

AGENDA DESCRIPTION:

Consideration and possible action to introduce an ordinance to amend Chapter 17.96 (Definitions) of Title 17 (Zoning) of the City's Municipal Code to expand the definition of a Short-Term Rental to include commercial uses (Case No. ZON2017-00486).

RECOMMENDED COUNCIL ACTION:

- 1) Introduce Ordinance No. __, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY OF RANCHO PALOS VERDES MUNICIPAL CODE BY EXPANDING THE DEFINITION OF A SHORT-TERM RENTAL TO INCLUDE COMMERCIAL USES.

FISCAL IMPACT: None.

Amount Budgeted:	N/A
Additional Appropriation:	N/A
Account Number(s):	N/A

ORIGINATED BY: Octavio Silva, Associate Planner *O.S.*
REVIEWED BY: Ara Mhrianian, AICP, Director of Community Development *Ara*
APPROVED BY: Doug Willmore, City Manager *DW*

ATTACHED SUPPORTING DOCUMENTS:

- A. Ordinance No. __ (page A-1)
 - B. Ordinance No. 604U (page B-1)
 - C. P. C. Resolution No. 2018-03 (page C-1)
 - D. Ordinance No. 593 (page D-1)
 - E. Public Comment (page E-1)
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BACKGROUND AND DISCUSSION:

In January 2017, the City Council adopted Ordinance No. 593 (Attachment D), which affirmed the City's prohibition of Short-Term Rentals (STRs) and the advertisement of STRs in the City's residential zoning districts. Ordinance No. 593 also included a definition of an STR, which is a rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than 30 days, except as allowed by Section 17.76.140 (Bed and Breakfast Inns).

On November 8, 2017, Staff reported to the City Council that the City has been receiving an increase in resident complaints regarding certain properties being rented on a short-term basis for commercial events, such as weddings, bachelor parties, and bridal showers to name a few, resulting in adverse impacts to residential neighborhoods, such as noise, traffic, parking, and trash. In response, the City Council adopted Urgency Ordinance No. 604U (Attachment B) and initiated code amendment proceedings to amend the definition of an STR to include commercial uses. The Urgency Ordinance amended the STR definition to consist of a rental of a dwelling unit to visitors for compensation for a period less than 30 days, for lodging and commercial purposes including, but not limited to, weddings, banquets or events, unless expressly permitted by the City.

On January 9, 2018, the Planning Commission, at a duly-noticed public hearing and after considering all testimony, adopted P.C. Resolution No. 2018-03 (Attachment C), recommending that the City Council adopt an ordinance to expand the definition of an STR. The proposed ordinance recommended by the Planning Commission would prohibit the rental of a dwelling unit for commercial purposes by making amendments to Chapter 17.96 (Definitions) of Title 17 (Zoning). The proposed change is a slightly modified version of the City Council's STR definition in Urgency Ordinance No. 604U, as shown as follows (new text shown in underlined text and deleted text shown in ~~strikethrough~~ text):

"Short-term rental" means a rental, for compensation, of a dwelling unit all or any part of any lot or a dwelling unit to visitors for compensation (a) any event or gathering including, but not limited to, weddings, banquets, and parties, or (b) for lodging for a period of less than 30 days, in either case except as allowed by Section 17.76.140 (Bed and Breakfast Inns), or as may be expressly permitted by the City, ~~for the purposes of lodging, weddings, banquets, events or gatherings.~~ "For Compensation" includes, but is not limited to, rental of the property for money, goods, or services, as well as in-kind exchanges of goods, services, or premises.

The recommended language expands the existing STR definition by further defining a rental to include any part of any lot or dwelling, in the event that a vacant lot or guest house is advertised for the purposes of a STR, as well as expressly including commercial uses and lodging. The recommended language continues to make exceptions for Bed and Breakfast Inns, or for other uses as expressly permitted by the City (i.e., Film Permits, Special Use Permits, and Home Occupation Permits, to name a few).

If the City Council introduces Ordinance No. ____ (Attachment A), the ordinance will return for its second reading on February 20, 2017. The ordinance will then become effective thirty (30) days after its second reading.

