



PLANNING COMMISSION AGENDA

DATE: Thursday, June 27, 2019

TIME: 5:30 p.m.

PLACE: City Council Chambers, City Hall
350 Main Street
El Segundo, California 90245-0989

VIDEO: El Segundo Cable Channel 3 (Live).
Replayed Friday following Thursday's meeting
at 1:00 pm and 7:00 pm on Channel 3.
(Schedule subject to change)

All files related to this agenda are available for public review in the Planning Division office, Monday through Thursday 7:00 am to 5:00 pm and alternating Fridays until 4:00 pm beginning at 7:00 am Monday prior to the Planning Commission meeting.

The Planning Commission, with certain statutory exceptions, can only take action upon properly posted and listed agenda items.

Unless otherwise noted in the Agenda, the public can only comment on City-related business that is within the subject-matter jurisdiction of the Planning Commission and items listed on the Agenda during the Public Communications portion of the meeting. Additionally, the public can comment on any public hearing item on the Agenda during the public hearing portion of such item. The time limit for comments is generally five minutes per person.

Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the Planning and Building Safety Director a minimum of two working days before the meeting and they do not exceed five minutes in length. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the City Clerk's office and on the City's website, www.elsegundo.org.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact City Clerk, (310) 524-2307. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

- A. **Call to Order**
- B. **Pledge of Allegiance**
- C. **Roll Call**
- D. **Public Communications** (Related to City Business only and for which the Planning Commission is responsible—5 minutes per person; 30 minutes total).

Individuals who received value of \$50 or more to communicate to the Planning Commission on another's behalf, and employees speaking on their employer's behalf, must so identify themselves before addressing the Commission. Failure to do so is a misdemeanor. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may respond to comments after public communications is closed.

- E. **Consent Calendar**
All items are to be adopted by one motion without discussion. If a request for discussion of an item is made, the items should be considered individually under the next Agenda heading.

None.

- F. **Call items from Consent Calendar**
- G. **Written Communications** (other than what is included in Agenda packets)
- H. **New Business—Public Hearing**

- 1. **Consideration and possible action regarding recommending approval of a Zone Text Amendment to allow and regulate Short Term Rentals (EA-1180 and Zone Text Amendment No. ZTA 17-01)**

Project Address: Residential Zoned properties in El Segundo
Applicant: City of El Segundo

Project Description: Proposed amendments to the El Segundo Municipal Code (ESMC) Titles 4 and 15, to allow Short-Term Rentals of single-family residential units, accessory dwelling units, residential condominiums, or one apartment unit through a Short-Term Rental Unit Permit process in the City's Residential zones. (Environmental Assessment No. EA-1180 and Zone Text Amendment No. ZTA 17-01).

Environmental Determination: The proposed zone text amendment is not subject to the California Environmental Quality Act (CEQA) because it is categorically exempt from CEQA pursuant to Class 6 (Information Collection) (14 Cal. Code Regs. § 15306), and because it involves creating a regulatory process for a use in the Residential zoning districts.

RECOMMENDED ACTION: That the Planning Commission: (1) open the public hearing and take documentary and testimonial evidence; (2) after considering the evidence adopt Resolution No. 2852, recommending the City Council adopt an Ordinance allowing Short-term Rentals in the City's Residential Zones through a

Short-Term Rental Permit process; and/or (3) discuss and take any other action related to this item.

I. Continued Business—Public Hearing.

None.

J. Report from Planning and Building Safety Director or designee

K. Planning Commissioners' Comments

L. Adjournment—next meeting scheduled for July 11, 2019, 5:30 pm.

POSTED: Kenneth Carson June 20, 2019 4:26 pm
(Signature) (Date and time)

AGENDA DESCRIPTION:

Consideration and possible action regarding approval of Environmental Assessment No. EA-1180 and Zone Text Amendment No. ZTA 17-01 to allow short-term rentals through a Short-Term Rental Unit Permit process in the City's residential zoning districts.

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Class 6 (Information Collection) (14 Cal. Code Regs. § 15306), and because it involves creating a regulatory process for a use in the Residential zoning districts for a limited time.

(Applicant: City of El Segundo).

RECOMMENDED PLANNING COMMISSION ACTION: It is recommended that the Planning Commission take any public testimony on the item and adopt a Resolution recommending that the City Council adopt an Ordinance allowing Short-term Rentals in the City's Residential Zones through a Short-Term Rental Permit process. Alternatively, the Planning Commission may direct Staff to prepare an ordinance and resolution prohibiting Short-term Rentals.

ATTACHED SUPPORTING DOCUMENTS:

1. Planning Commission Resolution No. 2852
2. Draft Ordinance allowing Short-term Rentals through a Short-term Rental Permit Process

ORIGINATED BY: Eduardo Schonborn, AICP, Principal Planner 

REVIEWED BY: Gregg McClain, Planning Manager 

APPROVED BY: Sam Lee, Director of Planning and Building Safety 

I. BACKGROUND

On December 13, 2018, the Planning Commission considered a draft Ordinance expressly prohibiting STRs, homesharing, and the advertisement of these activities. At the conclusion of the hearing, however, the Planning Commission voted 4-1 (Vice Chair Newman dissenting) directing staff to prepare a draft ordinance allowing and regulating homeshares and short-term rentals. Specifically, the Commission's motion included the following:

1. Direct staff to craft an ordinance allowing homeshare and STR subject to strict regulations;
2. Include a permit process
3. Zero or minimal tolerance for violating the party house ordinance
4. Create a balance to avoid needing a hearing every time someone is being a bad actor
5. Require that notices be posted inside the unit to alert the renters of the rules

II. DISCUSSION

Definitions and Allowances

The Draft Ordinance contains amendments to two Titles of the City’s Municipal Code, specifically Title 4 (Business Regulations and Licensing) and Title 15 (Zoning Regulations). The amendments to Title 15 include new definitions for “Short-Term Rental” and for “Short-Term Rental Unit”, which read as follows:

SHORT-TERM RENTAL: The rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for a period of 30 consecutive calendar days or less.

SHORT-TERM RENTAL UNIT: A dwelling unit, or portion thereof, that is made available for short-term rental. A “short-term rental unit” has historically been, and continues to be, included in the definition of “hotel” for purposes of Title 3, Chapter 4 of this Code.

