

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
Council Chambers, 305 West Third Street
July 9, 2019
Regular Meeting - 4:30 to 5:45 PM

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of fifteen minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker cards will not be accepted after the beginning of the general public comment period. Based on the number of speaker cards submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to two minutes, but shorter time may be established as deemed necessary. A person not able to address the legislative body at this time because the fifteen minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager for administrative action or scheduled on a subsequent agenda for discussion.

C. REPORTS

1. Community Development Department

SUBJECT: Short Term Rental Ordinance – Article XI of Chapter 16 and Section 17-53 of Chapter 17. (20/30/20)

RECOMMENDATION: That the Housing and Economic Development Committee receive a summary report on the draft Short Term Rentals (STRs) ordinance and provide input on the content of the ordinance.

Contact: Jeffrey Lambert, (805) 385-7882

D. ITEMS FOR FUTURE AGENDAS

E. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item time estimates: (Staff Presentation / Committee Discussion / Public Comment)



HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT

REPORTS AGENDA ITEM NO. C.1.

DATE: July 9, 2019

TO: Housing and Economic Development Committee

FROM: Jeffrey Lambert, Community Development Director, (805) 385-7882,
jeffrey.lambert@oxnard.org

SUBJECT: Short Term Rental Ordinance – Article XI of Chapter 16 and Section 17-53 of Chapter 17.
(20/30/20)

RECOMMENDATION

That the Housing and Economic Development Committee receive a summary report on the draft Short Term Rentals (STRs) ordinance and provide input on the content of the ordinance.

BACKGROUND

The City has been discussing permitting and regulations for Short Term Rentals (STRs) for more than three years. The public outreach efforts during time period include: In March 2016, the City conducted an online community survey that contained a series of questions designed to receive public input on STRs. These results were summarized and electronically distributed.

- On August 16, 2016, staff conducted a community workshop to summarize the March survey results and secure feedback from the community on specific STR related regulations and questions. These results were summarized and electronically distributed.
- On November 3, 2016, the Planning Commission conducted a study session to receive input on specific STR regulations.
- On June 1, 2017, the Planning Commission conducted a public hearing and specifically addressed STRs, questions raised at the November 3, 2016 meeting, and the STR processing guidelines (see Attachment 3).
- On February 26, 2019, the Housing and Economic Development Committee met to discuss policy questions and provided the following comments: (1) consider allowing STRs only in designated geographic areas; (2) consider the California Coastal Commission's position on STRs; and (3) direct staff to prepare recommendations based on best practices for City Council.
- On March 25, 2019, City Council held a special meeting and received public input and provided direction to staff. Council indicated three key areas for the staff to report back on when drafting a STR ordinance (enforcement, limiting the number of STRs, and how to address and permit existing STRs).
- On July 9, 2019 (subject meeting), the Council Committee will receive a summary report on the draft STR ordinance and provide input on the content of the ordinance. This input will be considered as staff finalizes the ordinance and/or will be communicated to the Planning Commission when the Commission holds a public hearing to consider the ordinance.

Staff has taken the input from previous public outreach efforts to prepare a draft short term rental ordinance based on best practices. There will be two separate ordinances with slight modifications to the Coastal Ordinance. The non-coastal ordinance will be placed in Chapter 16-Zoning Code (Attachment 1) and the coastal ordinance in Chapter 17-Coastal Zoning (Attachment 2).

ANALYSIS/DISCUSSION

The proposed ordinances establish a comprehensive set of operating requirements and performance standards for STRs based on best practices established in many coastal cities and in Ventura County. STRs include both vacation rentals and homeshares and both are defined as dwellings that are rented for a period less than 30 days. However, a homeshare must be the owner's primary residence and the owner must be present in the dwelling while it is being rented. Owners of vacation rentals need not be present when renting out the dwelling.

Short term rentals will be allowed in the following non-coastal zones: R-1 – Residential Single Family Zone; R-2 – Multi-family Zone; R-3 – Garden Apartment Zone; R-4 – High Rise Residential Zone; CBD - Central Business District; and the following coastal zones: R-B-1, Single-Family Beach, Sub-Zone, R-W-1, Single-Family Water-Oriented, Sub-Zone, R-W-2, Townhouse Water-Oriented, Sub-Zone, R-2-C, Coastal Multiple-Family, Sub-Zone, R-3-C, Coastal Medium Density Multiple-Family, Sub-Zone and C-P-C- Coastal Planned Community, Sub-Zone.

The proposed regulations are based on best practices and include many of the regulations adopted by Ventura County which received certification from the California Coastal Commission. The following is a summary of some of the most notable regulations and standards within the proposed amendments:

1. Allows vacation rentals and homeshares with a Short Term Rental Permit, which must be obtained annually.
2. STRs must maintain a valid City business license and timely pay annual business taxes.
3. STRs must obtain and maintain a City transient occupancy tax certificate and timely pay all required City transient occupancy taxes.
4. Requires a pre-permitting inspection to ensure the unit meets health and safety standards.
5. Establishes ownership requirements and limitations (e.g. only property owners can obtain a permit, permits expire upon change of ownership, only one STR per owner).
6. Identifies ineligible dwellings (e.g. affordable, caretaker, and farmworker units, mobile homes located within a mobile home park, and buildings without a valid building permit).
7. Requires a notice of permit issuance to be sent to all property owners and occupants within 300 feet of a STR.
8. Requires the submittal of a nuisance response plan. Nuisance response plan must include name, address and telephone number of the person or persons who will be available to promptly respond to a nuisance complaint. The property owner must correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m. after the complaint is first received.
9. Establishes quiet hours from 10:00 pm. to 7:00 a.m. No outdoor amplified music/sound will be allowed during quiet hours. No one other than the renters are allowed on site during quiet hours.
10. The primary occupant must be 21 years or older.
11. Sets overnight occupancy limits at two persons per bedroom plus two others, up to a maximum of 10 persons in vacation rentals and 5 persons in homestays.
12. Establishes on-site parking requirements and noise limitations.
13. Prohibits on-site events without a temporary use permit.
14. Specifies property management and complaint response requirements.
15. Establishes a complete inspection/compliance/enforcement program.

16. Allows inspection and monitoring to ensure continued operation of the homeshare or vacation rental in compliance with regulations
17. Three or more verified and valid complaints of any violation within a 12-month permit are grounds for permit revocation. Additional information on this regulation is discussed later in this staff report.
18. Establishes a hearing officer appeal process for denials, suspensions and permit revocation.
19. Reiterates California Penal Code Section 148.5 regarding filing false reports.

Changes from best practices suggested at March 25, 2019 Council Meeting:

1. Minimum three night stay. There is not a best practice on restricting the number of nights a home can be rented. Staff has also not received complaints about STRs outside of the coastal zone, therefore, since the March 25th meeting staff has removed the minimum night stay in the non-coastal zone (City Code Chapter 16). Removal of this requirement is consistent with the County of Ventura and City of Ventura ordinances. Staff continued to require a minimum rental of three nights in the coastal zone (City Code Chapter 17). Although there is not a study that shows increasing the minimum rental will decrease the likelihood of a “party house” the majority of community has continued to suggest a minimum stay. Keeping this requirement is not consistent with the County of Ventura or City of Ventura ordinances.
2. Maximum rental of 180 days per year. There is not a best practice on capping the number of nights a home can be rented. This requirement was proposed as a means to protect the residential character of a neighborhood. Further research with cities that have tried a similar limitation reveals that this limitation is hard to enforce as occupancy data is not available without doing costly and time consuming formal audits of each STR. The nuisance response plans and operational standards are more enforceable and address the behaviors the community has expressed frustrations with.
3. Posting a sign outside the property. A recent code enforcement symposium on STRs indicated that cities that have established regulations requiring STRs to post a sign with contact information outside the property have observed an increase in property crimes against those properties. The signs serve as indicators to a criminal element that the property does not have a permanent resident and would be an easier target. Therefore staff has removed a previously proposed regulation to require the posting of a sign on the exterior of the STR building. The nuisance response plan and required notification will be sufficient to give the neighbors recourse to resolving any issues that may arise as these items will include a 24-hour complaint hotline number.

Key Issues Identified at the March 25, 2019 Council Meeting:

At the conclusion of the March 25, 2019 Council meeting, staff summarized the three main areas of concern for the Council: 1) enforcement and penalties for violations of the ordinance, 2) consideration of limiting the number of STRs, and 3) how to address existing STRs.

1. Enforcement and Penalties

Enforcement actions are intended to quickly remedy situations that are causing nuisance issues for the neighborhood in which the STR is permitted. These best practices include high fines, prosecution as a misdemeanor or both. The fines are typically cumulative for each violation and for each day the violation continues. They also include very little room for repeated offenses before permits are suspended or revoked. The proposed ordinance incorporates these best practices.

Enforcement of the ordinance is proposed to begin with a contract compliance company, the cost of which will

be incorporated into the permit fees. There are a number of compliance companies that are able to monitor non-compliance, violations and complaints. These companies offer 24-hour hotlines, have dedicated staff who scan the internet for listing and who begin to build cases where it is deemed necessary. These cases are then handed over to code compliance or the City Attorney for citations and enforcement. Additionally, the ordinance requires a code enforcement deposit which can be drawn on to cover code enforcement costs associated with enforcement for the STR. The deposit must be replenished within seven days of notice from the City.

Violations include any deviation from the proposed ordinances. Each violation is considered a separate offense and each day that a violation continues is also a separate offense. Violations can be prosecuted as a misdemeanor subject to a fine of \$1,000 per violation or six months in jail or both. Additionally, the STR owner must pay the City for any monies unlawfully obtained, cost of abating the violation, cost of investigation, and attorney fees.

Three violations within a 12 month period are grounds for permit suspension or revocation.

