

CITY COUNCIL ORDINANCE NO. 21-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
IRVINE, CALIFORNIA, AMENDING CHAPTER 3-25 OF
DIVISION 3 OF THE IRVINE ZONING CODE RELATING TO
THE REGULATION OF SHORT-TERM RENTALS

WHEREAS, a central and significant goal for the City of Irvine is preserving the quality and character of its neighborhoods; and

WHEREAS, the City places a high value on cohesive and active neighborhoods and the diverse population that resides therein; and

WHEREAS, operations of short-term rentals, where rentals of units are made for a term of less than thirty (30) consecutive days, frequently disrupt the quietude and character of neighborhoods and adversely impact the community; and

WHEREAS, recognizing the adverse effects that short-term rentals have on communities, on April 19, 2018, the City Council adopted Ordinance 18-05 prohibiting short-term rentals in all zoning districts within the City; and

WHEREAS, the City has found that despite its regulations, the lucrative nature of the short-term rental business has resulted in a significant number of properties in the City being advertised and booked as short-term rentals by way of online vacation rental booking platforms; and

WHEREAS, amending Chapter 3-25 to require online platforms to assist the City in preventing short-term rental transactions will improve the City's ability to ensure compliance with these regulations; and

WHEREAS, the City Council of the City of Irvine considered information presented relating to the amendment to Chapter 3-25 relating to short-term rentals at a duly-noticed public hearing held on January 12, 2021.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. Pursuant to Section 4 of the City of Irvine CEQA procedures, the City Council has determined that the proposed project is exempt from the requirements of the CEQA because it is not a "project" as defined by the Act, in that it does not have the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Ordinance is also not a "project" under Section 15378(b)(2) of the CEQA Guidelines in that it concerns general policy and procedure making.

SECTION 3. Sec. 3-25-2. of Division 3, Chapter 3-25 of the City's Zoning Code is hereby amended to add a subdivision "G." to read, in its entirety, as follows:

G. "Hosting Platform" means any person, corporation or entity of any kind who participates in the short-term rental business by advertising or collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting short-term rental activity in the City of any nature.

SECTION 4. Sec. 3-25-7. of Division 3, Chapter 3-25 of the City's Zoning Code is hereby added to read, in its entirety, as follows:

A. Hosting platforms shall not complete any booking transaction for short-term rentals in the City.

B. No later than 30 days after any person seeks to use a hosting platform to complete a short-term rental in the City, the hosting platform shall provide the Neighborhood Services Administrator in writing the names of and contact information for any person responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price quoted for each such stay.

C. Hosting platforms shall not collect or receive any compensation, whether monetary or non-monetary, either directly or indirectly through an agent or intermediary, for facilitating or providing any short-term rental in the City, including, but not limited to, any ancillary service related thereto such as insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the property or unit.

D. A hosting platform which operates in compliance with this Section shall be presumed to be in compliance with the City's short-term rental regulations except that the hosting platform remains responsible for complying with an administrative subpoena issued by the City for the purpose of obtaining any information regarding short-term rental advertising or activity in the City.

E. 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).

SECTION 5. This Ordinance shall become effective thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance 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 the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 26th day of January, 2021.



MAYOR OF THE CITY OF IRVINE

ATTEST:



INTERIM CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, Interim City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 12th day of January, 2021, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 26th day of January, 2021.

AYES:	5	COUNCILMEMBERS:	Agran, Carroll, Kim, Kuo and Khan
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None



INTERIM CITY CLERK OF THE CITY OF IRVINE

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, Interim City Clerk of the City of Irvine, HEREBY DO CERTIFY that on the 28th day of January, 2021, I caused to have published and posted a foregoing true and correct copy of Summary of Ordinance No. 21-01 of the City of Irvine in the following public places in the City:

- 1) Bulletin Board in Walnut Village Shopping Center, Culver and Walnut, Irvine.
- 2) Bulletin Board in University Park Shopping Center, Culver at Michelson, Irvine.
- 3) Bulletin Board in Northwood Shopping Center, Irvine Boulevard at Yale, Irvine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City Council of the City of Irvine, California, the 28th day of January, 2021.



INTERIM CITY CLERK OF THE CITY OF IRVINE