

Bond Case Briefs

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Protect Our Neighborhoods v. City of Palm Springs

Court of Appeal, Fourth District, Division 2, California - January 7, 2022 - Cal.Rptr.3d - 2022 WL 72039 - 22 Cal. Daily Op. Serv. 479 - 2022 Daily Journal D.A.R. 333

Homeowner membership organization that opposed short-term rentals brought action against city and brought second action against individual homeowners who were issued vacation rental registration certificates from the city, seeking writ of mandate as well as injunctive and declaratory relief for alleged violations of the city's municipal code and the California Environmental Quality Act (CEQA) arising from city vacation rental ordinance that authorized short-term rentals of single-family residences.

The cases were consolidated, and the Superior Court entered judgment for city and the individual homeowners. Organization appealed.

The Court of Appeal held that:

- Short-term rentals were “customarily incident to” permitted uses of a dwelling under the zoning code;
- City was not required by the zoning code to make a finding that short-term rentals were similar to listed uses and not more obnoxious or detrimental to other permitted uses before enacting new permitted use for them;
- Allowing short-term rentals was a legislative judgment for the city that was entitled to deference; and
- Zoning code did not require discretionary permits for short-term rentals.