

ORDINANCE NO. 1854

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA,
CALIFORNIA AMENDING TITLE 18 AND ADDING CHAPTER 5.76 TO
TITLE 5 RELATING TO HOME SHARING RENTALS**

The City Council of the City of Gardena does hereby ordain as follows:

SECTION 1: Findings. The City Council does hereby find and declare as follows:

A. Due to close proximity to entertainment venues such as SoFi Stadium, Los Angeles International airport, Fortune 500 companies, beaches, and other Southern California tourist destinations, the City of Gardena has become a popular location for alternative short-term lodging.

B. The City of Gardena has never specifically allowed short-term rental lodging as an allowed use and considers such uses to be prohibited in the City.

C. Recent case law calls into question whether the City's prohibition on short-term rentals is valid without the use being specifically prohibited.

D. Since 2017, the City has specifically prohibited short-term rentals on properties which have an accessory dwelling unit (ADU), regardless of whether the short-term rental was of the ADU or the main residential structure.

E. The City Council wishes to make clear that short-term rentals of an entire home are not permitted in the City. The adoption of this ordinance is not meant to indicate that short-term rentals were previously allowed in the City.

F. Short term rentals can create problems in residential areas due to such things as the potential for increased traffic, noise, parking issues, and can cause a change to the residential character of the community which can also lead to safety concerns. The City desires to alleviate these impacts to residential neighborhoods caused by short-term rentals.

G. According to the most recent Regional Housing Needs Allocation which was incorporated into the City's 6th Cycle Housing Element, the City has a total need of 5,735 units, 55 percent of which are for very low, low and moderate income households.

H. Short term rentals impact the supply of long-term rental housing available in the City and increase the cost of housing. The City desires to preserve its available housing stock.

I. Home sharing, the renting of rooms in private homes by hosts for temporary occupancy while the host is present, can create a community benefit by expanding the number and type of lodging facilities available in the City, can assist homeowners and long-term tenants by providing additional income which may be used for living expenses as well as maintenance and upgrade of residential units, and can provide companionship for people living alone without taking rental units off of the market for long-term tenants.

J. Home sharing does not create the same adverse impacts as unsupervised short-term rentals when the home-shares are hosted by the owner or a qualifying resident who lives on site and is present to regulate guests' behavior.

K. Imposing time requirements for owners and tenants to have owned and lived in the property helps ensure that those individuals who are home sharing have a long-term interest in the community.

L. While home sharing can be conducted in harmony with surrounding uses, those activities must still be regulated through a permitting process with restrictions and operational regulations to ensure that public health, safety and general welfare are protected.

M. On May 16, 2023, the Planning Commission of the City of Gardena held a duly noticed public hearing and considered all evidence presented, both written and oral, after which the Planning Commission provided further direction to staff for recommended changes and continued the public hearing to June 20, 2023.

N. On June 20, 2023, the Planning Commission held the continued public hearing and adopted Resolution No. 10-23 recommending that the City Council adopt the draft of the Ordinance presented.

O. On July 18, 2023 staff returned the item to the Planning Commission for an additional duly, noticed public hearing due to state and federal cases that were decided and/or published after the prior Planning Commission which necessitated revisions to the Ordinance.

P. At the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council adopt the revised Ordinance amending Title 18 and adding Chapter 5.76 to Title 5.

Q. On August 22, 2023, the City Council of the City of Gardena held a duly noticed public hearing and considered all evidence presented, both written, after which it introduced this Ordinance.

R. Adoption of this Ordinance is for public necessity, convenience, and the general welfare as it provides protections to persons living in residential zones and protects the supply of housing in the City while taking into consideration constitutional requirements.

SECTION 2. Chapter 18.04 of the Gardena Municipal Code is hereby amended by adding the following definitions:

18.04.232 Home sharing rental.

"Home sharing rental" shall have the same meaning as that set forth in Section 5.76.020 of this Code.

18.04.417 Short term rental.

"Short term rental" shall have the same meaning as that set forth in Section 5.76.020 of this Code.

SECTION 3. Chapter 18.06 of the Gardena Municipal Code is hereby amended to read as follows:

Chapter 18.06

NEW AND EXISTING USES/SPECIFIC PLAN PROHIBITIONS

18.06.010 New construction and new uses.

All new construction, including buildings, improvements, alterations or enlargements, undertaken and all new uses or occupancy of premises within the city shall conform with the requirements, character and conditions as to use, height and area laid down for each of the several zones or districts as described in this title. No person shall erect, construct, establish, move into, alter, enlarge, or use or cause or permit to be erected, constructed, established, moved into, altered, enlarged or used, any building, structure, improvement or use of premises located in any zone described in this chapter contrary to the provisions of this title.

18.06.020 Specific Plans – uses prohibited.

- A. Short term rentals and home sharing rentals are hereby prohibited in every Specific Plan zone in the city. This prohibition is in addition to the uses specifically identified as permitted or prohibited in each Specific Plan.

SECTION 4. Section 18.12.020 of the Gardena Municipal Code relating to uses allowed in the R-1 zone is hereby amended by adding a subsection J. to read as follows:

- J. Home sharing rentals. Home sharing rentals shall be allowed in a single-family residence in accordance with Chapter 5.76 of this Code. No home sharing

rental shall be allowed in any dwelling unit if there is an accessory dwelling unit or junior accessory dwelling unit on the property.

SECTION 5. Section 18.12.040 of the Gardena Municipal Code is hereby amended to read as follows:

18.12.040 Uses prohibited.

A. All uses not listed in Sections 18.12.020 and 18.12.030 are deemed to be expressly prohibited in the R-1 zone, except those determined to be similar pursuant to the provisions of Section 18.42.040; and

B. Short term rentals.

SECTION 6. Section 18.14.020 of the Gardena Municipal Code relating to uses allowed in the R-2 zone is hereby amended by adding a subsection D to read as follows:

D. Home sharing rentals. Home sharing rentals shall be allowed where there are no more than two units on the property in accordance with Chapter 5.76 of this Code. No home sharing rental shall be allowed in any dwelling unit if there is an accessory dwelling unit or junior accessory dwelling unit on the property.

SECTION 7. Section 18.14.040 of the Gardena Municipal Code is hereby amended to read as follows:

18.14.040 Uses prohibited.

A. All uses not listed in Sections 18.14.020 and 18.14.030 are deemed to be expressly prohibited in the R-2 zone, except those determined to be similar pursuant to the provisions of Section 18.42.040;

B. Short term rentals; and

C. Home sharing rentals if there are more than two dwelling units on the property.

SECTION 8. Section 18.16.040 of the Gardena Municipal Code is hereby amended to read as follows:

18.16.040 Uses prohibited.

A. All uses not listed in Sections 18.16.020 and 18.16.030 are deemed to be expressly prohibited in the R-3 zone, except those determined to be similar pursuant to the provisions of Section 18.42.040;

B. Home sharing rentals; and

C. Short term rentals.

SECTION 9. Section 18.18A.030 of the Gardena Municipal Code is hereby amended to read as follows:

18.18A.030 Uses prohibited.

A. All uses not listed in Sections 18.18A.020 are deemed to be expressly prohibited in the R-6 zone, except those determined to be similar pursuant to the provisions of Section 18.42.040.

B. The following uses are expressly prohibited:

1. Home sharing rentals; and
2. Short term rentals.

SECTION 10. Section 18.19.050 of the Gardena Municipal Code is hereby amended to read as follows:

18.19.050 Uses prohibited.

A. All uses not listed in Sections 18.19.030 and 18.19.040 are deemed to be expressly prohibited in the MUO zone, except those determined to be similar pursuant to the provisions of Section 18.42.040;

B. Home sharing rentals; and

C. Short term rentals.

SECTION 11. The opening paragraph of Section 18.19A.050 and subsection A of the Gardena Municipal Code are hereby amended to read as follows; all other sections remain the same:

18.19A.050 Uses prohibited.

All uses not listed in Sections 18.19A.030 and 18.19A.040 are deemed to be expressly prohibited, except those determined to be similar pursuant to the provisions of Section 18.42.040. No similar use determination may be made for the following specific uses, which are deemed to be incompatible with the uses permitted in the C-3 zone and are therefore prohibited:

A. Residential:

1. Any residential units other than live-work north of Main Street;

2. Home sharing rentals; and

3. Short term rentals.

SECTION 12. Section 18.20.040 of the Gardena Municipal Code is hereby amended by adding new subsection L and M to read as follows and relettering existing subsection L.

18.20.040 Uses prohibited.

L. Home sharing rentals;

M. Short term rentals; and

~~N.~~ Any other use not listed in Section 18.20.020, 18.20.025, or 18.20.030, except those determined to be similar pursuant to the provisions of Section 18.42.040.

SECTION 13. Section 18.21.040 of the Gardena Municipal Code is hereby amended by adding new subsection B.

The following uses shall be explicitly prohibited in the housing overlays:

A. Home sharing rentals; and

B. Short-term rentals.

SECTION 14. Section 18.28.040 of the Gardena Municipal Code is hereby amended by adding new subsection L and M to read as follows and relettering existing subsection L.

18.28.040 Uses prohibited.

L. Home sharing rentals;

M. Short term rentals; and

~~N.~~ Uses other than those specifically set forth or provided for in Sections 18.28.020 and 18.28.030, except those determined to be similar pursuant to the provisions of Section 18.42.040.

SECTION 15. Chapter 5.76 is hereby added to the Gardena Municipal Code to read as follows:

CHAPTER 5.76

HOME SHARING RENTALS

5.76.010 Purpose.

The purpose of this Chapter is to alleviate nuisances, protect the character of the City's residential communities and stabilize the housing market by protecting the City's housing supply while at the same time allowing owners and residents to supplement their income, provide potentially more affordable accommodations, and providing the opportunity for companionship.

5.76.020 Definitions.

For the purpose of this Chapter, the following definitions apply:

ADMINISTRATIVE GUIDELINES: Regulations approved by the City Manager that may include, but are not limited to, application requirements, interpretations, conditions, reporting requirements, hosting platform safe harbor requirements, enforcement procedures, and disclosure requirements to implement the provisions of this Chapter.

BEDROOM: Any habitable space in a dwelling unit other than a kitchen, bathroom or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area with no dimension less than seven feet, has a window to the outside, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.

BOOKING: A reservation for home sharing.

BOOKING TRANSACTION: Any reservation or payment service provided by a person who facilitates a transaction for home sharing, between a prospective transient user and a host.

DIRECTOR: The Director of Community Development or his/her designee.

DWELLING UNIT: Any building or portion thereof that is used as a complete, independent living facility for one or more persons containing permanent provisions for living, sleeping, eating, cooking, and sanitation, as required by the California Building Code.

GUEST: A natural person who rents a home sharing rental.

HOME SHARING: Renting, for a period of 30 consecutive days or less, of one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on site, in the dwelling unit, throughout the guest's stay.

HOME SHARING PERMIT (HSP): A permit issued in accordance with this Chapter.

HOME SHARING RENTAL: A dwelling unit which is a permanent structure that is made available for home sharing. A home sharing rental is included in the definition of "hotel" for purposes of Chapter 3.16 of this Code

HOST: Any natural person who is an owner or a qualifying tenant of a residential dwelling unit offered for use as home sharing rental.

HOSTING PLATFORM: A person or entity that participates in the home sharing rental business by providing booking services through which a host may offer a home sharing rental. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a host to advertise the home sharing rental through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential renters arrange use and payment, whether the renter pays rent directly to the operator or to the hosting platform.

LISTING: A webpage or advertisement (online or otherwise) for a home sharing rental or other overnight rented stays located on a hosting Platform or other online platform(s), including the web URL, metadata and other attributes.

LIVES ON-SITE: Maintains a physical presence in the home sharing rental including, without limitation, all of the following: the storing of one's clothes and other personal effects, sleeping overnight, preparing and eating meals, and engaging in other activities of the type typically engaged in by a person residing in a dwelling unit.

OWNER: Any person who, alone or with others, has legal or equitable title to a dwelling unit and has held such interest for a minimum of one year. A person whose interest in the property is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

PERMIT PERIOD: A five-year period of time commencing on April 15, 2024 and ending on April 14, 2029 and every five-years thereafter commencing on April 15 of that year.

PERSON: A natural person or any legal entity.

PRIMARY RESIDENCE: The residential unit where the host resides for at least 183 nights per year. A host can have only one primary residence.

QUALIFYING TENANT: A tenant who has lived at the home sharing rental for a minimum of one year.

SHORT-TERM RENTAL: Any rental of a dwelling unit or any portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of 30 consecutive calendar days or less which does not qualify as a home sharing rental.

5.76.030 License, permits and taxes required.

A. No person may rent, offer to rent, or advertise a home sharing rental to another person without a valid business license. The business license must be renewed on a yearly basis.

B. No person may rent, offer to rent, or advertise a home sharing rental to another person without a valid home sharing permit approved and issued in the manner set forth in this Chapter.

C. All home sharing hosts shall be subject to the provisions of Title 5 (Business Licenses and Regulations) and Chapter 3.16, including the requirement to pay the City's Transient Occupancy Tax (TOT) and the requirement to have a transient occupancy registration certificate. Unless the applicant has the hosting platform they use collect and remit all TOT on their behalf, the applicant must be registered to pay TOT with the City's Business License Division. Regardless of whether a host utilizes a hosting platform that offers to collect and remit TOT on their behalf, the host is ultimately responsible for the collection and monthly remittance of TOT to the City.

5.76.040 Home Sharing Permit

The following persons are qualified to be a host of a Home Sharing Rental:

A. Home sharing permits shall only be granted to applicants who are the owners or qualifying tenant of the proposed home sharing rental as specified in this Chapter. A host may be issued only one home sharing permit within the City.

B. The following persons are qualified to be a host of a Home Sharing Rental:

1. An owner who lives on the premises and has owned the residence for a minimum of one year prior to the date of the application.

2. An owner who has owned the residence for a minimum of one year prior to the date of the application and who does not live on the premises but has a qualifying tenant and whose lease with the tenant specifies that the owner may use a designated bedroom or bedrooms for home sharing.

3. A qualifying tenant whose lease with the owner specifies that the tenant may use a designated bedroom or bedrooms for home sharing and the owner has owned the residence for a minimum of one year prior to the date of the application.

4. Ownership, including the length of ownership, shall be established by providing a copy of at least one document that identifies the full name or names of the

applicant as owner and the address of the property. Examples of acceptable documents include recent copies of: a property tax bill, mortgage statement, and title report.

5. Primary residency for a host or qualifying tenant shall be established by providing two documents which associate the property as the place which is the base of their personal life activities. Examples of acceptable documents include the following when the name and address match that of the application and there is a date on at least one document establishing residency of one year: valid federal or state-issued photo identification card; passport or alien registration card; valid California voter registration card or status document; vehicle registration certificate; health insurance or vehicle insurance bills; pay stubs with name and address; original utility bills for water, gas or electric service.

C. Home sharing permits shall be valid for a five-year period commencing April 15 of one year and ending on April 14, five years later.

D. The City shall issue a maximum of 100 home sharing permits per five-year period. The application period shall be January 1 through February 15, commencing in calendar year 2024 and then every five years thereafter.

1. If there are more than 100 qualified applications submitted during this time, the City shall issue home sharing permits by way of a lottery.

2. If there are less than 100 qualified applicants submitted during this time and additional home sharing permits are available, such permits may be issued on a first-come, first-served basis through the end rental permit period until 100 permits have been issued. Regardless of when a permit is issued during this time, it shall only be valid until the remainder of the rental permit period.

3. If a lottery is conducted and a qualified applicant is not selected, then the applicant's permit fee shall be refunded.

E. No home sharing permit shall be issued to a host who has previously had a home sharing permit revoked.

F. No home sharing permit shall be issued for a dwelling unit with a pending enforcement action by the City for violations of this Chapter or any provision of the Municipal Code, unless the approval is required to resolve the enforcement action.

5.76.050 Home Sharing Permit – Application and Renewal Procedures

A. Only a proposed host may apply for a home sharing permit.

B. An application for a home sharing permit must meet the following requirements, be made on a form approved by the City, and must contain the following information:

1. The name, address, and telephone number of the host of the residence for which the permit is to be issued.
2. Whether the applicant is an owner or qualifying tenant.
3. Proof that the proposed home sharing rental is the primary residence of the owner, and if applicable, the qualifying tenant.
4. Proof that the owner has owned the proposed home share for at least a year and if applicable, that the qualifying tenant has resided in the proposed home share for at least a year.
5. An acknowledgment that the home sharing permit is only valid for the permit period of five years and subject to renewals which may be through a lottery system if there are more than the allowed number of users which apply.
6. An acknowledgment that the home sharing permit does not create a vested right, is non-transferable, does not run with the land and may not necessarily be renewed for successive five-year periods.
7. If the applicant is a property owner who will reside on site:
 - a. Proof that the proposed home share is the owner's primary residence;
 - b. Proof that the owner has owned the house for a minimum of 365 days prior to the date of the application.
8. If the applicant is an owner who will not reside on site but has a qualifying tenant:
 - a. Proof that the owner has owned the house for a minimum of 365 days prior to the date of the application;
 - b. Proof, other than a rental agreement, that the proposed home share is the qualifying tenant's primary residence;
 - c. Proof that the qualifying tenant has resided at the residence for a minimum of 365 days;
 - d. A copy of the lease naming the qualifying tenant and specifying that the owner can use the residence for a home share rental and designating which rooms can be used for such purposes.
9. If the applicant is a qualified tenant:

a. Proof that the owner has owned the house for a minimum of 365 days prior to the date of the application;

b. Proof, other than a rental agreement, that the proposed home share is the qualifying tenant's primary residence.

c. Proof that the qualifying tenant has resided at the residence for a minimum of 365 days;

d. A copy of the lease naming the qualifying tenant and specifying that the tenant can use the residence for a home share rental and designating which rooms can be used for such purposes;

10. An identification of the number of bedrooms to be home shared.

11. Such other information as required by the Administrative Guidelines or as the City Manager or his/her designee deems reasonably necessary to administer this Chapter.

12. All applications must be signed and notarized by the property owner and, if applicable, by the qualifying tenant.

C. An application for a home sharing permit and for each renewal must be accompanied by a fee established by resolution of the City Council.

D. Once an applicant has been notified that they will receive a home sharing permit for the following period, the applicant shall have 45 days to provide the City with the information listed below. Once the information is provided, the home sharing permit shall be issued.

1. Evidence that the host has applied for or obtained a business license for operating a home sharing rental.

2. Evidence that the host has applied for or obtained a transient occupancy registration certificate for the home sharing rental.

3. Proof of general liability insurance in the amount of \$1,000,000 combined single limit. Insurance must be kept up to date on a yearly basis and a copy of the policy must be provided to the City upon request in subsequent years of the rental period. The insurance requirement may be satisfied if the host lists only on hosting Platforms that provide the host with this level of insurance. In such a case, the host must provide the City with a copy of the agreement between the host and the hosting Platform that evidences the requisite insurance coverage.

E. Renewal applications shall be processed in the same manner as the original application and shall contain the same information.

F. It shall be the obligation of the host to notify the Community Development Department of any changes to the information provided in the application within 15

business days of such change.

5.76.060 Regulatory requirements.

Home sharing permits are subject to the following regulations and conditions:

A. The host must reside on-site in a bedroom, within the home sharing rental, during the time in which guests are present.

B. Home sharing is only allowed in the Single-Family (R-1) and Low-Density Multiple-Family (R-2) zones as further set forth in Title 18 and may not be located on any property on which there is an accessory dwelling unit.

C. At all times the home sharing rental must be used solely for residential purposes.

D. Only bedrooms may be rented and occupancy shall be limited to a maximum of 4 people per bedroom.

E. The host must take responsibility for and actively prevent any nuisance activities that may take place as a result of home-sharing.

F. There must be a minimum of two parking spaces on site per unit, which need not be in an enclosed garage. Parking must meet the requirements of Chapter 18.40 of this Code. At least one parking space per reservation must be made available to guests and such parking may include the required parking as well as 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.

G. The host shall keep records of the vehicle license plate numbers of guests, which shall be provided to the City upon request.

H. The host shall notify all residents within 75 feet of the property on which the home sharing rental is located that the host is operating a home sharing rental from that location.

I. The host shall post contact information on the property on a place that is visible and accessible to the public that provides the following information for the host: name, phone number, e-mail address. The notice shall also include the home sharing permit number. The notice shall be in a minimum 1-inch size font.

J. The home share must at all times have operable basic health and safety features, including fire extinguishers, smoke detectors, and carbon monoxide detectors.

K. The property 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.

L. The host must maintain a transient occupancy registration certificate and must ensure the timely remittance of all transient occupancy taxes due in accordance with 3.16 of this Code.

M. A home share is for overnight lodging accommodations only and may not be used for, or advertised for use for weddings, parties of any kind, conferences, or similar events.

N. The host must provide a Good Neighbor Policy notice to all guests that advises, at a minimum, the following:

1. The expectation that guests are expected to be respectful of neighbors and maintain the residential character of the neighborhood;

2. Parking requirements;

3. Rules for trash and recycling;

4. That the City noise provisions require noise levels to be reduced from 10 p.m. to 7 a.m.;

5. That upon a failure to vacate by the expiration of the occupancy term, guests may be deemed trespassers and may be subject to removal by relevant authorities;

6. That pursuant to Chapter 9.68 of the Municipal Code, if the police are called to address public peace, health, safety, or general welfare issues, guests may be responsible for the cost of the police response; and

7. That the rental may only be used for residential purposes and may not be used for weddings, parties of any kind, conferences, or similar events.

O. If there is a change to the information provided in the application which qualified the dwelling unit to be a home sharing rental, such change must be reported to the Community Development Department in accordance with Section 5.76.050F, the host must also remove all listings within 15 business days and cease operations of the home sharing rental.

P. The host shall keep and preserve, for a minimum period of three years, all records regarding each home sharing stay, including the length of stay for each booking and the corresponding rate charged, which shall be provided to the City upon request.

5.76.070 Advertising

A. The host is responsible for the content of all advertising with respect to the home sharing rental.

B. All advertising shall contain the following information:

1. The City-issued registration number
2. The applicable maximum occupancy per bedroom;
3. That the host will be present at all times during the rental.

C. In the event a home sharing permit is revoked, the host must remove all listings within 48 hours.

D. The Director may request a hosting platform to remove a listing for any unpermitted home sharing or short-term rental unit or for any home share unit that had its home sharing permit revoked pursuant to this Chapter.

5.76.080 Ban, termination, and revocation.

A. Ban.

1. If the Director determines that there is fraud on any application, the applicant shall be permanently banned from operating a home sharing rental within the City.

2. If there are three sustained complaints, whether criminal, civil, or administrative, within a 12 month period against a host, the host shall be permanently banned from operating a home sharing rental within the City.

B. Automatic Termination. A home sharing permit shall automatically terminate upon a change of circumstances that would have led to a denial of the home sharing permit in the first instance.

C. Revocation. A home sharing permit may be revoked for non-compliance with any provision of a home sharing permit or this Code after receiving a written Notice of Violation which has become final or for violations of this Code at the location of the home sharing rental. A written Notice of Violation is not required in cases where the violation causes an immediate threat to the health and safety of the guests or other occupants of the home sharing rental or to any surrounding neighbors.

D. Any regulatory actions taken hereunder shall be in writing and issued by the Community Development Director. Such actions shall be appealable pursuant to Chapter 1.12 of the Gardena Municipal Code. This shall not apply to any administrative citation issued pursuant to chapter 1.20 of this Code.

5.76.090 Registry.

All hosts and their respective property permitted for home sharing pursuant to this Chapter shall be listed on a registry created by the City which list shall be periodically updated. This registry shall be a public record and made available to any person upon request.

5.76.100 Administrative Guidelines.

The City Manager or his/her designee may promulgate administrative guidelines, which may include, but are not limited to, application requirements, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation once it is incorporated into the Administrative Guidelines.

5.76.110 Hosting Platform Responsibilities.

A. Unless an alternative arrangement is authorized by the Administrative Guidelines, a hosting platform shall be responsible for collecting all transient occupancy taxes applicable to bookings completed through the hosting platform and for remitting the same to the City. The hosting platform shall be considered an agent of the host for purposes of such transient occupancy tax collections and remittance responsibilities as set forth in Chapter 3.16 of this Code.

B. The hosting platform shall require the host to input the home share unit's corresponding Short-term home sharing permit number, consistent with the City's alphanumeric format, before the listing can be displayed. Any short-term rental unit listing that predates this ordinance and that does not have a corresponding Short-term home sharing permit number shall be removed by the hosting platform consistent with this Section.

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 5.76.090 at the time the hosting platform receives a fee for booking the transaction. Upon request from the Director made in a manner specified in the Administrative Guidelines,

the hosting platform must remove a home share or short-term rental listing or take other action consistent with the Administrative Guidelines.

D. On a quarterly basis, the hosting platform shall provide the City with a report detailing the total number of nights all home sharing rentals were rented through the platform during the applicable reporting period.

E. A hosting platform shall not collect or receive a fee or other financial benefit, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to an unregistered home sharing rental, 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.

F. Safe Harbor. A hosting platform shall be presumed to be in compliance with this Chapter if it does either of the following:

1. Operates in compliance with subsections A – E above, or
2. Complies with the Administrative Guidelines approved by the City Manager or his/her designee that describe how the hosting platform must satisfy the hosting platform responsibilities in this Chapter.

G. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal laws and will not apply if determined by the City to be in violation of, or preempted by, any such laws.

5.76.120 Prohibitions.

A. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the home sharing of any portion of any residential dwelling unit in the city without a valid home sharing rental permit.

B. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the home sharing rental of any portion of any residential dwelling unit in the city, other than for home sharing.

C. It is unlawful to operate or maintain a home sharing unit in violation of the provisions of this Chapter.

D. Only a qualifying residential dwelling unit or portion thereof may be made available for home sharing subject to this Chapter and Title 18.

E. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the short-term rental of any place or vehicle, other than a permitted home sharing rental, for purposes of overnight lodging. Rentals of recreational vehicles, trailers, and campers are specifically prohibited.

5.76.130 Enforcement; penalties.

A. Any person, including a guest, who violates any provision of this Chapter, or hosting platform that violates its obligations under this Chapter, shall be subject to administrative citations and penalties pursuant to Chapter 1.20 of this Code as well as criminal citations.

B. If the property upon which a home share unit is located is the subject or the site of three final violations of any of the provisions of this Chapter, or of Chapters 8.36 (Noise), 8.64 (Real Property Nuisance), or 9.68 (Unruly Gatherings), Title 15 relating to violation of building codes, or any combination thereof, the home sharing permit for the unit shall be automatically revoked. For purposes of this section, the automatic revocation shall become effective as of the date the third 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).

C. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the City's use or application of any other remedies, penalties or procedures established by law.

5.76.140 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.

SECTION 16. Effective Date.

A. This Ordinance shall take effect on the thirty-first day after passage.

B. Notwithstanding subsection A, short-term rentals that were in effect on the date of adoption of this Ordinance shall have until 180 days after the effective date to cease all operations. This extension shall not apply to any vehicle or trailer which is being used as a short-term rental.

C. For any short-term lodging rental remaining in operation on the effective date of this Ordinance, the host shall be required to obtain a business license from the City and pay the Transient Occupancy Tax in accordance with Chapter 3.16 of the Gardena Municipal Code.

SECTION 17. Relief.

A. The owner of any residence being used for a short-term lodging rental may appeal the termination of the use pursuant to the following administrative procedure:

1. No later than 45 days after the adoption date, the owner or other person with an interest in the property may file a written request for relief ("Request") to the Community Development Director. The Request shall state all reasons, including but not limited to alleged abridgements of the appellant's constitutional rights, and why the prohibition should not be made effective as set forth in Section 16 of this Ordinance on the 180th day after effective date extension and relief.
2. Within 30 calendar days of filing the Request, the matter shall be set for hearing before a hearing officer.
3. Within 10 business days after the conclusion of the hearing, the hearing officer shall certify the findings and issue a written decision to the owner and the City. The decision of the hearing officer shall be final, subject to judicial review pursuant to Section 1094.5 of the California Code of Civil Procedure and further subject to the time limits for seeking such review pursuant to Section 1094.6 of the Code of Civil Procedure.
4. The cost of the hearing officer shall be paid for by the owner. The owner shall be required to submit a deposit in an amount determined by resolution of the City Council with the Request.
5. The City shall take no enforcement action toward requiring termination of the short-term lodging rental use pending the final decision of the hearing officer.

B. There are no appeal rights regarding vehicles or trailers being used as short-term rentals.

SECTION 18. General Plan Consistency. Adoption of this Ordinance is consistent with the City's General Plan. Specifically, the Ordinance implements Land Use Goal 1 and policies 1.1 and 1.2 by preserving and protecting single-family and low/medium-density residential neighborhoods as it helps create safe neighborhoods and protects the neighborhoods from incompatible uses of areas becoming commercial districts. The Ordinance also promotes policy 1.10 by insuring there will be adequate off-street parking. The Ordinance promotes Noise Goal 2 by incorporating noise considerations into land use planning decisions. By preventing entire homes from being rented as short term rentals, the Ordinance also promotes Housing Element Goal 1.0 by maintaining and enhancing the stability of the of the City's housing stock. Lastly, adoption of the

Ordinance helps promote and retain the business community by increasing the customer base of people who will make use of City businesses.

SECTION 19. CEQA. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.* and the CEQA Guidelines, staff has determined that the Ordinance does not qualify as a project as defined in CEQA Guidelines section 15378, and there is no potential for the adoption of the Ordinance to result in a physical change in the environment and therefore is not subject to CEQA. Even if the Ordinance were subject to CEQA, it would be exempt under the common sense exemption of Guidelines section 15061(b)(3) as there is no possibility that the activity may have a significant effect on the environment. Adoption of the Ordinance is also exempt under Guidelines section 15308 as an action to creating a regulatory process to protect the environment. Staff is directed to file a Notice of Exemption.

SECTION 20. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 21. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

PASSED, APPROVED AND ADOPTED this 12th day of September, 2023.



TASHA CERDA, Mayor

ATTEST:


MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



CARMEN VASQUEZ, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being **Ordinance No. 1854** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **12th day of September 2023**, and that the same was so passed and adopted by the following roll call vote:

AYES: MAYOR PRO TEM HENDERSON, COUNCIL MEMBERS TANAKA AND FRANCIS, AND MAYOR CERDA

NOES: COUNCIL MEMBER LOVE

ABSENT: NONE

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)