

INTERIM URGENCY ORDINANCE NO. 1030

AN INTERIM URGENCY ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858 ESTABLISHING A MORATORIUM ON THE GRANTING OF ANY ZONING APPROVAL, HOME OCCUPATION PERMIT, OR OTHER PERMIT, LICENSE, OR LAND USE ENTITLEMENT FOR USING REAL PROPERTIES ZONED AND/OR DEVELOPED FOR RESIDENTIAL USE IN THE CITY OF RANCHO CUCMAONGA FOR HOME EXPERIENCE SHARING

THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Legislative Findings.

A. The Rancho Cucamonga Development Code (as set forth in Title 17 of the Rancho Cucamonga Municipal Code) establishes different “base zones” applicable to real properties within the City of Rancho Cucamonga in an effort to classify, regulate, designate, and distribute the uses of lands and buildings with the City. Pursuant to Section 17.26.020 of the Rancho Cucamonga Municipal Code, these base zones include (i) Residential Zones; (ii) Form-Based Zones; (iii) Industrial Zones; (iv) Open Space Zones; and (v) Special Purpose Zones.

B. Section 17.30.030 and Table 17.30.030-1 of the Rancho Cucamonga Municipal Code list uses within each base zone that are either permitted, permitted with a Minor Use Permit, conditionally permitted, or not permitted. Moreover, Section 17.30.020.C of the Rancho Cucamonga Municipal Code explicitly provides that “Land uses that are not listed in the zone tables are not allowed, except as otherwise provided in this title.”

C. Approved principal uses of residentially zoned properties are designed to be “residential uses” as described in Section 17.32.020 of the Rancho Cucamonga Municipal Code – and the use of residentially zoned properties for non-residential uses is limited in an effort to ensure that such uses and/or activities do not impact the overall quality and character of the residential neighborhood.

D. Over the past several years, the rental of residential properties for periods of thirty (30) days or less (“Short-Term Rentals”) has surged in popularity. While providing a financial advantage to property owners and simultaneously providing an affordable way to visit the City, Short-Term Rentals also create or contribute to a number of adverse impacts upon a residential neighborhood – including, but not limited to, disturbances of the peace resulting from parties and other late-night activities, illegally parked vehicles, and a lack of adequate parking. After careful consideration of the benefits and adverse impacts of Short-Term Rentals, the City Council of the City of Rancho Cucamonga adopted Ordinance 969, adding Chapter 8.34 and amending Title 17 of the Rancho Cucamonga Municipal Code to establish regulations applicable to Short-Term Rentals.

E. Another use that has been surging in popularity is the rental of recreational amenities (e.g., swimming pools; playgrounds; barbeques and grills; pickleball courts, tennis courts, and other sports areas; and other exterior portions of real properties) separate and apart from the rental of the residential dwelling – a use that is commonly known as “Home Experience Sharing”. Recreational amenities as part of a Home Experience Sharing are generally rented by

the hour, however, are generally rented for multiple hours at a time – and some property owners provide “monthly passes” allowing for extended hours throughout the month. Moreover, Home Experience Sharing is often used for hosting parties and other social events resulting in large gatherings of non-residents within residential properties. Similar to Short-Term Rentals, the rapid growth of Home Experience Sharing also creates or contributes to a number of adverse impacts upon residential neighborhoods – including, but not limited to, increased noise, disorderly conduct, and lack of adequate off-street parking for residents, which, in turn, would result in potential conflicts between Home Sharing Experience guests and neighbors – and an increased expenditure of City resources in responding to complaints. Additionally, Home Experience Sharing raises health and safety concerns as there are currently no regulations pertaining to minimum standards for maintenance of the recreational amenities, sanitation facilities (especially since the recreational facilities are not rented in conjunction with a residential building), insurance coverage to cover accidents or injuries suffered by these social guests.

F. Home Experience Sharing is not defined within the Rancho Cucamonga Municipal Code, nor is it a designated use listed in Section 17.30.030 and Table 17.30.030-1 of the Rancho Cucamonga Municipal Code.

G. Although the City allows for some temporary activities and land uses to be conducted on private residential properties, such activities and uses must be temporary. Section 17.140.020 of the Rancho Cucamonga Municipal Code defines a temporary use to be “a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.”

H. The City has established development standards only for the temporary uses as listed in Chapter 17.104 of the Rancho Cucamonga Municipal Code to ensure the health, safety, and general welfare of the community – but these would not be adequate for the long-term use of residential properties for Home Experience Sharing.

I. Home Experience Sharing would also not be an allowed “Home Occupation” for which a Home Occupation Permit could be issued within the City of Rancho Cucamonga, because Home Occupations must be conducted within a residential dwelling or an accessory building – and be subordinate and/or accessory to the residential use of the property. By their very nature, Home Experience Sharing is conducted, primarily, on exterior portions of the property.

J. The City’s Community Improvement Division has confirmed through listings on Home Experience Sharing sites (e.g., Swimply.com) that recreational amenities are, in fact, being rented in the City of Rancho Cucamonga as part of Home Experience Sharing.