2. Limiting the Number of STRs (CAP)

At the March 25, 2019 Council meeting, there were suggestions to limit STRs by block, by district, by neighborhood, among other suggestions. Unfortunately, there is no standard or methodology that exists to determine a standard to establish a limit on the number of STRs. The variables associated with each neighborhood and city affect the result of any imposed cap. For example the impact of limiting the number of STRs would be dependent on the unit make up (i.e. the mix of single family versus multi-family), the size of the neighborhood, the density of the neighborhood, and the location in proximity to the beach. Staff did not find a City that uses a percentage of residential units as a cap. The lack of studies on this issue has led many Cities to adopt an ordinance that calls for the Council to revisit the ordinance in 18 to 24 months. Some cities, like Santa Monica, have limited STRs to homesharing (which required the addition of three staff members for enforcement), others have placed a cap on the total number of permits issued citywide and many, including the County of Ventura and the City of Ventura (whose ordinance has been in place since 2009) have not placed any caps.

Staff continues to research the best practices on placing a limit on the number of STRs, and has concluded that regulating the operational standards is the most effective way of managing negative impacts (i.e.: parking, noise, trash) associated with STRs. On April 2, 2019 Host Compliance, a provider of short-term rental compliance monitoring and enforcement solutions to local governments, reported to the City that the total number of unique STRs operating in the City was 243 units. Staff performed an analysis of existing short term rentals by neighborhood and found that existing STRs do not exceed 3.2% of the existing residential units in any neighborhood as established in the City's General Plan Figure 3-4. The total number of units was determined from data the City has compiled for the 2020 census less mobile home units.

A closer look at Oxnard Shores neighborhood, which currently has the highest concentration of STRs, reveals that the total number of STRs is 66 units out of 2051 residential units or 3.2%. within Oxnard Shores, the concentration is highest within the residential beach front (R-BF) zone. This zone consists of the properties that lie between the ocean and the first public road. The zone is made up of 93 existing single family homes and 16 operating STRs. This is 17% of the existing units in the RB-F zone as compared to 3.2% for the neighborhood. At the current concentration of 17% this is approximately one STR per five houses. This concentration does not occur elsewhere in the City, but is common in coastal cities like Newport Beach, Huntington Beach and Long Beach.

The intent of the ordinance is to mitigate the impacts that STRs have on the communities and neighborhoods through appropriate and effective regulations. Staff does not recommend a vacation rental permit cap at this time. Staff believes that the regulations proposed in the ordinance will effectively mitigate STRs that create a nuisance for the community and thus preserve the residential character.

3. How to Address Existing STRs

Staff is aware of at least 243 unique listings for STRs operating in the City of Oxnard. Some property owners have indicated they own more than one STR property, therefore, some existing STRs may not continue to operate after the adoption of the ordinance.

Existing STRs will have to apply for an STR permit. Provided they meet all the regulations, they would be permitted. Staff is working on a set of guidelines and processes for accepting and processing applications. These guidelines will be finalized and available for review prior to the Planning Commission and City Council hearings.

NEXT STEPS

After input from the Council Committee staff anticipates presenting the draft ordinance to the Planning Commission at their August 1st meeting. If recommended for approval staff will return to City Council with the ordinance at their September 3rd meeting. If approved, staff will take the Coastal Ordinance to Coastal Commission in the Fall of 2019. These dates are subject to change.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Objective 1e. Develop a rental inspection program.

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

This agenda item supports the Economic Development Strategy. The purpose of the Economic Development Strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Objective 1a. Focus available resources on a comprehensive effort to promote economic activity in Oxnard,

including a marketing program that communicates the City's available resources and assets.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

Objective 2c. Capitalize on historic, cultural and natural resources.

Objective 2d. Public safety will collaborate with the business community to promote an environment that supports economic development.

FINANCIAL IMPACT

The Draft Short Term Rental ordinance includes regulations that require permits, business licenses, and the payment of Transient Occupancy Tax (TOT) which will bring additional revenue to the City. The ordinance requires STRs to obtain a STR Permit. In addition to a STR Permit fee, the draft ordinance calls for the establishment of a code compliance deposit for use in responding to complaints. Staff is currently completing a cost analysis to determine the fee and deposit amounts needed to cover the cost of administering the STR program. As part of the cost analysis, staff will also be issuing a Request For Proposals (RFP) for a host compliance firm to monitor and respond to complaints regarding STRs. This cost will also be factored into the STR permit fee.

The selection and hiring of a host compliance firm along with a fee resolution will be available at the City Council hearing on the ordinance. This will allow the fees to be adopted concurrently with the ordinance so the City can begin accepting STR application once the ordinance is effective.

Prepared by: Paul McClaren, Associate Planner

ATTACHMENTS

1. Attachment 1. CH 16 Short Term Rental Ordinance-Oxnard 7.2.19
2. Attachment 2. CH 17 Short Term Rental Ordinance-Coastal-Oxnard 7.2.19
3. Attachment 3 - Draft STR Processing Guidelines
4. HEDC 07.09.19 STR Ordinance pdf

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE XI TO CHAPTER 16 OF THE OXNARD CITY CODE REGARDING SHORT-TERM RENTAL UNITS, AND AMENDING CHAPTER 16 OF THE OXNARD CITY CODE BY ADDING SUBSECTION (19) TO SECTION 16-21 (B) TO THE RESIDENTIAL SINGLE FAMILY ZONE, AND AMENDING SUBSECTION (I) OF THE CENTRAL BUSINESS DISTRICT ZONE REGARDING SHORT-TERM RENTAL UNITS

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Subsection (B) of Section 16-21 of the Oxnard City Code relating to the R-1, Residential Single Family zone is hereby amended to read as follows:

“(19) Short-term rentals consistent with Article XI.”

Section 2. Section 16-148.1 (A) of the Downtown Code for the Central Business District is hereby amended to add Short-term Rentals as a Permitted Use in the Allowed Uses Table 16-148 for the following downtown zones: DT-E, DT-G and DT-C.

Section 3. Article XI is hereby added to Chapter 16 of the Oxnard City Code to read as follows:

“ARTICLE XI –SHORT-TERM RENTAL UNITS

SEC. 16-660. PURPOSE AND INTENT.

The purposes of short-term rental unit regulations are to establish standards and requirements for the temporary rental of dwellings as accessory uses in order to: (1) ensure that the use of dwellings as short-term rental units does not adversely impact long-term housing opportunities in the City of Oxnard; (2) ensure that short-term rental units are compatible with surrounding land uses; and (3) protect the health, safety and welfare of the short-term rental units’ renters, occupants, neighboring residents, as well as the general public and environment.

SEC. 16-661. DEFINITIONS.

When used in this Article, the following words shall have the meanings ascribed to them as set forth herein.

Homeshare –A dwelling which is the primary residence of an owner who possesses at least a twenty percent ownership interest in the subject parcel, with any portion of the dwelling rented for a period less than thirty consecutive days when said owner is physically present in the same dwelling, with no meals or food provided to the renter or renters. A homeshare is not considered

a home occupation under this Article. Use of a dwelling for occasional home exchange is not considered a homeshare.

Owner – A person with a full or partial fee title ownership interest in the subject property. For a property held in a trust, each trustee (but no trust beneficiary) is considered an owner.

Primary Residence – A dwelling which is the owner’s main living location as evidenced by the owner’s address-of-record for official documents such as the property’s title, income tax returns, voter registration, or a current property tax bill.

Rent – The terms rent, rented and rental mean allowing use of a dwelling or property, or any portion thereof, in exchange for consideration in any form.

Short-term Rental - The rental of a residential unit for a period less than thirty (30) consecutive calendar days. Short-term rentals include both homeshares and vacation rentals.

Vacation Rental – A dwelling, any portion of which is rented for a period less than thirty consecutive days when the owner is not physically present, with no meals or food provided to the renter or renters. A vacation rental is not considered a home occupation under this Article. Use of a dwelling for occasional home exchange is not considered a vacation rental.

SEC. 16-662. VACATION RENTAL PERMIT CAP.

Based on best practices, Staff does not recommend a vacation rental permit cap. This section may be removed altogether or added to based on feedback at the July 9, 2019 Housing and Economic Development Committee meeting

SEC. 16-663. PERMIT REQUIRED.

(A) Except as expressly authorized by this Article or otherwise expressly authorized by this Article, no dwelling, property or any portion thereof shall be rented for a term of less than thirty consecutive days. Renting for less than thirty days pursuant to a purported longer-term lease or by other means intended to evade compliance with this Article is prohibited.

(B) A valid permit issued by the City pursuant to this Article is required in order for any person that seeks or receives any rent, payment, fee, commission or compensation in any form, to rent, offer for rent, advertise for rent, or facilitate the rental of a homeshare or vacation rental.

(C) A short-term rental permit authorizing a vacation rental or homestay shall be issued or renewed by the Community Development Director, or designee if the following minimum findings are met.

1. The property is compliant with all State and Local codes.
2. The property complies with the requirements in this Article.
3. There is no substantial evidence of nuisance behavior from the location.

(D) The Community Development Director shall have the authority to impose additional standards and/or conditions to short-term rental permits as necessary to achieve the objectives of the Article.

SEC. 16-663.1. LIMITED TERM.

Permits for short-term rentals shall be issued or renewed for a maximum term of one year. All permits shall contain the following provision: “This permit shall expire no later than one year after the date of issuance, and is subject to revocation for violation or noncompliance with the requirements or any other applicable provision of the Oxnard City Code.”

SEC. 16-663.2. OWNER REQUIREMENTS AND LIMITATIONS.

A. Permits may only be issued to the owner(s) of the homeshare or vacation rental property, and shall automatically expire upon sale or transfer of ownership of the property, in whole or in part. All permits shall include the following provision: “This permit shall automatically expire upon sale or transfer of the property, in whole or in part, or as stated in Section 16-663.1 whichever comes first.”

B. A permit may only be issued for a homeshare or vacation rental property if no owner of the subject homeshare or vacation rental property is also the owner of another homeshare or vacation rental property that is currently permitted under this Article. In addition, if a property contains multiple dwelling units (e.g., a duplex, cottages or apartments), only one dwelling unit on the property is eligible for permitting as a homeshare or vacation rental under this Article.

SEC. 16-663.3. INELIGIBLE DWELLINGS AND STRUCTURES.