Public Comments

On January 18, 2018, a public notice announcing the proposed code amendment and public hearing was published in the *Peninsula News*. Staff received one item of correspondence in response to the public notice (Attachment E). This comment requested clarification as to whether the proposed code amendment would be applicable to private parties hosted by the property owner, in which no compensation or in-kind services is provided. At its January 9, 2018, meeting, some Planning Commissioners raised a similar concern. Specifically, some Commissioners were concerned that the proposed amended language may result in the unintended consequence of prohibiting certain household events, such as Tupperware parties. The intent of the proposed amended code language is to prohibit commercial events from occurring at a private residence or lot that will adversely impact the quality of life of the residents, and not to prevent household events.

California Environmental Quality Act (CEQA)

Pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 2100 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 150000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), it has been determined that the proposed Code Amendment is exempt from CEQA, pursuant to Section 15061(b)(3) and Section 15321. Section 15061 states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Code Amendment is exempt because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The adoption of the Ordinance is an action that does not have the potential to cause significant effects on the environment, but rather will clarify prohibited uses of residential properties in the City.

ALTERNATIVES:

In addition to the Staff recommendations, the following alternative actions are available for the City Council's consideration:

1. Direct Staff to return with modified Code language for consideration at a future scheduled meeting.
2. Direct Staff to take no action at this time.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE RANCHO PALOS VERDES MUNICIPAL CODE BY EXPANDING THE DEFINITION OF A SHORT-TERM RENTAL TO INCLUDE COMMERCIAL USES, AND FINDING AN EXEMPTION FROM CEQA (CASE NO. ZON2017-00486).

WHEREAS, the City of Rancho Palos Verdes Municipal Code prohibits the operation of or advertisement for a short-term rental in a single-family and multi-family residential zoning district;

WHEREAS, the City of Rancho Palos Verdes Municipal Code Section 17.96.1705 defines a short-term rental as “a rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than 30 days, except as allowed by Section 17.76.140 (Bed and Breakfast Inns)”;

WHEREAS, on November 8, 2017, the City Council initiated code amendment proceedings to expand the definition of a short-term rental to include certain commercial activities and adopted Urgency Ordinance No. 604U to preserve the public health, safety and welfare while such proceedings were pending;

WHEREAS, on December 14, 2017, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the Planning Commission on January 9, 2018;

WHEREAS, on January 9, 2018, the Planning Commission conducted a duly noticed public hearing on this Ordinance and adopted P.C. Resolution No. 2018-03, recommending that the City Council adopt the same;

WHEREAS, on January 18, 2018, a Public Notice was published in the *Peninsula News*, providing a notice of a public hearing before the City Council on February 6, 2018;

WHEREAS, on February 6, 2018, the City Council conducted a duly noticed public hearing on this Ordinance, and all testimony was received was made a part of the public record;

WHEREAS, the City Council has duly considered all information presented to it, including the Planning Commission findings, P.C. Resolution No. 2018-03, written Staff Reports, and any testimony provided at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Rancho Palos Verdes makes the following findings:

- A. The City Council has determined that the short-term rental of residential properties in the City for the purposes of hosting weddings, banquets, parties and events presents quality of life impacts to the City's residents, as such rentals generate adverse impacts on residential neighborhoods, such as noise, traffic, trash, and crime.
- B. The City has a compelling interest in protecting the public health, safety and welfare of its citizens, visitors, and businesses in preserving the residential character and quiet enjoyment of the neighborhoods within the City.
- C. The City Council finds that the proposed amendment to Title 17 is consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that it upholds, and does not hinder, the goals and policies of those plans. Specifically, the Code Amendment will preserve the rural and open character of the City by prohibiting commercial events in residential neighborhoods.
- D. The City Council finds that the amendment to Title 17 is necessary to preserve the public health, safety and general welfare in the City's Residential Zoning Districts.
- E. The City Council finds that the proposed amendment is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) and Government Code Section 65962.5(f). Section 15061 states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Code Amendment is exempt because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The adoption of the proposed zoning text amendment is an action that does not have the potential to cause significant effects on the environment, but rather will clarify prohibited uses of residential properties in the City.

