

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



AGENDA
OXNARD CITY COUNCIL
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
Council Chambers, 305 West Third Street
September 24, 2019
Regular Meeting - 4:30 to 5:45 PM

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

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

C. CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the Housing and Economic Development Committee approve the minutes of the September 10, 2019 regular meeting as presented.

Contact: Michelle Ascencion, (805) 385-7805

D. REPORTS

1. Community Development Department

SUBJECT: Short Term Rental Ordinance – Article XI of Chapter 16 and Section 17-53 of Chapter 17. (10/15/15)

RECOMMENDATION: That the Housing and Economic Development Committee receive a report on Planning Commission recommendation on the Short Term Rentals (STRs) ordinance and provide input on the recommendations.

Contact: Jeffrey Lambert, (805) 385-7882

E. ITEMS FOR FUTURE AGENDAS

F. ADJOURNMENT

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

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

MINUTES
OXNARD CITY COUNCIL
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
Regular Meeting
September 10, 2019

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

At 4:31 p.m., Chair Madrigal called to order the regular meeting of the Oxnard City Council Housing and Economic Development Committee in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Members Tim Flynn, Vianey Lopez, and Chair Oscar Madrigal were present.

Staff members present were Ashley Golden, Assistant City Manager; Alexander Nguyen, City Manager; Kenneth Rozell, Assistant City Attorney; Kathleen Mallory, Planning and Sustainability Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Jill VanZeebroeck (short term rentals) and Pat Brown (redevelopment of Magic Auto used car lot).

C. CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the Housing and Economic Development Committee approve the minutes of the June 25, 2019 and July 9, 2019 regular meetings as presented.

It was moved by Member Lopez, seconded by Member Flynn, to approve the minutes as presented.
VOTE: Flynn, Lopez, and Madrigal voted in favor; the motion carried 3-0.

D. REPORTS

Community Development Department

1. SUBJECT: Comment Letter to the Southern California Association of Governments (SCAG), Regarding Proposed 2021-2029 Regional Housing Needs Assessment (RHNA) Allocation Methodologies.

RECOMMENDATION: That the Housing and Economic Development Committee:

1. Receive a report summarizing three SCAG-developed methodologies to determine upcoming housing allocations;
2. Deliberate and provide direction to City staff on issues and concerns pertaining to the methodology; and
3. Authorize the Mayor to submit the attached comment letter, as updated based upon comments received at the Committee meeting.

The Planning and Sustainability Manager gave a report. Public comments were received from Barbara Macri-Ortiz and Pat Brown. Written comments were received from Christopher Tull. Discussion ensued among the Committee and staff.

It was moved by Member Lopez, seconded by Member Flynn, to approve the recommended action as presented. VOTE: Flynn, Lopez, and Madrigal voted in favor; the motion carried 3-0.

E. ITEMS FOR FUTURE AGENDAS (No requests were made.)

F. ADJOURNMENT

There being no further business on the agenda, and without objection, Chair Madrigal adjourned the meeting at 5:23 p.m.

MICHELLE ASCENCION, CMC
City Clerk

OSCAR MADRIGAL
Chair



HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT

REPORTS AGENDA ITEM NO. D.1.

DATE: September 24, 2019

TO: Housing and Economic Development Committee

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

SUBJECT: Short Term Rental Ordinance – Article XI of Chapter 16 and Section 17-53 of Chapter 17.
(10/15/15)

RECOMMENDATION

That the Housing and Economic Development Committee receive a report on Planning Commission recommendation on the Short Term Rentals (STRs) ordinance and provide input on the recommendations.