No permit for a homeshare or vacation rental shall be issued for any of the following dwellings:

(A) A dwelling subject to a City-imposed covenant, condition or agreement restricting its use to a specific purpose including but not limited to an affordable housing unit, farmworker housing, a superintendent or caretaker dwelling;

(B) A dwelling on property fully or partially owned by a corporation, partnership, limited liability company, or other legal entity that is not a natural person, except in the event every shareholder, partner or member of the legal entity is a natural person as established by documentation (which shall be public record) provided by the permit applicant. In the event this exception applies, every such natural person shall be deemed a separate owner of the subject dwelling and property for purposes of this Article;

(C) A dwelling on property owned by six or more owners, unless each owner shares common ancestors; or

(D) A dwelling or structure that has not, if legally required, obtained a full building final inspection or been issued a valid certificate of occupancy by the City Building Official.

(E) A mobile home located in a mobile home park.

SEC. 16-664. PRE-PERMITTING INSPECTION.

Prior to the initial issuance of a permit under this Article, the City Building Official or designee shall conduct an inspection to determine the number of bedrooms within the unit and ensure the dwelling and site comply with the provisions of this Article and other applicable building and zoning codes and regulations regarding parking, access, fire, and other relevant health and safety standards. If any violation is identified during the inspection, no permit shall be issued under this Article until the violation(s) is abated.

SEC. 16-665. PERMIT APPLICATION, PROCESSING AND FEES.

(A) Applications for the initial issuance and renewal of permits under this Article shall meet the form and content requirements as established by the Community Development Director or designee.

(B) Each application shall include a floor plan showing all rooms with each room labeled as to room type and a site plan depicting the location and describing the use of all existing structures.

(C) Each application shall include a nuisance response plan containing the information required by Sec. 16-666.

(D) Each application shall include a mailing list for notifications pursuant to Sec. 16-668.2 (B) along with fees as set forth in the Planning Division fee schedule.

(E) Each application shall include an affidavit in a form provided by the Community Development Director or designee, signed by each owner of the subject property, agreeing to comply with the operational standards of Sec. 16-667 and the property management requirements of Sec. 16-668 should the permit be issued. The affidavit form shall also include the following statement: "The City considers the short-term rental of dwellings to be businesses that are operated in residential zones. Short-term rentals are not a by-right use. Instead, they are only allowed if operated in strict compliance with the rules and requirements of Article XI of the Oxnard City Code. Violations are grounds for permit revocation, fines, and/or criminal prosecution."

(F) For a homeshare only, annually provide to the Planning Division proof of a homeowner's exemption from the County Assessor and a fully-executed statement that the property is owner occupied.

(G) An annual permit fee authorized by the fee schedule applicable to the Planning Division may be collected upon the filing of an application to cover the City's costs of administering this Article.

(H) Prior to permit issuance under this Article, the applicant shall: (i) pay all applicable City fees; (ii) submit a code compliance deposit in accordance with Sec.16-669.2; (iii) provide contact information for the owner of a homeshare, or designate and provide contact information for one or two property managers of a vacation rental, pursuant to Sec.16-668.1 (C); (iv) provide a fully-executed affidavit pursuant to Sec. 16-665 (E); (v) provide proof of compliance with the applicable business tax and licensing, and transient occupancy tax, requirements pursuant to Sec. 16-668.6; (vi) for a homeshare only, proof of homeowner's exemption and statement that property is owner occupied pursuant to Sec. 16-665 (F); (vii) provide proof of insurance pursuant to Sec. 16-668.7; and (viii) provide the fully-executed defense and indemnification agreement pursuant to Sec.16-668.8.

(I) Notwithstanding any other provision of this Article, no public hearing shall be conducted regarding permit applications under this Article. Decisions of the Community Development Director or designee on permit applications to approve a short-term rental permit are final when rendered and are not subject to appeal.

SEC. 16-666. NUISANCE RESPONSE PLAN

Each nuisance response plan accompanying a vacation rental application shall contain the following information and otherwise be in a form required by the Community Development Department.

(A) The mailing address and telephone number of the owner or owners of the residential dwelling unit or units to be used as a vacation rental pursuant to the permit;

(B) The name, address and telephone number of the person or persons who will be available by telephone, and who will be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the vacation rental by tenants, their visitors and/or their guests. For the purposes of this Article, a return telephone call to a complainant within 30 minutes of the initial complaint shall be deemed "prompt". This call shall be in addition to the requirement to contact the renter to correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m., after the complaint is first received.

(1) No more than a total of three persons shall be designated in the response plan as a person responsible for responding to or causing a response to a nuisance complaint; and

(2) Only one such person shall be designated as the person responsible for responding to a nuisance complaint during any particular hours of the day, different days in a week, and/or different weeks of the year.

(C) The manner of responding to or causing a response to a nuisance complaint, including but not limited to the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.

(D) The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this Article "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the short-term vacation rental within 30 minutes of the initial nuisance complaint.

SEC. 16-667. OPERATIONAL STANDARDS

The minimum operational standards specified in Sections 16-667.1 to 16-667.6 shall apply to all homeshares and vacation rentals. All owners, renters, occupants and visitors of homeshares and vacation rentals shall comply with the operational standards. The owner(s) and permittee(s) of homeshares and vacation rentals are ultimately responsible for ensuring compliance with, and are liable for violations of, these operational standards.

SEC. 16-667.1. OCCUPANCY LIMITS.

(A) Vacation rental overnight occupancy shall be limited to a maximum of two persons per bedroom occupying up to five bedrooms, plus two additional persons, up to a maximum of ten persons.

(B) Homeshares shall have a maximum of two bedrooms available for rental. Overnight occupancy shall be limited to a maximum of five rental guests.

(C) Inclusive of the owner(s) in the case of homeshares, the maximum number of total persons allowed on the property at any time shall not exceed the maximum overnight occupancy plus six additional persons. No person who is not staying overnight at the homeshare or vacation rental shall be on the property during the quiet hours stated in Sec.16-666.4 (B).

(D) Homeshares and vacation rentals shall not be rented to more than one group at a time; no more than one rental agreement shall be effective for any given date.

(E) The primary occupant of a vacation rental shall be an adult 21 years of age or older. The primary occupant shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provisions of this Article and/or this code.

SEC. 16-667.2. PARKING REQUIREMENTS.

(A) Parking shall be provided on the property as follows: a minimum of one parking space for vacation rentals in a studio or with one bedroom; a minimum of two parking spaces for homeshares and vacation rentals with two to four bedrooms; and a minimum of three parking spaces for homeshares and vacation rentals with five bedrooms.

(B) Permitted garages and driveways on the property shall be unobstructed and made available for renter parking, if such location(s) are needed to satisfy the parking requirements of subpart (A).

SEC. 16-667.3. NOISE.

(A) No use or activity associated with a homeshare or vacation rental shall at any time create unreasonable noise or disturbance as provided in Chapter 7, Article XI – Sound Regulations of the Oxnard City Code.

(B) Quiet hours shall be observed from 10:00 p.m. to 7:00 a.m.

(C) No outdoor amplified music/sound shall be allowed during quiet hours when a property is being rented as a homeshare or vacation rental.

SEC. 16-667.5. EVENTS AND ACTIVITIES.

Unless allowed under an approved Temporary Use Permit, subject to Section 16-476 (B)(1), no homeshare or vacation rental property shall be rented or used for any event or activity attended by more persons than are allowed on the property pursuant to Sec.16-666.2, that violates any noise standard of Sec.16-666.4, or that violates any other standard or requirement of this Article or any other local, state or federal law.

SEC. 16-667.6. REFUSE.

Adequate waste collection facilities and services shall be provided for a homeshare or vacation rental at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collection day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.

SEC. 16-668. PROPERTY MANAGEMENT REQUIREMENTS.

The minimum property management requirements specified in Sections 16-668.1 to 16-668.9 shall apply to all homeshares and vacation rentals.

SEC. 16-668.1. OWNER/PROPERTY MANAGER REQUIREMENTS.

(A) At all times a homeshare is rented out, a homeshare owner shall be onsite between the hours of 10:00 p.m. and 7:00 a.m., and within forty miles of the property at all other times, to ensure compliance with the standards and requirements of this Article.

(B) At all times a vacation rental is rented out, the vacation rental shall have one or two designated property managers, one of whom shall be available at all times and within forty miles

of the property, to ensure compliance with the standards and requirements of this Article. An owner may serve as one of the property managers.

(C) Each application under this Article shall include the name, address, and telephone number(s) at which the property manager(s) can be reached at all times, along with the signature of each property manager. Any requested change to a designated property manager shall be made through a formal written request to the Community Development Director or designee, and shall include the signature of the proposed property manager and the desired effective date of the change. No change to a vacation rental's designated property manager shall take effect unless and until approved in writing by the Community Development Director or designee.

SEC. 16-668.2. PERMIT NOTIFICATION.

The Planning Division shall provide a mailed notice of permit issuance, and of each permit renewal, to the owner of the subject property and the owners of all real property situated within a radius of 300 feet of the exterior boundaries of the Assessor's Parcel(s) which is the subject of the application.

At a minimum, the notice shall include: (i) a copy of the nuisance response plan; and (ii) contact information for the Code Compliance Division.

SEC. 16-668.3. INFORMATION IN RENTAL AGREEMENTS

(A) Each rental agreement for a vacation rental or homeshare shall prominently display the following information:

- (1) The permitted occupancy and guest limits for both day and night;
- (2) Notification that quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.;
- (3) Notification that no outdoor amplified music or sound is allowed during quiet hours;
- (4) Notification that the property cannot be used for events that exceed the applicable occupancy or guest limits, or that violate the quiet hours, noise standards or any other standard or requirement of this Article;
- (5) The available number of onsite parking spaces, and notification discouraging use of on-street parking;
- (6) The waste collection schedule and the tenant's responsibilities regarding waste collection.

SEC. 16-668.4 INFORMATION IN ADVERTISEMENTS AND LISTINGS

(A) Each advertisement and listing for a vacation rental or homeshare shall prominently display the following information:

(1) The City-issued land use permit number authorizing the homeshare or vacation rental under this Article;

(2) The current City issued Business License Tax Certificate identification number, if required for the operation.

