

ORDINANCE NUMBER 1624

AN ORDINANCE OF THE CITY OF SEAL BEACH APPROVING ZONE TEXT AMENDMENT 12-3 PROHIBITING RENTAL OF RESIDENTIAL PROPERTY ON A SHORT-TERM BASIS

THE CITY COUNCIL OF THE CITY OF SEAL BEACH DOES ORDAIN AS FOLLOWS:

Section 1. On October 3, 2012, the Planning Commission conducted a duly noticed public hearing to consider prohibiting the short-term rental of residential properties (Zone Text Amendment 12-3). After receiving public testimony, the Commission adopted Planning Commission Resolution No. 12-32, recommending that the Council prohibit renting residential property for periods of less than 30 days.

Section 2. On October 22, 2012, the City Council conducted a duly noticed public hearing on Zone Text Amendment 12-3. Persons spoke in favor of and against short-term rentals.

Section 3. The City Council hereby finds:

A. Approval of Zone Text Amendment 12-3 is categorically exempt from review pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations), because it consists of minor alterations in land use limitations in areas with an average slope of less than 20% and does not result in any changes in land use or density; and Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the approval may have a significant effect on the environment; and

B. Zone Text Amendment 12-3 is consistent with the City's General Plan.

Section 4. The establishment of any new vacation rental is prohibited. The City shall not accept any conditional use permit application for a vacation rental after October 22, 2012. Applications submitted on or before October 22, 2012 shall be processed and may be approved in accordance with the provisions of the Municipal Code and Ordinance No. 1619-U. Ordinance No. 1619-U is superseded by this Ordinance and shall have no further effect except for the limited purpose of processing and reviewing conditional use permit applications for vacation rentals filed on or before October 22, 2012.

Section 5. The Municipal Code, including but not limited to Table 11.2.05.010, is amended to delete any reference to "vacation rentals." Table 11.2.05.010 of the Municipal Code is further amended to indicate that "Short Term Rental of Residentially Zoned Property" is neither permitted nor conditionally permitted in any zoning district of the City and to cross-reference Section 11.4.05.135.

Section 6. Section 11.4.05.135 of the Municipal Code is amended to read as follows:

"Short-Term Rental of Residentially Zoned Property.

A. Prohibited. No residentially zoned property, or any portion thereof, shall be leased or rented for a term of 29 days or less for any purpose, including but not limited to any residential or commercial purpose such as vacation rentals, weddings, or other event rentals.

- B. Legal Nonconforming Vacation Rentals. Any vacation rental granted a conditional use permit pursuant to Ordinance No. 1619-U shall be a legal nonconforming use permitted to continue subject to its conditions of approval and Chapter 11.4.40 of the Zoning Code.”

Section 7. Pursuant to Ordinance No. 1619-U, the City issued conditional use permits (“CUPs”) for a number of vacation rentals. One of the conditions of approval attached to each CUP is the requirement that the property owner comply with the permit and operational requirements set forth in Ordinance No. 1619-U. In that Ordinance No. 1619-U will be superseded upon the effective date of this Ordinance, such standards are restated below. Each property owner who has a CUP for a vacation rental must comply with the following permit and operational requirements:

A. Business License Required. The property owner must obtain a business license prior to operating or establishing a vacation rental.

B. Transient Occupancy Tax. The property owner must complete the Transient Occupancy Tax Remittance form prior to operating or establishing a vacation rental and shall pay the Transient Occupancy Tax in accordance with the Seal Beach Municipal Code.

C. Maximum Length of Stay. Visitor occupancy shall be limited to a maximum of 29 consecutive days.

D. Fire and Life Safety. Fire and life safety requirements as required by the Fire Authority and the Building Department shall be implemented. These requirements include, but are not limited to approved smoke detectors in each lodging room, installation of an approved fire extinguisher in the structure, and the inclusion of an evacuation plan posted in each lodging room.

E. Annual Inspection. Each vacation rental shall comply with the annual fire and life safety certification procedures of the Orange County Fire Authority.

F. Check-in Time. First-day arrival at a vacation rental is prohibited after 9:30 p.m. All lease or rental agreements must include this prohibition.

G. Check-out Time. Vacation renters must vacate the unit before noon on the final day of their tenancy.

H. Renter Information and Acknowledgement. Prior to occupancy of a short-term vacation rental unit, the owner shall: (i) obtain the name, address, and a copy of a valid government identification of the primary adult occupant of the short-term vacation rental; and (ii) require the primary adult occupant to execute a formal acknowledgement that he or she is legally responsible for compliance of all occupants of the short-term vacation rental or their guests with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term vacation rental. The acknowledgement must include the text of Section 7.45.010 of the Municipal Code, which provides as follows:

“Upon the initial response of the police department to any disturbance involving loud, unnecessary and unusual noise, the chief of police may, in lieu of or in addition to taking other action authorized by law, give notice to the person or persons in actual or apparent control of the activity creating the disturbance, or to the person or persons in actual or apparent control of the property or premises wherein the disturbance has occurred, or both, that liability may be imposed upon the person or persons receiving such notice for the costs to the city of any subsequent response by the police department in connection with any continuation or

resumption of such disturbance. Such notification shall be in such form as may be approved by the chief of police. The costs of any subsequent response shall be assessed to the person or persons receiving such notice and shall include all costs reasonably incurred by the city in providing law enforcement services and equipment at the scene of the disturbance, including the cost or value of the time expended by police department personnel in making any subsequent response. The method of computing such costs shall be established by the chief of police and approved by the city council. The finance department shall invoice such costs to the person or persons liable therefor under this chapter, and such costs shall constitute a debt to the city and be collectible by the city in the same manner as in the case of an obligation under a contract; provided, however, that in no event shall a person's liability hereunder exceed \$1,000 for any single subsequent response."

This information and acknowledgment shall be maintained by the owner for a period of three years and shall be readily available upon request of any police officer or employee of the City authorized to enforce this Ordinance or any applicable law, rule or regulation pertaining to the use and occupancy of the short-term vacation rental.

I. Trash. Trash and refuse must not be left 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 owner or property manager must provide sufficient trash collection containers and service to meet the demand of the occupants.

J. Lease Terms. Each new lease or rental agreement for a short-term vacation rental must have a copy of the Permit and Operational Requirements attached to it and must include the following terms, notifications and disclosures, which shall also be posted in a conspicuous location inside the unit:

1. The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.

2. Notification that the occupant may be cited or fined by the City for violation of any provision of the Municipal Code, including but not limited to amplified sound, including radios, televisions and other electronic devices, that creates a noise disturbance in violation of Chapter 7.45 of the Seal Beach Municipal Code.

3. A recommendation that the occupant participate voluntarily in neighborhood quiet hours by avoiding parties and loud social events between the hours of 10:00 p.m. and 7:00 a.m.

4. The name of the owner or property manager and a telephone number at which that party may be reached at all times.

K. Response to Complaints. The property owner or manager must provide the City with a phone number at which he or she can be contacted on a 24-hour basis regarding nuisance complaints arising at or from the use of the property as a vacation rental. Upon receipt of a nuisance complaint or upon notification that any occupant or guest of the short-term vacation rental has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the Municipal Code or any state law, the owner or property manager must respond within 45 minutes of receiving such notification and must promptly take corrective action to immediately prevent a recurrence of such conduct by those occupants or guests. Failure to timely respond to calls or complaints as required or take timely corrective action regarding the condition, operation, or conduct of occupants of the short-term vacation rental shall be a

violation of this Ordinance. Nothing in this Ordinance shall be construed to require or authorize an owner or property manager to act as a peace officer or to intervene in situations that pose a risk to personal safety. The owner or property manager must maintain records of the name, violation, date, and time of each complaint, disturbance, and response and corrective action by owner. Such records must be maintained for at least three years.

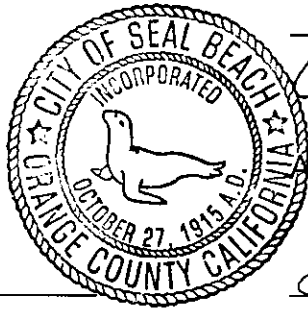
Section 8. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Seal Beach hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 9. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

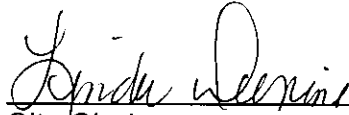
PASSED, APPROVED AND ADOPTED by the Seal Beach City Council at a regular meeting held on the 13th day of November, 2012.



Mayor

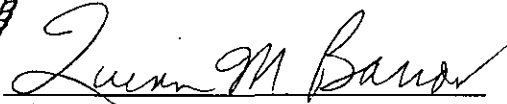


ATTEST:



City Clerk

APPROVED AS TO FORM:




City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF SEAL BEACH }

I, Linda Devine, City Clerk of the City of Seal Beach, do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting held on the 22nd day of October, 2012 and was passed, approved and adopted by the City Council at a regular meeting held on the 13th day of November, 2012 by the following vote:

AYES: Council Members: Deaton, Lovell, Wells, Shanks, Skon
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

And do hereby further certify that Ordinance Number 1624 has been published pursuant to the Seal Beach City Charter and Resolution Number 2836.



City Clerk

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Orange

I am a citizen of the United States and a resident of the county afore-said; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the SEAL BEACH SUN, a newspaper of general circulation, printed and published weekly in the City of Seal Beach, County of Orange and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Orange, State of California, under the date of 2/24/75. Case Number A82583; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 29

all in the year 2012.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Seal Beach, CA,
this 29 day of November, 2012.

Donna M. Healy
Signature

PUBLICATION PROCESSED BY:
THE SEAL BEACH SUN
216 Main Street
Seal Beach, CA 90740
(562) 430-7555

This space is for the County Clerk's Filing Stamp

Proof of Publication of

S U M M A R Y
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All the CUP's approved to date incorporate by reference the permitting and operational requirements set forth in Ordinance No. 1619-U, the non-codified portions of the draft Ordinances provided to the Council, restate those requirements and require the approved vacation rentals to continue to comply with the requirements.

Ordinance Number 1624 was adopted at a regular City Council meeting of November 13, 2012 by the following vote:

AYES: Deaton, Levitt, Miller, Shanks, Sloan
NOES: None
Motion carried

A copy of Ordinance Number 1624 is available on the City's website (www.sealbeachca.gov) or from the office of the City Clerk, City Hall, 211 - 8th Street, Seal Beach; telephone (562) 431-2527.

DATED THIS 21st day of November, 2012

Linda Devine, City Clerk

City of Seal Beach

SB-684

Published in the Seal Beach Sun 11/29/2012