K. Based upon the foregoing adverse impacts and concerns raised by Home Experience Sharing, the lack of adequate safeguards to protect the health, safety, and welfare of the guests participating in the Home Experience Sharing and neighboring residential neighborhood, and the current use of residential properties within the City of Rancho Cucamonga for Home Experience Sharing, the City Council therefore finds there is a current and immediate threat to the public health, safety, and welfare, and that a moratorium is necessary.

L. The City Council finds that the time provided by the moratorium will allow for a comprehensive analysis on how best to regulate Home Experience Sharing to minimize or eliminate the adverse impacts upon the health, safety, and welfare of not only the property owner who is providing the Home Experience Sharing, but also the guests and the surrounding neighborhood. The City Council further finds that the moratorium will allow time to evaluate the

General Plan, the Development Code, and the Zoning map – and determine appropriate zones in which Home Experience Sharing could be conducted and create adequate safeguards under which Home Experience Sharing could be conducted in a manner where adverse impacts are negated or minimized.

SECTION 2. Authority.

Pursuant to Government Code Section 65858, the City Council may adopt, as an urgency measure, an interim ordinance that prohibits any uses that may be in conflict with a contemplated zoning proposal that the City Council is considering, studying, or intending to study within a reasonable period of time.

SECTION 3. Urgency Findings.

The City Council finds and determines that there is an immediate threat to the public health, safety, and welfare, and that the approval of any zoning approval, home occupation permit, or other permit or land use entitlement for Home Sharing Experiences would constitute an immediate threat to the public health, safety, and welfare. As described in Section 1, the Staff Report accompanying this Urgency Ordinance, and other evidence in the record, Home Sharing Experiences could threaten the health, safety, and welfare of the community through adverse impacts that include, but are not limited to, increased noise, disturbances of the peace and disorderly conduct, and lack of required parking, without adequate safeguards in place to address minimum standards for maintenance of the recreational amenities, sanitation facilities (especially since the recreational facilities are not rented in conjunction with a residential building), and insurance coverage to cover accidents or injuries suffered by these social guests. To preserve the public health, safety, and welfare, the City Council finds that it is necessary that this Interim Urgency Ordinance take effect immediately pursuant to Government Code Sections 65858, 36934, and 36937 to prevent such harm.

SECTION 4. Moratorium Established.

A. **Definitions.** For purposes of this Interim Urgency Ordinance, the following terms shall be defined as set forth herein:

“Home Sharing Experience” shall mean the rental or lease of a recreational amenity, or recreational amenities located on real property zoned and/or developed for residential use within the City of Rancho Cucamonga, separate from or otherwise not in conjunction with the rental of a residential dwelling unit.

“Recreational amenity” or “recreational amenities” shall include any swimming pool, barbeque, grill, pickleball court, basketball court, tennis court, playground, yard area, or other portion of a residentially zoned and/or developed property that is designed or used for recreational activities.

B. **Moratorium.** Based on the facts and findings set forth in Sections 1 through 3 of this Interim Urgency Ordinance, and notwithstanding any other ordinance or provision of the Rancho Cucamonga Municipal Code, the City Council hereby establishes a moratorium providing for the following:

1. Home Experience Sharing, as defined in Section 4.A, above, is unlawful and a public nuisance in all zones within the City during the term of the moratorium established herein or any extension thereof.
2. No Home Experience Sharing activities shall be established or continued, if previously established, in any zone within the City.
3. No application for zoning approval, home occupation permit, or other permit, license, or land use entitlement shall be approved during the term of the moratorium established herein or any extension thereof.

SECTION 5. Enforcement.

The provision of this Interim Urgency Ordinance shall be enforceable pursuant to the general enforcement provisions in Title 1 of the Rancho Cucamonga Municipal Code.

SECTION 6. CEQA Findings.

The City Council hereby finds that it can be seen with certainty, that there is no possibility that the adoption of this Interim Urgency Ordinance may have a significant effect on the environment, because the Interim Urgency Ordinance will impose a temporary moratorium on the granting of any zoning approval, home occupation permit, or other permit, license, or land use entitlement for Home Experience Sharing in the City in order to protect the public health, safety, and general welfare, and will thereby serve to avoid potentially significant environmental impacts during the term of the moratorium and any extensions thereof. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

SECTION 7. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Interim Urgency Ordinance or its application to any person or circumstances, if for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this Interim Urgency Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

SECTION 8. Effective Date; Approval and Extension of Ordinance.

This Interim Urgency Ordinance, being adopted as an urgency measure for the immediate protection of the public health, safety, and welfare, containing a declaration of the facts constituting the urgency, and passed by a minimum four-fifths (4/5) vote of the City Council, shall take effect immediately upon its adoption and shall continue in effect for a period of not longer than forty-five (45) days. After notice pursuant to Government Code Section 65090 and a public hearing, the City Council may extend the effectiveness of this Interim Urgency Ordinance as provided in Government Code Section 65858.

SECTION 9. Publication.

The City Clerk shall certify to the passage and adoption of this Interim Urgency Ordinance and shall cause its publication in accordance with applicable law.

PASSED, APPROVED, AND ADOPTED this _____, 2024.