(3) All advertisements for homeshares shall state that the unit is an owner-occupied dwelling, and the owner will be present in the home.

(B) No advertisements or notices regarding the availability of a dwelling for homeshare or vacation rental use shall be posted on the property.

SEC. 16-668.5. POSTING INSIDE OF DWELLINGS.

The following information, as well as all information required by Sec.16-667.3, shall be posted in a conspicuous location inside the dwelling within six feet of the main entrance of the homeshare or vacation rental:

- (A) The name and contact information for the designated property manager of a vacation rental or owner of a homeshare, and the telephone number(s) at which the person can be reached at all times;
- (B) The waste collection schedule and information about recycling and green waste separation and disposal;
- (C) Notification that the property owner, renter, and occupants are subject to criminal citation and fines, civil penalties and/or permit revocation for violations of the unit's occupancy limits, noise standards and other operational standards.

SEC. 16-668.6. BUSINESS LICENSE; BUSINESS TAXES; TRANSIENT OCCUPANCY TAX.

The owner of a vacation rental or homeshare shall acquire and maintain a valid City business license, timely pay annual business taxes evidenced by a business tax certificate, and obtain and maintain a valid City transient occupancy tax registration certificate and timely pay all required City transient occupancy taxes.

SEC. 16-668.7. INSURANCE.

The owner shall maintain an insurance policy that includes coverage for commercial/business general liability with a minimum limit of \$1,000,000 per occurrence for claims of personal injury or property damage. Proof of such insurance coverage shall be provided with each permit

application under this Article, and shall be made available to the Community Development Director or designee upon request.

SEC. 16-668.8. DEFENSE AND INDEMNIFICATION.

All owners of a homeshare or vacation rental shall be jointly and severally responsible to defend and indemnify the City and all of its officials, employees and agents from and against all third-party claims, causes of actions, fines, damages and liabilities of whatever nature arising from or related to the processing and issuance of a permit under this Article and/or from the operation of the homeshare or vacation rental. Upon submittal of a permit application under this Article, all owners of the homeshare or vacation rental shall execute a written agreement on a form provided by the Community Development Director or designee implementing this defense and indemnification requirement.

SEC. 16-668.9. RECORD-KEEPING.

The owner of a homeshare or vacation rental shall keep and preserve all records as may be necessary to demonstrate compliance with the standards and requirements of this Article. These records shall include but are not limited to all rental agreements entered into, advertisements and online listings. The records shall be maintained during the term of the permit issued under this Article and subsequent renewal up to two years, and shall be made available in electronic format for the City's review upon request of the Community Development Director or designee.

SEC. 16-669. INSPECTION AND MONITORING.

SEC. 16-669.1. INSPECTIONS.

In addition to the pre-permitting inspection of a homeshare or vacation rental pursuant to Sec.16-664, upon reasonable notice, City staff shall be given access to the dwelling and site to conduct an inspection during the term of the permit to ensure continued operation of the homeshare or vacation rental in compliance with the provisions of this Article and other applicable building and zoning codes and regulations regarding parking, access, fire, safety, and other relevant issues.

SEC. 16-669.2. MONITORING.

City monitoring shall be required for each homeshare and vacation rental operation issued a permit. The permittee shall be responsible for all monitoring costs associated with the operation. Each application request for a permit under this Article shall be accompanied by payment of a code compliance review deposit in the amount stated in the Planning Division Fee Schedule. If the City bills against the deposit, the permittee shall replenish the deposit within seven calendar days after the City's written request to the permittee. Monitoring may be conducted by a third party compliance company hired by the City.

SEC. 16-670. PERMIT FEES

The Community Development Department shall assess fees for a short-term rental permit, as set by the City Council. Fees and deposits set forth in this Article may be adjusted each year by the City Council, reflecting the costs of administering the short-term rental permit, and enforcing the requirements of this Article.

SEC. 16-671. COMPLAINTS AND VIOLATIONS.

SEC. 16-671.1. COMPLAINTS.

(A) Complaints regarding the condition, operation or conduct of the renters, occupants or visitors of a homeshare or vacation rental shall be directed to the vacation rental property manager or homeshare owner for investigation and resolution. The property manager or owner shall be available by phone at all times the dwelling is rented out as a homeshare or vacation rental.

(B) Upon receipt of a complaint that any renter, occupant or visitor of a homeshare or vacation rental has created unreasonable noise or disturbance and/or potentially violated any other operational standard of this Article the property manager or owner shall take all necessary actions to promptly resolve the issue, including by initially contacting the renter to correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m., after the complaint is first received.

(C) Within twenty-four hours after first receiving a complaint pursuant to subsection (b) above, the property manager or owner shall complete the online reporting form provided by the Community Development Director or designee to: (1) report and describe the complaint, including the time the complaint was first received; (2) describe all actions taken to resolve the issue, including the time each action was taken; and (3) describe the resolution or current status.

(D) A property manager's or owner's failure to promptly resolve a complaint pursuant to subsection (B) above which the Planning Division deems to be valid, or to timely and fully report the complaint to the Community Development Director or designee on the online reporting form, shall each constitute a separate violation of this Article.

(E) Individuals who file false reports of nuisance activities or other violations of this ordinance shall be subject to fine and prosecution pursuant to California Penal Code Section 148.5 and the complainant will be responsible for the costs associated with the service call by the Police Department or Code Enforcement.

SEC. 16-671.2. VIOLATIONS.

Each of the following acts or omissions related to the operation or use of a homeshare or vacation rental is unlawful and constitutes a violation of this Article. Owners are jointly and severally responsible and liable, along with any other responsible person, for each violation

committed with respect to their homeshare or vacation rental. Each day a violation occurs constitutes a separate, additional violation:

- (A) Engaging in an act in violation of the permitting requirement of Sec. 16-663 (A);
- (B) Failure to comply with an operational standard of Sec. 16-667;
- (C) Failure to comply with a property management requirement of Sec.16-668;
- (D) Failure to comply with the complaint investigation, resolution and/or reporting requirements of Sec. 16-669.1; and
- (E) Failure to timely remit to the City any cost or fee pursuant to this Article

SEC. 16-672. REVOCATION OR SUSPENSION OF PERMIT.

(A) The Community Development Director may revoke, or suspend a vacation rental or homeshare permit for one or more of the following reasons:

(1) A property transfer triggering property tax reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq., as determined by the Ventura County assessor such that the vacation rental or homeshare permit associated with the property shall expire and shall also become nonrenewable at the time of the property transfer.

(2) The permittee has made a false, misleading or fraudulent statement of material fact in the application for the vacation rental or homeshare permit, in the information required to be submitted to the city, or in response to inquiries by the city.

(3) The permittee engaged in any of the following conduct related to this Article that:

- (a) Resulted in a citation or conviction against the permittee;
- (b) Violated local, state or federal law;
- (c) Constituted a public nuisance;
- (d) Breached any condition, requirement, or restriction of the vacation rental or homeshare permit; or
- (e) Constituted a hazard to public peace, health, or safety.

(4) Failure to pass inspections required under the provisions of Sec. 16-664.

(5) Three or more verified and valid complaints of any violation of the Oxnard City Code, state or federal law, as determined by the Community Development Director, within a twelve-month period, shall be grounds for permit revocation.

(B) A vacation rental or homeshare permit may be revoked, suspended, or additional conditions may be imposed by the Community Development Director by providing written notice to the permittee setting forth the basis of the intended action and giving the permittee an opportunity, within fourteen calendar days, to present responding information to the department of planning and community development.

(C) After the fourteen-day period, the Community Development Director shall determine whether to revoke the permit, suspend the permit, or impose additional conditions upon the permit and thereafter, give written notice of its decision to the permittee. The permit shall be deemed to be valid until the written notice of the decision has been issued.

SEC 16-673. VIOLATIONS DECLARED A PUBLIC NUISANCE.

Each and every violation of the provisions of this Article is hereby deemed unlawful and a public nuisance.

SEC 16-674. EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this Article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Oxnard. Additionally, as a nuisance per se, any violation of this Article shall be subject to injunctive relief, any permit issued pursuant to this Article being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Oxnard may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the person/s or entity to which the STR permit was issued and by tenants under contract to use the STR. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, or his/her designee(s), may take immediate action to temporarily suspend a STR permit issued by the City, pending a hearing before the City Manager, or his/her designee(s).

SEC. 16-675. CRIMINAL PENALTIES.

Each and every violation of the provisions of this Article may at the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the County jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

SEC. 16-676. REMEDIES CUMULATIVE AND NOT EXCLUSIVE.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

SEC. 16-677. APPEALS.

A property owner may appeal a decision of the Community Development Director to deny, revoke, suspend, or modify a short-term rental permit pursuant to Article V-Administrative Hearings of the Oxnard City Code.

Section 5. If any subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 6. The City Clerk shall certify to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) calendar days of the adoption and shall post a certified copy of this ordinance, include the vote for and against the same, in the office of the City Clerk in accordance with Government Code Section 36933. Ordinance No. ____ was first read on _____, 2019, finally adopted on _____, 2019, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this ____ day of ____, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
Michelle Ascension, City Clerk

By _____
Stephen M. Fischer, City Attorney

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING SECTION 17-53 TO CHAPTER 17 OF THE OXNARD CITY CODE REGARDING SHORT-TERM RENTAL UNITS, AND AMENDING CHAPTER 17 OF THE OXNARD CITY CODE BY ADDING SUBSECTION (B)(10) TO SECTION 17-10. R-B-1, SINGLE-FAMILY BEACH, SUB-ZONE. SECTION 17-11. R-W-1, SINGLE-FAMILY WATER-ORIENTED, SUB-ZONE, SECTION 17-12. R-W-2, TOWNHOUSE WATER-ORIENTED, SUB-ZONE, SECTION 17-13. R-2-C, COASTAL MULTIPLE-FAMILY, SUB-ZONE SECTION 17-14. R-3-C, COASTAL MEDIUM DENSITY MULTIPLE-FAMILY, SUBZONE, AND C-P-C, COASTAL PLANNED COMMUNITY SUB-ZONE, REGARDING SHORT-TERM RENTAL UNITS

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Subsection (B) of Section 17-10 of the Oxnard City Code relating to the R-B-1, Single-Family Beach, Sub-Zone is hereby amended to read as follows:

“(10) Short-term rentals consistent with Section 17-53.”