BACKGROUND

The City has been discussing permitting and regulations for STRs for several years as noted in the public outreach efforts below:

- March 2016, an online community survey was conducted which contained a series of questions designed to receive public input on STRs. These results were summarized and electronically distributed.
- August 16, 2016, staff conducted a community workshop to summarize the March survey results and secure feedback from the community on specific STR related regulations and questions. These results were summarized and electronically distributed.
- November 3, 2016, the Planning Commission conducted a study session to receive input on specific STR regulations.
- June 1, 2017, the Planning Commission conducted a public hearing and specifically addressed STRs, questions raised at the November 3, 2016 meeting
- February 26, 2019, the Housing and Economic Development Committee (HEDC) 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) staff should prepare recommendations based on best practices for the City Council.
- March 25, 2019, the City Council held a special meeting and received public input and provided direction to staff. Staff identified three areas in particular that the Council wanted staff to consider including 1) enforcement and penalties for violations of the ordinance; 2) consideration of limiting the number of STRs by districts; and 3) how to address existing STRs.
- July 9, 2019, the HEDC met to discuss the draft ordinance with a focus on proposed changes to the ordinance including the maximum number of days per year a residence could be used as a STR, the required minimum number of nights per rental, and the establishment of a cap on the number of STRs

by neighborhood.

- August 1, 2019, the Planning Commission held a public hearing on the draft ordinance and recommended approval with modifications. The recommended modifications are discussed below.

ANALYSIS/DISCUSSION

The proposed ordinance establishes a comprehensive set of operating requirements and performance standards for STRs. STRs include both vacation rentals and homeshares; 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 zones:

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

At the Planning Commission hearing on August 1, 2019, the Planning Commission recommended that City Council adopt the ordinance with modifications and that staff evaluate a separation requirement of 300 or 500 feet between STRs.

The following table summarizes the Planning Commission recommendations and the staff position regarding each recommendation.

	Staff Recommendation on August 1, 2019	Planning Commission Recommendation	Staff Position
1.	No separation between STRs	300' separation between STRs	Not supported
2.	5% cap per General Plan Neighborhood	5% cap in R-BF zone (in addition to Neighborhood)	Not supported

3.	180-day annual cap per year	100-day annual cap per year	Not supported
4.	Distance of property manager/owner (40 miles)	Distance of property manager/owner (25 miles)	Does not object
5.	No outdoor amplified music during quiet hours.	No Outdoor amplified music	Not supported
6.	On-site (Off-street) parking required per number of.	Prohibit STRs from using on-street parking	Support requiring specific number of on-site parking spaces, but cannot ban on-street parking by STRs
7.	Fines per existing City Code	Escalating fines	Supported

The discussion that follows provides the reasoning for the staff's position.

Separation Analysis

The Commissioners asked that staff analyze a separation requirement between STRs so that an overconcentration of STRs would not occur. The Planning Commission recommended that a 300 or 500 foot separation analysis be prepared.

Staff completed an analysis of a 300 feet separation requirement. Because the result of the 300 foot analysis was so restrictive, staff did not complete the 500 foot separation analysis which would result in even fewer STRs being allowed. The separation analysis was conducted by using a standard radius map technique, meaning 300 foot circle from the property lines. Based on the small size of the lots, the 300 foot analysis demonstrates that a separation requirement greatly reduces the percentage of STRs in many General Plan neighborhoods to less than 3% if the STRs were spaced *exactly* 300 feet apart. Since STRs are not likely to be spaced exactly 300 feet apart from each other, the percentage would drop to below 3%. Based upon the Coastal Commission's policy determinations to date, City staff does not believe limiting STRs to less than 3% of a geographic area in the Coastal Zone would be supported by the Coastal Commission.

Staff recommends that the 5% cap per General Plan neighborhood, not a separation requirement between STRs, be advanced to City Council for consideration. This recommendation is consistent with what staff presented to the HEDC in July 2019.

5% Cap in RB-F Zone

Section 16-662 of the draft ordinance includes a 5% cap per General Plan neighborhood. The Planning Commission recommended that a subsection be added to Section 16-662 requiring a further limitation of 5% cap specifically to the R-BF zone. The R-BF 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 14 vacant lots. Of the 93 single-family homes, 16 are currently operating an STR, which is 17% of the existing units or 15% of all lots zoned R-BF. By comparison, the Oxnard Shores neighborhood, as defined in the General Plan, currently has 3.2% of the properties operating an STR. These properties, with their proximity to the beach, are the most popular properties for STRs.

