

**CITY OF HERMOSA BEACH
ORDINANCE NO. 23-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA APPROVING ZONE TEXT AMENDMENT 23-05, TO AMEND PORTIONS OF TITLE 17 OF THE HERMOSA BEACH MUNICIPAL CODE CLARIFYING THE CITY'S REGULATION OF ADVERTISEMENT OF SHORT-TERM VACATION RENTALS IN ALL ZONES AND DETERMINE THE AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. On May 24, 2016, City Council adopted Ordinance No. 16-1365, which clarified existing City regulations that prohibited short-term vacation rentals in all residential zones, including advertisement of STVRs.

SECTION 2. The City Council held a duly noticed public hearing on December 12, 2023 to consider a text amendment to portions of Hermosa Beach Municipal Code Title 17.

SECTION 3. Under Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the ordinance qualifies as a "common sense exemption" as CEQA only applies to projects which have the potential for causing a significant effect on the environment.

SECTION 4. The City Council finds the proposed amendments are consistent with the City's General Plan. The ordinance will also comply with State requirements. The amendments will not impede the City's ability to meet its General Plan goals, and the amendments are necessary to carry out the purposes of the Zoning Ordinance, including the orderly planned use of land resources.

SECTION 5. Section 17.04.040 (General Definitions) of Chapter 17.04 (Definitions) of Title 17 (Zoning) is amended to read as follows:

17.04.040 – "Advertisement"

Advertisement means any printed or lettered announcement, whether in a

magazine, newspaper, handbill, notice, display, billboard, poster, email, Internet website or application, or any other form. This definition includes, but is not limited to, any display on a website pop-up, calendar function, widget or any other website display.

SECTION 6. Section 17.42.180 (Short-Term Vacation Rentals) of Chapter 17.42 (General Provisions, Conditions and Exceptional Uses) of Title 17 (Zoning) is amended to read as follows:

17.42.180 Short-Term Vacation Rentals.

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days and for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration except for short-term vacation rentals in nonconforming residential dwelling units in certain commercial zones in compliance with the following requirements. No person or entity shall maintain any advertisement of a short-term rental in violation of this section, in any zone. In the event that an advertisement has conflicting information regarding a prohibited rental, the advertisement for the shorter amount of time shall control.

This section sets forth requirements for the establishment and operation of short-term vacation rentals in nonconforming residential dwelling units in certain commercial zones.

A. Permit and Operational Requirements. The approval of operation of a short-term vacation rental shall be subject to the following requirements:

1. Administrative Permit Required. Short-term vacation rentals may be established and operated only after an administrative permit has been approved in compliance with Chapter 17.55. The administrative permit for a short-term vacation rental shall be valid for one calendar year from the date of issuance and must be renewed annually thereafter; provided, that this section remains in effect and has not expired.

a. Prior to approval or renewal of an administrative permit for operation of a short-term vacation rental, the premises shall be inspected by the

building official or their designee for compliance with all applicable building and safety codes, as well as compliance with any applicable Municipal Code regulations regarding short-term vacation rentals. If the building official or their designee conducts more than two (2) inspections to verify compliance due to outstanding corrections, the applicant is subject to a reinspection fee for those additional inspections.

- b. An application for a new or renewal of an administrative permit shall include payment of all required and outstanding administrative fees.
 - c. The application submittal shall include a list of the Uniform Resource Locations (URL) where the property is listed online, and the applicant shall keep the list current at all times.
 - d. Short-term vacation rentals established under this section shall have no vested right to continued existence.
2. Location. Short-term vacation rentals shall only be permitted in nonconforming residential dwellings on properties zoned C-2, C-3, SPA 7, SPA 8, or SPA 11.
- a. For purposes of this section, a "nonconforming residential unit" shall mean a residential dwelling unit that was lawfully established and maintained as a dwelling unit as of October 24, 2019. If the unit is converted into a nonresidential use, then it shall be deemed the termination of the existing nonconforming residential use, and thereby the unit loses any nonconforming status as a residential use and loses any right to operate as a short-term vacation rental.
3. Management and Operations Plan. In addition to any other requirements for an application for an administrative permit, or any conditions of approval contained therein, the application to establish and operate a short-term vacation rental shall be accompanied by a management plan, which shall establish, to the satisfaction of the community development director (director), or their designee, the following:
- a. The reasonably prudent business practices that owner or owner's authorized agent will use to ensure that the short-term vacation rental unit is used in a manner that complies with all applicable laws, rules, regulations, and permits.
 - b. An identification plaque posted and maintained at all times, within plain view of and legible to the general public, not exceeding six square feet in size, and containing address of premises and permit number, and telephone number of Hermosa Beach Police Department dispatch for

complaints regarding condition, operation or conduct of occupants of the unit. The director may alter the size requirement to ensure the plaque is legible from the adjacent public right-of-way.

- c. The name, address, and telephone number of a local contact person who shall be available 24 hours per day, seven days per week for the purpose of responding to City staff calls pertaining to complaints regarding the condition, operations, or conduct of occupants of the short-term vacation rental or their guests, and if directed by City staff, to personally proceed on site within 30 minutes from the call to resolve the problem.
- d. The owner or the owner's authorized agent shall, upon notification that any occupant or guest of the short-term vacation rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the short-term vacation rental unit, respond in a timely and appropriate manner to immediately halt or prevent a recurrence of such conduct. Failure of the owner or the owner's authorized agent to respond to such calls or complaints regarding the condition, operation, or conduct of the occupants and/or guests of the short-term vacation rental unit in a timely and appropriate manner shall subject the owner to all administrative, legal, and equitable remedies available to the City.
- e. The owner and/or the owner's authorized agent shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term vacation rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or illegal activity, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term vacation rental unit.
- f. The owner and/or the owner's authorized agent shall use reasonably prudent business practices to ensure that the short-term vacation rental unit is used for overnight accommodations purposes only. This shall include using all prudent business practices to prohibit the rental to commercial party businesses.
- g. Prior to occupancy of a short-term vacation rental unit, the owner or the owner's authorized agent shall:
 - i. Obtain the contact information of the renter.
 - ii. Provide a copy of the City's "Good Neighbor" brochure containing these requirements to the renter.

- iii. Require the renter to execute a formal acknowledgement they are legally responsible for compliance by all occupants of the short-term vacation rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term vacation rental unit.
- iv. The information required in subsections (A)(3)(g)(i) and (A)(3)(g)(iii) of this subsection shall be maintained by the owner or the owner's authorized agent for a period of three years and be made available upon request to any officer of the City responsible for the enforcement of any provision of the Municipal Code or any other applicable law, rule or regulation pertaining to the use and occupancy of the short-term vacation rental unit.
- h. The property shall be maintained free of litter and debris. Trash and refuse shall not be left or stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. Trash receptacles must be maintained within an enclosure and placed for pick up to comply with the provisions of HBMC 8.12.220 and 8.12.230. The size or number of containers and/or frequency of pick-up (if permitted by the City's authorized waste hauler) shall be increased if needed to accommodate the amount of trash generated by all uses on the site.
- i. On-site parking shall be allowed on approved driveway, garage and/or carport areas only. Parking shall comply with all current City parking regulations. Parking of oversized vehicles must comply with the provisions of Chapter 10.32, Stopping, Standing and Parking, of the Municipal Code.
- j. Approved on-site parking space(s), including all enclosed garages, shall be kept free and clear to accommodate vehicular parking for renters/guests during all times the unit is in use as a short-term vacation rental.
- k. The number of adult occupants allowed to occupy any given short-term vacation rental unit shall be limited to two (2) per bedroom/sleeping area.
- l. The director shall have the authority to impose additional conditions on the use of any given short-term vacation rental to ensure that any potential secondary effects unique to the subject short-term vacation rental unit are avoided or adequately mitigated.
- m. The owner or owner's authorized agent shall post the current short-term

vacation rental permit number, a photograph of the front of the property where the short-term vacation rental unit is located, as well as the number of approved on-site parking spaces available, in any written publication or on any website that promotes the availability or existence of a short-term vacation rental unit.

4. The owner shall comply with all requirements related to a business license under Chapter 5.04, Business Licenses Generally, of the Municipal Code, and related to the transient occupancy tax under Chapter 3.32, Transient Occupancy Tax, of the Municipal Code for the operation of the short-term vacation rental.

B. Development Standards. Short-term vacation rentals shall conform to the following standards:

1. On-site parking shall be provided as required under Chapter 17.44.
2. A private kitchen area, shower, and toilet facilities, and at least one room/area designated as a sleeping area shall be provided in each unit.

C. Violations. Violations of this section are subject to the following standards.

1. Any violation of this section shall result in issuance of an administrative citation pursuant to Chapter 1.10, Administrative Citations, Penalties, or any other legal methods of enforcement, of the Municipal Code.
2. More than three violations of this section or any of the City's quality of life ordinances, such as noise violations, disturbing the peace, or creating a public nuisance, within a 12-month period shall be grounds for revocation of the business license and administrative permit, in accordance with provisions of the Code, provided the three violations have been affirmed by a hearing officer in the event they are appealed.

D. Sunset Clause. The provisions in this section shall become inoperative on October 24, 2025, and shall be considered repealed on that date, unless the City Council of Hermosa Beach enacts a new ordinance that becomes effective on or before October 24, 2025, and which deletes or extends that date. No new or renewals of administrative permits and/or business licenses for short-term vacation rentals shall be issued after October 24, 2025, and no permitted short-term vacation rental shall have a right to operate beyond the term of the permit.

SECTION 7. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this

resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

SECTION 8. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 9. Certification. The City Clerk is directed to certify the passage and adoption of this ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and **ADOPTED** on this ____ day of _____, 2023.

Justin Massey

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney