

Bond Case Briefs

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People v. Venice Suites, LLC

Court of Appeal, Second District, Division 8, California - November 15, 2021 - Cal.Rptr.3d - 2021 WL 5298494

State of California brought action against apartment house owner and operator, alleging violation of Los Angeles Municipal Code (LAMC), public nuisance, unfair business practices, and false advertising.

The Superior Court granted summary adjudication in part for owner and operator, and government voluntarily dismissed remaining claims. Government appealed.

The Court of Appeal held that:

- Court of Appeal could exercise its discretion to consider government's legal argument on uncontroverted facts, raised for first time on appeal, that short-term rentals were impliedly prohibited under permissive zoning scheme;
- Residential zone not specifying length of occupancy did not implicitly prevent apartment house from being used for short-term occupancies of 30 days or less;
- Long-term occupancy requirement for apartment house could not be inferred from definition limiting transient occupancy residential structure (TORS) to occupancies of 30 days or less; and
- Zoning code expressly authorizing use of apartment house in zone for human habitation without length of occupancy restriction could not be read in conjunction with rent stabilization ordinance (RSO) or transient occupancy tax ordinance (TOT) to require long-term occupancy.