At the current concentration of 17% in the R-BF zone, this is approximately one STR per every five lots. With the proposal for a 5% cap, there could be one STR per every 20 lots. Adoption of the 5% cap specifically to the R-BF zone would reduce the total number of STRs allowed in the zone to 5 STRs - which is a 69% reduction of existing STRs in the zone. Capping the number of STRs per zone would necessitate procedures to address priority or lottery permitting in the zone, amortization procedures for the existing STRs, and creation of a wait list.

As stated on many occasions, the Coastal Commission's review and decision on the City's proposed STR regulations is weighed against compliance with the Coastal Act. One of the major drivers in the Coastal Act is enhancing access to the coast. Staff is concerned that a 5% cap in the R-BF zone, rather than a 5% cap per General Plan neighborhood, will be seen as too restrictive and therefore be one of the factors in a denial of the Local Coastal Plan Amendment by the Coastal Commission. As such, staff does not recommend implementation of a 5% cap specific to the R-BF zone.

If the Committee does support the 5% cap in the R-BF zone, staff recommends that any applicant currently operating an STR that comes in after the 5% cap is met and who would otherwise meets the requirements to operate an STR be issued an STR permit that would expire in one year and not be eligible for renewal. This would allow those STR operators to honor existing bookings and have time to convert the STR to a long term rental or dispose of the property.

Maximum Number of Rental Days

Nuisance response plans and operational standards are the best practices to protect neighborhood character and address negative behaviors associated with STRs, but some cities establish a maximum rental period as an extra step to protect neighborhood character. Goleta established a 183-day limit and Pismo Beach established a 182-day limit. Staff did not recommend to the HEDC a maximum number of rental per calendar year to the HEDC on July 9th.

The HEDC discussed the issue at their July 9th meeting but did not reach consensus on whether the 180-day limit should be included. Two Committee members suggested the 180-day limit be included in the ordinance while one did not feel a limit was necessary. Although the Committee did not agree on 180-day (vs. no limit) all three Committee members agreed that the effect any proposed limit has on the STR market should be reviewed after a determined period of time. Staff recommended the limit be reviewed in 18 to 24 months to provide enough data points to analyze the effects of a 180-day limit. The Committee recommended the data be reviewed between 6-18 months.

Consistent with direction given by the HEDC on July 9th, staff drafted an ordinance with a maximum of 180 rental days per calendar year. The Planning Commission recommended that the 180 days be reduced to 100 days per year. The Planning Commission discussed the issue and, based on a recent Coastal Commission approval of a 100-day limit for Del Mar, recommended that the City's proposed 180-day limit be reduced to a 100-day limit. Del Mar's local ordinance had limited the maximum number of days to 28 days a year. Coastal Commission staff had recommended 180 days rather than the 28 days included in Del Mar ordinance. Eventually, the Coastal Commission agreed the 28 days wasn't sufficient, but modified the allowed number of days per year to 100 days. Del Mar did not accept the Coastal Commission's suggested modification and sued the Coastal Commission. The litigation between Del Mar and the Coastal Commission is currently pending at the trial court level.

Staff attended a Coastal Commission Short-Term Rental workshop on July 12, 2019. At the July 12th

workshop, the Coastal Commission stated its concern that cities with STR ordinances limiting the number of days a STR can be rented are not providing adequate visitor serving accommodations. Coastal Commission staff indicated that any Local Coastal Plan update must provide data to show that adequate visitor serving accommodations such as hotels, campgrounds, and STRs are available.

Staff recommends the ordinance stay as presented to the Planning Commission establishing a 180-day maximum rental period per year that has been approved by the Coastal Commission in the past.

