

ORDINANCE NO. 19-1395

AN ORDINANCE OF THE CITY OF CITY OF HERMOSA BEACH,
CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE
HERMOSA BEACH MUNICIPAL CODE TO ESTABLISH A TWO
YEAR PILOT PROGRAM TO REGULATE THE RENTAL OF
EXISTING NONCONFORMING RESIDENTIAL PROPERTIES THAT
ARE LOCATED IN COMMERCIAL ZONING DISTRICTS FOR
FEWER THAN THIRTY DAYS

The City Council of the City of Hermosa Beach does ordain as follows:

Section 1. Section 17.04.040 of the Hermosa Beach Municipal Code is hereby amended by adding the following term to the alphabetical list of terms:

“Short-term vacation rental” shall mean the rental of a residential dwelling, a dwelling unit or a room in a dwelling for compensation by way of a rental agreement, lease, license or any other means, whether oral or written to a person or group of persons for temporary overnight accommodations for a period of less than thirty (30) consecutive days. Short-term vacation rentals are also known as, “short-term vacation rental” and “vacation rentals.”

Section 2. Section 17.26.030 of the Hermosa Beach Municipal Code is hereby amended by adding the following use category to the alphabetical list of uses to read as follows:

USES	C-1	C-2	C-3	See section
Short-term vacation rental	-	P	P	17.40.230

Section 3. Section 17.40.230 is hereby added to Chapter 17.40 of Title 17 of the Hermosa Beach Municipal Code to read as follows:

17.40.230 Short-term vacation rentals. This section sets forth requirements for the establishment and operation of short-term vacation rentals in nonconforming residential dwellings 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 2. Administrative Permit Required. Short-term vacation rentals may be established
2 and operated only after an Administrative Permit has been approved in
3 compliance with Chapter 17.55 of this Code. The Administrative Permit for a
4 short-term vacation rental shall be valid for one calendar year from the date of
5 issuance and may be renewed annually thereafter, provided that this section
6 remains in effect and has not expired.
 - 7 a. Prior to granting of an Administrative Permit for operation of a short-term
8 vacation rental, the premises shall be inspected by the Building Official for
9 compliance with all applicable Building and Safety codes. Renewal of said
10 Administrative Permit is subject to inspection by the Building Official for
11 compliance with all applicable Building and Safety codes, as well as
12 compliance with the then applicable municipal code regulations regarding
13 short-term vacation rental rentals. An inspection fee for third and subsequent
14 inspections, as set by resolution of the City Council, may be charged for
15 these additional inspections.
 - 16 b. An application for a new or renewal of an Administrative Permit shall include
17 payment of all required fees, as set by resolution of the City Council.
 - 18 c. The application submittal shall include a list of the Uniform Resource
19 Locations (URL) where the property is listed on-line and the applicant shall
20 keep the list current at all times.
 - 21 d. Short-term vacation rental rentals established under this section shall have
22 no vested right to continued existence.
- 23 3. Location. Short-term vacation rental rentals shall only be permitted in
24 nonconforming residential dwellings on properties zoned C-2, C-3 or SPA 11.
 - 25 a. For purposes of this section, a nonconforming residential unit shall mean a
26 residential dwelling unit that was lawfully established and maintained as a
27 dwelling unit as of **October 24, 2019**. If the unit is converted into a non-
28 residential 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.

- 1 3. Management and Operations Plan. In addition to any other requirements for an
2 application for an Administrative Permit, or any conditions of approval contained
3 therein, the application to establish and operate a short-term vacation rental shall
4 be accompanied by a management plan, which shall establish, to the satisfaction
5 of the Community Development Director, or his/her designee the following:
- 6 a. The reasonably prudent business practices that owner or owner's authorized
7 agent will use to ensure that the short-term vacation rental unit is used in a
8 manner that complies with all applicable laws, rules, regulations, and permits.
 - 9 b. An identification plaque posted and maintained at all times, within
10 plain view of and legible to the general public, not exceeding six
11 square feet in size, and containing address of premises and permit
12 number, and telephone number of Hermosa Beach Police
13 Department Dispatch for complaints regarding condition, operation or
14 conduct of occupants of the unit. The Director of Community
15 Development may alter the size requirement to ensure the plaque is
16 legible from the adjacent public right-of-way.
 - 17 c. The name, address and telephone number of a local contact person who
18 shall be available 24 hours per day, seven days per week for the purpose
19 of responding within 45 minutes to City staff calls pertaining to complaints
20 regarding the condition, operations, or conduct of occupants of the short-
21 term vacation rental or their guests.
 - 22 d. The owner or the owner's authorized agent, shall, upon notification that any
23 occupant or guest of the short-term vacation rental unit has created
24 unreasonable noise or disturbances, engaged in disorderly conduct, or
25 committed violations of any applicable, law, rule or regulation pertaining to
26 the use and occupancy of the short-term vacation rental unit, respond in a
27 timely and appropriate manner to immediately halt or prevent a recurrence of
28 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

1 in a timely and appropriate manner shall subject the owner to all
2 administrative, legal and equitable remedies available to the City.

- 3 e. The owner and/or the owner's authorized agent shall use reasonably
4 prudent business practices to ensure that the occupants and/or guests of
5 the short-term vacation rental unit do not create unreasonable noise or
6 disturbances, engage in disorderly conduct or illegal activity, or violate any
7 applicable law, rule or regulation pertaining to the use and occupancy of the
8 short-term vacation rental unit.
- 9 f. The owner and/or the owner's authorized agent shall use reasonably prudent
10 business practices to ensure that the short-term vacation rental unit is used
11 for overnight accommodations purposes only. This shall include using all
12 prudent business practices to prohibit the rental to commercial party
13 businesses.
- 14 g. Prior to occupancy of a short-term vacation rental unit, the owner or the
15 owner's authorized agent shall:
- 16 i. Obtain the contact information of the renter.
 - 17 ii. Provide a copy of the City's "Good Neighbor" brochure containing these
18 requirements to the renter.
 - 19 iii. Require the renter to execute a formal acknowledgement that he or
20 she is legally responsible for compliance by all occupants of the short-
21 term vacation rental unit and their guests with all applicable laws, rules
22 and regulations pertaining to the use and occupancy of the short-term
23 vacation rental unit.
 - 24 iv. The information required in Paragraphs i and iii of this subsection
25 shall be maintained by the owner or the owner's authorized agent for
26 a period of three years and be made available upon request to any
27 officer of the City responsible for the enforcement of any provision of
28 the municipal code or any other applicable law, rule or regulation
pertaining to the use and occupancy of the short-term vacation rental
unit.

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- 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. 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 of oversized vehicles must comply with the provisions of Chapter 10.32 of the Hermosa Beach 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 per bedroom/sleeping area.
 - l. The Community Development Director, or designee, 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 of the Hermosa Beach Municipal Code, and related to the Transient Occupancy Tax under Chapter 3.32 of the Hermosa Beach Municipal Code for the operation of the short-term vacation rental.

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

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

6 C. Amortization. Any short-term vacation rental that was in operation on **October 24,**
7 **2019** shall cease operations no later than **April 24, 2019**, unless said short-term
8 vacation rental complies with the requirements of this Section and obtains all
9 required permits and licenses outlined in the section.

10 D. Violations. Violations of this ordinance are subject to the following standards.

- 11 1. Any violation of this Section shall result in issuance of an Administrative Citation
12 pursuant to Chapter 1.10 of the Hermosa Beach Municipal Code.
- 13 2. More than three (3) violations of this ordinance or any of the City's quality of life
14 ordinances, such as noise violations, disturbing the peace, or creating a public
15 nuisance, within a twelve (12) month period shall be grounds for revocation of
16 the business license and Administrative Permit, in accordance with provisions of
17 the code, provided the three (3) violations have been affirmed by a hearing
18 officer in the event they are appealed.

19 E. Sunset Clause. The provisions in this ordinance shall become inoperative on **October**
20 **24, 2021** and shall be considered repealed on that date, unless the City Council of
21 Hermosa Beach enacts a new ordinance that becomes effective on or before
22 **October 24, 2021** and which deletes or extends that date. No new or renewals of
23 Administrative Permits and/or business licenses for short-term vacation rentals shall
24 be issued after **October 24, 2021** and no permitted short-term vacation rental shall
25 have a right to operate beyond the term of the permit.

26 Section 4. Section 17.38.540 of the Hermosa Beach Municipal Code is hereby
27 amended by adding the following use category to the alphabetical list of uses to read
28 as follows:

USES	P or U	See section
Short-term vacation rental	P	17.40.230

1 Section 5. Section 17.44.030 of the Hermosa Beach Municipal Code is
2 amended by adding the following parking standard to the alphabetical list of
3 parking requirements to read as follows:

4 P. Short-term vacation rentals in commercial zones: one (1) space per bedroom, in no
5 case less than one (1) space per unit and a maximum of two (2) spaces per unit
6 being required.

7 Section 6. Section 17.52.050 of the Hermosa Beach Municipal Code is amended
8 to read as follows:

9 With the exception of a short-term vacation rental use approved pursuant
10 to Section 17.40.230, if an existing nonconforming manufacturing, commercial or
11 residential use is vacated or removed and it is succeeded by another use, this shall be
12 deemed the termination of the existing nonconforming use, and thereby immediately
13 loses any vested right to continue. A nonconforming use may be succeeded by a use,
14 which is itself nonconforming, provided the degree of nonconformity is less intensive
(e.g., requires less parking or results in fewer dwelling units).

15 It is the intent of this section to allow for an improvement in the degree of
16 nonconformity of a use utilizing existing structures. It is not intended to allow the
17 construction of new structures in violation of the provisions of this chapter.
18 The planning commission shall make determinations as to whether a use is less
19 intensive upon request

20 Section 7. Section 17.55.070 of the Hermosa Beach Municipal Code is
21 amended to read as follows:

22 Any administrative permit may be revoked by the director or the decision
23 making body for any of the following causes:

- 24 A. That any term or condition has not been complied with;
25 B. That the property for administrative permit has been granted is used or maintained in
26 violation of any statute, law, regulation or condition of approval;
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- 1 C. That the use for which the administrative permit was granted has not been exercised
2 for at least twelve (12) consecutive months, or has ceased to exist, or has been
3 abandoned;
- 4 D. The administrative permit has been issued for a short-term vacation rental, which has
5 received three affirmed violations of this ordinance or any of the City's quality of life
6 ordinances, such as noise violations, disturbing the peace, or creating a public
7 nuisance, within a 12-month period; or,
- 8 E. That the use for which the administrative permit was granted has been so exercised
9 as to be detrimental to the public health or safety or so as to constitute a nuisance.
10 A hearing to show cause why the permit should not be revoked shall be held by the
11 issuing body prior to the revocation of any administrative permit. Written notice
12 shall be provided the permit holder at least ten (10) days prior to the hearing
13 stating the reasons therefor.

14 Section 8. CEQA. The City Council of the City of Hermosa Beach hereby finds,
15 determines, and declares that the project is exempt from the California
16 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section
17 15061(b)(3), which states that CEQA only applies to projects that have the potential
18 for causing a significant effect on the environment. Inasmuch as this is a pilot
19 program that allows existing structures to change their use (from long term
20 residential to more transient occupancy), and has strict operational requirements, it
21 can be seen with certainty that there is no possibility that the activity in question will
22 have a significant effect on the environment.

23 Section 9. Effective Date. This ordinance shall take effect thirty (30) days after
24 its passage and adoption pursuant to California Government Code section 36937.

25 Section 10. Certification. The City Clerk is directed to certify the passage and
26 adoption of this Ordinance; cause it to be entered into the City's book of original
27 ordinances; make a note of the passage and adoption in the records of this meeting;
28 and, within fifteen (15) days after the passage and adoption of this Ordinance, cause

1 it to be published or posted in accordance with California law. The City Clerk is
2 further directed to fill in the appropriate dates as indicated in the ordinance above.

3 **PASSED, APPROVED, and ADOPTED** this 24th day of September, 2019
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6 _____
7 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California
8

9 ATTEST:

APPROVED AS TO FORM:

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11 _____
12 City Clerk

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14 _____
15 City Attorney
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