The amendment also includes language in the “Permitted Uses” section for each Residential zoning district. The proposed language is as follows:

- X. *On compliant parcels only, short-term rental units when conducted in accordance with a valid short-term rental permit issued pursuant to Title 4, Chapter 15 of the El Segundo Municipal Code. This subsection will automatically sunset on December 31, 2020. Thereafter, short-term rentals will no longer be a permitted use in the R-# Zone and must be immediately discontinued.*
 - #. *For purposes of this section, a “compliant parcel” is one that provides off-street parking on the parcel at a ratio of not less than one parking space per bedroom for all dwelling units on the parcel. Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each tandem space measures at least 9 feet by 20 feet and does not extend into any sidewalk or other public right-of-way.*
 - #. *A short-term rental unit is not a permitted use in the absence of a valid short-term rental permit.*

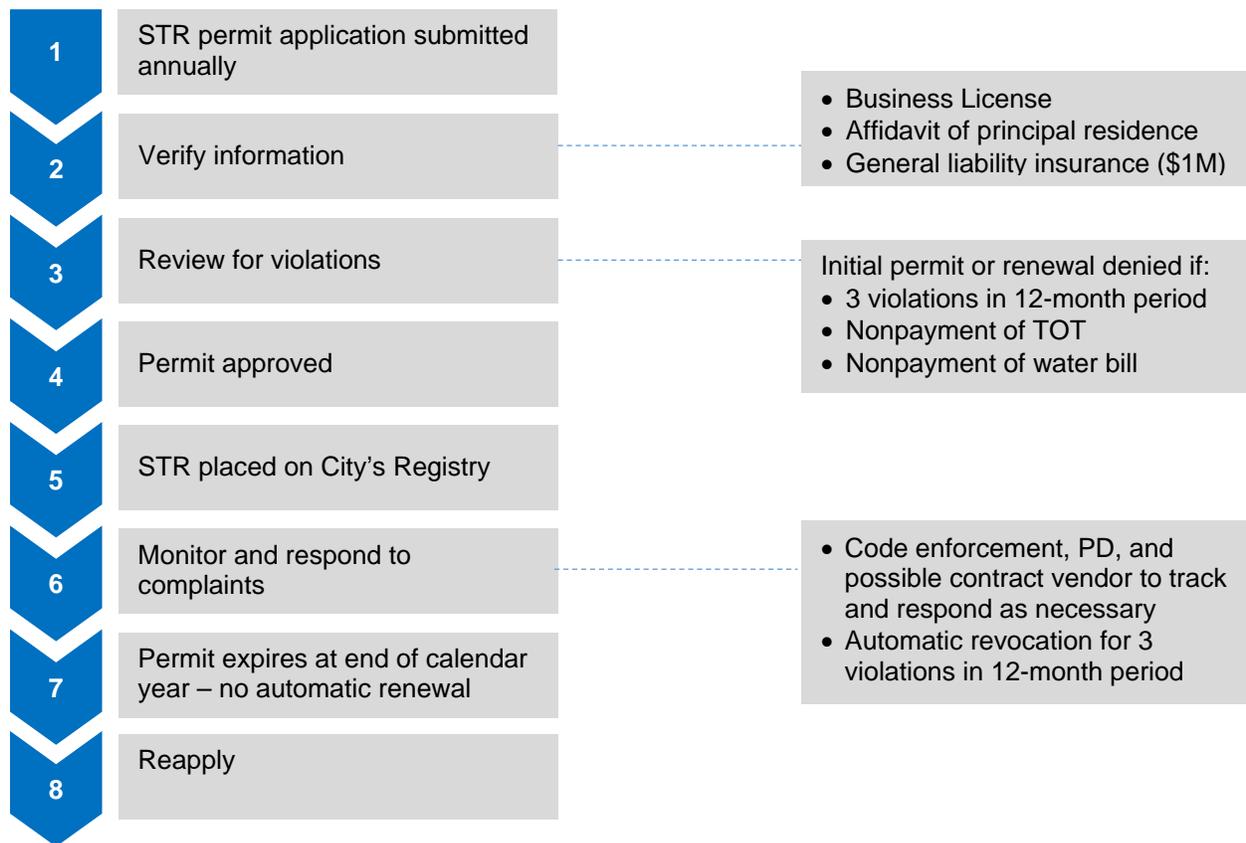
The proposed Ordinance will allow short-term rentals on residentially zoned properties, provided that parking is available on-site and that a short-term rental permit is obtained. It is important to note that the Ordinance is written such that the allowance for STRs and the associated permit will automatically sunset on December 31, 2020, after which short-term rentals will no longer be a permitted use. The limited pilot period allows the city the ability to ascertain whether STRs may be appropriate over the long term in residential zones before committing to making them permanent.

If STRs are deemed to be detrimental, the permits would expire, no new permits would be issued and short-term rentals must be immediately discontinued. If it is deemed necessary to extend the sunset date or the use is determined to not create adverse impacts, then the sunset provision would be modified or deleted through a code amendment. In both instances, staff would monitor the

activity and report its findings back to the Planning Commission with a recommendation as to how to proceed.

Short-Term Rental Permit Process Overview

As illustrated in the flowchart below, the process begins with the submittal of a Short-term Rental (STR) Permit application. Planning staff will review the application and verify that a business license is pending; the applicant has signed the application, which contains the conditions that govern operating a STR (conditions are illustrated in the following section) and an affidavit that



the location is the applicant’s principal residence; and ensure that the applicant has obtained general liability insurance for the proposed STR.

Staff would then coordinate with Finance Department personnel to determine if there are unpaid water bills or unpaid Transient Occupancy Taxes (TOT). If such payments have not been made, the application would be denied. In the case of renewal applications, the next step would include coordinating with other City Departments to determine if there are or have been two violations citations for violations of the Short-Term Rental Ordinance (Title 4, Chapter 15) within the previous 12 months, or any citations for violation of section 7-13-3 (loud or unruly gatherings) within the previous 12 months. If there have been two citations in the previous 12 months for violations of the Short Term Rental Ordinance or a single citation for violation of section 7-13-3 (provided that the citations in each instance are final; i.e., all administrative and judicial appeals have been exhausted), the renewal application would be denied. If there are no disqualifying violations, the STR permit would be approved by Planning Staff and the STR would be valid

through the end of the calendar year. Staff would also create a registry, available on the City's website, of the approved STR permits along with the address and contact information of the STR.

During the calendar year in which the STR operates, Staff would monitor the STR and respond to complaints received. It is important to note that not all complaints would be considered as a violation since each complaint would be investigated. If a complaint is verified and warrants issuing a citation, one would be issued. And, to ensure that citees/permit holders are afforded due process, only citations that are final (the time for administrative and/or judicial review has passed or there is final judgment of a court upholding the citation) count toward the limit. If a short-term rental unit is the subject of two citations for violations of the STR Ordinance within any twelve-month period, or if the unit is the subject of a citation for violation of section 7-13-1 (loud and unruly gatherings), the STR permit would automatically be revoked and the STR would have to cease operations. Absent revocation, the STR permit would be valid until the end of the calendar year, at which time the STR permit would expire. Assuming that STRs would be allowed, the applicant would reapply for a new STR permit for the following calendar year and the process would repeat.

Operational Conditions

As stated above, the signed application would include an affidavit signed by the property owner attesting that the dwelling unit is the principal residence, that the property of the STR is the applicant's primary residence. The affidavit signed by the property owner would also contain the operational conditions. The draft STR operational conditions are as follows:

1. The short-term rental unit must be the principal residence of the owner. For purposes of this section, "principal residence" means the place where the owner resides for more than half of the year. No short-term rental permit may be issued for a dwelling unit that does not serve as the owner's principal residence. Notwithstanding the foregoing, a permitted accessory dwelling unit may be used as a short-term rental unit if it is located on the same parcel as the owner's principal residence. If the owner of the dwelling unit is not a natural person or a trust, the person who claims the dwelling unit as his/her principal residence must be a shareholder, member, or partner of the corporation, limited liability company, partnership, or joint venture that owns the dwelling unit.
2. Parking must be provided on-site at a ratio of not less than one parking space per bedroom in the main residence/unit on the parcel and must be available for use by the short term rental guest(s). Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each tandem space measures at least 9-feet by 20-feet and does not extend into any sidewalk or other public right-of-way. If any of the required parking is provided in a garage, each garage space must be kept clear of debris and able to accommodate a vehicle at all times.
3. The owner must provide a 24-hour contact phone number and must be personally available by telephone on a 24-hour basis to respond to calls regarding the condition and/or operation of the short-term rental unit. The owner's contact information will be provided to the El Segundo Police Department and all City departments. The owner must respond to an initial call within two hours and must commence action

within 24 hours of the initial call to address any violation of this Chapter. Failure to respond to calls or commence such actions in a timely and appropriate manner may result in a fine.

4. The short-term rental unit must be maintained in compliance with all applicable codes regarding fire, electrical, mechanical, building and safety, health and safety, and all other applicable codes.
5. The property of the short-term rental unit shall be maintained in a clean and sanitary condition. Trash and refuse shall not be left outdoors and shall not be left stored within public view, except in proper containers for the purpose of collection by the trash collectors. The owner must contract with the City's exclusive residential solid waste service provider for weekly solid waste services. If the owner or the owner's agent is not present on the site on the designated collection day, the owner must contract for roll out service (and pay the applicable cost thereof) to ensure that all receptacles are timely removed from the right-of-way after collection.
6. No signs or displays advertising the short-term rental unit are allowed on the subject property.
7. The short-term rental unit must have a clearly visible and legible notice in a conspicuous place inside the unit containing the following information:
 - a. The name of the owner, agent, managing agency, or property manager and a telephone number at which that party may be reached;
 - b. The maximum number of vehicles allowed to be parked on the property and their locations.
8. The owner must maintain a transient occupancy registration certificate and must ensure the timely remittance of all transient occupancy taxes due in accordance with Title 3, Chapter 4 of this Code.
9. No more than one booking per dwelling unit is allowed for any given night.
10. A short-term rental unit is for overnight lodging accommodations only and may not be used for, or advertised for use for weddings, parties, bachelor/bachelorette parties, conferences, or similar events. The owner is responsible for the content of all advertising with respect to the short-term rental unit.

Special Rules in R-2 and R-3 Zones

The intent of the ordinance is to allow one STR on a property in all residential zones. In the R-1 zone, one STR would be permitted either of a single-family unit (or portion) or of a permitted ADU, not both. In the R-2 and R-3 zones, the draft ordinance includes special rules to limit the number of STRs. In the R-2 and R-3 zones, if all dwelling units on the parcel are under common ownership (such as a duplex, triplex or apartment complex), then only one unit can be permitted as a STR; but if dwelling units on the parcel are under separate ownership (such as condominiums),

then each dwelling (or portion) may be permitted as a STR. In the R-3 zone, an additional restriction is that ADUs may not be used as a STR.

Hosting Platform Responsibilities

The draft Ordinance includes provisions for hosting platforms, requiring platforms to collect and remit TOT to the city. Other requirements for hosting platforms include disclosing STR listings and their locations; and prohibit bookings of STRs that are not listed on the City's registry. These provisions stem from a recent Federal district court dismissal of a lawsuit filed by Airbnb and Homeaway that challenged the City of Santa Monica's STR law.¹ The lawsuit sought to invalidate portions of the City's law that penalize online platforms for booking short-term rentals of unlicensed properties.

Potential Revenue

Revenue will come from the annual business license fee, the annual short-term rental permit fee, and from the transient occupancy tax (TOT). Although fees are established by Council Resolution, the business license fee is anticipated to cost approximately \$110, while the Short-term Rental permit fee will be approximately \$200. Revenue from TOT depends on the nightly rate charged, the number of nights booked, and the number of short-term rentals in operation. However, assuming there are 100 short-term rental units and each unit is rented every weekend in the year, the potential TOT could be approximately \$125,000.

Additional Information

As the Planning Commission is aware, different cities have addressed STRs in different ways, whether by banning STRs entirely, allowing STRs by-right or through a permit process, limiting the number of nights, or requiring that the owner be present on-site. Each regulation comes with its own method to enforce the regulations. Some cities, such as Santa Monica, hired additional staff to enforce their STR prohibition; while other cities, such as Hermosa Beach, contract with Host Compliance, a private company that monitors the internet to identify STR advertisements.

Staff reached out to Host Compliance for information on the services they could render to El Segundo. Host Compliance's menu options include the following:

1. Mobile enabled permitting and registration: Host Compliance would assist in developing online registration and permitting.
2. Address identification: Host Compliance would provide the city with weekly reports on STRs in the city, complete address information and screenshots of all identifiable STRs.
3. Compliance monitoring: Host Compliance would prepare and mail notices to non-compliant STR operators, directing them to obtain the necessary licenses and permits from the city.
4. Rental activity monitoring and tax collection support: Host Compliance would monitor STR listings for signs of rental activity. This would assist with tax audits by approximating the TOT based on the nightly rate and the number of nights the STRs were rented.
5. 24/7 dedicated hotline: Host Compliance would also provide a 24/7 staffed telephone hotline for neighbors to report non-emergency problems.

¹ *HomeAway.com, Inc. v. City of Santa Monica*, (C.D. Cal. June 14, 2018) 2018 WL 3013245.

Staff believes that a company that offers these types of services could assist city staff with identifying STRs more efficiently and comprehensively, and assist with monitoring and enforcement of STRs.

VI. ENVIRONMENTAL ASSESSMENT

This project was determined to be categorically exempt from further review under CEQA, pursuant to Class 6 (Information Collection) (14 Cal. Code Regs. § 15306), and because it involves creating a regulatory process for a use in the Residential zoning districts for a limited time. Thus, the proposed Ordinance constitutes an action that does not have the potential to cause significant effects on the environment and is therefore exempt from the provisions of CEQA.

VII. RECOMMENDATION

Staff recommends that the Planning Commission take any public testimony on the item and provide direction to staff on a possible ordinance and resolution.

P.C. RESOLUTION NO. 2852

A RESOLUTION OF THE EL SEGUNDO PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 4 (BUSINESS REGULATIONS AND LICENSING) OF THE EL SEGUNDO MUNICIPAL CODE BY ADDING A NEW CHAPTER ESTABLISHING REGULATIONS FOR SHORT TERM RENTALS, AND AMENDING TITLE 15 (ZONING REGULATIONS) OF THE EL SEGUNDO MUNICIPAL CODE ALLOWING THE OPERATION OF SHORT TERM RENTALS IN THE CITY'S RESIDENTIAL ZONES THROUGH A SHORT-TERM RENTAL UNIT PERMIT PROCESS.

(EA NO. 1180 and ZTA NO. 17-01)

The Planning Commission of the City of El Segundo does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. The rental of private homes by owners for temporary occupancy has been identified as a community concern, due to the potential for increased traffic, noise, and density in residential neighborhoods if these uses are not properly regulated;
- B. 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 in the City;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. On October 11, 2018, the Planning Commission conducted a public hearing, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments as set forth in the Planning Commission Staff Report of that date and to receive public testimony and other evidence regarding the proposed amendments, including, without limitation, information provided to the Planning Commission by City staff and public testimony;
- E. On October 11, 2018, the Planning Commission directed staff to prepare a draft Ordinance for consideration by the Planning Commission expressly prohibiting short term rentals in El Segundo's Residential Zones;

- F. After notice was issued pursuant to the provisions of the El Segundo Municipal Code, on December 13, 2018, the Planning Commission reviewed and considered the proposed code amendment to Title 15;
- G. At the December 13, 2018, meeting, the Planning Commission directed staff to return to the Planning Commission with a draft Ordinance for consideration by the Planning Commission to allow short-term rentals through a Short-term Rental Permit process;
- H. On June 13, 2019, a notice was published in the El Segundo Herald pursuant to the provision of the El Segundo Municipal Code;
- I. On June 27, 2019, the Planning Commission conducted a public hearing, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments as set forth in the Planning Commission Staff Report of that date and to receive public testimony and other evidence regarding the proposed amendments, including, without limitation, information provided to the Planning Commission by City staff and public testimony;
- J. On June 27, 2019, the Planning Commission adopted PC Resolution No. 2852 recommending that an ordinance be adopted to allow short-term rentals through a Short-term Rental Permit process in the City's Residential Zoning Districts (R1, R2 and R3); and,
- K. This Resolution and its findings are made based upon the evidence presented to the Commission at its July 27, 2017, August 10, 2017, September 27, 2018, October 11, 2018, December 13, 2018 and June 27, 2019 hearings including, without limitation, the staff reports submitted by the Planning and Building Safety Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the proposed ordinance amending ESMC Titles 4 and 15 to allow short-term rentals of single-family residential units, accessory dwelling units, condominiums and townhomes through a short-term rental unit permit process in the City's Residential zones would result in the following:

- A. The proposed amendment to the ESMC modifies the permitted uses sections in ESMC Chapters 15-4A (Single-Family Residential), 15-4B (Two-Family Residential), and 15-4C (Multi-Family Residential) by including the short-term rental of a permitted single-family dwelling unit, accessory dwelling unit, condominium or townhome as a permitted use subject to the issuance of a regulatory Short-Term Rental permit by the Business License division of the Finance Department.
- B. The General Plan Land Use designation for the affected properties is Residential.

- C. Title 4 of the El Segundo Municipal Code (ESMC) is amended to add thereto a new Chapter 15 “Short-Term Rental Permits”.

SECTION 3: *General Plan Findings.* Considering all of its aspects, the ESMC amendments proposed by the Ordinance will further the goals, objectives and policies of the General Plan and not obstruct their attainment. More specifically:

- A. The amendment conforms to the Land Use Element Goals, Objectives and Policies. Specifically, the amendment is consistent with Goal LU1, Objective LU1-1, Goal LU3, in that the amendment ensures the preservation, protection and extension of existing residential uses; and promotes the health, safety, and wellbeing of the people of El Segundo by adopting standards for the proper balance, relationship, and distribution of the residential land uses at all times in accordance with applicable law.
- B. The proposed text amendment to the Permitted Uses section in each of the City’s Residential Zones conforms to the General Plan. The proposed changes do not modify or increase the maximum density of dwelling units per acre currently allowed in the Residential Land Use designation. As a result, the proposed Zone Text Amendment conforms to the Land Use Element of the General Plan.
- C. The text amendment complies with Objective LU 1-5.6 in that the changes to the existing language will allow short-term rentals through a short-term rental unit permit requirement.
- D. The text amendment is consistent with the Residential Land Use designation in that the proposed changes do not modify or increase the maximum density of dwelling units per acre currently allowed by the Residential zoning designations.

SECTION 4: *Zone Text Amendment Findings.* In accordance with ESMC § 15-26-4 the City Council finds as follows:

- A. The proposed project is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.
- B. The proposed project is necessary to minimize the problems associated with short-term units by requiring a short-term rental unit permit, with restrictions and operational regulations. Further, allowing short-term rental units and the associated permit will automatically sunset on December 31, 2020, after which short-term rentals will no longer be a permitted use.
- C. The proposed project is necessary to minimize the likelihood that this activity goes underground, at which point the city would not have an account of the number of

short-term rentals, their locations, or a funding mechanism to offset any increase in demand for City services resulting from the short-term rental unit.

SECTION 5: *Environmental Assessment.* 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 Regulation, Title 14, Section 15000 *et. seq.*, the Planning Commission finds that the proposed Zone Text Amendment is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15306 (Class 6) since the amendment involves creating a regulatory process for a use in the Residential zoning districts for a limited time. Further, the action will help reduce the impact of short term rentals in the City's Residential zones. Consequently, no further environmental review is required.

SECTION 6: *Recommendation.* The Planning Commission recommends that the City Council adopt an Ordinance amending ESMC Titles 4 and 15, amending the permitted uses sections in ESMC Chapters 15-4A (Single-Family Residential), 15-4B (Two-Family Residential), and 15-4C (Multi-Family Residential) by including the short-term rental of a permitted single-family dwelling unit, accessory dwelling unit, condominium or townhome as a permitted use subject to the issuance of a Short-Term Rental permit, as set forth in the attached Exhibit "A" (Draft Ordinance) and incorporated into this resolution by reference.

SECTION 7: *Reliance On Record.* Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED, APPROVED AND ADOPTED this 27th day of June, 2019.

Ryan Baldino, Chairperson
City of El Segundo Planning Commission

ATTEST:

Sam Lee, Secretary

Baldino -
Newman -
Hoeschler -
Keldorf -
Wingate -

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _____
David King, Assistant City Attorney

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EL SEGUNDO AMENDING TITLE 4 (BUSINESS REGULATIONS AND LICENSING) OF THE EL SEGUNDO MUNICIPAL CODE BY ADDING A NEW CHAPTER ESTABLISHING REGULATIONS FOR SHORT TERM RENTALS, AND AMENDING TITLE 15 (ZONING REGULATIONS) OF THE EL SEGUNDO MUNICIPAL CODE ALLOWING THE OPERATION OF SHORT TERM RENTALS IN THE CITY'S RESIDENTIAL ZONES THROUGH A SHORT-TERM RENTAL UNIT PERMIT PROCESS.

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

- A. Due to the City's close proximity to the Los Angeles International airport, its close proximity to beaches and other Southern California attractions and tourist destinations, and it being home to a significant number of Fortune 500 companies, the City of El Segundo has become a popular location for alternative short-term lodging;
- B. The rental of private homes on a short-term basis to visitors provides a community benefit by expanding the number and type of lodging facilities available and assists owners of homes by providing revenue which may be used for maintenance and upgrades to these units;
- C. The rental of private homes by owners for temporary occupancy has also been identified as a community concern, due to the potential for increased traffic, noise, and density in single family residential neighborhoods if these uses are not properly regulated;
- D. Problems with short-term lodgings are particularly acute in the Residential zones where the peace, safety and general welfare of the long term residents are threatened;
- E. An effective way to minimize the problems associated with short-term units is to allow short-term rentals through a permit process with restrictions and operational regulations;
- F. To allow the City to more accurately gauge the relative advantages and disadvantages of allowing short-term rentals in Residential zones without committing to their permanence, this Ordinance establishes a limited Pilot program that will automatically sunset at the end of 2020.

SECTION 2: *Environmental Assessment.* 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 Regulation, Title 14, Section 15000 *et. seq.*, Staff found the proposed Zone Text Amendment to be categorically exempt from

the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15306 (Class 6) since the amendment involves creating a regulatory process for a use in the Residential zoning districts for a limited time. Further, the action will help reduce the impact of short term rentals in the City's Residential zones. Consequently, no further environmental review is required.

SECTION 3: *General Plan Findings.* Considering all of its aspects, the ESMC amendments proposed by the Ordinance will further the goals, objectives and policies of the General Plan and not obstruct their attainment. More specifically:

- A. The amendment conforms to the Land Use Element Goals, Objectives and Policies. Specifically, the amendment is consistent with Goal LU1, Objective LU1-1, Goal LU3, in that the amendment ensures the preservation, protection and extension of existing residential uses; and promotes the health, safety, and wellbeing of the people of El Segundo by adopting standards for the proper balance, relationship, and distribution of the residential land uses at all times in accordance with applicable law.
- B. The proposed text amendment to the Permitted Uses section in each of the City's Residential Zones conforms to the General Plan. The proposed changes do not modify or increase the maximum density of dwelling units per acre currently allowed in the Residential Land Use designation. As a result, the proposed Zone Text Amendment conforms to the Land Use Element of the General Plan.
- C. The text amendment complies with Objective LU 1-5.6 in that the changes to the existing language will allow short-term rentals through a short-term rental unit permit requirement.
- D. The text amendment is consistent with the Residential Land Use designation in that the proposed changes do not modify or increase the maximum density of dwelling units per acre currently allowed by the Residential zoning designations.

SECTION 4: *Zone Text Amendment Findings.* In accordance with ESMC § 15-26-4 the City Council finds as follows:

- A. The proposed project is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.
- B. The proposed project is necessary to minimize the problems associated with short-term units by requiring a short-term rental unit permit, with restrictions and operational regulations. Further, allowing short-term rental units and the associated permit will automatically sunset on December 31, 2020, after which short-term rentals will no longer be a permitted use.
- C. The proposed project is necessary to minimize the likelihood that this activity goes underground, at which point the city would not have an account of the number of

short-term rentals, their locations, or a funding mechanism to offset any increase in demand for City services resulting from the short-term rental unit.

SECTION 5: The following definitions are added to section 15-1-6 of the El Segundo Municipal Code to read as follows:

“SHORT-TERM RENTAL: The rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for a period of 30 consecutive calendar days or less.”

“SHORT-TERM RENTAL UNIT: A dwelling unit, or portion thereof, that is made available for short-term rental. A “short-term rental unit” has historically been, and continues to be, included in the definition of “hotel” for purposes of Title 3, Chapter 4 of this Code.”

SECTION 6: Section 15-4A-2 (“Permitted Uses”) of the El Segundo Municipal Code is amended to read as follows:

“15-4A-2: PERMITTED USES:

Only the following uses and developments may be conducted or constructed in the R-1 Zone:

- A. Single-family dwellings; provided, that where a dwelling containing 700 square feet or less exists on the rear portion of the lot and was placed thereon prior to, or for which a building permit was issued prior to December 26, 1947, in conformance to the requirements of ordinance 293 of the city, a second one-family dwelling may be erected on the front portion of the lot, whereupon the dwelling on the rear portion of the lot shall assume the status of a nonconforming use as defined herein, but may be expanded to a maximum of 700 square feet.
- B. Parks, playgrounds, recreational areas (publicly owned and operated) but excluding ballparks, bleachers, swimming pools or other types of facilities where racing or contests are conducted or public amusement devices are for hire.
- C. The keeping of animals and pets in accordance with title 6, chapter 2 of this code.
- D. A state authorized, certified or licensed family care home, foster family home, or group home serving six (6) or fewer children.
- E. A state authorized, certified or licensed residential facility, residential care facility, residential care facility for the elderly, intermediate care facility, developmentally disabled habilitative or nursing, or congregate living health facility, serving six (~~6~~) or fewer persons.
- F. Home occupations.
- G. Small family daycare homes.

- H. Large family daycare homes pursuant to section 15-4A-4 of this article.
- I. One mobile or manufactured home subject to the following:
 - 1. The mobile or manufactured home has been certified pursuant to the national manufactured housing construction and safety standards act of 1974, and has not been altered in violation of applicable codes; and
 - 2. The mobile or manufactured home must be installed on a permanent foundation in compliance with all applicable building regulations and division 13, part 2 (commencing with section 18000) of the California Health and Safety Code.
- J. On compliant parcels only, one short-term rental unit per parcel, either of a permitted single-family dwelling unit, or portion thereof, or of a permitted accessory dwelling unit, when conducted in accordance with a valid short-term rental permit issued pursuant to Title 4, Chapter 15 of the El Segundo Municipal Code. This subsection will automatically sunset on December 31, 2020. Thereafter, short-term rentals will no longer be a permitted use in the R-1 Zone and must be immediately discontinued.
 - 1. For purposes of this section, a “compliant parcel” is one that provides off-street parking on the parcel at a ratio of not less than one parking space per bedroom in the main residence/unit on the parcel. Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each tandem space measures at least 9 feet by 20 feet and does not extend into any sidewalk or other public right-of-way.
 - 2. A short-term rental unit is not a permitted use in the absence of a valid short-term rental permit.
- K. Other similar uses approved by the Director, as provided by chapter 22 of this title.”

SECTION 7: Section 15-4B-2 (“Permitted Uses”) of the El Segundo Municipal Code is amended to read as follows:

“15-4B-2: PERMITTED USES:

The following uses are permitted in the R-2 zone:

- A. Any use permitted in the R-1 zone.
- B. A two-family dwelling, duplex, or two (2) one-family dwellings.
- C. On compliant parcels only, short-term rental units when conducted in accordance with a valid short-term rental permit issued pursuant to Title 4, Chapter 15 of the El Segundo Municipal Code. This subsection will automatically sunset on

December 31, 2020. Thereafter, short-term rentals will no longer be a permitted use in the R-2 Zone and must be immediately discontinued.

1. For purposes of this section, a “compliant parcel” is one that provides off-street parking on the parcel at a ratio of not less than one parking space per bedroom for all dwelling units on the parcel. Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each tandem space measures at least 9 feet by 20 feet and does not extend into any sidewalk or other public right-of-way.
 2. A short-term rental unit is not a permitted use in the absence of a valid short-term rental permit.
- D. Other similar uses approved by the director of planning and building safety, as provided by chapter 22 of this title. “

SECTION 8: El Segundo Municipal Code (ESMC) §15-4C-2 “Permitted Uses” is amended to read as follows:

“15-4C-2: PERMITTED USES:

The following uses are permitted in the R-3 Zone:

- A. Any use permitted in the R-2 Zone.
 - B. Condominiums and stock cooperatives converted from multiple-family dwellings subject to the requirements of the Subdivision Map Act.
 - C. Daycare centers.
 - D. Large family daycare homes pursuant to section 15-4A-4 of this chapter.
 - E. Lodging houses.
 - F. Multiple-family dwellings.
 - G. On compliant parcels only, short-term rental units when conducted in accordance with a valid short-term rental permit issued pursuant to Title 4, Chapter 15 of the El Segundo Municipal Code. This subsection will automatically sunset on December 31, 2020. Thereafter, short-term rentals will no longer be a permitted use in the R-3 Zone and must be immediately discontinued.
1. For purposes of this section, a “compliant parcel” is one that provides off-street parking on the parcel at a ratio of not less than one parking space per bedroom for all dwelling units on the parcel. Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each tandem space measures at least 9 feet by 20 feet and does not extend into any sidewalk or other public right-of-way.

2. A short-term rental unit is not a permitted use in the absence of a valid short-term rental permit.
3. An accessory dwelling unit may not be used for short-term rental in the R-3 Zone.

H. Other similar uses approved by the director of planning and building safety, as provided by chapter 22 of this title.”

SECTION 9: Title 4 of the El Segundo Municipal Code (ESMC) is amended to add thereto a new Chapter 15 “Short-Term Rental Permits” to read as follows:

“Chapter 15

SHORT-TERM RENTAL PERMITS

- 4-15-1: PURPOSE
- 4-15-2: DEFINITIONS
- 4-15-3: PERMIT REQUIRED
- 4-15-4: AGENTS
- 4-15-5: APPLICATION FOR PERMIT; FEE
- 4-15-6: PERMIT EXPIRATION; RENEWAL
- 4-15-7: DENIAL OF PERMIT
- 4-15-8: CONDITIONS OF PERMIT ISSUANCE AND RENEWAL
- 4-15-9: REGISTRY
- 4-15-10: HOSTING PLATFORM RESPONSIBILITIES
- 4-15-11: PROHIBITIONS
- 4-15-12: ENFORCEMENT; PENALTIES
- 4-15-13: REMEDIES NOT EXCLUSIVE
- 4-15-14: SUNSET PROVISION

4-15-1: PURPOSE

The purpose of this Chapter is to require the owner of a residential dwelling unit that is used as a short-term rental to apply for and secure a permit authorizing such use in the manner provided for in this Chapter.

4-15-2: DEFINITIONS

For the purpose of this chapter, the following definitions shall apply:

BOOKING: A reservation for a short-term rental.

BOOKING TRANSACTION: Any reservation or payment service provided by a person who facilitates a short-term rental transaction between a prospective transient user and a host.

HOST: Any person who is an owner, lessee, or sub-lessee of a residential dwelling unit offered for use as a short-term rental. Host also includes any person who offers, facilitates, or provides services to facilitate, the short-term rental of a residential dwelling unit, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit regardless of whether the person is an owner, lessee, or sub-lessee of a residential dwelling unit offered for use as a short-term rental. Any person, other than an owner, lessee, or sub-lessee, who operates a short-term rental unit exclusively on the Internet shall not be considered a host.

HOSTING PLATFORM: A person who participates in the business of the short-term rental of a residential dwelling unit by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

OWNER: The person(s) or entity(ies) that hold(s) legal and/or equitable title to the short-term rental unit.

PERSON: Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization of any kind.

SHORT-TERM RENTAL: The rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for a period of 30 consecutive calendar days or less.

SHORT-TERM RENTAL UNIT: A dwelling unit, or portion thereof, that is made available for short-term rental. A “short-term rental unit” has historically been, and continues to be, included in the definition of “hotel” for purposes of Title 3, Chapter 4 of this Code.

4-15-3: PERMIT REQUIRED

No owner of a dwelling unit located within a zoning district where short-term rental units are permissible may rent, offer to rent, or advertise for rent the short-term rental to another person without a valid short-term rental permit approved and issued in the manner provided for in this Chapter.

4-15-4: AGENTS

An owner may retain an agent or a representative to comply with the requirements of this Chapter, including, without limitation, the filing of an application for a permit that has been signed and notarized by the owner, the management of the short-term rental unit, and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the short-term rental unit. The owner of the short-term rental unit is responsible for compliance with the provisions of this Chapter and the failure of an agent to comply with this Chapter shall be deemed non-compliance by the owner.

4-15-5: APPLICATION FOR PERMIT; FEE

An application for a short-term rental permit, or for renewal of a short-term rental permit, must be made on a form approved by the Director and must contain the following information:

- A. The name, address and telephone number of the owner of the unit for which the permit is to be issued.
- B. The name, address and telephone number of the agent, if any, for owner of the unit, and a signed affidavit from the property owner allowing agent to file an application on the property owner's behalf.
- C. Evidence that a City business license has been applied for or obtained for the separate business of operating a short-term rental.
- D. Evidence of valid transient occupancy registration certificate issued by the City for the short-term rental unit.
- E. Proof of general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend, and save the City harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the short-term rental.
- F. An acknowledgment that the use of the property for a short-term rental unit is subject to a sunset provision and that owner will acquire no vested right to the continued use of any dwelling unit as a short-term rental unit after the sunset period has expired.
- G. An affidavit signed by the property owner attesting that the dwelling unit sought to be used as a short-term rental unit is his/her principal residence as defined in Section 4-15-8(A)(1).
- H. Such other information as the Director deems reasonably necessary to administer this Chapter.
- I. The short-term rental permit application must be signed by the property owner and notarized.
- J. An application for a short-term rental permit must be accompanied by a fee established by resolution of the City Council.

4-15-6: PERMIT EXPIRATION; RENEWAL

- A. Applications for short-term rental permits will be accepted during a pilot period commencing on [REDACTED] and ending on November 7, 2019. All short-term rental permits issued pursuant to applications received during the pilot period will automatically expire on December 31, 2020. No applications will be accepted from November 8, 2019 through January 2, 2021.

- B. All short-term rental permits issued after January 2, 2021 will automatically expire on December 31 of each calendar year. Short-term rental permits may be renewed on an annual basis provided the permit holder and the property are in full compliance with this Chapter and all transient occupancy taxes due and owing pursuant to Title 3, Chapter 4 have been paid.
- C. Upon change of property ownership, the short-term rental permit will automatically expire. For purposes of this Chapter, a “change of ownership” has the definition set forth in Revenue and Taxation Code § 60 *et seq.*
- D. No short-term rental permit will automatically renew. It shall be the responsibility of the owner to renew each permit annually. To renew a short-term rental permit, the owner must submit an application in accordance with Section 4-15-5.
- E. A short-term rental permit may not be renewed if any required transient occupancy tax payment is past due.

4-15-7: DENIAL OF PERMIT

No application for an original permit or a subsequent renewal shall be denied if it meets the conditions of permit issuance pursuant to 4-15-8. An application for a short-term rental permit must be denied if any information submitted by the applicant in connection with the application is materially false. Further, an original permit or a subsequent renewal may not be issued for any dwelling that is delinquent in the payment for its associated water service.

4-15-8: CONDITIONS OF PERMIT ISSUANCE AND RENEWAL

- A. All short-term rental permits and renewals are subject to the following standard conditions:
 - 1. The short-term rental unit must be the principal residence of the owner. For purposes of this section, “principal residence” means the place where the owner resides for more than half of the year. No short-term rental permit may be issued for a dwelling unit that does not serve as the owner’s principal residence. Notwithstanding the foregoing, a permitted accessory dwelling unit may be used as a short-term rental unit if it is located on the same parcel as the owner’s principal residence. If the owner of the dwelling unit is not a natural person or a trust, the person who claims the dwelling unit as his/her principal residence must be a shareholder, member, or partner of the corporation, limited liability company, partnership, or joint venture that owns the dwelling unit.
 - 2. Parking must be provided on-site at a ratio of not less than one parking space per bedroom in the main residence/unit on the parcel and must be available for use by the short term rental guest(s). Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each

tandem space measures at least 9 feet by 20 feet and does not extend into any sidewalk or other public right-of-way. If any of the required parking is provided in a garage, each garage space must be kept clear of debris and able to accommodate a vehicle at all times.

3. The owner must provide a 24-hour contact phone number and must be personally available by telephone on a 24-hour basis to respond to calls regarding the condition and/or operation of the short-term rental unit. The owner's contact information will be provided to the El Segundo Police Department and all City departments. The owner must respond to an initial call within two hours and must commence action within 24 hours of the initial call to address any violation of this Chapter. Failure to respond to calls or commence such actions in a timely and appropriate manner may result in a fine.
4. The short-term rental unit must be maintained in compliance with all applicable codes regarding fire, electrical, mechanical, building and safety, health and safety, and all other applicable codes.
5. The property of the short-term rental unit shall be maintained in a clean and sanitary condition. Trash and refuse shall not be left outdoors and shall not be left stored within public view, except in proper containers for the purpose of collection by the trash collectors. The owner must contract with the City's exclusive residential solid waste service provider for weekly solid waste services. If the owner or the owner's agent is not present on the site on the designated collection day, the owner must contract for roll out service (and pay the applicable cost thereof) to ensure that all receptacles are timely removed from the right-of-way after collection.
6. No signs or displays advertising the short-term rental unit are allowed on the subject property.
7. The short-term rental unit must have a clearly visible and legible notice in a conspicuous place inside the unit containing the following information:
 - a. The name of the owner, agent, managing agency, or property manager and a telephone number at which that party may be reached;
 - b. The maximum number of vehicles allowed to be parked on the property and their locations.
8. The owner must maintain a transient occupancy registration certificate and must ensure the timely remittance of all transient occupancy taxes due in accordance with Title 3, Chapter 4 of this Code.
9. No more than one booking per dwelling unit is allowed for any given night.
10. A short-term rental unit is for overnight lodging accommodations only and

may not be used for, or advertised for use for weddings, parties, bachelor/bachelorette parties, conferences, or similar events. The owner is responsible for the content of all advertising with respect to the short-term rental unit.

B. Special rules for short-term rentals in the R-2 Zone:

1. If all dwelling units on the parcel are under common ownership, only one of the dwelling units may be permitted for short-term rental.
2. If the dwelling units on the parcel are under separate ownership, each of the dwelling units may be permitted for short-term rental.

C. Special rules for short-term rentals in the R-3 Zone:

1. If all dwelling units on the parcel are under common ownership, only one of the dwelling units may be permitted for short-term rental.
2. If the dwelling units on the parcel are under separate ownership, each of the dwelling units may be permitted for short-term rental.
3. An accessory dwelling unit may not be used for short-term rental in the R-3 Zone.

D. A short-term rental permit may not be issued if a short-term rental permit for the unit has been revoked pursuant to section 4-15-12(C) or (D) within the last 12 months.

E. The City Manager and/or Director shall have the authority to impose additional standard conditions, applicable to all short-term rental units, as necessary to achieve the objectives of this Chapter.

F. The City Manager and/or Director shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this Chapter.

4-15-9: REGISTRY

All owners and their respective properties permitted for use as short-term rental units pursuant to this Chapter will be listed on a registry created by the City and updated periodically by the City. The City shall publish the registry and a copy will be made available electronically to any person upon request.

4-15-10: HOSTING PLATFORM RESPONSIBILITIES

A. Hosting platforms shall be responsible for collecting all applicable transient occupancy taxes and remitting the same to the City. The hosting platform shall be considered an agent of the owner for purposes of transient occupancy tax

collections and remittance responsibilities as set forth in Title 3, Chapter 4 of this Code.

- B. Subject to applicable laws, hosting platforms must disclose to the City on a regular basis each short-term rental unit listing located in the City, the names of persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.
- C. A hosting platform shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry created under Section 4-15-9 at the time the hosting platform receives a fee for booking the transaction.
- D. A hosting platform shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to an unregistered short-term rental unit, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.
- E. Safe Harbor. A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (A), (B), (C), and (D) above, shall be presumed to be in compliance with this Chapter.
- F. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

4-15-11: PROHIBITIONS

It is unlawful for any host to offer, operate, maintain, authorize, aid, facilitate or advertise the short-term rental of any residential dwelling unit without a valid short-term rental permit. It is unlawful to operate or maintain a short-term rental unit in violation of Section 4-15-8.

4-15-12: ENFORCEMENT; PENALTIES

- A. Any host violating any provision of this Chapter, or hosting platform that violates its obligations under Section 4-15-10, is guilty of an infraction which shall be punishable by a fine not exceeding two hundred fifty dollars for the first violation and five hundred dollars for each additional violation within a twelve-month period, or as a misdemeanor which shall be punishable by a fine not exceeding \$500 or by imprisonment for not more than six months.
- B. Any host who violates any provision of this Chapter, or hosting platform that violates its obligations under Section 4-15-10, shall be subject to administrative citations and penalties pursuant to Title 1, Chapter 2A of this Code.
- C. If a short-term rental unit is the subject of two citations within any twelve-month

period, the short-term rental permit for the unit shall be automatically revoked. In such a case, no new short-term rental permit may be issued for the subject dwelling unit for a period of twelve months from the date of revocation. For purposes of this section, the automatic revocation shall become effective as of the date the second citation within any twelve-month period becomes final (i.e., the time for administrative and/or judicial review has passed or final judgment of a court has been entered upholding the citation.)

- D. In addition to the penalties set forth herein, if the short-term rental unit or the dwelling unit that houses the short-term rental unit is the site of a loud or unruly gathering in violation of section 7-13-3 that results in the issuance of an administrative citation and/or criminal charge, the short-term rental permit shall be automatically revoked if and when the administrative citation becomes final (i.e., the time for administrative and/or judicial review has passed or final judgment of a court has been entered upholding the citation) or a criminal conviction is obtained. In such a case, no new short-term rental permit may be issued for the subject dwelling unit for a period of twelve months from the date of revocation.
- E. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

4-15-13: REMEDIES NOT EXCLUSIVE

The remedies listed in this chapter are not exclusive of any other remedies available to the city under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.

4-15-14: SUNSET PROVISION

This Chapter shall remain in effect only until December 31, 2010 and as of that date this Chapter is repealed. The sunset or repeal of any provision of this Chapter does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before effective date of the sunset or repeal of the Chapter. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of the repeal.”

SECTION 10: CONSTRUCTION. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 11: ENFORCEABILITY. Repeal of any provision of the ESMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 12: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 13: SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 14: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo'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.

SECTION 15: This Ordinance will take effect 30 days after its passage and adoption.

PASSED AND ADOPTED this ___ day of _____, 2019.

Drew Boyles, Mayor

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF EL SEGUNDO)

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. _____ was duly introduced by said City Council at a regular meeting held on the ___ day of _____ 2018, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the ___ day of _____, 2018, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk