

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING

**Council Chambers, 305 West Third Street, Oxnard, CA 93030
Thursday, August 1, 2019, 06:00 P.M.**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES**
- C. OATH OF OFFICE**
- D. PUBLIC COMMENTS - On Items Not On The Agenda** At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.
- E. READING OF AGENDA**
- F. CONSENT AGENDA**
 - 1. APPROVAL OF MINUTES – July 18, 2019**
- G. PUBLIC HEARING**
 - 1. PLANNING AND ZONING PERMIT NO. 19-580-04**, 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, CPC, coastal planned community sub-zone, R-BF, beachfront residential sub-zone and 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. Project Planner: Paul McClaren
PZ 19-580-04 Staff Report
- H. STUDY SESSION/REPORTS**
- I. PLANNING COMMISSION BUSINESS**
- J. PLANNING MANAGER COMMENTS**
- K. ADJOURNMENT FUTURE MEETINGS** Thursday, August 15, 2019, 6:00 p.m., City Council Chambers **CITY OF OXNARD PLANNING COMMISSION AGENDA Page 2**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Jeffrey Lambert, Community Development Director

DATE: August 1, 2019

SUBJECT: Planning and Zoning Permit Nos. 19-580-04– Zoning Text Amendment to Create Regulations for Short Term Rentals

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending City Council approval of Planning and Zoning Permit No. 19-580-04 (Zoning Text Amendment) to incorporate regulations for short term rentals within the City of Oxnard City Code as described below.
- 2) Project Description and Applicant:** 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 rentals; adding Subsection (19) to Section 16-21 (B) to the Residential Single-Family Zone and amending Section 16-148, Table 16-148 of the Downtown Code, adding short-term rentals as an allowed, by right residential use in the DT-E, DT-G and DT-C zones subject to Article XI of Chapter 16; adding Section 17-53 to Chapter 17 in Article IV regarding short term rentals 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; Subsection (B) (10) to Section 17-11. R-W-1, Single-Family Water-Oriented, Sub-Zone; Subsection (B) (10) to Section 17-12. R-W-2, Townhouse Water-Oriented, Sub-Zone; Subsection (B) (10) Section 17-13; R-2-C, Coastal Multiple-Family, Sub-Zone; Subsection (B) (10) to Section 17-14; R-3-C, Coastal Medium Density Multiple-Family, Subsection (B) (3) to Section 17-15; CPC, Coastal Planned Community Sub-Zone; and Subsection (B) (9) to Section 17-25; R-BF, Beachfront Residential, Sub-Zone regarding allowing short-term rental units subject to Section 17.53. Filed by the Community Development Department, 214 South C Street, Oxnard.
- 3) Background Information:** The City has been engaging the community regarding permitting and regulations for Short Term Rentals (STRs) for more than three years. The public outreach efforts during this 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.
 - 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.

- 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. No clear policy direction was communicated.
- 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:
 1. Enforcement;
 2. Limiting the number of STRs, and
 3. How to address and permit existing STRs
- On July 9, 2019 the Council Committee received a summary report on the draft STR ordinance and provided input on the content of the ordinance. This input is discussed in this staff report.

4) Environmental Determination: In accordance with the California Public Resources Code Sections 21000 et seq. and State California Environmental Quality Act (CEQA) Guidelines (Sections 15000 et seq.), Planning staff have determined that the proposed zoning text amendment is exempt from CEQA pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations.

5) Discussion: Staff has received input from the previous public outreach efforts and prepared a draft STR ordinance reflecting that input and City Council direction. 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, Exhibit A) and the coastal ordinance in Chapter 17-Coastal Zoning (Attachment 1, Exhibit B).

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 those adopted by the County of Ventura. 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, C-P-C- Coastal Planned Community, Sub-Zone, and R-BF, Beachfront Residential, Sub-Zone.

Non-Coastal Zones	
Residential Single -family	R-1
Multi-family	R-2
Garden Apartment	R-3
High Rise Residential	R-4
Downtown Edge	DT-E
Downtown General	DT-G
Downtown Core	DT-C
Coastal Zones	
Single-family Beach	R-B-1
Single-family Water-oriented	R-W-1
Townhouse Water-oriented	R-W-2
Coastal Multiple-family	R-2-C
Coastal Medium Density Multiple-family	R-3-C
Coastal Planned Community	C-P-C
Beachfront Residential	R-BF

Summary of Regulations

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

Permits and Fees

- 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 (TOT) certificate and timely pay City TOTs.
- Requires a notice of permit issuance to be sent to all property owners and occupants within 300 feet of a registered STR. Appeals allowed only for denials, suspensions and permit revocation.
- Establishes a hearing officer appeal process for denials, suspensions and permit revocation.

The Draft STR ordinance includes regulations that require permits, business licenses, and the payment of TOT. Additionally, the TOT will generate additional revenue for the City. Staff is currently completing a cost analysis to determine the fee amount required to fully recover 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 for the proposed STR ordinance. This will allow the fees to be adopted concurrently with the ordinance so the City can begin accepting STR applications once the ordinance is effective.

Health and Safety

- Requires a pre-permitting inspection to ensure the unit meets health and safety standards.
- Allows inspection and monitoring to ensure continued operation of the homeshare or vacation rental in compliance with regulations.

In addition to the initial pre-permitting inspection, the City Code will require, with reasonable advance notice, that City staff be given access to the dwelling and site during the term of the permit to ensure that the STR continues to operate in compliance with the City Code. Ongoing monitoring would include tracking the number of complaints received or calls for service for each STR property during the term of the permit. This information will then be taken into consideration during the annual renewal process.

Owner Requirements and Limitations

- Establishes ownership requirements and limitations
 1. Only property owners can obtain a permit,
 2. Permits expire upon change of ownership, and
 3. Only one STR per owner

Staff recommends that the Planning Commission consider establishing a time limit of one year in which owners of existing multiple STR properties can continue to operate as a STR, after which only one STR would be permitted per owner. STR permits for any units beyond one per owner would expire at the end of this period and could not be renewed.

- Vacation rentals must have one or two designated property managers, one of whom must be available at all times and within 40 miles of the property. A property owner can serve as one of the property managers.
- Each rental agreement shall include the following information:
 1. Permitted occupancy and guest limits for both day and night,
 2. Notification of quiet hours,
 3. Notification that no outdoor amplified music or sound is allowed during quiet hours,
 4. Notification the property cannot be used for events,
 5. Notification of available on-site parking spaces and discouraging use of on-street parking,
 6. Waste collection schedule and tenant's responsibilities regarding waste collection, and
 7. Notice that fireworks are illegal in the City of Oxnard
- Posting of sign inside the unit with the following information:
 1. Name and contact information for designated property manager and telephone number at which a person can be reached at all times,
 2. Waste collection schedule and information about recycling, and
 3. Notification that the property owner, renter and occupants are subject to criminal citation and fines, civil penalties and/or permit revocation for violations of occupancy limits, noise standards and other operational standards.

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 considered an easier target. Therefore, staff has removed a previously proposed regulation to require the posting of a sign on the exterior of an STR building. The nuisance response plan and required notification will be sufficient to give the neighbors recourse to resolving any issues that may arise.

- Identifies ineligible dwellings (e.g. affordable, caretaker, and farmworker units, mobile homes located within a mobile home park, tents, recreational vehicles, boats, and buildings without a valid building permit).

Operational Standards

- 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.
- Establishes a maximum number of persons allowed on the property at any time.
 - 1) Cannot exceed the maximum overnight occupancy plus 6 additional persons.
- 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.
- 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.
- The primary occupant must be 21 years or older.
- Establishes on-site parking requirements.
 - 1) 1 space for vacation rentals in studio or one bedroom
 - 2) 2 spaces for vacation rentals/homeshares with 2 to 4 bedrooms
 - 3) 3 spaces for vacation rentals/homeshares with 5 bedrooms
- Prohibits on-site events without a temporary use permit.
- Requires the provision of adequate waste collection facilities and requires waste collection schedule and information about recycling to be included in rental agreement and posted inside rental unit.

Enforcement and Penalties

- Specifies property management and complaint response requirements.
- Reiterates California Penal Code Section 148.5 regarding filing false reports.

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 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 the STR owner to pay for any code enforcement costs.

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 or more verified and valid complaints of any violation within a 12-month permit are grounds for permit revocation.

Additional Regulations – Focus of Public Discussion

Throughout the public review process, there were three regulations in particular that were discussed including whether to:

1. Limit the number of allowed STR's in the City,
2. Set a minimum number of nights on rentals (3 days), and
3. Establish a maximum time a property could be utilized as a STR (180 days).

These three regulations are discussed in more detail below.

Limiting the Number of STRs (cap)

At the March 25, 2019 special Council meeting, there were suggestions to limit STRs by block, by district, by neighborhood, among other suggestions. However, after further review no standard or methodology to establish a limit on the number of STRs was found. 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 coastal cities have limited STRs to homesharing, 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. Some cities utilize regulations that establish a

minimum distance between STRs or a maximum number of STR that can be located on any street.

Prior to the July 9th Housing and Economic Development Committee meeting, the draft ordinance was revised to eliminate the 5% cap because staff had concluded that regulating the operational standards is the most effective way of managing negative impacts (i.e.: parking, noise, trash) associated with STRs. At the July 9th meeting, all three members of the Housing and Community Development Committee voted to recommend that the 5% remain in the ordinance.

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. Host Compliance, who monitors the top 50 vacation home rental websites (e.g. Airbnb, Home Away, VRBO, etc.) for short-term rentals, determined the number of unique STRs operating in the City by eliminating STRs that were listed on multiple host platform sites.

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 were determined from data the City has compiled for the 2020 census, less mobile home units since STRs are not allowed in mobile homes located within a mobile home park. Since no neighborhoods are currently at the 5% cap, additional STRs would be allowed in all neighborhoods.

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.

There was also discussion at the July 9th Housing and Economic Development Committee (HEDC) meeting about whether to exclude the Colony at Mandalay Beach, which does not allow STRs, when determining the 5% cap. There are 440 condominium units in the Colony. There was not consensus among the committee members as to whether to include or exclude the Colony, so the proposed draft does not include a provision excluding the Colony when determining the 5% cap for the Oxnard Shores area. If the Colony was removed from the Oxnard Shores neighborhood, the existing percentage of STRs would be 4%.

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. The requirement for a minimum 3 night stay only applies to vacation rentals and does not apply to homeshares. This is consistent with the Housing and Economic Development Committee’s direction.

Maximum rental of 180 days per year

The first draft ordinance included a provision capping the number of nights a home can be rented. Further research with cities that have tried a similar limitation, and discussions with compliance companies, reveals that this limitation is difficult 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. Since there is not a best practice on capping the number of nights a home can be rented, staff revised the draft to eliminate that provision. The Housing and Economic Development Committee did not reach consensus on whether the 180-day limit should be included. Two Committee Members wanted the 180-day limit to be included in the ordinance while one did not feel it was necessary. All three agreed that the effect the limit is having on the STR market should be reviewed after a determined period of time. Consensus for that time period was not reached with suggestions of 6 months, 9 months and 12 months. Staff would recommend 18 to 24 months to provide enough data points which will allow staff to provide a better analysis of the effects of this 180-day limit. Many cities do not include a limit; however, the cities of Goleta (183 days) and Pismo Beach (182 days) do and the City of Palm Springs allows 32 contracts per year with 4 additional in July, August and September. The proposed draft includes a provision limiting the maximum rental to 180 days.

Existing STRs

Existing STRs will have to apply for an STR permit. Provided they meet all the regulations, they would be permitted. Staff has prepared draft STR Processing Guidelines which provide the process by which all STR applications, including existing STR’s will be handled (See Attachment 3). The Draft Guidelines establish a ranking system as follows:

- As complete applications are submitted, they will be time and date stamped, added to the list of applications and be given a score of 100. An application will need to include all the information required in the application (floor plan, site plan, nuisance response plan, etc.) to be deemed complete.

- As staff screens the applications, points will be deducted for the following:
 1. Properties that were not paying TOT before March 25, 2019, deduct 5 points,
 2. Properties with code enforcement citations within the last 12 months, deduct 5 points per citation, and
 3. Properties that have 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 a cap is included as part of the ordinance, once the cap has been reached the remaining applications will be added to a waiting list and the applicant will be notified they are on the waiting list.

California Coastal Commission feedback on draft ordinance

On June 12, 2019, staff sent the draft coastal ordinance to the California Coastal Commission (Coastal Commission) for review and comment. Staff also attended the Coastal Commission's Short-Term Rental workshop on July 12, 2019. Final feedback from the Coastal Commission is pending but the Coastal Commission has been clear that the City will need to provide data to support the proposed percentage and the 180-day cap. However, in other jurisdictions (such as the City of Del Mar), Coastal Commission staff supported a 180-day annual cap on short term rentals. At the July 12th workshop, the Coastal Commission stated that there is concern that STR ordinances are not providing adequate, quality, visitor serving accommodations. Any Local Coastal Plan update must provide data to show that adequate, quality, visitor serving accommodations are available. The accommodations may include quality hotels, camp grounds, and STRs.

Staff has started compiling the data and determined that the City has nearly 1,000 rooms in quality hotels within 6 miles of the beach and another 300+ have been approved at two locations in Riverpark. Nearly 300 of the 1000 rooms have full kitchens. There are also 94 spaces available at the Evergreen RV Park in Oxnard. Staff will be providing the aforementioned data, and other data to present to the Coastal Commission as part of the Local Coastal Plan Amendment required for the coastal ordinance update.

6) Next Steps

After the Planning Commission makes a recommendation to the City Council, the ordinance will be presented to the City Council for consideration. The anticipated date of the public hearing is scheduled for September 3, 2019. If adopted, the coastal ordinance will be submitted to the Coastal Commission through a Local Coastal Plan Amendment. Applications for STRs in the coastal zones will not be accepted until the CCC has approved the LCP amendment.

ATTACHMENTS

PZ 19-580-04(ZTA)

August 1, 2019

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1. Planning Commission Resolution
 - Exhibit A - Chapter 16 Short Term Rental Ordinance
 - Exhibit B - Chapter 17 Short Term Rental Ordinance
2. General Plan Neighborhood Map
3. Draft STR Processing Guidelines
4. Notice of Exemption

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONE TEXT AMENDMENT NO. PZ 19-580-04 & TO AMEND CHAPTER 16 OF THE OXNARD CITY CODE REGARDING SHORT TERM RENTALS ADDING SUBSECTION (19) TO SECTION 16-21(B) TO THE RESIDENTIAL SINGLE-FAMILY ZONE, AND AMENDING SECTION 16-148, TABLE 16-148 OF THE DOWNTOWN CODE, ADDING SHORT-TERM RENTALS AS AN ALLOWED, BY RIGHT RESIDENTIAL USE IN THE DT-E, DT-G AND DT-C ZONES, ADDING ARTICLE XI TO CHAPTER 16, ADDING SECTION 17-53 TO CHAPTER 17 OF THE OXNARD CITY CODE, AND AMENDING CHAPTER 17 OF THE OXNARD CITY CODE REGARDING SHORT TERM RENTALS 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, CPC, COASTAL PLANNED COMMUNITY SUB-ZONE, R-BF, BEACHFRONT RESIDENTIAL SUB-ZONE

WHEREAS, short-term rental uses have grown in popularity with the rise of the sharing economy; and

WHEREAS, the City has identified the need to regulate short-term vacation rental uses in order to minimize impacts to residential neighborhoods and preserve neighborhood character, while balancing tourism; and

WHEREAS, the City recognizes the need for a reasonable balance between the regulation of short-term rental uses, which pay transient occupancy tax ("TOT") to the City, and the need to protect the character of residential neighborhoods; and

WHEREAS, the proposed ordinance is consistent with the 2030 General Plan and will protect the public health, safety and general welfare of the community as it establishes performance standards to ensure the compatibility between short term rentals and the residential character of neighborhoods in which they may be located; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Sections 15060 (C)(2) and (3) and 15061(b)(3), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, the Planning Commission has reviewed and considered the proposed Zone Text Amendment PZ. No. 19-580-04, filed by the City of Oxnard Community Development Department, to amend Chapter 16 and Chapter 17 concerning short term rentals; and

WHEREAS, the Planning Commission has held a public hearing and received and reviewed written and oral comments related to proposed Zone Text Amendments PZ No. 19-580-04; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Text Amendment No. 19-580-04.

NOW, THEREFORE, the Planning Commission of the City of Oxnard recommends to the City Council adoption of Zone Text Amendments PZ No. 19-580-04 attached hereto as Exhibits A and B and incorporated herein by this reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1st day of August, 2019 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

RECUSED: Commissioners:

Deirdre Frank, Chair

ATTEST:

Jeffrey Lambert, Secretary

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 SECTION 16-148, TABLE 16-148 OF THE DOWNTOWN CODE, ADDING SHORT-TERM RENTALS AS AN ALLOWED, BY RIGHT RESIDENTIAL USE IN THE DT-E, DT-G AND DT-C ZONES, AND ADDING ARTICLE XI TO CHAPTER 16.

WHEREAS, on August 1, 2019, the Planning Commission of the City of Oxnard (the “Planning Commission”) held a duly noticed public hearing to consider Planning and Zoning Permit No. 19-580-04 (hereafter, the “Zone Text Amendment”) regarding the adoption of specific rules and regulations for short term rentals within the Oxnard City Code; and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and public testimony, the Planning Commission adopted a resolution recommending that the City Council of the City of Oxnard (the “City Council”) adopt the Zone Text Amendment; and

WHEREAS, on September 3, 2019, the City Council held a duly noticed public hearing to consider the Zone Text Amendment; and

WHEREAS, at the public hearing, the City Council considered all the evidence in the record, including (but not limited to) the Planning Commission Resolution, the staff report (including the attachments), written submittals and public testimony before making a final decision on September 3, 2019 regarding the regulation of short-term rentals.

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

Section 1. In view of all the evidence in the record and based on the foregoing findings, the City Council hereby approves the Zone Text Amendment.

Section 2. 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 3. Section 16-148.1 (A) of the Downtown Code 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 4. 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.

The number of vacation rental permits shall be limited by neighborhood as established in the City of Oxnard Neighborhood Map adopted as Figure 3-4 in the 2030 General Plan or its successor document. The total number of vacation rental permits issued to residential dwellings in the City shall not exceed 5% of the total dwelling units in each neighborhood. If no short-term rental permits are available pursuant to the cap on short-term rentals, the Director or designee shall place interested property owners on a waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the order they are listed on the waiting list, subject to Section 16.665.

SEC. 16-663. PERMIT REQUIRED.

(A) Except as 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 requirements in this Article.
- (3) There is no substantial evidence of nuisance behavior from the location.
- (4) Issuance of the permit will not exceed the neighborhood cap pursuant to Section 16-662.

(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, STRUCTURES AND SPACES.

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

(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.

(F) Space in a yard or on a balcony. Camping in a backyard or on a balcony as a form of STR is prohibited.

(G) A vehicle, to include an RV, car or boat. Use of a vehicle as a form of STR is prohibited.

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 of all on-site parking and existing structures 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. LIMITS ON DURATION OF STAY

Vacation rental units may be rented for no more than 180 days during any calendar year.

SEC. 16-667.2. 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 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. 16-667.3. 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).

SEC. 16-667.4. 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.
- (D) Pursuant to Section 7-147.1 the sale, offer to sell, use, or possession of fireworks is prohibited in the City of Oxnard and use by a tenant or guest of an STR is also a violation of this article.

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 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.

SEC. 16-668. PROPERTY MANAGEMENT REQUIREMENTS.

The minimum property management requirements specified in Section 16-668.1 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

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

- (A) The permitted occupancy and guest limits for both day and night;
- (B) Notification that quiet hours shall be observed between 10:00 p.m. and 7:00 a.m.;
- (C) Notification that no outdoor amplified music or sound is allowed during quiet hours;
- (D) 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;
- (E) The available number of onsite parking spaces, and notification discouraging use of on-street parking;
- (F) The waste collection schedule and the tenant's responsibilities regarding waste collection.
- (G) Notification that the sale, possession or use of fireworks in the City of Oxnard is prohibited.

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.16-667.4, 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 three 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 advanced 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 to include code enforcement costs. 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 Community Development Department.

(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 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.

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 decisions 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, CPC, COASTAL PLANNED COMMUNITY SUB-ZONE, R-BF, BEACHFRONT RESIDENTIAL SUB-ZONE REGARDING SHORT-TERM RENTAL UNITS

WHEREAS, on August 1, 2019, the Planning Commission of the City of Oxnard (the “Planning Commission”) held a duly noticed public hearing to consider Planning and Zoning Permit No. 19-580-04 (hereafter, the “Zone Text Amendment”) regarding the adoption of specific rules and regulations for short term rentals within the Oxnard City Code; and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and public testimony, the Planning Commission adopted a resolution recommending that the City Council of the City of Oxnard (the “City Council”) adopt the Zone Text Amendment; and

WHEREAS, on September 3, 2019, the City Council held a duly noticed public hearing to consider the Zone Text Amendment; and

WHEREAS, at the public hearing, the City Council considered all the evidence in the record, including (but not limited to) the Planning Commission Resolution, the staff report (including the attachments), written submittals and public testimony before making a final decision on September 3, 2019 regarding the regulation of short-term rentals.

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

Section 1. Based upon the foregoing recitals, which are incorporated herein, the City Council finds:

A. The Zone Text Amendment is consistent with the current certified coastal land use plan or said coastal land use plan shall be amended concurrently in order to maintain consistency pursuant to the coastal act.

The coastal land use plan shall be amended concurrently with the Zone Text Amendment through a Local Coastal Plan Amendment filed with the California Coastal Commission to ensure internal consistency. As such, this Zone Text Amendment will meet this finding.

B. The application for the Zone Text Amendment has been processed in accordance with procedures required by Oxnard City Code Section 17-58.

The proposed Zone Text Amendment has been processed in accordance with the procedures required by Section 17-58 (Hearings and Appeals), which include providing notice given at least 10 days prior to the hearing date in a newspaper of general circulation. Therefore, this Project meets this finding.

C. Cumulative amendments or changes maintain or enhance the coastal resources as identified and protected in the originally certified coastal land use plan.

The Zone Text Amendment creates regulations to manage activity that is currently being undertaken in the coastal zone, i.e. short-term rentals. Consideration was given in the regulations to ensure that the regulations focus on managing issues created by short-term rentals while maintaining access to the coastal zone thereby enhancing the certified coastal land use plan. Therefore, this Zone Text Amendment meets this finding.

D. The Zone Text Amendment is appropriate in light of an established need for the requested amendment at the time and location anticipated by said amendment.

As a result of the rise in the number of short-term rentals in the Coastal Zone, the residents and City have experienced an increase in issues directly related to the use of residential properties in the coastal zone as short-term rentals. The issues include (but are not limited to) noise, trash and parking problems. The proposed Zone Text Amendment addresses these issues and other anticipated issues through the proposed standards and enforcement regulations that address the established need for the amendment. Therefore, this Zone Text Amendment meets this finding.

E. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

The adoption of Zone Text Amendment is a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by clarifying the implementation procedures of industrial zones throughout the City of Oxnard. As such, this Zone Text Amendment meets this finding.

F. The Zone Text Amendment maintains or enhances the provisions for public access within the coastal zone.

Short-term rentals are an existing use that is not currently allowed or regulated within the City's adopted coastal ordinance. The regulations will make short-term rentals a permitted use in the coastal zone once the required permit is obtained and manage the issues that arise as a result of short-term rentals. The proposed ordinance allows for an increase in the number of short-term rentals currently available in the coastal zone, thereby creating additional, quality overnight accommodations within the coastal zone. Therefore, this Zone Text Amendment meets this finding.

G. The Zone Text Amendment is consistent with the goals, policies, and actions of the City of Oxnard 2030 General Plan and will not conflict with the 2030 General Plan.

H. The Zone Text Amendment reflects the input of residents, stakeholders, and public officials, and implements the General Plan's vision and desire for the community, is adopted in the public's interest, and is consistent with federal and state law.

Section 2. In view of all the evidence in the record and based on the foregoing findings, the City Council hereby approves the Zone Text Amendment.

Section 3. 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 4. 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 5. 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 6. 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 7. 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 8. 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:

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

Section 9. Subsection (B) of Section 17-25 of the Oxnard City Code relating to the R-BF, Beachfront Residential Sub-Zone is hereby amended to read as follows:

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

Section 10. Section 17-53 is hereby added to Article IV of 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.

The number of vacation rental permits shall be limited by neighborhood as established in the City of Oxnard Neighborhood Map adopted as Figure 3-4 in the 2030 General Plan or its successor document. The total number of vacation rental permits issued to residential dwellings in the City shall not exceed 5% of the total dwelling units in each neighborhood. If no short-term rental permits are available pursuant to the cap on short-term rentals, the Director or designee shall place interested property owners on waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the order they are listed on the waiting list, subject to Subsection (I).

(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.
- d. Issuance of the permit will not exceed the neighborhood cap pursuant to 17-53 (C).

(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, Structures and Spaces.

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.
- (6) Space in a yard or on a balcony. Camping in a backyard or on a balcony as a form of STR is prohibited.
- (7) A vehicle, to include an RV, car or boat. Use of a vehicle as a form of STR is prohibited.

(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 of all on-site parking and existing structures 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.

(b) Vacation rental units may be rented for no more than 180 days during any calendar year.

(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.

(d) Pursuant to Section 7-147.1 the sale, offer to sell, use, or possession of fireworks is prohibited in the City of Oxnard and use by a tenant or guest of an STR is also a violation of this section.

(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.

(7) Notification that the sale, possession or use of fireworks in the City of Oxnard is prohibited.

(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 citation 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 to include code enforcement costs. 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 has been issued.

(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 11. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) in accordance with Section 15000 of the California Environmental Quality Act (CEQA) pursuant to Section 15061 and 15305 of the CEQA Guidelines.

Section 12. 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 decisions 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 13. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the Ordinance.

Section 14. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Section 15. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on September 3, 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

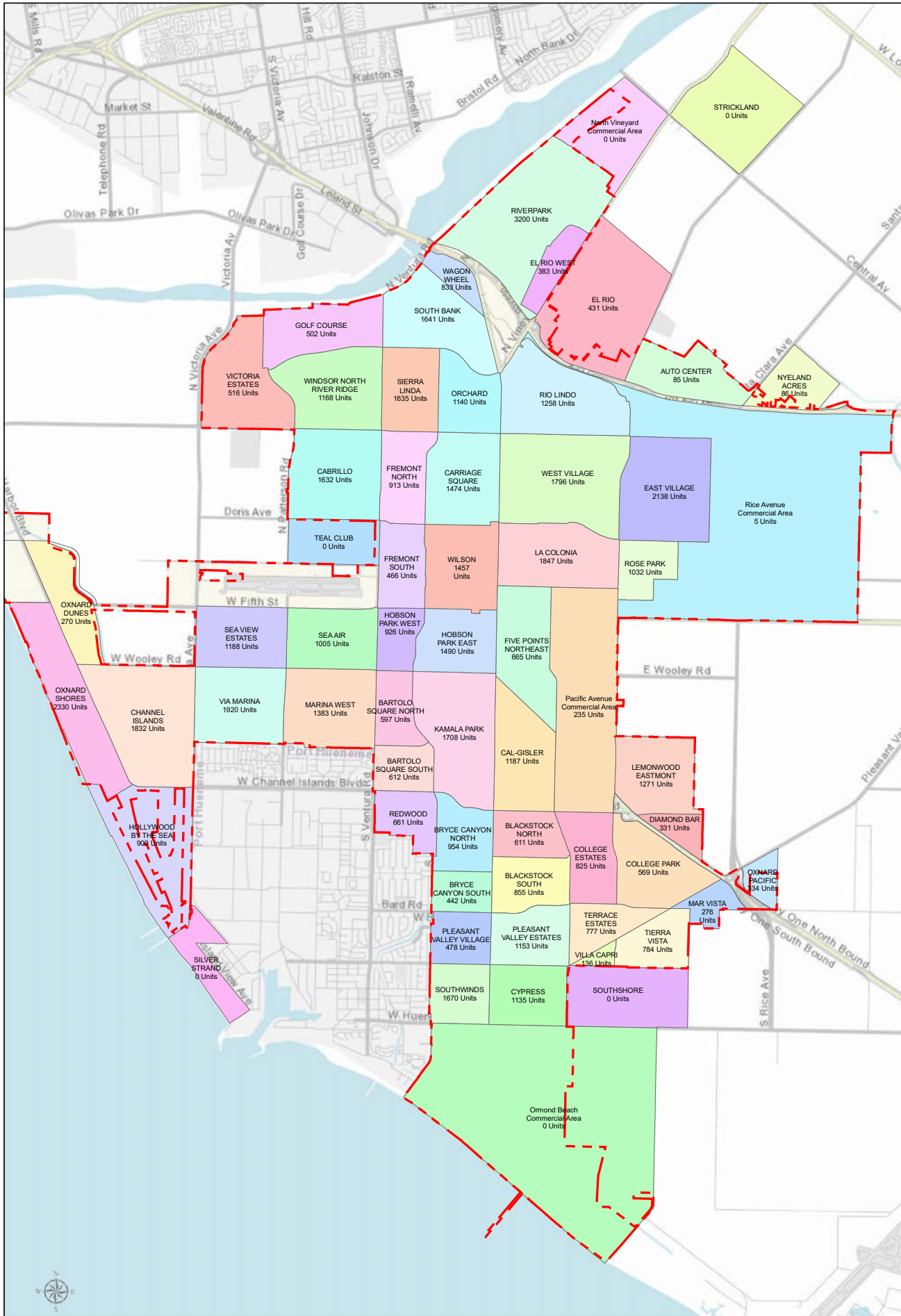
ATTEST:

APPROVED AS TO FORM:

By _____
Michelle Ascension, City Clerk

By _____
Stephen M. Fischer, City Attorney

CITY OF OXNARD NEIGHBORHOODS WITH NUMBER OF CITY RESIDENTIAL UNITS



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



NOTICE OF EXEMPTION

Project Description:

PZ 19-580-04 (ZONE TEXT AMENDMENT) TO AMEND CHAPTER 16 OF THE OXNARD CITY CODE REGARDING SHORT TERM RENTALS ADDING SUBSECTION (19) TO SECTION 16-21(B) TO THE RESIDENTIAL SINGLE-FAMILY ZONE, AND AMENDING SECTION 16-148, TABLE 16-148 OF THE DOWNTOWN CODE, ADDING SHORT-TERM RENTALS AS AN ALLOWED, BY RIGHT RESIDENTIAL USE IN THE DT-E, DT-G AND DT-C ZONES, ADDING ARTICLE XI TO CHAPTER 16, ADDING SECTION 17-53 TO CHAPTER 17 OF THE OXNARD CITY CODE, AND AMENDING CHAPTER 17 OF THE OXNARD CITY CODE REGARDING SHORT TERM RENTALS 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, CPC, COASTAL PLANNED COMMUNITY SUB-ZONE, R-BF, BEACHFRONT RESIDENTIAL SUB-ZONE. FILED BY THE OXNARD COMMUNITY DEVELOPMENT DEPARTMENT, 214 S. C ST. OXNARD, CA 93030.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☐ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with the California Environmental Quality Act (CEQA) Sections 15060 (C)(2) and (3) and 15061(b)(3), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

(Date)

Jeffrey Lambert
Community Development Director