

P.C. RESOLUTION NO. 2016-14

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 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS), AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S DEVELOPMENT 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 TO CODIFY DEFINITIONS OF ADVERTISEMENT, RESPONSIBLE PARTY AND SHORT-TERM RENTALS, AS WELL AS RECOMMENDING TO THE CITY COUNCIL THAT CONSIDERATION BE GIVEN TO INCLUDE PROHIBITING SHORT TERM RENTALS IN THE CITY'S MULTI-FAMILY ZONING DISTRICTS.

WHEREAS, on May 17, 2016, the City Council initiated code amendment proceedings to prohibit short-term rentals within the City; and,

WHEREAS, on July 12, 2016, the Planning Commission considered proposed code amendment language to 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, identified its preferred option to be prohibition of short-term rentals in the City, with the exception of such rentals that are limited to single rooms and guest homes where the property owner is present at all times; and,

WHEREAS, on September 20, 2016, the Planning Commission's preferred option for the regulation of short-term rentals 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 (Title 17) is structured as a "permissive zoning system" such that short-term rentals are uses that are not specifically enumerated in the Zoning Code, and are thus currently considered to be 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, to which the City Council, among other things, directed Staff to work with the City's Planning Commission to prepare amended code language that would prohibiting the advertisement of short-term

rentals in the City's single-family residential zoning districts and the creation of a "prohibited use" list in the City's residential zoning districts; 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) 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, on November 3, 2016, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the Planning Commission on November 29 2016; and

WHEREAS, on November 29, 2016, 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 finds that the facts set forth in the recitals of this Resolution are true and correct and are incorporated herein by reference as though set forth in full.

Section 2: The Planning Commission has reviewed and considered the amendments to Chapters 17.02 (Single-Family Residential (RS) Districts) and 17.96 (Definitions) of the City's Municipal Code of Title 17 of the City's Municipal Code to clarify the existing ban on short-term rentals, establish a ban on advertising of short term rentals, and provide relevant definitions.

Section 3: The Planning Commission is also recommending that the City Council consider including prohibiting short-term rentals in the City's multi-family zoning districts.

Section 4: The Planning Commission finds that the amendments to 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.

Section 5: The Planning Commission finds that the amendments to Title 17 are necessary to preserve the public health, safety, and general welfare in the area.

Section 6: 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 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S MUNICIPAL CODE TO AFFIRM THE PROHIBITION OF SHORT TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS AND TO CODIFY DEFINITIONS FOR ADVERTISEMENT, RESPONSIBLE PARTY AND SHORT-TERM RENTALS," in the form attached to this Resolution as Exhibit "A".

PASSED, APPROVED, AND ADOPTED this 29th day of November 2016, by the following vote:

AYES: Commissioners Bradley, James, Leon, Vice-Chairman Cruikshank and Chairman Tomblin

NOES: Commissioners Emenhiser and Nelson

ABSTENTIONS: NONE

RECUSSALS: NONE

ABSENT: NONE


Ara Mhramian, AICP
Community Development Director
Secretary to the Planning Commission



David L. Tomblin,
Chairman

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 17.02 (SINGLE-FAMILY RESIDENTIAL (RS) DISTRICTS) AND CHAPTER 17.96 (DEFINITIONS) OF TITLE 17 OF THE CITY'S DEVELOPMENT CODE TO AFFIRM THE PROHIBITION OF SHORT TERM RENTALS AND TO PROHIBIT THE ADVERTISEMENT OF SHORT-TERM RENTALS IN THE CITY'S SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND TO CODIFY DEFINITIONS OF ADVERTISEMENT, RESPONSIBLE PARTY, AND SHORT-TERM RENTALS.

WHEREAS, on May 17, 2016, the City Council initiated code amendment proceedings to prohibit short-term rentals within the City; and,

WHEREAS, on July 12, 2016, the Planning Commission considered proposed code amendment language to 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, identified its preferred option to be prohibition of short-term rentals in the City, with the exception of such rentals that are limited to single rooms and guest homes where the property owner is present at all times; and,

WHEREAS, on September 20, 2016, the Planning Commission's preferred option for the regulation of short-term rentals 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 (Title 17) is structured as a "permissive zoning system" such that short-term rentals, are uses that are not specifically enumerated in the Zoning Code, and are thus currently considered to be 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, to which the City Council, among other things, directed Staff to work with the City's Planning Commission to prepare amended code language that would prohibit the advertisement of short-term rentals in the City's single-family residential zoning districts and the creation of a "prohibited use" list in the City's residential zoning districts; 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) 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, on November 3, 2016, a Public Notice was published in the *Peninsula News*, providing notice of a public hearing before the Planning Commission on November 29 2016; and

WHEREAS, on November 29, 2016, the Planning Commission reviewed and considered the proposed code amendments to Chapter 17.02 (Single-Family Residential (RS) Districts) and Chapter 17.96 (Definitions) of Title 17 of the Municipal Code Municipal Code, and adopted P.C. Resolution No. 2016-14, recommending that the City Council adopt this Ordinance; and,

WHEREAS, on _____, 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, all legal prerequisites to the adoption of the Ordinance have occurred; and,

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.

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.

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

Section 4. 17.02 (Single-Family Residential (RS) Districts) and Chapter 17.96 (Definitions) of the Rancho Palos Verdes Municipal Code are hereby amended to read as follows (proposed deletions ~~struck out~~; proposed additions underlined):

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

- a. No Person shall operate a Short-Term Rental in a single family residential zoning district as defined in Section 17.96.1705.
- 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 as defined in Section 17.96.025.

17.96.025 - Advertisement

"Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, internet website or application, any form of television or radio broadcast or any other form.

17.96.1593- Responsible Party

"Responsible Party" means any property owner or tenant, or any agent or representative thereof.

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 5. 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 6. 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 _____ 2016.

Mayor

ATTEST:

Teresa Takaoka, Acting City Clerk

