

INTERIM URGENCY ORDINANCE NO. 821

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE ESTABLISHING A CITYWIDE 45-DAY MORATORIUM PROHIBITING THE APPROVAL, EXPANSION, INTENSIFICATION OR RELOCATION OF ANY NEW OR EXISTING HOME-SHARING

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the City and its residents; and

WHEREAS, implicit in any plan or regulation is the City's interest in maintaining the quality of life and the character of the City's neighborhoods, without well-planned neighborhoods, areas of the City can quickly deteriorate, with consequences to social, environmental and economic value; and

WHEREAS, the City of Commerce Municipal Code ("CMC") sets forth all the regulatory and penal ordinances and certain administrative ordinances of the City to promote and protect the public health, safety, peace, comfort and general welfare in conformance with the City's General Plan; and

WHEREAS, recently, a complaint was received regarding a property where an unpermitted vacation rental that was advertising over forty bunk beds for rent on a hosting platform called Airbnb; and

WHEREAS, the current provisions of the CMC allow home-sharing and set forth certain standards for such businesses. The CMC provisions require review, study, and possible revision in order to respond to recent concerns relating to the impacts of these businesses surrounding residents, businesses, and properties; and

WHEREAS, the State of California continues to experience a state-wide housing shortage and home-sharing and vacation rentals reduce the number of available housing units that could be occupied by families on a long term basis; and

WHEREAS, on January 7, 2025, Governor Gavin Newsom issued Executive Order N-2- 25 proclaiming a State of Emergency to exist in Los Angeles and Ventura Counties due to the Palisades fire and windstorm conditions; and

WHEREAS, as a result of the catastrophic Palisades fire and Eaton fire in Los Angeles County more than 10,000 structures have been destroyed leaving over 40,000 residents displaced further exacerbating the State's housing shortage crisis; and

WHEREAS, based on the foregoing, it is urgent that the City adopt regulations in order to minimize the adverse impacts home-sharing and vacation rentals may have on surrounding residential properties and the City's limited law enforcement resources, and as a result, the City desires to establish, on an urgency basis, an ordinance to enact a 45-day moratorium prohibiting the advertisement and operation of home-sharing and vacation rentals within the City; and

WHEREAS, this Interim Urgency Ordinance is enacted pursuant to the authority conferred upon the City and shall be in full force and effect immediately upon a four-fifths (4/5) vote of the City Council.

WHEREAS, Government Code Section 65858 authorizes the City, through a four-fifths (4/5) vote of its legislative body, to adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the Community Development Department is considering or studying or intends to study within a reasonable time; and

WHEREAS, there is an immediate threat to the public health, safety and welfare

of the community resulting from the potential establishment or expansion of home-sharing and vacation rentals within the City without increased regulations in place, and, absent the adoption of this Urgency Ordinance, it is likely that the establishment or expansion of such uses without appropriate controls in place to regulate impacts on the community will result in harmful effects to businesses, property owners, and residents of the City, especially those located near home-sharing and vacation rentals; and

WHEREAS, the City Council finds a current and immediate threat to the public health, safety, and welfare would result if the City of Commerce issues permits, business licenses, or other applicable permits to the allow for the establishment of or relocation of home-sharing and vacation rentals prior to the City's study of impacts; and

WHEREAS, the operation of home-sharing and vacation rentals may be in conflict with a contemplated General Plan or zoning proposal that the Community Development Department intends to study within a reasonable time.

WHEREAS, for reasons set forth above, this ordinance is declared by the City Council to be necessary for immediate preservation of the public peace, health, and safety, and the recitals above taken together constitute the City Council's reasons for such necessity and urgency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City Council hereby finds, determines and declares that the immediate preservation of the public peace, health, safety and welfare necessitates the enactment of this Ordinance as an urgency ordinance. The City Council further finds there is a current and immediate threat to the public health, safety and welfare necessitating the adoption of this Ordinance as an Interim Zoning Ordinance under Section 65858. Said findings are as follows:

- a) Home-sharing is currently permitted within the City subject to certain operating conditions.
- b) The City of Commerce is actively updating its General Plan. One major focus of the plan is to provide for neighborhood-servicing uses when within proximity to residential uses, among other things.
- c) It is necessary to study the adoption of amendments to the CMC and in order to adopt legislation to regulate home-sharing and vacation rentals and the compatibility of such uses with the City's future plans.
- d) The City of Commerce is already laboring with the negative effects of various industrial land uses surrounding the immediate area of such uses.
- e) Issuing a business license or building permit for new, relocating or expanding home-sharing and vacation rentals prior to the completion of the City's study of the impacts of such facilities poses a current and immediate threat to the public health, safety and welfare.
- f) The best method of protecting public safety, health and welfare is to establish a moratorium on home-sharing and vacation rentals to ensure the threat to public health, safety and welfare does not materialize while the City studies the adoption of amendments to the CMC.

SECTION 2: In accordance with the authority granted pursuant to Government Code Section 65858, from and after the effective date of this Ordinance, no use permit, variance, building permit, business license or other applicable entitlement for use shall be approved or issued for home-sharing and vacation rentals for a period of 45 days, pending the completion of zoning or other regulations that are needed to alleviate a current and actual threat to the public health, safety and welfare. Affected pre-existing home-sharing and vacation rentals are prohibited from expansion during the time of this Ordinance.

SECTION 3: This ordinance is exempt from California Environmental Quality Act (CEQA)

Guidelines based on the following findings:

- a) This ordinance is not a project within the meaning of Section 15061(b)(3) of the CEQA Guidelines because it has no potential of resulting in a physical change in the environment, directly or indirectly.
- b) This ordinance is categorically exempt for CEQA under Section 15308 of the CEQA Guidelines as it is a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858, to assure maintenance and protection of the environment and adoption of contemplated local legislation, regulation and policies.
- c) This ordinance is not subject to CEQA under the general rule set forth in Section 15061(b)(3) of the CEQA Guidelines that CEQA only applies to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 4: This Ordinance is an Interim Zoning Ordinance enacted pursuant to Section 65858 of the Government Code of the State of California, and in accordance therewith, shall be of no further force and effect forty-five (45) days after the adoption of this Ordinance unless extended in accordance with Section 65858 of the Government Code.

SECTION 5: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance and/or the code adopted thereby is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Commerce City Council hereby declares that it would have adopted this ordinance and the code adopted thereby and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

SECTION 6: The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in the manner required by law.

SECTION 7: This Ordinance is an urgency ordinance and shall take effect immediately upon a 4/5 vote of the City Council.

PASSED, APPROVED and ADOPTED this 12th day of August, 2025.

Ivan Altamirano
Mayor

ATTEST:

Lena Shumway
City Clerk