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CITY OF AVALON

PUBLIC NOTICE FOR URGENCY ORDINANCE U-1212-23

Notice is hereby given that on August 1, 2023, the City Council adopted an Urgency Ordinance entitled:

AN URGENCY ORDINANCE OF THE CITY OF AVALON ESTABLISHING A FORTY-FIVE DAY MORATORIUM ON THE ISSUANCE OF TRANSIENT RENTAL LICENSES FOR TRANSIENT RENTAL USE TO NEW APPLICANTS

WHEREAS, the City of Avalon ("City") permits private property owners to rent their homes to visitors on a short-term basis under Avalon Municipal Code ("Code") Section 3-1.310 upon Planning Commission approval of a Transient Rental License for transient rental use; and

WHEREAS, current holders of Conditional Use Permits for transient rental and Transient Rental License holders will continue to be allowed to rent out their units during this moratorium; and

WHEREAS, the City Council wishes to study whether there is diminishing housing stock, including affordable housing for full-time Avalon residents and employees of Avalon businesses, as a result of the number of private property owners that have received approval via a Conditional Use Permit or Transient Rental License for transient rental use; and

WHEREAS, the City Council wishes to study to what the degree the City has been saturated by Conditional Use Permits and Transient Rental Licenses issued for transient rental use; and

WHEREAS, the City has received numerous complaints from surrounding property owners regarding visitors utilizing property for which a Conditional Use Permit or Transient Rental License for transient use has been issued; and

WHEREAS, complaints received by the City suggest that the issuance of Conditional Use Permits or Transient Rental Licenses for transient use may be responsible for street congestion, excessive noise resulting in loss of sleep to residents, traffic hazards, inability to access parking, and certain property crimes within the City; and

WHEREAS, the City Council wishes to consider further regulation, consistent with its adopted LCP and General Plan, on how to properly and fairly address any proliferation of transient rentals within the City while recognizing the significant need for the public to have recreational access to the coast; and

WHEREAS, in order to adequately study the effects of additional Transient Rental Licenses issued for transient rental use, including the impacts on available housing stock for Avalon residents and employees of Avalon businesses, and whether the existing requirements and standards for transient rental use sufficiently protect surrounding property owners, it is necessary for the City Council to impose a forty-five day moratorium on the issuance of Transient Rental Licenses for transient rental use; and

WHEREAS, if additional Transient Rental Licenses are issued, available housing stock for residents may be eroded and impacts of transient uses will continue to increase.

WHEREAS, the moratorium, if adopted, will immediately temporarily halt the issuance of any new Transient Rental Licenses to those who apply after August 1, 2023; and

WHEREAS, there are currently three (3) pending applications for TRLs, each applicant has undertaken significant steps to bring their application to the City in advance of this ordinance with the expectation that the City's laws would remain in effect, so for purposes of fairness, the City Council intends that the moratorium not apply to those with pending applications for TRLs; and

WHEREAS, California Government Code Section 36937(b) authorizes the City Council to adopt by a four-fifths vote an urgency ordinance, effective immediately upon passage, if the ordinance relates to the "immediate preservation of the public peace, health or safety" and such ordinance contains a declaration of the facts constituting the urgency.

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

Section 1. Recitals. The recitals set forth above are true and correct and are hereby adopted as the urgency findings of the City Council in connection with the adoption of this urgency ordinance. In addition to the recitals stated above, the City Council hereby finds and determines that continued issuance of Transient Rental Licenses for transient rental use, without additional regulations, constitutes an immediate threat to the preservation of public peace, health, or safety until the impacts of Transient Rental Licenses on traffic, noise, safety to residents, housing availability, and housing affordability are properly studied. The adoption of this ordinance is necessary for the immediate protection of the public peace, health and safety.

Section 2. Purpose. The purpose of this urgency ordinance is to establish a forty-five day moratorium on the issuance of any new Transient Rental Licenses for transient rental use, until such time as the Avalon City Council can study the issue, and develop, clarify or amend Code requirements and standards as it relates to transient rental use and its impact on City residents and property owners.

Section 3. Facts Constituting Urgency. Such a moratorium is immediately necessary for the preservation of the peace, health and safety of the residents of the City because:

(a) There is an immediate need to protect existing housing stock within the City by ensuring transient rental use does not result in a lack of availability of housing in the City for those wishing to live in the City long-term or for those who are employed in the City, noting that those who commute to Catalina Island from the mainland must do so by boat; and

(b) There is an immediate need to preserve availability of housing to ensure that, from a supply and demand perspective, additional transient rentals do not drive up the price of housing such that housing is unaffordable to its workforce, noting the need for the City to have housing which its workforce can afford and noting recent increases in the cost of housing within the City; and

(c) Transient Rental Licenses for transient rental use poses further public peace, health, and safety risk in that an over-abundance of Transient Rental Licenses for transient rental use may be responsible for street congestion, excessive noise resulting in loss of sleep to residents, traffic hazards, inability to access parking, and certain property crimes within the City.

Section 4. Moratorium. The Planning Commission shall not issue any Transient Rental Licenses to any person who submitted a valid application and paid the application fee for a Transient Rental License following August 1, 2023 however, those applicants who applied for a Transient Rental License before the effective date of this ordinance shall still be eligible to have such license issued by the Planning Commission during the moratorium.

Section 5. Hardship. The Planning Commission may also consider, on a case-by-case basis and within its sole discretion, any application for Transient Rental Licenses for transient rental use otherwise banned by this moratorium where the applicant can demonstrate that the inability to receive a Transient Rental License for transient rental use during the time this moratorium is in place would cause the applicant undue hardship. For purposes of this section, undue hardship means an inability to afford basic necessities—like shelter, food, or healthcare—for themselves or their family.

Section 6. Urgency. The City Council hereby enacts this urgency ordinance by not less than a four-fifths vote, and in light of the findings set forth in the above-sections, under the authority granted to it by sections 36937(b) and 65858 of the California Government Code. The City Council hereby directs staff and the City Attorney to consider and study the Code and propose possible regulations, standards and amendments to the future issuance of Transient Rental Licenses for transient rental use.

Section 7. Exemption from the California Environmental Quality Act. The City Council finds that this urgency ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because temporarily halting issuance of Transient Rental Licenses has no potential to result in a physical change to the environment. Further, the City Council finds that this urgency ordinance is exempt under CEQA pursuant to Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment) of the CEQA Guidelines because this urgency ordinance will not cause a change in any of the physical conditions within the area affected by the urgency ordinance.

Section 8. Severability. If any provision of this urgency ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the urgency ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this urgency ordinance irrespective of the invalidity of any particular portion thereof.

Section 9. Effective Date. This urgency ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths vote of the City Council and shall remain in effect for forty-five (45) days from the date of adoption unless extended by the City Council.

Section 10. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's Office at City Hall located at 410 Avalon Canyon Rd., Avalon, CA 90704. The custodian of these records is the City Clerk.

The City Clerk of the City of Avalon shall certify the passage and adoption of this Urgency Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

Ordinance No. U-1212-23 was adopted at the August 1, 2023 regular City Council meeting by the following vote: AYES: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling; NAYS: None; ABSTAIN: None; ABSENT: None.

A certified copy of the complete text of the Urgency Ordinance is available for review in the City Clerk's Office, 410 Avalon Canyon Rd., Avalon, CA 90704 and/or copies may be obtained from the City Clerk's Office at a nominal charge.

Gabrielle Morones

Deputy City Clerk

Dated: August 11, 2023

Catalina Islander 8/11/2023-133728

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Public Notices

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Request for Avalon Contractor Bids Fairview Terrace Homeowners Association

1. Replacement of wood trellis structures in the front of several buildings.
2. Repair of rot in several roof areas.
3. Repair of tennis court wall as the result of an automobile accident.
4. Replacement of exterior roof support beams in several locations.

Contractors must be 1. California licensed 2. Have liability insurance 3. Have workman's comp insurance 4. Have Avalon References

For job walk and or more information contact Fairview Terrace HOA Property Manager, Burney Ramming, at 310-422-1406 or bramming@aol.com
Catalina Islander 8/11,18,25,9/1/23-133773

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Hearing Officer will be conducting Vehicle Hearings, in person, on Monday, August 14, 2023 in the City of Avalon Council Chambers located at 410 Avalon Canyon Road. The agenda will include to the following:

HEARINGS

TIME	APPLICANT	HEARINGS
8:00am	Catalina Real Estate Partners – Continued Renewal Commercial Vehicle Permit	
8:15am	Lenny and Linda Altherr – Continued Oversize Residential Vehicle Permit	
8:30am	Grupo Mensajero – New Commercial Vehicle Permit	
8:45am	Mely Does My Hair – Continued New Commercial Autoette Permit	
9:00am	Garcia Carpeting – Continued New Commercial Autoette Permit	
9:15am	R. A. Tile and Stone – Continued New Commercial Autoette Permit	
9:30am	Cruz Handyman – Continued New Commercial Autoette Permit	
9:45am	ADFEÉ, SER (Sal's Life Coaching) – Continued Renewal Commercial Autoette Permit	
10:00am	Hernandez Handy Man – Continued New Commercial Autoette Permit	
10:15am	Shanda Venneau Photography – New Commercial Autoette Permit	
10:30am	Catalina Memories – New Commercial Autoette Permit	
10:45am	Southern California Edison – New Public Service Permit	
11:00am	Bravo's Landscaping and Handy-Man Service – Continued for a Commercial Vehicle Permit	
11:30am	Catalina Island Medical Center – New Public Service Permit	
12:00 pm – 1:00pm	Staff Lunch Break	
1:15pm	Leyva's Electric Bike Rental – New Commercial Autoette Permit	
1:30 pm	John Lafleur – Oversized Residential Vehicle Permit	
1:45pm	Motorola Solutions – Public Service Permit	
2:00pm	Seanee Bresler - Oversized Residential Vehicle Permit	
2:15pm	Lance Lopez – Oversized Residential Permit	
2:30pm	Stephen's Oil and Grease Collection – New Commercial Autoette Permit	
2:45pm	Avalon Plumbing and Construction – New Commercial Autoette Permit	
3:00pm	Avalon Liquor Store and Gifts – New Commercial Autoette Permit	
3:15pm	Dive Catalina – New Commercial Autoette Permit	

The public is welcome to participate. Additional information and a complete agenda can be obtained at City Hall, 410 Avalon Canyon Road, between the hours of 8:00 a.m. to 12:00 p.m. and 1:00pm to 5:00pm, Monday through Thursday.
Posted: Friday, August 4, 2023
Bulletin Board at City Hall: Friday, August 4, 2023
City of Avalon Website: <http://www.cityofavalon.com/> Friday, August 4, 2023
Catalina Islander: Friday, August 4, 2023
By: Rocio Hernandez
Vehicle Clerk
Catalina Islander 8/4,11/2023-133491

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