

ORDINANCE NO. 19-0008

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH LOCAL COASTAL PROGRAM TO: (1) REINFORCE THE EXISTING SHORT-TERM RENTAL PROHIBITION; AND (2) ESTABLISH A VERY LIMITED EXCEPTION TO ALLOW AN OWNER OCCUPANT TO RENT HIS OR HER PROPERTY ON A SHORT-TERM BASIS THREE TIMES A YEAR FOR A PERIOD OF MORE THAN SEVEN DAYS AND LESS THAN 30 DAYS

THE MANHATTAN BEACH CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. After conducting a public hearing, the Manhattan Beach Planning Commission recommended that the Manhattan Beach City Council adopt an ordinance to allow short-term rentals on a limited basis. On January 15, 2019 and March 6, 2019, the City Council conducted duly noticed public hearings regarding amending the Local Coastal Program regarding the rental of residential property for periods less than 30 days.

SECTION 2. The Local Coastal Program Amendments set forth hereinbelow are consistent with the following Local Coastal Program Policies:

Coastal Locating and Planning New Development Policy II.1: Control Development within the Manhattan Beach coastal zone.

SECTION 3. The City Council hereby amends Local Coastal Program Section A.08.030 by adding “Single-Family Transient Use” to the list of residential use classifications permitted in the designated residential zones as follows, and directs the City Clerk to re-letter the existing sections that follow the new “H”.

“H. Single-Family Transient Use. Rental or lease of a single-family dwelling unit for a period of less than 30 days.

SECTION 4. The City Council hereby amends Local Coastal Program Section A.12.020 (Residential Land Use Regulations) to add “Single-Family Transient Use” as shown below:

“

<b>Residential Uses</b>	RM	RH	Additional Regulations
Single-Family Transient Use	-	-	L-25, (P)

”

**SECTION 5.** The City Council hereby amends MBMC Section A.12.020 (Residential Land Use Regulations) to add Additional Regulation L-25 regulating “Single-Family Transient Use” in designated residential zones, to read as follows:

“RM and RH Districts: Additional Use Regulations:

L-25 It shall be unlawful for any person or entity to: offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days; occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration; or maintain any advertisement of a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days. The provisions in this Section L-25 do not apply to any owner occupant who rents his or her primary residence in conformance with the regulations set forth in Section A.12.020 (P).”

**SECTION 6.** The City Council hereby amends MBMC Section A.12.020 to add “P” to read as follows:

“(P) The homeowner of an owner-occupied primary residence may rent his or her home to guests for less than 30 consecutive days a maximum of three times per year with a minimum stay of seven consecutive days per stay, provided the homeowner has obtained a permit from the City’s Licensing Authority for each stay prior to the stay. Each permit shall be valid for the number of consecutive days (less than 30) specified by the resident homeowner and may include standard regulations. “Owner-occupied primary residence” is defined as a single-family dwelling unit in which the property owner lives as a resident at the dwelling unit for at least 270 days per year.”

**SECTION 7.** The City Council hereby amends Local Coastal Program Section A.16.020 (Commercial Land Use Regulations) to add “Single-Family Transient Use” as shown below:

“

<b>Residential</b>	CL	CD	CNE	Additional Regulations
Single-Family Transient Use	-	-	-	L-25, M

”

SECTION 8. The City Council hereby amends Local Coastal Program Section A.16.020 to add Additional Regulation L-25 regulating “Single-Family Transient Use” in commercial zones, to read as follows:

“CL, CD, and CNE Districts: Additional Use Regulations:

L-25 It shall be unlawful for any person or entity to: offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days; occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration; or maintain any advertisement of a residential dwelling, a dwelling unit or a room in a dwelling for less than 30 consecutive days. The provisions in this Section L-25 do not apply to any owner occupant who rents his or her primary residence in conformance with the regulations set forth in Section A.16.020 (M).”

SECTION 9. The City Council hereby amends Local Coastal Program Section A.16.020 to add “M” to read as follows:

“(M) The homeowner of an owner-occupied primary residence may rent his or her home to guests for less than 30 consecutive days a maximum of three times per year with a minimum stay of seven consecutive days per stay, provided the homeowner has obtained a permit from the City’s Licensing Authority for each stay prior to the stay. Each permit shall be valid for the number of consecutive days (less than 30) specified by the resident homeowner and may include standard regulations. “Owner-occupied primary residence” is defined as a single-family dwelling unit in which the property owner lives as a resident at the dwelling unit for at least 270 days per year.”

SECTION 10. Violations, Penalties and Enforcement. Violations of this Ordinance are subject to the penalty provisions set forth in Municipal Code Chapters 1.04 and 1.06, and Resolution 19-0011. At the discretion of the City Prosecutor, a violation of this Ordinance may be prosecuted as an infraction or misdemeanor. In addition, the City may issue an administrative citation pursuant to Municipal Code Chapter 1.06 for any violation of this Ordinance. Any violation of this Ordinance constitutes a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances. In any civil action brought pursuant to this Ordinance, a court of competent jurisdiction may award reasonable attorneys’ fees and costs to the prevailing party. In the event of any conflict between the penalties enumerated in Municipal Code Chapter 1.04 and established by the City Council pursuant to Municipal Code Chapter 1.06, and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.”

SECTION 11. CEQA. The City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and the establishment of the regulations hereby will have a significant effect on the environment. This Ordinance does not have the potential for causing such effects as it is a mechanism to ensure the collection of transient occupancy taxes, institutes a permit requirement to regulate the rental of homes on a short-term basis, and imposes limitations on such rentals in the City. This Ordinance will serve to reduce potential significant adverse environmental effects. The Ordinance is therefore exempt from review under the California Environmental Quality Act, pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 12. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 13. Any provisions of the Local Coastal Program, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed, and the City Clerk shall make any necessary changes to the Local Coastal Program for internal consistency.

SECTION 14. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 15. This Ordinance shall go into effect and be in full force and effect after certification by the California Coastal Commission.

PASSED, APPROVED AND ADOPTED \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
STEVEN A. NAPOLITANO  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk

APPROVED AS TO FORM:

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QUINN M. BARROW  
City Attorney

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LIZA TAMURA  
City Clerk

APPROVED AS TO FORM:

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QUINN M. BARROW  
City Attorney