiative and referendum measures have been found to satisfy the substantial compliance test, so long as the court was able to conclude that the departure in question, *as a realistic and practical matter*, did not undermine the integrity of the initiative or referendum process.." (Costa v. Superior Court (2006) 37 Cal.4th 986, 1019.) [Emphasis added] The test commonly used to determine if a deficiency with a petition warranted relief was whether the departure affected the integrity of the process by misleading those persons whose signatures were being solicited. (Id at 1016.)

In Costa, the California Supreme Court applied the doctrine of substantial compliance to uphold the validity of a petition despite inadvertent differences between the text of the initiative measure submitted to the Attorney General and the text of the measure printed on the petition circulated for signatures and concluded the petition did not mislead the public or otherwise defeat or undermine the fundamental purposes underlying the statutory provisions. (Id. at 1023.) It stated: "...good-faith human error cannot always be avoided and ...it would be inconsistent with the fundamental constitutional interests of the tens or hundreds of thousands of persons who have signed an initiative or referendum petition to invalidate an otherwise qualified petition...when it is apparent that the technical defect in question, as a realistic matter, did not adversely affect the integrity of the electoral process or frustrate the purposes underlying the relevant ...statutory requirements. [Emphasis added] (Id. at 1027-1028.)

If the alleged errors are so minor as to pose no danger of misleading the signers of the petitions, courts have found they do not affect the validity of the petitions. (Assembly v. Deukmejian (1982) 30 Dal. 3rd 638, 053; California Teachers Assn. v. Collins (1984) 1 Cal. 2nd 202) in California Teachers Assn. the Court declined to preclude a measure from the ballot where the petition violated various font size requirements because the font used was clearly readable. (Id. At 653.)

The California Supreme Court's decision in California Teachers Assn. is instructive. That case involved, among other things, the omission of certain words in the "short title" on the petition. In finding there was a showing of substantial compliance, the Court stated: "We are more strongly inclined to so hold in view of the fact that the present initiative petition was being prepared and is being circulated in good faith, that many thousands of signatures have already been secured, and the time is short within which the large number of required signatures can be again secured." (Id. at 205.)

In MHC Financing Limited Partnership supra., 125 Cal.App.4th 1372, the court explained that the purposes served by the ballot title and summary requirements of Section 9203 (b) of the Elections code are: (1) to reduce the risk that voters were misled when signing the petition; (2) to allow verification that the signers had a neutral explanation of the proposed ordinance available to them when they signed;

and (3) to prevent signatures from being submitted in support of a different measure than that for which they were procured. (Id. At 1389.)

The facts in MHC Financing are convoluted. The city council adopted an ordinance that was proposed by an initiative petition. However it was later discovered that due to administrative mistake and inadvertence, there was a difference between the text of the ordinance the city adopted and the ordinance that was circulated with the petition. The MHC Financing court found that even though the initiative petition technically did not comply with section 9203 of the Elections Code because the City Attorney did not prepare a ballot title and summary specifically for the initiative that was circulated to the electors (the ballot title and summary had been prepared for a prior initiative petition), the petition substantially complied with Section 9203 because the ballot title and summary circulated with it accurately reflected the substance of the initiative and did not create a risk that the voters signing the petition would be misled. Thus, the ballot summary's technical noncompliance with section 9203 did not infringe on the electors' constitutional right of initiative. (Id. at 1390.)

DISCUSSION

A. City Attorney Summary

It is clear that the present Initiative Petition substantially complies with the Elections Code. The alleged departures from the code were minor errors that were inadvertent and in no way affected the integrity of the election process. Often they were caused because strict compliance with the applicable Code section was simply impractical. The inadvertent differences did not mislead the public or cause confusion about the meaning of the Initiative Petition. (Costa at 496.)

For example, the Initiative Petition prominently displays the title of the initiative petition prepared by the City Attorney in bold font at the top of each page: "**Initiative Ordinance: Phase-Out and Permanent Ban of Non-Hosted Short-Term Vacation Rentals in Non-Exempt Areas of the City of La Quinta.**"

Elections Code Section 9203(b) directs the petition proponent to place the ballot title prepared by the City Attorney above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear. The title in the instant Initiative Petition is actually on the top of every single page of the Petition, not just above the text and signature page. Electors were given more than required notice of what they were signing.

The City Attorney's summary on page 3 of 5 pages, is introduced by language in bold type: "**The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:**" Along with the title, it takes up almost two-thirds of page 3.

Elections Code Section 9203(b) seems to say that the City Attorney's summary is supposed to be placed after the heading, "INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS", preceded by "The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure." The Code then says, "(Here set forth the title and summary prepared by the city attorney. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)"

The City Attorney summary, while not on page 1, is on page 3. It was not omitted; it was clearly printed on page 3, introduced by font in bold and clearly readable. (See California Teachers Assn.) No

information was withheld and its placement on page 3 instead of page 1 was not misleading. This was an inadvertent, minor error.

Furthermore, attorneys for VRON-LQ argue that the City Attorney summary also should have been placed on top of each signature page. This simply was impractical. As stated, the Summary took up two-thirds of the page. The Initiative Petition consisted of 5 pages, the last 2 of which were pages with room for 10 legible signatures.

Elections Code section 101 also requires various notices in certain font sizes be placed on the signature page, including:

NOTICE TO THE PUBLIC

YOU HAVE THE RIGHT TO SEE AN OFFICIAL TOP FUNDERS SHEET

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT

These required notices take up almost one-third of a page. See Initiative Petition page 4. There simply is no way to include both the City Attorney summary and the required notices on signature page 4. Accordingly, it was deemed impractical due to lack of available space to include the summary on the signature page.

Similarly, under Code Section 9209, each section must have a declaration of the person soliciting signatures. That is on page 5. Again, that takes up almost one-third of the page and adding the City Attorney summary would allow no room for signatures. As with page 4, it was deemed impractical to include the City Attorney summary on the page 5 signature page. See Exhibit A.

With the City Attorney summary on page 3 immediately preceding the signature pages on pages 4 and 5, the elector had immediate access to the summary language if he or she wanted to review it to understand the Initiative Petition before signing.

Finally, Sections 9201 and 9203(b) seem contradictory. 9201 requires the first page of the Petition Initiative to contain the text of the measure. 9203(B) requires the heading (INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS) be placed before the title and City Attorney summary, supposedly on page 1. Again, there was no way to place the heading, the title, the summary AND the text on page 1.

Accordingly, trying to comply with all the required components became almost impossible. As a practical matter and to best inform the electors of the nature and substance of the Initiative Petition, it was decided to include the City Attorney summary on page 3 directly before the signature page.

B. Initiative Proponents

VRON-LQ complains that the Notice of Intent to Circulate Petition on the Initiative Petition that was circulated did not contain the proponents' signatures. The initial Notice of Intent to Circulate Petition which included the names of the three proponents as required by Elections Code Section 9202 was

submitted to the City Clerk on January 27, 2022. The Notice of Intent to Circulate Petition which again included the names of the proponents was published in the Desert Sun on February 2, 2022. The Notice of Intent to Circulate Petition section of the Initiative Petition that was circulated for signatures inadvertently did not include the names of the proponents. The Notice was copied directly from the document submitted to the City Clerk. This was done to make sure the wording was identical. But the names of the proponents were accidentally not included. See Exhibits B and C.

Once again, this omission was a relatively minor lapse, was not done intentionally or to mislead the electors, but was simply a result of human error (Costa at 1027-1028).

The Ninth Circuit Court of Appeals considered a similar set of facts in Chula Vista Citizens for Jobs & Fair Competition v. Norris (2014) 755 F.3d 671. While the proponents included their names on the Notice of Intent that was submitted to the city clerk and which was then published and included their names, they did not include their names on the notices on the circulated petitions. They later submitted 23,285 signatures but the city clerk refused to accept their petition for failure to include the proponents' signatures on the notice accompanying the circulated petition. The proponents challenged the requirement of including the names on the circulated petitions on First Amendment free speech grounds. The state had argued among other things that voters have an interest in knowing the identities of initiative proponents. The Appellate Court stated that their identities are already disclosed on two occasions before petition circulation can begin—proponents must disclose their identities to the city clerk when they file the notice of intent, and the city clerk must provide copies of the notice to any person upon request. Cal. Elections Code Section 9202(a), 9202.5. Additionally there is the publication requirement. 9205(a)-(b). "Voters who wish to know the identities of official proponents need only make a trip to the City Clerk's office or search for the publication of the petition in their newspapers of general circulation." (Id at 687). The court ultimately found Sections 9202 and 9207 to be unconstitutional to the extent that they require official initiative proponents to identify themselves on the face of initiative petitions. (Id at 689.)

Like in Chula Vista, the proponents of this Initiative Petition complied with all the requirements of the Elections Code except one - the proponents names were inadvertently left off the notice on the circulated petitions. This was a minor departure from the legal requirements and in no way affects the integrity of the process. The proponent names appear in the Notice submitted to the City Clerk and published in the Desert Sun. There was no attempt to hide their identities; this simply was a case of human error.

C. Top Funder Disclosure

VRON-LQ's final complaint is that the Initiative Petition "does not include any statement affirming that the petition circulators' showed each signer a valid and unfalsified 'Official Top Funder 'sheet'."

A Top Funder under Elections Code section 84501(c) is: "Top contributors" means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of fifty thousand dollars (\$50,000) or more.

N4N has no Top Funder, so there was no Official Top Funder sheet to show signers. (This can be confirmed by the FPPC 460 forms filed on January 28, 2022, and April 14, 2022.) The Initiative Petition does contain the required statement, You Have the Right to See an "Official Top Funders" Sheet. But

even if a signer had requested to see one, there would have been nothing to show. Once again, there was no misrepresentation, no omission, and no confusion on the part of the signers.

CONCLUSION

The goal of N4N always has been to bring the issue of STVRs in our residential neighborhoods to the attention of City Council and our community. There never has been any attempt to mislead the voters when their signatures were solicited – the citizens knew what they were signing.

The apparent goal of VRON-LQ seems to be just the opposite-to deny voters their right to vote on this important issue that affects all La Quinta residents. They've obstructed citizens access to signing petitions at grocery stores and other locations, stolen our "Sign the Petition" signs, and in many other ways intimidated voters from signing. All of this shows a patent disregard for the will of the people and violates a fundamental right underlying our democracy-the right to vote.

Despite the obstacles put in place by VRON-LQ, our volunteers succeeded in obtaining 3,667 signatures, of which 3,244 were qualified by the Registrar of Voters. That substantially exceeds the 2,447 needed to qualify by 797 registered voters signatures or 33%. All this was accomplished through the grassroots efforts of citizens passionate about their community and their residential neighborhoods.

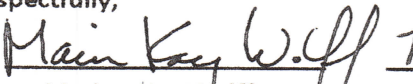
Now, VRON-LQ is trying to make a last-ditch effort to keep the Initiative Petition off the ballot in November and thereby violating citizens 'right to exercise their constitutional right to vote. Their baseless arguments and threats of litigation against the city show that they are grasping at straws.

Countless volunteers spent hours going door-to-door, making phone calls, sending emails, sitting in front of stores and elsewhere to spread the word about the Initiative Petition. To refuse to put the Initiative Petition on the ballot in November based on insignificant inconsistencies with the Elections Code would result in a palpable injustice to those residents who at great expense and effort did all that was required of them to put this measure before the voters.

As in California Teachers Assn. discussed above, the Initiative Petition was prepared and circulated in good faith, thousands of signatures already have been secured, and there is no time within which the large number of signatures could again be secured to place the Petition on the November ballot. If a new Petition were required to be circulated, the measure would necessarily be placed on a special election which would be more costly to the City. We made a good faith effort to understand and comply with the confusing and at times seemingly contradictory Election Code sections. Nothing we did was intended to or in fact confused or misled the electors.

We implore the City Council to ignore VRON-LQ's threats and disregard their ungrounded claims. We respectfully request the City Council adopt the resolutions to put the Initiative Petition on the ballot for the general election in November. Let the People of La Quinta decide if they want STVRs to continue operating in our neighborhoods.

Respectfully,


Marion Kay Wolff


Marty Butler


Don Shoffball

EXHIBIT A
EXAMPLES OF INSUFFICIENT SPACE ON
SIGNATURE PAGE FOR CITY ATTORNEY SUMMARY

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

Title:

Initiative Ordinance: Phase-Out and Permanent Ban of Non-Hosted Short-Term Vacation Rentals in Non-Exempt Areas of the City of La Quinta

Summary:

This initiative, if adopted by a majority of the City of La Quinta electorate voting on the matter, would amend Chapter 3.25 of the La Quinta Municipal Code (LQMC), regarding City short-term vacation rental regulations.

The proposed Ordinance would add the definition “non-hosted short-term vacation rental” to mean a type of short-term vacation rental where the owner rents a property, for compensation, for periods of 30 days or less, but does not live on-site or in the dwelling throughout the occupant’s stay.

The proposed Ordinance would phase-out by December 31, 2024, and commencing January 1, 2025, permanently ban all “non-hosted short-term vacation rentals” throughout the City, except those located in one or more of the following exempt areas: (1) The Tourist Commercial District zone; (2) The Village Commercial District zone; (3) A residential project subject to a development agreement with, or condition of approval by, the City wherein non-hosted short-term vacation rentals are a permitted use and authorized under a declaration of covenants, conditions, and restriction (CC&Rs); (4) In the area covered by the SilverRock Resort Specific Plan, and (5) Within the boundary, as specified, for the La Quinta Tennis Villas/Tennis Condos identified in the La Quinta Resort Specific Plan. The proposed Ordinance also would allow, from its effective date and even after the January 1, 2025 permanent ban, issuance of “homeshare short-term vacation rental permits.” Units that have a “primary residence short-term vacation rental permit” or “general short-term vacation rental permit” would be subject to the January 1, 2025 permanent ban unless located in the above-referenced exempt areas.

The LQMC currently defines “short-term vacation rental unit” to mean, among other provisions, a privately owned residential dwelling, such as a single-family detached or multi-family attached unit, rented for occupancy for 30 consecutive calendar days or less. The LQMC currently requires every owner of a dwelling used as a short-term vacation rental to obtain a short-term vacation rental permit, which is valid for one year and must be renewed annually. A short-term vacation rental permit is not transferrable upon sale of the dwelling.

The LQMC currently prohibits the issuance of new short-term vacation rental permits, except for dwellings located in specified areas similar to the above-referenced exempt areas. The proposed Ordinance would remove the requirement for the City Council to periodically review the impacts or effects of this current prohibition.

The LQMC currently defines “homeshare short-term vacation rental permit” as a type of permit where the owner hosts visitors in the owner’s dwelling, for compensation, for periods of 30 days or less, while living on-site and in the dwelling throughout the visiting occupant’s stay. The LQMC currently defines “primary residence short-term vacation rental permit” as a type of permit for a dwelling where the owner spends the majority of the calendar year and identified by the county assessor as the primary residence. The LQMC currently defines “general short-term vacation rental permit” as a type of permit that is neither a homeshare nor primary residence permit.

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DECLARATION OF CIRCULATOR
(to be completed after above signatures have been obtained)

I, _____ am 18 years of age or older. My residence address is

_____ I circulated
(street address, city, state, zip)

this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name is purported to be. All signatures on this document were obtained between the dates of (month) _____ (day) _____ (year) _____ and (month) _____ (day) _____ (year) _____. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____
(month/day/year) (place of signing)

(complete signature indicating full name of circulator)

EXHIBIT B – NOTICE OF INTENT
Desert Sun, February 2, 2022

Your Source
Public Notices
for the latest...
Public Notices

Your Source
Public Notices
for the latest...
Public Notices

Your Source
Public Notices
for the latest...
Public Notices

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of La Quinta for the purpose of phasing out all types of non-hosted short-term vacation rentals in non-exempt residential districts. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The people of La Quinta have repeatedly expressed objections to their City Council regarding the proliferation and density of non-hosted STVRs in residential neighborhoods due to the negative impact on their quality of life, and the character and livability of their neighborhoods. The detrimental impacts of non-hosted STVRs on residential neighborhoods has not been adequately mitigated by the City Council resulting in ongoing interruption to residents' peaceful enjoyment of their homes and forcing residents to police continuous STVR issues such as excessive noise, disorderly conduct, overcrowding, traffic, parking, and trash. STVRs are a commercial use of residential dwellings, generating income based on the short-term rental of residential dwellings akin to other commercial uses banned in residential neighborhoods. The public nuisances created by non-hosted STVR commercial activities in residential neighborhoods is incompatible with surrounding residential uses. The proliferation of non-hosted STVRs in residential districts has depleted the availability of housing for new homeowners and long-term tenants who contribute to the fabric of the community, spend their earnings locally, populate the school district, and operate local businesses or provide labor to local businesses. This Initiative phases out all types of non-hosted STVRs including general STVRs and primary residence STVRs in all non-exempt residential dwellings in the City by December 31, 2024, including residential dwellings governed by homeowners' associations (HOAs) and covenants, conditions & restrictions (CC&Rs), but shall have no effect on hosted homeshare STVRs, vacation rentals of any exempt residential dwelling or bed and breakfast operations. Residents acknowledge the importance of tourism to the La Quinta economy and call for the expansion of vacation rental businesses in exempt residential dwellings. To minimize the economic impact to existing non-hosted STVR permit holders, a phase-out period is provided but the issuance of any new non-hosted STVR permits in non-exempt areas shall be prohibited as of the effective date of this Initiative.

Date: January 12, 2022
Proponents' Signatures:
/s/ Don Shofstall /s/ Marty Butler /s/ Marion Kay Wolff

INITIATIVE MEASURE TITLE AND SUMMARY PREPARED BY CITY ATTORNEY PURSUANT TO ELECTIONS CODE SECTION 9203

Title:
INITIATIVE ORDINANCE: PHASE-OUT AND PERMANENT BAN OF NON-HOSTED SHORT-TERM VACATION RENTALS IN NON-EXEMPT AREAS OF THE CITY OF LA QUINTA

Summary:
This initiative, if adopted by a majority of the City of La Quinta electorate voting on the matter, would amend Chapter 3.25 of the La Quinta Municipal Code (LMC), regarding City short-term vacation rental regulations. The proposed Ordinance would add the definition "non-hosted short-term vacation rental" to mean a type of short-term vacation rental where the owner rents a property, for compensation, for periods of 30 days or less, but does not live on-site or in the dwelling throughout the occupant's stay.

The proposed Ordinance would phase-out by December 31, 2024, and commencing January 1, 2025, permanently ban all "non-hosted short-term vacation rentals" throughout the City, except those located in one or more of the following exempt areas: (1) The Tourist Commercial District zone; (2) The Village Commercial District zone; (3) A residential project subject to a development agreement with, or condition of approval by, the City wherein non-hosted short-term vacation rentals are a permitted use and authorized under a declaration of covenants, conditions, and restriction (CC&R); (4) In the area covered by the SilverRock Resort Specific Plan, and (5) Within the boundary, as specified, for the La Quinta Tennis Villas/Tennis Condos identified in the La Quinta Resort Specific Plan. The proposed Ordinance also would allow, from its effective date and even after the January 1, 2025 permanent ban, issuance of "homeshare short-term vacation rental permits." Units that have a "primary residence short-term vacation rental permit" or "general short-term vacation rental permit" would be subject to the January 1, 2025 permanent ban unless located in the above-referenced exempt areas.

The LQMC currently defines "short-term vacation rental unit" to mean, among other provisions, a privately owned residential dwelling, such as a single-family detached or multi-family attached unit, rented for occupancy for 30 consecutive calendar days or less. The LQMC currently requires every owner of a dwelling used as a short-term vacation rental to obtain a short-term vacation rental permit, which is valid for one year and must be renewed annually. A short-term vacation rental permit is not transferable upon sale of the dwelling.

The LQMC currently prohibits the issuance of new short-term vacation rental permits, except for dwellings located in specified areas similar to the above-referenced exempt areas. The proposed Ordinance would remove the requirement for the City Council to periodically review the impacts or effects of this current prohibition.

The LQMC currently defines "homeshare short-term vacation rental permit" as a type of permit where the owner hosts visitors in the owner's dwelling, for compensation, for periods of 30 days or less, while living on-site and in the dwelling throughout the visiting occupant's stay. The LQMC currently defines "primary residence short-term vacation rental permit" as a type of permit for a dwelling where the owner spends the majority of the calendar year and identified by the county assessor as the primary residence. The LQMC currently defines "general short-term vacation rental permit" as a type of permit that is neither a homeshare nor primary residence permit.

Date: January 27, 2022 /s/ William H. Ihrke, City Attorney
Published: 2/2/2022

Public Notices

Public Notices

Notice of Public Comment Period

**CITY OF PALM DESERT
NOTICE INVITING PROPOSALS
HSIP CYCLE 1
TRAFFIC SIGNAL MODIFICATION
PROJECT**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Palm Desert ("City") electronically through the provider ("PlanetBids"), until 2:00 PM, any proposals received through PlanetBids will be returned to the proposer unopened.

The City is requesting proposals for Traffic Signal Modification Work at up to 67 intersection locations with pedestrian countdown signals.

The City successfully received state funding for the HSIP Cycle 1. The City will be utilizing the "One Step" method of payment. Proposers should review the City of Palm Desert ("LAPM"), Chapter 10.2, "State-Of-California Applicable Caltrans Regulations and Projects."

The award of this contract is subject to the provisions of the proposed agreement. The City reserves the right to award the contract to the proposer deemed to be in the best interest of the City.

The City of Palm Desert is committed to providing an equal opportunity for all persons to participate in the procurement process, regardless of race, creed, ancestry, sex, sexual orientation, or immigration status. The City does not discriminate on the basis of race, sex, sexual orientation, or immigration status in its contracts. The City does not discriminate in its contracts on the basis of race, sex, sexual orientation, or immigration status.

Certain labor categories under this contract are identified in the State of California Labor Code, sections 1770 et seq. and 1770 et seq. If applicable, the contractor must be paid not less than the prevailing wage rates established by the California Labor Code, section 1770 et seq. In addition, wages will be made available at the project site. The successful proposer shall be responsible for the execution of the contract, including the payment of contractors and subcontractors. The contractor shall be listed in a bid proposal, or enter into a contract with the Department of Industrial Relations. The contractor shall be accepted nor any contract entered into by the contractor and subcontractors' current registration. If awarded a contract, the proposer shall maintain active registration with the Department of Industrial Relations. Notwithstanding the foregoing, the contractor shall be mandated by Labor Code Sections 1770 et seq. performed on a public works project. The contractor shall be mandated by Labor Code Sections 1770 et seq. performed on a public works project. The contractor shall be mandated by Labor Code Sections 1770 et seq. performed on a public works project.

Interested proposers may register for Request for Proposals ("RFP"). To register, please visit www.cityofpalmdesert.org, hover over "Request for Proposals", and proceed to register. Contact the City of Palm Desert for more information regarding this project.
Published: 01/26 02/03/2022

Public Hearing

**CITY OF PALM DESERT
NOTICE INVITING PROPOSALS
TRAFFIC ENGINEERING AND DESIGN
MODIFICATIONS AND
INSTALLATION
PROJECT**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Palm Desert ("City") electronically through the provider ("PlanetBids"), until 2:00 PM, any proposals received through PlanetBids will be returned to the proposer unopened.

The City is requesting proposals for Traffic Engineering and Design Work for Various Traffic Signal Modification Work will be assigned to the Consultant.

The award of this contract is subject to the provisions of the proposed agreement.

EXHIBIT C – Notice of Intent
Filed with City Clerk

JAN 12 '22 PM 3:25 MR

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of La Quinta for the purpose of phasing out all types of non-hosted short-term vacation rentals in non-exempt residential districts. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The people of La Quinta have repeatedly expressed objections to their City Council regarding the proliferation and density of non-hosted STVRs in residential neighborhoods due to the negative impact on their quality of life, and the character and livability of their neighborhoods. The detrimental impacts of non-hosted STVRs on residential neighborhoods has not been adequately mitigated by the City Council resulting in ongoing interruption to residents' peaceful enjoyment of their homes and forcing residents to police continuous STVR issues such as excessive noise, disorderly conduct, overcrowding, traffic, parking, and trash. STVRs are a commercial use of residential dwellings, generating income based on the short-term rental of residential dwellings akin to other commercial uses banned in residential neighborhoods. The public nuisances created by non-hosted STVR commercial activities in residential neighborhoods is incompatible with surrounding residential uses. The proliferation of non-hosted STVRs in residential districts has depleted the availability of housing for new homeowners and long-term tenants who contribute to the fabric of the community, spend their earnings locally, populate the school district, and operate local businesses or provide labor to local businesses. This Initiative phases out all types of non-hosted STVRs including general STVRs and primary residence STVRs, in all non-exempt residential dwellings in the City by December 31, 2024, including residential dwellings governed by homeowners' associations (HOAs) and covenants, conditions & restrictions (CC&Rs), but shall have no effect on hosted homeshare STVRs, vacation rentals of any exempt residential dwelling or bed and breakfast operations. Residents acknowledge the importance of tourism to the La Quinta economy and call for the expansion of vacation rental businesses in exempt residential dwellings. To minimize the economic impact to existing non-hosted STVR permit holders, a phase-out period is provided but the issuance of any new non-hosted STVR permits in non-exempt areas shall be prohibited as of the effective date of this Initiative.

Date: January 12, 2022

Proponents' Signatures:

Don Shoffstall Don Shoffstall
Print name:

Marty Butler Marty Butler
Print name:

Marion Kay Wolff Marion Kay Wolff
Print name: