

AGENDA DESCRIPTION:

Consideration and possible action to adopt Ordinance No. 593 affirming the prohibition of short-term rentals and to prohibit the advertisement of short-term rentals in the City's Residential Zoning Districts, and to codify definitions of advertisement, responsible party and short-term rentals.

RECOMMENDED COUNCIL ACTION:

- (1) Adopt 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.

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 *Doug Willmore*

ATTACHED SUPPORTING DOCUMENTS:

- A. Ordinance No. 592U (page A-1)
- B. Ordinance No. 593 (page B-1)
- C. Public comments collected since December 20, 2016 (page C-1)

All previous Staff Reports, Meeting Minutes, and public comments on this topic can be found on the City's website via the December 20, 2016, City Council Agenda at <http://www.rpvca.gov/772/City-Meeting-Video-and-Agendas>

BACKGROUND AND DISCUSSION:

On December 20, 2016, the City Council adopted Urgency Ordinance No. 592U (Attachment A), which immediately amended Chapter 17.02 (Single-Family Residential (RS) Districts), Chapter 17.04 (Multi-Family Residential (RM) Districts) and Chapter 17.96 (Definitions) of Title 17 of the City's Development Code to affirm the prohibition of short-term rentals, to prohibit the advertisement of short-term rentals in the City's Residential Zoning Districts, and to codify definitions for advertisement, responsible party and short-term rentals. The adoption of the urgency ordinance authorized the City to immediately enforce the City's prohibition of the advertisement and operation of short-term rentals. At that same meeting, a similar ordinance, Ordinance No. 593 (Attachment B), was presented to the City Council for its first reading. This evening, Ordinance No. 593 is now being presented to the City Council for its second reading and formal adoption. Additional public comments received since the December 20, 2016, City Council meeting are included as Attachment C.

ORDINANCE NO. 592U

AN URGENCY ORDINANCE 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 Rancho Palos Verdes initiated text amendment proceedings to adopt language to expressly articulate the existing prohibition of 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 with 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 in 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 such that 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, the urgency of this Ordinance to the immediate preservation of public peace, health, and safety is demonstrated by the preceding recitals of fact; and,

WHEREAS, Government Code Section 36937 expressly authorize 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 zoning districts.

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 the amendments to the Title 17 are 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 (proposed additions underlined):

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 (proposed additions underlined):

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 (proposed additions underlined):

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. 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 Governmental Code Section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

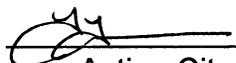
Section 9. This Urgency Ordinance shall go into effect and be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

PASSED, APPROVED and ADOPTED this 20th day of December, 2016.



Mayor

ATTEST:

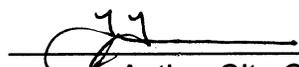


Acting City Clerk

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, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 592U was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on December 20, 2016 and that the same was passed and adopted by the following roll call vote:

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



Acting 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 Acting City Clerk of the City of Rancho Palos Verdes;

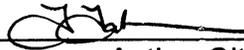
That on December 21, 2016, she caused to be posted the following document entitled AN URGENCY ORDINANCE NO. 592U OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), CHAPTER 17.04 (MULTI-FAMILY RESIDENTIAL (RM) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) 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

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.

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“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.

Octavio Silva

From: Dorothea Flanagan <flanigan.dorothea@yahoo.com>
Sent: Friday, December 23, 2016 12:04 AM
To: Octavio Silva
Subject: Re: Short-Term Rental Code Amendments to be Considered by the City Council at its Meeting on December 20, 2016

Follow Up Flag: Follow up
Flag Status: Completed

Hello Octavio,

How many community development directors does RPV have, anyway?! Are you aware that there is a new state law that Governor Brown put together that people can have as many people living in their houses as they want?!

DorotheaFlanigan

Sent from my iPhone

On Dec 5, 2016, at 8:18 AM, Octavio Silva <OctavioS@rpvca.gov> wrote:

Hello,

On December 20, 2016, the City Council will review the Planning Commission's recommended code amendments to Title 17 of the RPVMC to:

- * Affirm the prohibition of Short-Term Rentals in the City's Residential Zoning Districts
- * Prohibit the advertisement of Short-Term Rentals in the City, and;
- * Provide a definition for advertising, responsible party, and Short-Term Rentals.

As an interested party, I have attached a copy of the public notice for the proposed code amendments for your reference. If you have any questions, please feel free to contact me, Octavio Silva, Associate Planner at (310) 544-5234 or via email at octavios@rpvca.gov.

Thank you,

Octavio Silva

<Short-Term Rentals_CC Meeting_12-20-16_Public Notice.pdf>