Section 2. Subsection (B) of Section 17-11 of the Oxnard City Code relating to the, R-W-1, Single-Family Water-Oriented, Sub-Zone is hereby amended to read as follows:

“(10) Short-term rentals consistent with Section 17-53.”

Section 3. Subsection (B) of Section 17-12 of the Oxnard City Code relating to the, R-W-2, Townhouse Water-Oriented, Sub-Zone is hereby amended to read as follows:

“(10) Short-term rentals consistent with Section 17-53.”

Section 4. Subsection (B) of Section 17-13 of the Oxnard City Code relating to the R-2-C, Coastal Multiple-Family, Sub-Zone is hereby amended to read as follows:

“(10) Short-term rentals consistent with Section 17-53.”

Section 5. Subsection (B) of Section 17-14 of the Oxnard City Code relating to the R-3-C, Coastal Medium Density Multiple-Family, Sub-Zone is hereby amended to read as follows:

“(10) Short-term rentals consistent with Section 17-53.”

Section 6. Subsection (B) of Section 17-15 of the Oxnard City Code relating to the CPC, Coastal Planned Community Sub-Zone is hereby amended to read as follows:

(10) Short-term rentals consistent with Section 17-53.

Section 7. SECTION 17-53 is hereby added to Article IV in Chapter 17 of the Oxnard City Code to read as follows:

SEC. 17-53 SHORT-TERM RENTAL UNITS

(A) Purpose And Intent.

The purposes of short-term rental unit regulations are to establish standards and requirements for the temporary rental of dwellings as accessory uses in order to: (1) ensure that the use of dwellings as short-term rental units does not adversely impact long-term housing opportunities in the City of Oxnard; (2) ensure that short-term rental units are compatible with surrounding land uses; and (3) protect the health, safety and welfare of the short-term rental units’ renters, occupants, neighboring residents, as well as the general public and environment.

(B) Definitions.

When used in this Article, the following words shall have the meanings ascribed to them as set forth herein.

Homeshare –A dwelling which is the primary residence of an owner who possesses at least a twenty percent ownership interest in the subject parcel, with any portion of the dwelling rented for a period less than thirty consecutive days when said owner is physically present in the same dwelling, with no meals or food provided to the renter or renters. A homeshare is not considered a home occupation under this Section. Use of a dwelling for occasional home exchange is not considered a homeshare.

Owner – A person with a full or partial fee title ownership interest in the subject property. For a property held in a trust, each trustee (but no trust beneficiary) is considered an owner.

Primary Residence – A dwelling which is the owner’s main living location as evidenced by the owner’s address-of-record for official documents such as the property’s title, income tax returns, voter registration, or a current property tax bill.

Rent – The terms rent, rented and rental mean allowing use of a dwelling or property, or any portion thereof, in exchange for consideration in any form.

Short-term Rental - The rental of a residential unit for a period less than thirty (30) consecutive calendar days. Short-term rentals include both homeshares and vacation rentals.

Vacation Rental – A dwelling, any portion of which is rented for a period less than thirty consecutive days when the owner is not physically present, with no meals or food provided to the renter or renters. A vacation rental is not considered a home occupation under this Section. Use of a dwelling for occasional home exchange is not considered a vacation rental.

(C) Vacation Rental Permit Cap.

Based on best practices, Staff does not recommend a vacation rental permit cap. This section may be removed altogether or added to based on feedback at the July 9, 2019 Housing and Economic Development Committee meeting

(D) Permit Required.

(1) Except as expressly authorized by this Article or otherwise expressly authorized by this Section, no dwelling, property or any portion thereof shall be rented for a term of less than thirty consecutive days. Renting for less than thirty days pursuant to a purported longer-term lease or by other means intended to evade compliance with this Article is prohibited.

(2) A valid permit issued by the City pursuant to this Article is required in order for any person that seeks or receives any rent, payment, fee, commission or compensation in any form, to rent, offer for rent, advertise for rent, or facilitate the rental of a homeshare or vacation rental.

(3) A short-term rental permit authorizing a vacation rental or homestay shall be issued or renewed by the Community Development Director, or designee if the following minimum findings are met.

- a. The property is compliant with all State and Local codes.

- b. The property complies with the requirements of this Section.
- c. There is no substantial evidence of nuisance behavior from the location.

(4) The Community Development Director shall have the authority to impose additional standards and/or conditions to short-term rental permits as necessary to achieve the objectives of the Article.

(E) Limited Term.

Permits for short-term rentals shall be issued or renewed for a maximum term of one year. All permits shall contain the following provision: “This permit shall expire no later than one year after the date of issuance, and is subject to revocation for violation or noncompliance with the requirements or any other applicable provision of the Oxnard City Code.”

(F) Owner Requirements And Limitations.

1. Permits may only be issued to the owner(s) of the homeshare or vacation rental property, and shall automatically expire upon sale or transfer of ownership of the property, in whole or in part. All permits shall include the following provision: “This permit shall automatically expire upon sale or transfer of the property, in whole or in part, or as stated in Section F. whichever comes first.”

2. A permit may only be issued for a homeshare or vacation rental property if no owner of the subject homeshare or vacation rental property is also the owner of another homeshare or vacation rental property that is currently permitted under this Article. In addition, if a property contains multiple dwelling units (e.g., a duplex, cottages or apartments), only one dwelling unit on the property is eligible for permitting as a homeshare or vacation rental under this Article.

(G) Ineligible Dwellings And Structures.

No permit for a homeshare or vacation rental shall be issued for any of the following dwellings:

- (1) A dwelling subject to a City-imposed covenant, condition or agreement restricting its use to a specific purpose including but not limited to an affordable housing unit, farmworker housing, a superintendent or caretaker dwelling;
- (2) A dwelling on property fully or partially owned by a corporation, partnership, limited liability company, or other legal entity that is not a natural person, except

in the event every shareholder, partner or member of the legal entity is a natural person as established by documentation (which shall be public record) provided by the permit applicant. In the event this exception applies, every such natural person shall be deemed a separate owner of the subject dwelling and property for purposes of this Article;

(3) A dwelling on property owned by six or more owners, unless each owner shares common ancestors; or

(4) A dwelling or structure that has not, if legally required, obtained a full building final inspection or been issued a valid certificate of occupancy by the City Building Official.

(5) A mobile home located in a mobile home park.

(H) Pre-Permitting Inspection.

Prior to the initial issuance of a permit under this Article, the City Building Official or designee shall conduct an inspection to determine the number of bedrooms within the unit and ensure the dwelling and site comply with the provisions of this Article and other applicable building and zoning codes and regulations regarding parking, access, fire, and other relevant health and safety standards. If any violation is identified during the inspection, no permit shall be issued under this Article until the violation(s) is abated.

(I) Permit Application, Processing And Fees.

(1) Applications for the initial issuance and renewal of permits under this Article shall meet the form and content requirements as established by the Community Development Director or designee.

(2) Each application shall include a floor plan showing all rooms with each room labeled as to room type and a site plan depicting the location and describing the use of all existing structures.

(3) Each application shall include a nuisance response plan containing the information required by Subsection J.

(4) Each application shall include a mailing list for notifications pursuant Subsection L. (2)(b). along with fees as set forth in the Planning Division fee schedule.

(5) Each application shall include an affidavit in a form provided by the Community Development Director or designee, signed by each owner of the subject property, agreeing to comply with the operational standards of Subsection (K) and the property management requirements of Subsection (L) should the permit be issued. The affidavit form shall also include the following statement: “The City considers the short-term rental of dwellings to be businesses that are operated in residential zones. Short-term rentals are not a by-right use. Instead, they are only allowed if operated in strict compliance with the rules and requirements of Section 17-53 of the Oxnard City Code. Violations are grounds for permit revocation, fines, and/or criminal prosecution.”

(6) For a homeshare only, annually provide to the Planning Division proof of a homeowner’s exemption from the County Assessor and a fully-executed statement that the property is owner occupied.

(7) An annual permit fee authorized by the fee schedule applicable to the Planning Division may be collected upon the filing of an application to cover the City’s costs of administering this Article

(8) Prior to permit issuance under this Article, the applicant shall: (i) pay all applicable City fees; (ii) submit a code compliance deposit in accordance with Subsection (M)(2); (iii) provide contact information for the owner of a homeshare, or designate and provide contact information for one or two property managers of a vacation rental, pursuant to Subsection (L)(1)(C); (iv) provide a fully-executed affidavit pursuant to Subsection (H)(5); (v) provide proof of compliance with the applicable business tax and licensing, and transient occupancy tax, requirements pursuant to Subsection (L)(6); (vi) for a homeshare only, proof of homeowner’s exemption and statement that property is owner occupied pursuant to Subsection (I)(6) ; (vii) provide proof of insurance pursuant to Subsection (L)(7); and (viii) provide the fully-executed defense and indemnification agreement pursuant to Subsection (L)(8).

(9) Notwithstanding any other provision of this Article, no public hearing shall be conducted regarding permit applications under this Article. Decisions of the Community Development Director or designee on permit applications to approve a short-term rental permit are final when rendered and are not subject to appeal.

J. Nuisance Response Plan

Each nuisance response plan accompanying a vacation rental application shall contain the following information and otherwise be in a form required by the Community Development Department.

(1) The mailing address and telephone number of the owner or owners of the residential dwelling unit or units to be used as a vacation rental pursuant to the permit;

(2) The name, address and telephone number of the person or persons who will be available by telephone, and who will be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the vacation rental by tenants, their visitors and/or their guests. For the purposes of this Section, a return telephone call to a complainant within 30 minutes of the initial complaint shall be deemed "prompt". This call shall be in addition to the requirement to contact the renter to correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m., after the complaint is first received.

(a) No more than a total of three persons shall be designated in the response plan as a person responsible for responding to or causing a response to a nuisance complaint; and

(b) Only one such person shall be designated as the person responsible for responding to a nuisance complaint during any particular hours of the day, different days in a week, and/or different weeks of the year.

(3) The manner of responding to or causing a response to a nuisance complaint, including but not limited to the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.

(4) The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this section "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the short-term vacation rental within 30 minutes of the initial nuisance complaint.

(K) Operational Standards.

The following minimum operational standards apply to all homeshares and vacation rentals. All owners, renters, occupants and visitors of homeshares and vacation rentals shall comply with the operational standards. The owner(s) and permittee(s) of homeshares and vacation rentals are ultimately responsible for ensuring compliance with, and are liable for violations of, these operational standards.

(1) Limits On Duration Of Stay.

(a) The property owner shall require all occupants of vacation rentals to agree to a minimum stay of no less than three nights.

(2) Occupancy Limits.

(a) Vacation rental overnight occupancy shall be limited to a maximum of two persons per bedroom occupying up to five bedrooms, plus two additional persons, up to a maximum of ten persons.

(b) Homeshares shall have a maximum of two bedrooms available for rental. Overnight occupancy shall be limited to a maximum of five rental guests.

(c) Inclusive of the owner(s) in the case of homeshares, the maximum number of total persons allowed on the property at any time shall not exceed the maximum overnight occupancy plus six additional persons. No person who is not staying overnight at the homeshare or vacation rental shall be on the property during the quiet hours stated in Subsection (K)(4)(b).

(d) Homeshares and vacation rentals shall not be rented to more than one group at a time; no more than one rental agreement shall be effective for any given date.

(e) The primary occupant of a vacation rental shall be an adult 21 years of age or older. The primary occupant shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provisions of this Article and/or this code.

(3) Parking Requirements.

(a) Parking shall be provided on the property as follows: a minimum of one parking space for vacation rentals in a studio or with one bedroom; a minimum of two parking spaces for homeshares and vacation rentals with two to four bedrooms; and a minimum of three parking spaces for homeshares and vacation rentals with five bedrooms.

(b) Permitted garages and driveways on the property shall be unobstructed and made available for renter parking, if such location(s) are needed to satisfy the parking requirements of subpart (A).

(4) Noise.

(a) No use or activity associated with a homeshare or vacation rental shall at any time create unreasonable noise or disturbance as provided in Chapter 7, Article XI – Sound Regulations of the Oxnard City Code.

(b) Quiet hours shall be observed from 10:00 p.m. to 7:00 a.m.

(c) No outdoor amplified music/sound shall be allowed during quiet hours when a property is being rented as a homeshare or vacation rental.

(5) Events And Activities.

Unless allowed under an approved Temporary Use Permit, subject to Section 16-476 (B)(1), no homeshare or vacation rental property shall be rented or used for any event or activity attended by more persons than are allowed on the property pursuant to Subsection (K)(2) that violates any noise standard of Subsection (K)(4), or that violates any other standard or requirement of this Article or any other local, state or federal law.

(6) Refuse.

Adequate waste collection facilities and services shall be provided for a homeshare or vacation rental at all times. Waste bins and refuse shall not be left within public view, except in proper containers for the purpose of collection on the scheduled collections day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously in the rental unit.

(L) Property Management Requirements.

The following minimum property management requirements apply to all homeshares and vacation rentals.

(1) Owner/Property Manager Requirements.

(a) At all times a homeshare is rented out, a homeshare owner shall be onsite between the hours of 10:00 p.m. and 7:00 a.m., and within forty miles of the property at all other times, to ensure compliance with the standards and requirements of this Article.

(b) At all times a vacation rental is rented out, the vacation rental shall have one or two designated property managers, one of whom shall be available at all times and within forty miles of the property, to ensure compliance with the standards and requirements of this Article. An owner may serve as one of the property managers.

(c) Each application under this Article shall include the name, address, and telephone number(s) at which the property manager(s) can be reached at all times, along with the signature of each property manager. Any requested change to a designated property manager shall be made through a formal written request to the Community Development Director or designee, and shall include the signature of the proposed property manager and the desired effective date of the change. No change to a vacation rental's designated property manager shall take effect unless and until approved in writing by the Community Development Director or designee.

(2) Permit Notification.

The Planning Division shall provide a mailed notice of permit issuance, and of each permit renewal, to the owner of the subject property and the owners of all real property situated within a radius of 300 feet of the exterior boundaries of the Assessor's Parcel(s) which is the subject of the application. At a minimum, the notice shall include: (i) a copy of the nuisance response plan; and (ii) contact information for the Code Compliance Division.

(3) Information In Rental Agreements

(a) Each rental agreement for a vacation rental or homeshare shall prominently display the following information:

- (1) The permitted occupancy and guest limits for both day and night;
- (2) Notification that quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.;
- (3) Notification that no outdoor amplified music or sound is allowed during quiet hours;
- (4) Notification that the property cannot be used for events that exceed the applicable occupancy or guest limits, or that violate the quiet hours, noise standards or any other standard or requirement of this Article;
- (5) The available number of onsite parking spaces, and notification discouraging use of on-street parking;
- (6) The waste collection schedule and the tenant's responsibilities regarding waste collection.

(4) Information in Advertising and Listings

(a) Each advertisement and listing for a vacation rental or homeshare shall prominently display the following information:

(1) The City-issued land use permit number authorizing the homeshare or vacation rental under this Article;

(2) The current City issued Business License Tax Certificate identification number, if required for the operation.

(3) All advertisements for homeshares shall state that the unit is an owner-occupied dwelling, and the owner will be present in the home.

(b) No advertisements or notices regarding the availability of a dwelling for homeshare or vacation rental use shall be posted on the property.

(5) Posting Inside of Dwellings.

The following information, as well as all information required by Subsection (L)(3)(a), shall be posted in a conspicuous location inside the dwelling within six feet of the main entrance of the homeshare or vacation rental:

(a) The name and contact information for the designated property manager of a vacation rental or owner of a homeshare, and the telephone number(s) at which the person can be reached at all times;

(b) The waste collection schedule and information about recycling and green waste separation and disposal;

(c) Notification that the property owner, renter, and occupants are subject to criminal citations and fines, civil penalties and/or permit revocation for violations of the unit's occupancy limits, noise standards and other operational standards.

(6) Business License; Business Taxes; Transient Occupancy Tax.

The owner of a vacation rental or homeshare shall acquire and maintain a valid City business license, timely pay annual business taxes evidenced by a business tax certificate, and obtain and maintain a valid City transient occupancy tax registration certificate and timely pay all required City transient occupancy taxes.

(7) Insurance.

The owner shall maintain an insurance policy that includes coverage for commercial/business general liability with a minimum limit of \$1,000,000 per occurrence for claims of personal injury or property damage. Proof of such insurance coverage shall be provided with each permit application under this Article, and shall be made available to the Community Development Director or designee upon request.

(8) Defense And Indemnification.

All owners of a homeshare or vacation rental shall be jointly and severally responsible to defend and indemnify the City and all of its officials, employees and agents from and against all third-party claims, causes of actions, fines, damages and liabilities of whatever nature arising from or related to the processing and issuance of a permit under this Article and/or from the operation of the homeshare or vacation rental. Upon submittal of a permit application under this Article, all owners of the homeshare or vacation rental shall execute a written agreement on a form provided by the Community Development Director or designee implementing this defense and indemnification requirement.

(9) Record-Keeping.

The owner of a homeshare or vacation rental shall keep and preserve all records as may be necessary to demonstrate compliance with the standards and requirements of this Article. These records shall include but are not limited to all rental agreements entered into, advertisements and online listings. The records shall be maintained during the term of the permit issued under this Article and subsequent renewal up to two years, and shall be made available in electronic format for the City's review upon request of the Community Development Director or designee.

(M) Inspection And Monitoring.

(1) Inspections.

In addition to the pre-permitting inspection of a homeshare or vacation rental pursuant to Subsection (H), upon reasonable notice, City staff shall be given access to the dwelling and site to conduct an inspection during the term of the permit to ensure continued operation of the homeshare or vacation rental in compliance with the provisions of this Article and other applicable building and zoning codes and regulations regarding parking, access, fire, safety, and other relevant issues.

(2) Monitoring.

City monitoring shall be required for each homeshare and vacation rental operation issued a permit. The permittee shall be responsible for all monitoring costs associated with the operation. Each application request for a permit under this Article shall be accompanied by payment of a code compliance review deposit in the amount stated in the Planning Division Fee Schedule. If the City bills against the deposit, the permittee shall replenish the deposit within seven calendar days after the City's written request to the permittee. Monitoring may be conducted by a third party compliance company hired by the City.

(N) Permit Fees

The Community Development Department shall assess fees for a short-term rental permit, as set by the City Council. Fees and deposits set forth in this Article may be adjusted each year by the City Council, reflecting the costs of administering the short-term rental permit, and enforcing the requirements of this Section.

(O) Complaints And Violations.

(1) Complaints.

- (a) Complaints regarding the condition, operation or conduct of the renters, occupants or visitors of a homeshare or vacation rental shall be directed to the vacation rental property manager or homeshare owner for investigation and resolution. The property manager or owner shall be available by phone at all times the dwelling is rented out as a homeshare or vacation rental.
- (b) Upon receipt of a complaint that any renter, occupant or visitor of a homeshare or vacation rental has created unreasonable noise or disturbance and/or potentially violated any other operational standard of this Article the property manager or owner shall take all necessary actions to promptly resolve the issue, including by initially contacting the renter to correct the problem within thirty minutes, or within fifteen minutes during the quiet hours between 10:00 p.m. and 7:00 a.m., after the complaint is first received.
- (c) Within twenty-four hours after first receiving a complaint pursuant to subsection (b) above, the property manager or owner shall complete the online reporting form provided by the Community Development Director or designee to: (1) report and describe the complaint, including the time the complaint was first received; (2)

describe all actions taken to resolve the issue, including the time each action was taken; and (3) describe the resolution or current status.

(d) A property manager's or owner's failure to promptly resolve a complaint pursuant to subsection (B) above which the Planning Division deems to be valid, or to timely and fully report the complaint to the Community Development Director or designee on the online reporting form, shall each constitute a separate violation of this Article.

(e) Individuals who file false reports of nuisance activities or other violations of this ordinance shall be subject to fine and prosecution pursuant to California Penal Code Section 148.5 and the complainant will be responsible for the costs associated with the service call by the Police Department or Code Enforcement.

(2) Violations.

Each of the following acts or omissions related to the operation or use of a homeshare or vacation rental is unlawful and constitutes a violation of this Article. Owners are jointly and severally responsible and liable, along with any other responsible person, for each violation committed with respect to their homeshare or vacation rental. Each day a violation occurs constitutes a separate, additional violation:

(a) Engaging in an act in violation of the permitting requirement of Subsection (D);

(b) Failure to comply with an operational standard of Subsection (K);

(c) Failure to comply with a property management requirement of Subsection (L);

(d) Failure to comply with the complaint investigation, resolution and/or reporting requirements of Subsection (O)(1); and

(e) Failure to timely remit to the City any cost or fee pursuant to this Article

(P) Revocation or Suspension of Permit.

(1) The Community Development Director may revoke, or suspend a vacation rental or homeshare permit for one or more of the following reasons:

(a) A property transfer triggering property tax reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq., as determined by the Ventura County assessor such that the vacation rental or homeshare permit associated with the property shall expire and shall also become nonrenewable at the time of the property transfer.

(b) The permittee has made a false, misleading or fraudulent statement of material fact in the application for the vacation rental or homeshare permit, in the information required to be submitted to the city, or in response to inquiries by the city.

(c) The permittee engaged in any of the following conduct related to this section that:

- i. Resulted in a citation or conviction against the permittee;
- ii. Violated local, state or federal law;
- iii. Constituted a public nuisance;
- iv. Breached any condition, requirement, or restriction of the vacation rental or homeshare permit; or
- v. Constituted a hazard to public peace, health, or safety.

(d) Failure to pass inspections required under the provisions of Subsection (H).

(e) Three or more verified and valid complaints of any violation of the Oxnard City Code, state or federal law, as determined by the Community Development Director, within a twelve-month period, shall be grounds for permit revocation.

(2) A Vacation Rental Or Homeshare Permit May Be Revoked, Suspended, Or Additional conditions may be imposed by the Community Development Director by providing written notice to the permittee setting forth the basis of the intended action and giving the permittee an opportunity, within fourteen calendar days, to present responding information to the department of planning and community development.

(3) After the fourteen-day period, the Community Development Director shall determine whether to revoke the permit, suspend the permit, or impose additional conditions upon the permit and thereafter, give written notice of its decision to the permittee. The permit shall be deemed to be valid until the written notice of the decision.

(Q) Violations Declared A Public Nuisance.

Each and every violation of the provisions of this Article is hereby deemed unlawful and a public nuisance.

(R) Each Violation a Separate Offense.

Each and every violation of this Article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Oxnard. Additionally, as a nuisance per se, any violation of this Article shall be subject to injunctive relief, any permit issued pursuant to this Article being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney

fees, and any other relief or remedy available at law or in equity. The City of Oxnard may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the person/s or entity to which the STR permit was issued and by tenants under contract to use the STR. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, or his/her designee(s), may take immediate action to temporarily suspend a STR permit issued by the City, pending a hearing before the City Manager, or his/her designee(s).

(S) Criminal Penalties.

Each and every violation of the provisions of this Article may in the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the County jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

(T) Remedies Cumulative and Not Exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

(U) Appeals.

A property owner may appeal a decision of the Community Development Director to deny, revoke, suspend, or modify a short-term rental permit pursuant to Article V-Administrative Hearings of the Oxnard City Code.

Section 8. If any subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 9. The City Clerk shall certify to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) calendar days of the adoption and shall post a certified copy of this ordinance, include the vote for and against the same, in the office of the City Clerk in accordance with Government Code Section 36933. Ordinance No.____ was first read on _____, 2019, finally adopted on _____,2019, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this ____ day of ____, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
Michelle Ascension, City Clerk

By _____
Stephen M. Fischer, City Attorney

Draft STR Processing Guidelines

1. Submittal by appointment
 - Submittal requirements
 - Landuse application (the owner of the property is included on this form. If the property is owned by a trust, LLC, LP, etc. then the articles of incorporation or trust document must be provided that lists all trustees, officers, etc. and the application must include a statement per the code, that is signed by all parties.)
 - Plans (Site Plan & Floor Plan/s)
 - * Includes the location of the indoor signage, location of trash bins behind screening, location of parking, clearly labeled bedrooms, etc.
 - Nuisance response plan
 - Mailing labels or pay fee
 - Affidavit of compliance
 - Homeowners exemption from County (homeshares only)
 - Service call report from PD
 - Fees and deposits
 2. Provide Service Call Report to PD liaison and request neighborhood crime statistics report
 3. If the applicant paid the City for the radius map and labels, then request these from the administrative team
 4. Request inspection by Code Enforcement
 5. Planner reviews application for completeness
 6. If incomplete provide a letter stating deficiencies.
 7. If complete can the appropriate findings be made (this will require that we have the reports back from PD and Code Enforcement)
 - The applications will be screened using a point system.
 - All applications begin with 100 points
 - If the property has not been paying TOT tax, deduct 5 points
 - If the property has had a code enforcement citation in the past 12 months, deduct 5 points per citation.
 - If the property has had a valid nuisance complaint as determined by the PD liaison, deduct 5 points per validated complaint.
 - If the crime statistics report shows a crime level above the average for residential neighborhoods in Oxnard, deduct 5 points.
- Applications with less than 80 points will be denied.
8. Prepare determination letter.
 9. Notice of determination to the applicant
 - The letter will include requirements for the applicant to complete their business license within 15 days of notification, provide the temporary license certificate or receipt once complete, and send in a copy of the certificate when it is received. Additionally, the applicant must register with Finance to pay TOT and provide staff with proof of registration also within 15 days.
 10. Notices sent to 300' radius

Short Term Vacation Rental Ordinance

Paul McClaren, Associate Planner
Community Development Department

Housing & Economic Development Committee
July 9, 2019



Purpose of Committee Meeting

- Provide a summary report on the draft Short Term Rentals (STRs) ordinance and provide input on the content of the ordinance.
- This input will be implemented as staff finalizes the ordinance and communicated to the Planning Commission when the Commission holds a public hearing to consider the ordinance in August.
- Feedback will be summarized, posted on our STR website, and transmitted to the policy making body – the City Council

Background

- The City has been discussing permitting and regulations for STRs for several years.
- On March 25, 2019, the City Council held a special meeting and received public input and provided direction to staff. Staff identified three areas in particular that the Council wanted staff to consider including:
 1. Enforcement and penalties for violations of the ordinance.
 2. Consideration of limiting the number of STRs by districts.
 3. How to address existing STR's.
- Staff has prepared two separate ordinances, one for non-coastal areas and one for the coastal zones.

Non-Coastal Zones

- Short term rentals will be allowed in the following non-coastal zones:
 - R-1 – Residential Single Family Zone;
 - R-2 – Multi-family Zone;
 - R-3 – Garden Apartment Zone;
 - R-4 – High Rise Residential Zone;
 - CBD - Central Business District;

Non-Coastal Zones

- Short term rentals will be allowed in the following coastal zones:
 - R-B-1, Single-Family Beach, Sub-Zone;
 - R-W-1, Single-Family Water-Oriented Sub-Zone;
 - R-W-2, Townhouse Water-Oriented, Sub-Zone;
 - R-2-C, Coastal Multiple-Family, Sub-Zone;
 - R-3-C, Coastal Medium Density Multiple-Family, Sub-Zone; and
 - CPC, Coastal Planned Community, Sub-Zone

Highlights

- Allows vacation rentals and homeshares with a Short Term Rental Permit, which must be obtained annually.
- STRs must maintain a valid City business license and timely pay annual business taxes.
- STRs must obtain and maintain a City transient occupancy tax certificate and timely pay all required City transient occupancy taxes.
- Requires a pre-permitting inspection to ensure the unit meets health and safety standards.
- Establishes ownership requirements and limitations
- Identifies ineligible residential units
- Requires a notice of permit issuance to be sent to all property owners and occupants within 300 feet of an STR.

Highlights

- Requires the submittal of a nuisance response plan.
- Establishes quiet hours from 10:00 pm. to 7:00 a.m.
- No outdoor amplified music/sound will be allowed during quiet hours.
- No one other than the renters are allowed on site during quiet hours.
- Primary occupant must be 21 years or older.
- Sets overnight occupancy limits.
- Establishes on-site parking requirements and noise limitations.
- Prohibits on-site events without a temporary use permit.
- Specifies property management & complaint response requirements.
- Establishes a complete inspection/compliance/enforcement program.

Highlights

- Allows inspection and monitoring to ensure continued operation of the homeshare or vacation rental in compliance with regulations.
- Three or more verified and valid complaints of any violation within a 12 month period would be grounds for permit revocation.
- Establishes a hearing officer appeal process for denials, suspensions and permit revocation. No appeals for approvals.
- Reiterates California Penal Code Section 148.5 regarding filing false reports.

Changes from March 25, 2019 Meeting

- Eliminated the 180 maximum per year in both the coastal and non-coastal zones
- Eliminates the minimum 3-night stay in the non-coastal zone.
- Eliminated the need for posting a sign outside the rental property.

Enforcement and Penalties

- A request for proposal (RFP) will be prepared for contract enforcement of the ordinance. The cost of this contract will be recuperated through the permit fees.
- Violations of the ordinance or conditions of the permit are infractions with fines of \$1,000 per separate offense and per day the violation continues.
- The first two violations in a 12 month period are infractions.
- The third violation in a 12 month period is a misdemeanor and the permit will be revoked.
- During annual renewal of the permit the number and frequency of violations will be considered when evaluating the request for renewal.

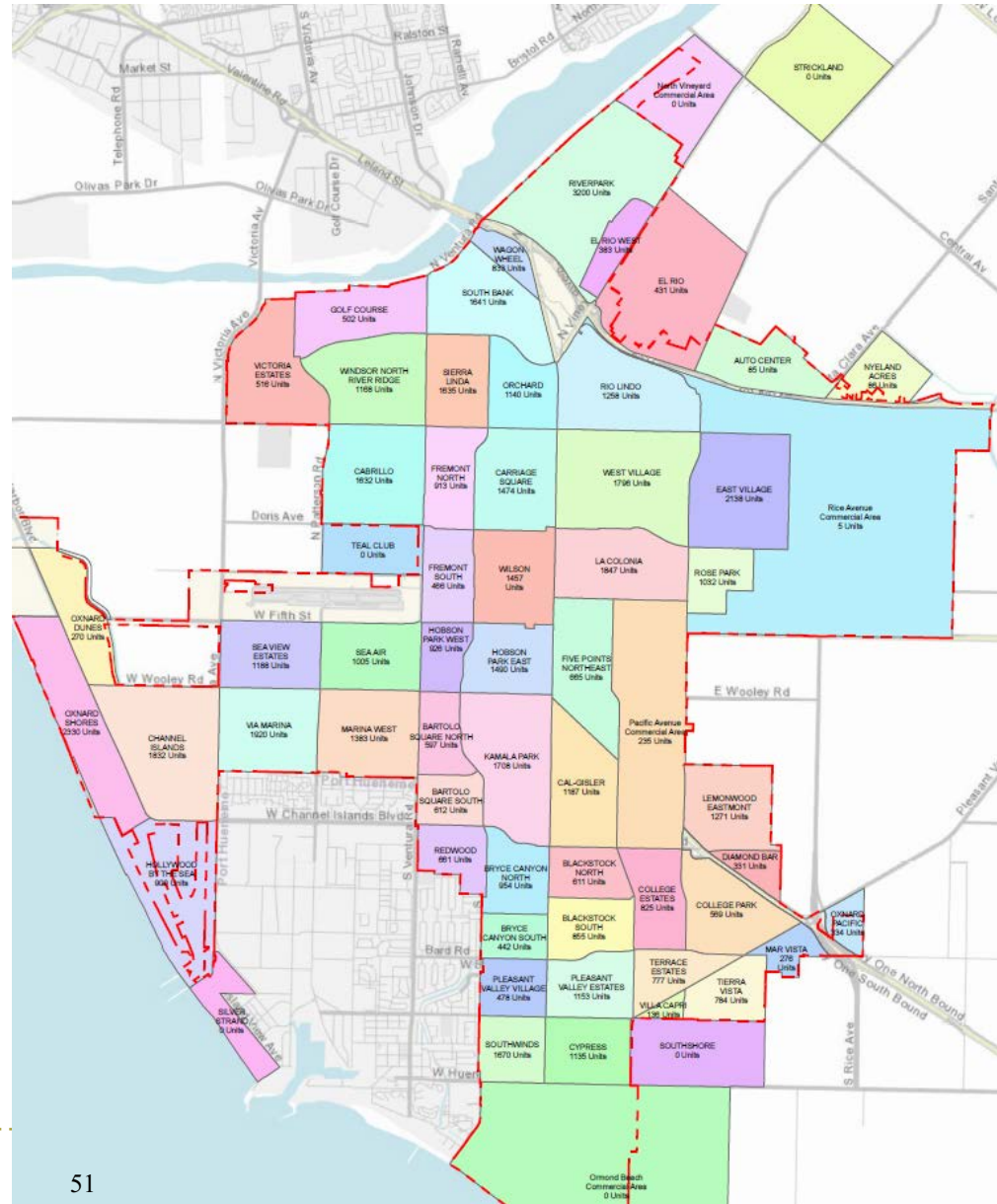
Limits on the number of STRs

- No existing methodology or studies.
- There are a number of variables.
- These circumstances make it difficult to determine what an appropriate limit would be.
- Other cities are struggling with this as well and have required that the ordinance be revisited in 18 to 24 months.
- The intent is to eliminate or mitigate the impacts of STRs.
- The recommended regulations will do so without placing a cap.

Limits on the number of STRs

Data -

- Per April 2, 2019 report from Host Compliance the City has 243 unique listings across all host sites.
- The City has compiled the total number of residential units by neighborhood in preparation for the 2020 census.



Limits on the number of STRS

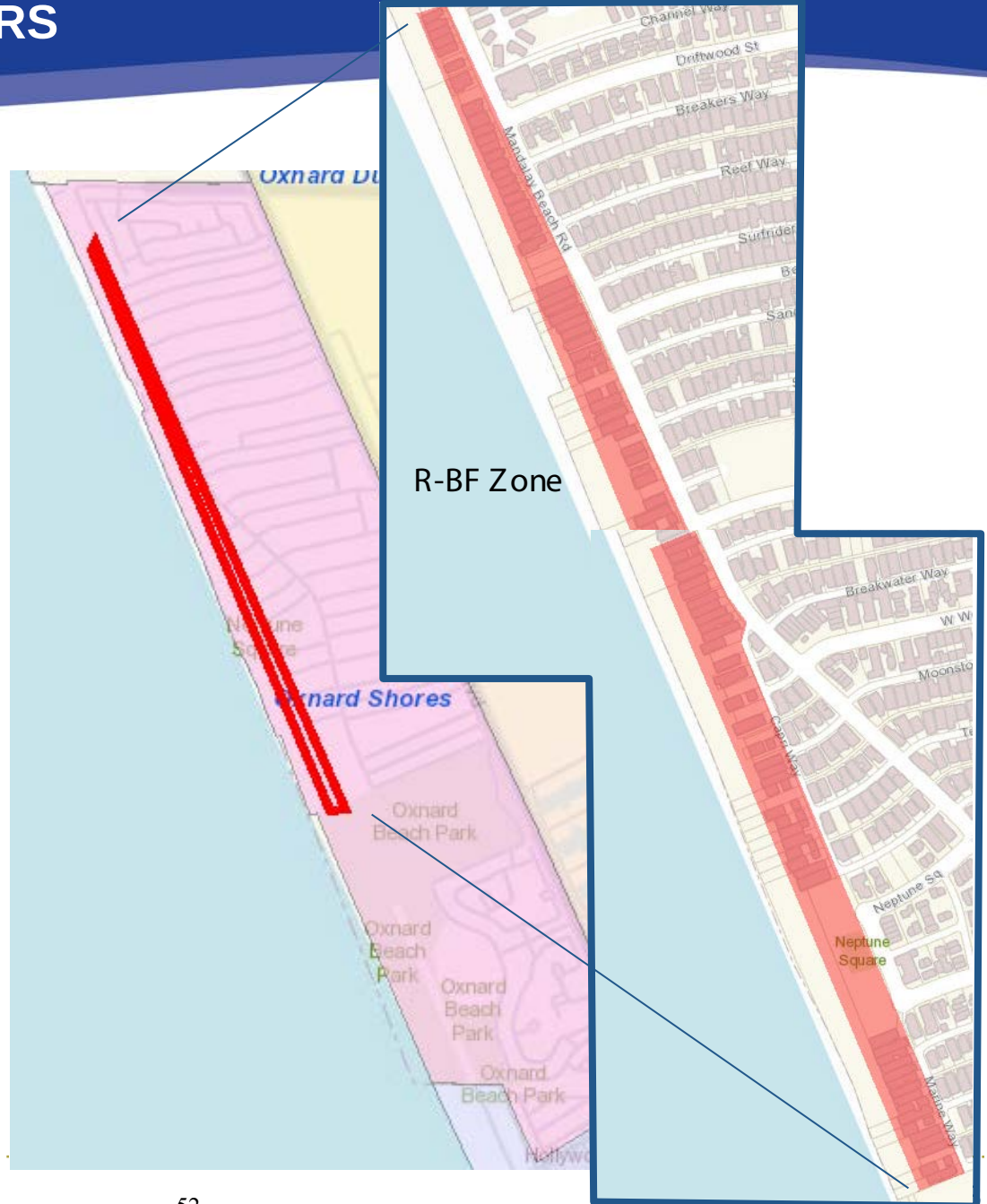
Analysis

Oxnard Shores Neighborhood

- 2051 residential units
- 66 existing STRs
- Concentration of 3.2%

R-BF Zone

- 93 units
- 16 STRs
- Concentration of 17%



Existing STRs

- The Oxnard Shores has the greatest number of existing STRs
- With the proposal to eliminate the 180 day maximum rental per year staff anticipates that the majority of the existing STRs will apply for a STR permit
- Staff has identified at least one owner that is paying TOT tax on two STRs, which would not be allowed with the proposed ordinance.
- Staff would recommend that the a “grace period” be permitted in the approval to allow existing STRs to honor existing bookings until the end of the specified period.

Ranking System

- As complete applications come in they will be time and date stamped, added to the list of applications and be given a score of 100.
- As staff screens the applications, points will be deducted for the following:
 - Properties that were not paying TOT before March 25, 2019, deduct 5 points.
 - The property has had code enforcement citations within the last 12 months, deduct 5 points per citation.
 - The property has had nuisance complaints that resulted in service calls within the last 12 months, deduct 5 points per complaint.
- If a property falls below 80 points the permit will be denied.
- Permits that are screened and end with more than 80 points will be issued in the order in which they were received.
- If Council decides on a limiting factor for STRs, once the cap has been reached the remaining applications will be added to a waiting list and the applicant notified that they are on the list.

Next Steps

- Staff will implement the input received from the committee and make the necessary adjustments to the ordinance and other items discussed.
- The adjusted ordinances will be presented to the Planning Commission (anticipate August 1, 2019).
- The ordinance will be presented to the City Council for first reading at the regular meeting (anticipate September 3, 2019).
- The coastal ordinance will then need to go before the Coastal Commission through a Local Coastal Plan Amendment before it can go into effect.
- Applications for STRs in the coastal zone will not be accepted until the Coastal Commission has approved the LCP amendment.



Discussion