Section 2. Section 17.96.1705 (Short-Term Rental) of Chapter 17.96 (Definitions) of Title 17 (Zoning) of the Rancho Palos Verdes Municipal Code is hereby repealed and replaced with the following:

17.96.1705 - Short-Term Rental

"Short-term rental" means a rental, for compensation, of all or any part of any lot or dwelling unit to visitors for (a) any event or gathering including, but not limited

to weddings, banquets, and parties, or (b) for lodging for a period of less than 30 days, in either case except as allowed by Section 17.76.140 (Bed and Breakfast Inns), or as may be expressly permitted by the City. "For Compensation" includes, but is not limited to, rental of the property for money, goods, or services, as well as in-kind exchanges of goods, services, or premises.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4. Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

ORDINANCE NO. 604U

AN URGENCY ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO EXPAND THE CITY'S DEFINITION OF A SHORT TERM RENTAL

WHEREAS, the City of Rancho Palos Verdes Municipal Code prohibits the operation and advertisement of a short-term rental in a single-family and multi-family residential zoning district; and,

WHEREAS, the City of Rancho Palos Verdes Municipal Code Section 17.96.1705 defines a short-term rental as "a rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than 30 days, except as allowed by Section 17.76.140 (Bed and Breakfast Inns)" ; and,

WHEREAS, City Staff has received multiple complaints about properties in the City being rented on a short-term basis for-profit venues to host weddings, banquets, parties and events. These complaints encompass impacts to the City's residents' quality of life, safety, and general welfare as it pertains to noise, traffic, trash, and crime; and,

WHEREAS, the City has a compelling interest in protecting the public health, safety and welfare of its citizens, residents, visitors and businesses, and in preserving the residential character and quiet enjoyment of the neighborhoods within the City by expanding the definition of a Short Term Rental to include for-profit weddings, banquets, parties, events, and other related gatherings; and,

WHEREAS, an urgency ordinance is appropriate because without an urgency ordinance the amendment to the definition of short term rentals will not take effect for two to three months, during which time the neighborhoods will have to continue to be subjected to noise, trash, traffics, etc., thus an immediate amendment to what constitutes a prohibited short term rental is required; and,

WHEREAS, as the holiday season approaches, there is likely to be an increase in events booked at residential properties, with the corresponding increase in adverse impacts, therefore the practice must be prohibited immediately to preserve the public health, safety, and welfare; and

WHEREAS, Government Code Section 36937 expressly authorizes the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety, if the ordinance is approved by four-fifths of the City Council. To this end, this Ordinance is adopted for the immediate preservation of the public peace, health, and safety, given the impacts associated with Short-Term Rentals in the City's residential and multi-family zoning districts; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 2100 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 150000 *et. seq.*, the City's Local CEQA

Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), it has been determined that the proposed Code Amendment is exempt from CEQA, pursuant to Section 15061(b)(3) and Section 15321. Section 15061 states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Code Amendment is exempt because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment, but rather will clarify prohibited uses of residential properties in the City; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Rancho Palos Verdes hereby makes the following findings:

- A. The above recitals are true and correct and incorporated fully herein.
- B. The City Council finds that the amendments to Chapter 17.96 of the Rancho Palos Verdes Municipal Code are consistent with the City's General Plan and Coastal Specific Plan in that they uphold, and do not hinder, the goals and policies of those plans.
- C. The City Council finds that the amendments to Chapter 17.96 are necessary to preserve the public health, safety, and general welfare in the City's residential zoning districts.

SECTION 2. Section 17.96.1705 is hereby modified to the Rancho Palos Verdes Municipal Code to read, as follows (proposed additions are underlined and proposed deletions are in ~~strikethrough~~):

"Short-term rental" means a rental of a dwelling unit or part of a dwelling unit to visitors ~~where lodging is furnished~~ for compensation for a period of less than 30 days, except as allowed by Section 17.76.140 (Bed and Breakfast Inns), or as may be expressly permitted by the City, for the purposes of lodging, weddings, banquets, events, parties, or any other events or gatherings. "For compensation" includes, but is not limited to, rental of the property for money, goods, or services, as well as in-kind exchanges of goods, services, or premises.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase

thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code section 36937. The City Clerk shall cause a summary of this ordinance to be published in accordance with Government Code section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

SECTION 5. This Urgency Ordinance shall go into effect and be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council pursuant to Government Code sections 36934 and 36937.

