

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: ARA MIHRANIAN, AICP, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: JANUARY 9, 2018
SUBJECT: ZONING CODE AMENDMENT TO AMEND THE DEFINITION OF A SHORT-TERM RENTAL (CASE NO. ZON2017-00486).



Project Manager: Octavio Silva, Senior Planner 

RECOMMENDATION

Adopt P.C. Resolution No. 2018-__, 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 to include commercial operations.

BACKGROUND

In November 2016, after a series of public hearings and consideration of public testimony, the Planning Commission recommended to the City Council that specific code language be adopted to affirm the City's prohibition of Short-Term Rentals (STRs) and the advertisement of STRs in the City's Single-Family and Multi-Family Residential Zoning Districts.

In January 2017, the City Council considered the Planning Commission's recommendation and adopted Ordinance No. 593 (attached), which affirmed the City's prohibition of STRs. Since that time, the City's Code Enforcement Division has actively investigated STR complaints, provided notices of violation, and cited property owners that were found to be in violation of the Ordinance. During this time, the City continued to receive complaints that properties in the City were being rented on a short-term basis (less than 30 days) for the purposes of conducting for-profit events, including weddings, banquets, and other private parties. Since the City's definition of a short-term rental does

not expressly include commercial operations such as weddings and banquets, the Council was asked to adopt an Urgency Ordinance to expand the definition.

On November 8, 2017, the City Council adopted Urgency Ordinance No. 604U (attached) and initiated code amendment proceedings to amend the definition of a Short-Term Rental to clearly prohibit all STRs for commercial purposes. The City Attorney's Office recommends that a regular version of any urgency ordinance also be passed, which includes review and recommendation by the Planning Commission at a noticed public hearing, and recommendation to the City Council.

On December 14, 2017, a public notice announcing the proposed code amendment and public hearing was published in the *Peninsula News*. Staff did not receive any written public correspondences in response to the public notice.

DISCUSSION

Proposed Code Amendment

The adoption of Ordinance No. 593 codified definitions of "STR," "advertisement," and "responsible party." A STR is currently defined 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)". The Municipal Code's current definition of a STR is limited to rentals for lodging purposes and does not make a specific reference to rentals for commercial activities or events. It is Staff's opinion that a rental of a housing unit, whether in full or in part, for a period of less than 30 days for commercial purposes also violates the intent of Ordinance No. 593 and should be prohibited. The City Council agreed with Staff's recommendation and initiated code amendment proceedings, as well as adopted Urgency Ordinance No. 604U (attached) to amend the definition of a STR to include commercial purposes.

Pursuant to the City Council's direction, Staff recommends that the following amendment be considered to Chapter 17.96 (Definitions) of Title 17 (Zoning) of the Rancho Palos Verdes Municipal Code. The proposed language deletions are shown in ~~strikethrough~~ text, and the proposed language additions are shown in underline text.

"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 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.

The proposed code amendment expands the existing STR definition, by including various events for commercial purposes, such as, lodging, weddings, banquets or events. As proposed the code amendment would prohibit a STR from hosting for-profit commercial event. These types of events are particularly disruptive in residential neighborhoods, as they generate excessive noise, traffic, parking congestion, and trash. The expanded definition exempts commercial uses in residential areas that are expressly permitted by the City such as through a Film Permit or a Conditional Use Permit for a Bed & Breakfast use.

The expanded definition reflects the original intent of the City's prohibition against STR operations. Staff is of the opinion that the proposed code amendment is consistent with the City's General Plan and Coastal Specific Plan, as it will minimize negative impacts associated with commercial events in residential neighborhoods. Specifically, the code amendment will protect the public health, safety and welfare of its citizens, residents and visitors and will assist in the preservation of City's semi-rural residential character.

Lastly, if the Commission forwards its recommendation to the City Council this evening, the proposed Code Amendment language is tentatively scheduled to be considered by the Council at its meeting on February 6, 2018.

ADDITIONAL INFORMATION

Environmental Assessment

Staff has reviewed the proposed application for compliance with the California Environmental Quality Act (CEQA). It has been determined that the proposed Code Amendment is exempt from CEQA, pursuant to Section 15061(b)(3) 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.

CONCLUSION

For the reasons stated above, Staff recommends that the Planning Commission review the proposed code language and if the proposed language is acceptable, adopt P.C. Resolution No. 2018-___, 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 to include commercial operations.

ALTERNATIVES

In addition to Staff's recommendation, the following alternatives are available for the Planning Commission's consideration:

- 1) Direct Staff to come back with modified language for consideration at a continued public hearing; or,
- 2) Direct Staff to come back at the next meeting with a resolution recommending that the City Council reject the proposed code amendment.

ATTACHMENTS

- Draft P.C. Resolution No. 2018-__
 - Exhibit "A" – Draft Ordinance
- Ordinance No. 604U
- Ordinance No. 593

P.C. RESOLUTION NO. 2018-_____

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 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 operating commercial 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 commercial operations such as weddings, banquets, parties, events, and other related gatherings; and

WHEREAS, on November 8, 2017, the City Council initiated code amendment proceedings to expand the definition of a short-term rental to consist of the rental of a dwelling unit to visitors for compensation, for a period less than 30 days, and for commercial purposes including, but not limited to, lodging, weddings, banquets or events, unless expressly permitted by the City; and

WHEREAS, on November 8, 2017, the City Council adopted Urgency Ordinance No. 604U 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 was required; and

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 8, 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:

SECTION 1. The Planning Commission 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 Planning Commission has reviewed and considered the 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.

C. The Planning Commission finds that the amendment to Title 17 is consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that it upholds, and not hinders, the goals and policies of those plans.

D. 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.

SECTION 2. The Planning Commission of the City of Rancho Palos Verdes further finds:

A. 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.

SECTION 3. 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:

NOES:

ABSTENTIONS:

RECUSSALS:

ABSENT:

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 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, on November 8, 2017, the City Council initiated code amendment proceedings to expand the definition of a short-term rental to consist of the rental of a dwelling unit to visitors for compensation, for a period less than 30 days, and 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; and

WHEREAS, on November 8, 2017, the City Council adopted Urgency Ordinance No. 604U 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, 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, 2017; and

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

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

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-___, 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 above recitals are true and correct and incorporated herein by this reference.

B. The amendment to the Title 17 is consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that it upholds, and not hinder, the goals and policies of those plans.

C. The amendment to Title 17 is necessary to preserve the public health, safety, and general welfare in the City's residential zoning districts.

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 of a dwelling unit or part of a dwelling unit to visitors 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. 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. 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

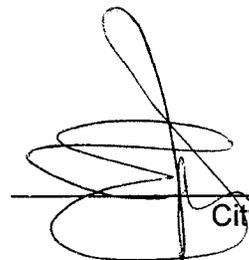
ATTEST:


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, Misetich and Mayor Campbell
NOES: None
ABSENT: None
ABSTAIN: None



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 City Clerk of the City of Rancho Palos Verdes;

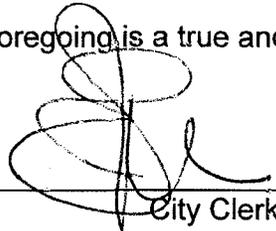
That on November 10, 2017, she caused to be posted the following document entitled: **ORDINANCE NO. 604U, AN URGENCY ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, AMENDING CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE CITY'S MUNICIPAL CODE TO EXPAND THE CITY'S DEFINITION OF A SHORT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

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

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.

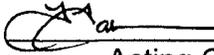
Section 8. Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption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

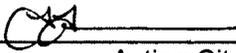
That on January 19, 2017, she caused to be posted the following document entitled: ORDINANCE NO. 593, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 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