PASSED, APPROVED and ADOPTED this 8th day of November 2017.



Mayor

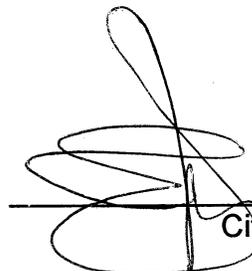
ATTEST:


City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF RANCHO PALOS VERDES)

I, Emily Colborn, City Clerk of the City of Rancho Palos Verdes, California, do hereby certify that the whole number of the City Council of said City is five; that the foregoing Ordinance No. 604U was duly adopted by the City Council of said City at a regular meeting thereof held on the 8th day of November 2017, and that the same was passed and adopted by the following roll call vote:

AYES: Brooks, Duhovic, Dyda, Missetich and Mayor Campbell
NOES: None
ABSENT: None
ABSTAIN: None



City Clerk

CITY OF  RANCHO PALOS VERDES

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF RANCHO PALOS VERDES)

AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the City Clerk of the City of Rancho Palos Verdes;

That on November 10, 2017, she caused to be posted the following document entitled: **ORDINANCE NO. 604U, AN URGENCY ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO EXPAND THE CITY'S DEFINITION OF A SHORT TERM RENTAL**, a copy of which is attached hereto, in the following locations:

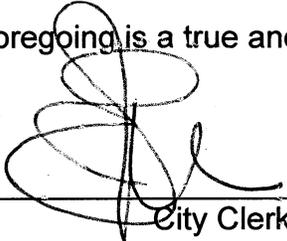
City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes

Ladera Linda Community Center
32201 Forrestal Drive
Rancho Palos Verdes

0

Hesse Park
29301 Hawthorne Blvd.
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit of posting.



City Clerk

P.C. RESOLUTION NO. 2018-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES RECOMMENDING TO THE CITY COUNCIL THAT AN ORDINANCE BE ADOPTED AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO EXPAND THE DEFINITION OF A SHORT-TERM RENTAL (CASE NO. ZON2017-00486).

WHEREAS, the City of Rancho Palos Verdes Municipal Code prohibits the operation of or advertisement for a short-term rental in a single-family and multi-family residential zoning district;

WHEREAS, the City of Rancho Palos Verdes Municipal Code Section 17.96.1705 defines a short-term rental as “a rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than 30 days, except as allowed by Section 17.76.140 (Bed and Breakfast Inns)”;

WHEREAS, on November 8, 2017, the City Council initiated code amendment proceedings to expand the definition of a short-term rental to include certain commercial activities and adopted Urgency Ordinance No. 604U to preserve the public health, safety and welfare while such proceedings were pending;

WHEREAS, on December 14, 2017, a Public Notice was published in the Peninsula News, providing notice of a public hearing before the Planning Commission on January 9, 2018; and

WHEREAS, on January 9, 2018, the Planning Commission held a duly-noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. The Planning Commission has determined that the short-term rental of residential properties in the City for the purposes of hosting weddings, banquets, parties and events present quality of life impacts to the City’s residents, as they involve safety, and general welfare concerns, such as noise, traffic, trash, and crime.
2. The City has a compelling interest in protecting the public health, safety and welfare of its citizens, visitors and businesses in preserving the residential character and quiet enjoyment of the neighborhoods within the City.
3. The Planning Commission has reviewed and considered the proposed amendment to Chapter 17.96 (Definitions) of Title 17 of the Rancho Palos

Verdes Municipal Code to expand the definition of a short-term rental to include the rental of a dwelling unit to visitors for compensation, for a period less than 30 days, for commercial purposes, including, but not limited to, lodging, weddings, banquets or events, unless expressly permitted by the City, such as a Film Permit or Conditional Use Permit for a Bed and Breakfast.

4. The Planning Commission finds that the proposed amendment to Title 17 is consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that it upholds, and does not hinder, the goals and policies of those plans. Specifically, the Code Amendment will preserve the rural and open character of the City by prohibiting commercial events in residential neighborhoods.
5. The Planning Commission finds that the amendment to Title 17 is necessary to preserve the public health, safety and general welfare in the City's Residential Zoning Districts.
6. The Planning Commission finds that the proposed amendment is exempt from the requirements of Pursuant to the provisions of the California Environmental Quality Act and Government Code Section 65962.5(f).
7. For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby recommends to the City Council that an Ordinance be adopted entitled, "AN ORDINANCE AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO EXPAND THE DEFINITION OF A SHORT-TERM RENTAL (CASE NO. ZON2017-00486)," in the form attached to this Resolution as Exhibit "A".

PASSED, APPROVED and ADOPTED this 9th day of January 2018, by the following vote:

AYES: Commissioners Bradley, Emenhiser, Tomblin, Leon, and Vice-Chair James

NOES: Commissioner Nelson

ABSTENTIONS: None

RECUSALS: None

ABSENT: None



William J. James,
Vice Chairman



Ara Mihranian AICP
Director of Community Development
Secretary to the Planning Commission

EXHIBIT "A"

DRAFT ORDINANCE NO. __

Please see attached.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO EXPAND THE DEFINITION OF A SHORT-TERM RENTAL (CASE NO. ZON2017-00486).

WHEREAS, the City of Rancho Palos Verdes Municipal Code prohibits the operation of or advertisement for a short-term rental in a single-family and multi-family residential zoning district;

WHEREAS, the City of Rancho Palos Verdes Municipal Code Section 17.96.1705 defines a short-term rental as "a rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than 30 days, except as allowed by Section 17.76.140 (Bed and Breakfast Inns)";

WHEREAS, on November 8, 2017, the City Council initiated code amendment proceedings to expand the definition of a short-term rental to include certain commercial activities and adopted Urgency Ordinance No. 604U to preserve the public health, safety and welfare while such proceedings were pending;

WHEREAS, on December 14, 2017, a Public Notice was published in the Peninsula News, providing notice of a public hearing before the Planning Commission on January 9, 2018;

WHEREAS, on January 9, 2018, the Planning Commission conducted a duly noticed public hearing on this Ordinance and adopted P.C. Resolution No. 2018-03, recommending that the City Council adopt the same;

WHEREAS, on _____, a Public Notice was published in the *Peninsula News*, providing a notice of a public hearing before the City Council on _____;

WHEREAS, on _____, the City Council conducted a duly noticed public hearing on this Ordinance, and all testimony was received was made a part of the public record; and,

WHEREAS, the City Council has duly considered all information presented to it, including the Planning Commission findings, P.C. Resolution No. 2018-03, written staff reports, and any testimony provided at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Rancho Palos Verdes hereby makes the following findings:

- A. The City Council has determined that the short-term rental of residential properties in the City for the purposes of hosting weddings, banquets, parties and events present quality of life impacts to the City's residents, as they involve safety, and general welfare concerns, such as noise, traffic, trash, and crime.
- B. The City has a compelling interest in protecting the public health, safety and welfare of its citizens, visitors and businesses in preserving the residential character and quiet enjoyment of the neighborhoods within the City.
- C. The City Council has reviewed and considered the proposed amendment to Chapter 17.96 (Definitions) of Title 17 of the Rancho Palos Verdes Municipal Code to expand the definition of a short-term rental to include the rental of a dwelling unit to visitors for compensation, for a period less than 30 days, for commercial purposes, including, but not limited to, lodging, weddings, banquets or events, unless expressly permitted by the City, such as a Film Permit or Conditional Use Permit for a Bed and Breakfast.
- D. The City Council finds that the proposed amendment to Title 17 is consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that it upholds, and does not hinder, the goals and policies of those plans. Specifically, the Code Amendment will preserve the rural and open character of the City by prohibiting commercial events in residential neighborhoods.
- E. The City Council finds that the amendment to Title 17 is necessary to preserve the public health, safety and general welfare in the City's Residential Zoning Districts.
- F. The City Council finds that the proposed amendment is exempt from the requirements of Pursuant to the provisions of the California Environmental Quality Act and Government Code Section 65962.5(f).

Section 2. **Section 17.96.1705 (Short-Term Rental)** of Chapter 17.96 (Definitions) of Title 17 (Zoning) of the Rancho Palos Verdes Municipal Code is hereby repealed and replaced with the following:

17.96.1705 - Short-Term Rental

"Short-term rental" means a rental, for compensation, of all or any part of any lot or dwelling unit to visitors for (a) any event or gathering including, but not limited to, weddings, banquets, and parties, or (b) for lodging for a period of less than 30 days, in either case except as allowed by Section 17.76.140 (Bed and Breakfast Inns), or as may be expressly permitted by the City. "For Compensation" includes,

but is not limited to, rental of the property for money, goods, or services, as well as in-kind exchanges of goods, services, or premises.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4. Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

PASSED, APPROVED and ADOPTED this ___TH day of _____ 2018.

Susan Brooks, Mayor

ATTEST:

Emily Colborn, City Clerk

ORDINANCE NO. 593

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT-TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, on May 17, 2016, the City Council of the City of Rancho Palos Verdes initiated text amendment proceedings to expressly articulate the existing prohibition on short-term rentals within the City; and,

WHEREAS, on July 12, 2016, the Planning Commission considered proposed text amendment language to expressly prohibit short-term rentals and the advertisement of such uses within the City, after which the Planning Commission continued the meeting to allow City Staff time to further research the issue of short-term rentals and to identify additional options for the regulation of such uses; and,

WHEREAS, on August 23, 2016, the Planning Commission was presented with options to regulate short-term rentals within the City, and after considering public testimony and evidence presented that evening, the Commission, on a 4-2 vote, recommended to the City Council that short-term rentals be prohibited within the City, with the exception of home sharing, where the property owner is present at all times; and,

WHEREAS, on September 20, 2016, the Planning Commission's recommendation was presented to the City Council for consideration, to which the City Council affirmed that pursuant to Section 17.86.030, the City's Development Code is structured as a "permissive zoning system"; thus, because short-term rentals are uses that are not specifically enumerated in the Zoning Code, they are currently prohibited in the City; and,

WHEREAS, on October 18, 2016, the City Council was presented with an update on code enforcement activities related to the regulation of short-term rentals, as well as possible code amendments to bolster the City's enforcement framework, and directed Staff to work with the City's Planning Commission to prepare amended code language that would prohibit short-term rentals and the advertisement of short-term rentals; and,

WHEREAS, on November 29, 2016, the Planning Commission adopted P.C. Resolution No. 2016-14, recommending that an ordinance be adopted affirming the prohibition of short-term rentals in the City's Residential Zoning Districts (RS and RM), prohibiting the advertising of short-term rentals in the City, and providing definitions for advertising, responsible party and short-term rentals; and

WHEREAS, on December 1, 2016, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the City Council on December 20, 2016; and

WHEREAS, on December 20, 2016, after notice issued pursuant to the provisions of the Rancho Palos Verdes Municipal Code, the City Council of the City of Rancho Palos Verdes conducted and concluded a duly noticed public hearing concerning the Municipal Code amendments contained herein as required by law, and received testimony from City staff and all interested parties regarding the proposed amendments; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), it has been determined that the proposed Code Amendment is exempt from CEQA, pursuant to Section 15061(b)(3) and Section 15321. Section 15061 states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Code Amendment is exempt because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment, but rather will clarify prohibited uses of residential property in the City; and,

WHEREAS, City staff and the City Council have received multiple complaints about short-term rentals in the City. Specifically, the City has received complaints about noisy parties disturbing the peace of residential neighborhoods early in the morning and late at night, the parking of oversized party vehicles on residential streets, and an increase in trash in residential neighborhoods; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods with the City by regulating short-term rentals and the advertising of short-term rentals in the City; and,

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

Section 1. The facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

Section 2: The City Council finds that this text amendment to Title 17 is consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that they uphold, and not hinder, the goals and policies of those plans. The City Council further finds that the amendments to Title 17 are express restatements of the existing prohibition on short-term rentals in the City, as the City's Municipal Code is permissive, and short-term rentals are not a permitted use.

Section 3: The City Council finds that the amendments to Title 17 expressly prohibiting short-term rentals and the advertisement thereof are necessary to preserve the public health, safety, and general welfare in the City's residential (RS and RM) zoning districts.

Section 4. Section 17.02.026 (Short-Term Rentals and Advertisement of Short-Term Rentals) of Chapter 17.02 (Single-Family Residential (RS) Districts) of Article I (Residential Districts) of Title 17 (Zoning) is hereby added as follows:

17.02.026 - Short-Term Rentals and Advertisement of Short-term Rentals

- a. No Person shall operate a Short-Term Rental in a single family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's single-family residential zoning districts.

Section 5. Section 17.04.050 (Short Term Rentals and Advertisement of Short Term Rentals) of Chapter 17.04 (Multiple-Family Residential (RM) Districts) of Article I (Residential Districts) of Title 17 (Zoning) is hereby added as follows:

17.04.050 - Short-Term Rentals and Advertisement of Short-term Rentals

- a. No Person shall operate a Short-Term Rental in a multi-family residential zoning districts.
- b. No Responsible Party shall post, publish, circulate, broadcast or maintain any Advertisement of a Short-Term Rental prohibited in any of the City's multi-family residential zoning districts.

Section 6. Sections 17.96.025 (Advertisement), 17.96.1593 (Responsible Party), and 17.96.1705 (Short Term Rental) of Chapter 17.96 (Definitions) of Article VIII (Administration) of Title 17 (Zoning) is hereby added as follows:

17.96.025 - Advertisement

"Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website, platform or application, any form of television or radio broadcast or any other form of communication, whose primary purpose is to propose a commercial transaction.

17.96.1593- Responsible Party

“Responsible Party” means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit includes failure to correct after receiving notice from the City of the violation.

17.96.1705 - Short-Term Rental

“Short-Term Rental” means a rental of a dwelling unit or part of a dwelling unit to visitors where lodging is furnished for compensation for a period of less than thirty days, except as allowed by Section 17.76.140.

Section 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 8. Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

PASSED, APPROVED and ADOPTED this 17th day of January 2017.



Mayor

ATTEST:

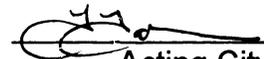


Acting City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF RANCHO PALOS VERDES)

I, Teresa Takaoka, Acting City Clerk of the City of Rancho Palos Verdes, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 593 passed first reading on December 20, 2016, was duly and regularly adopted by the City Council of said City at a special meeting thereof held on January 17, 2017, and that the same was passed and adopted by the following roll call vote:

AYES: Brooks, Duhovic, Dyda, Missetich and Mayor Campbell
NOES: None
ABSENT: None
ABSTAIN: None



Acting City Clerk



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF RANCHO PALOS VERDES)

AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the Acting City Clerk of the City of Rancho Palos Verdes;

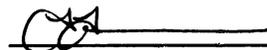
That on January 19, 2017, she caused to be posted the following document entitled: ORDINANCE NO. 593, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT-TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS, a copy of which is attached hereto, in the following locations:

City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes

Ladera Linda Community Center
32201 Forrestal Drive
Rancho Palos Verdes

Hesse Park
29301 Hawthorne Blvd.
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit of posting.



Acting City Clerk

From: [Michael Colich](#)
To: [Octavio Silva](#)
Subject: RPV hearing: expand the definition of a Short-Term Rental to include commercial uses
Date: Friday, January 26, 2018 8:53:29 AM

Mr. Silva,

The purpose of this email is to document our concerns about the proposed code amendment on short terms rentals as well as for these concerns to be considered before the Council votes on February 6th.

In reviewing the video archives of the most recent Planning Commission hearing on January 9th along with the contents of the memorandum, it is a little unclear whether the intent of the amended ordinance is only to apply to properties being rented for events in exchange for compensation or events regardless of whether there is compensation.

By definition, the use of the terms “rental” as well as the events in question being described as “for profit” or “commercial operations”, “for compensation” suggests that it would only be enforceable against property owners who receive some sort of compensation in exchange for the use of their property.

As a concerned resident, I would appreciate some clarifying language be added to the ordinance so that it is clearer that the intent is not to obstruct an owner for exercising their property rights to host private events which are not in exchange for money, goods or services. Events allowed should include but not be limited to family functions, holiday parties, USC (?) fund raising banquets, weddings or other private parties in cases where an owner is simply hosting the event for nothing in return.

The last sentence in the amended language defining “Short-term rental” is also a bit confusing to me so I ask that you also clarify what you mean by an in-kind exchange of goods, services or premises to avoid any contradictions in the future.

Thank you,
John M Colich