Distance of Property Manager from STR

The Planning Commission recommended that proposed Section 16-668.1(B) be modified to require that one of the individuals listed on the nuisance response plan be within 25 miles of the property at all times. The draft ordinance established a 40 mile distance requirement. Staff had recommended 40 miles consistent with the County of Ventura ordinance. Not all cities have a provision requiring property owners/property managers to be located within a certain distance from the STR. There is not a best practice standard in terms of distance. For instance, Carpinteria is 30 miles, Santa Cruz is 20 miles, Santa Cruz County is 30 miles and Petaluma is 45 miles.

The Planning Commission felt the property owner/manager should be close enough to visit the property to resolve any complaints 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. It is likely that most property owners/managers will first attempt to resolve any complaint with a phone call to the tenant and would only drive to the property if they could not reach the tenant. However, in the event that the owner/manager did have to visit the property, being located within 25 miles instead of 40 miles would aid in resolving the issue in a timely manner. This change may require more STR owners to employ a local property management company in order to comply. Staff does not object to this recommended change by the Planning Commission.

Outdoor Amplified Music

The Planning Commission recommended that Section 16-667.4 (C) be revised so as to prohibit amplified music outside the STR at any time. The draft ordinance includes a provision that prohibits outside amplified music during quiet hours. Staff recommends that this change not be made and that it would be better to rely on the City's noise ordinance which establishes a maximum noise level at all times with a reduced noise level during quiet hours.

No On-Street Parking

The Planning Commission recommended amending Section 16-668.3 and Section 16-668.4 to include in the advertisement and rental agreement the total number of off-street parking spaces and that no on-street parking is allowed.

A provision prohibiting parking on-street would be unenforceable without a parking permit program/requirement city-wide or at least by neighborhood. Therefore, staff recommends that the number of parking spaces onsite (off-street) be included in the advertisement and rental agreement along with a note that off-site parking is severely limited and strictly enforced. Property owners will need to provide unobstructed on-site (off-street) parking as required by the ordinance, which requires:

- 1 space for vacation rentals in a studio or one bedroom

- 2 spaces for vacation rentals/homeshares with 2 to 4 bedrooms
- 3 spaces for vacation rentals/homeshares with 5 bedrooms

Fines

The Commission recommended that Section 16-675 be revised to include escalating fines with each new violation to act as a deterrent. They felt a \$1,000 fine was insufficient to deter violations given the daily rental amounts being paid to property owners. The current draft established the first two violations as infractions and the third violation as a misdemeanor. The City Code has maximum fines for infractions of \$100/\$250/\$500 and for misdemeanors the maximum fine is \$1,000. In order to establish higher escalating fines, the City Code would need to utilize the administrative citation process (OCC Section 7-50 et seq.). Under the existing City Code, the amount of these civil fines is set by City Council resolution (Section 7-56).

As an alternative, the Council has the option of amending Section 7-56 to indicate that for STRs, the amount of the fines is set by the STR regulations. Staff recommends that a modification Section 7-56 by adding a subsection (C) that states, “The fines for violations of regulations established by the coastal and non-coastal ordinances are regulated by said ordinances.” The STR ordinances would then be modified to establish escalating fines as follows: 1st violation \$1,000.00, 2nd violation \$2,000.00, and the 3rd violation \$3,000.00 and revocation of the permit for a period of two years after which the property owner would have to reapply. The fine for operating an unlicensed and/or unpermitted STR is recommended at \$5,000.00 per day.

STRATEGIC PRIORITIES

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

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

Objective 1e. Develop a rental inspection program.

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

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

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

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

Objective 1a. Focus available resources on a comprehensive effort to promote economic activity in Oxnard, including a marketing program that communicates the City’s available resources and assets.

Goal 2. Enhance business development throughout the City.

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

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

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

FINANCIAL IMPACT

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

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

Prepared by: Paul McClaren, Associate Planner

ATTACHMENTS

1. CH 16 - Short Term Rental Ordinance (1)
2. CH 17 - Short Term Rental Ordinance - Coastal
3. STR Ordinance PPT HEDC 09.24.19

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, 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 _____, 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

Short Term Rental Ordinance

Article XI of Chapter 16

and

Section 17-53 of Chapter 17

Jeffrey Lambert, Community Development Director
Paul McClaren, Associate Planner

Housing and Economic Development Committee
September 24, 2019



Background

- August 1, 2019 - Planning Commission held a public hearing on the proposed ordinance amendments and recommended approval with modifications.

	Staff Recommendation on August 1, 2019	Planning Commission Recommendation	Staff Position
1.	No separation between STRs	300' separation between STRs	Not supported
2.	5% cap per Neighborhood	5% cap in R-BF zone (in addition to Neighborhood)	Not supported
3.	180-day annual cap per year	100-day annual cap per year	Not supported
4.	Distance of property manager/owner (40 miles)	Distance of property manager/owner (25 miles)	Does not object
5.	No outdoor amplified music during quiet hours.	No Outdoor amplified music	Not supported
6.	Off-street parking required per number of.	Prohibit STRs from using on-street parking	Support requiring specific number of on-site parking spaces, but cannot ban on-street parking by STRs
7.	Fines per existing City Code	Escalating fines	Supported

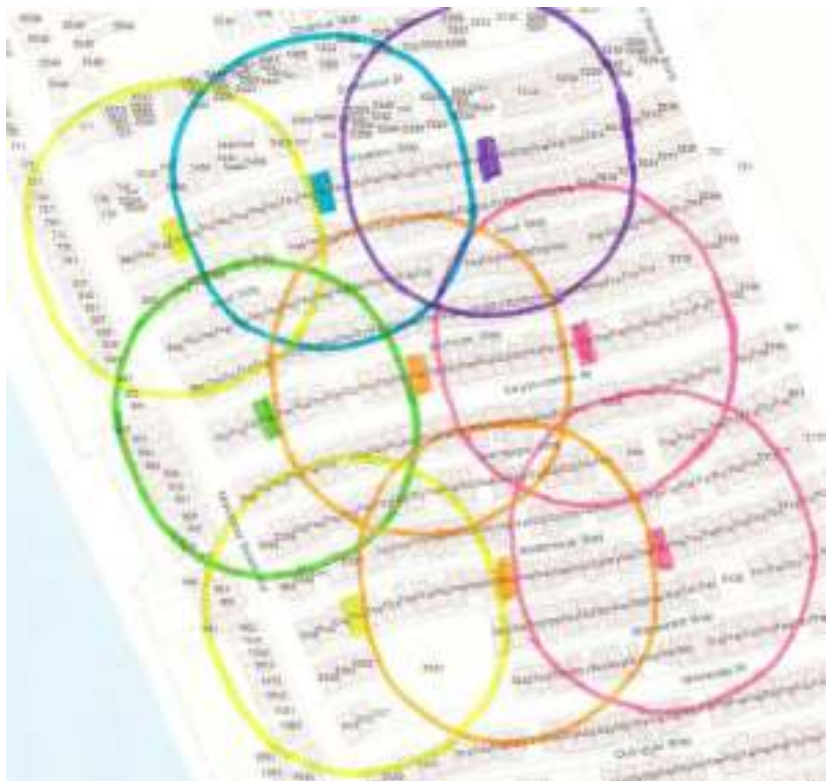
300' Separation Requirement

- The Planning Commission asked that staff analyze a separation requirement between STRs
 - Staff completed an analysis which is included on the following slides
 - Reduces STRs in many General Plan neighborhoods to less than 3% if spaces exactly 300 feet apart
- Staff does not recommend a separation requirement
- Staff recommends a 5% cap per General Plan Neighborhood
 - Consistent with staff's July 2019 recommend to the Housing and Economic Development Committee

3

300' Separation Analysis

- 9 STRs in the Oxnard Shores neighborhood with 300' separation.
- 46 parcels in the R-BF zone become ineligible as STRs. This is 43% of the R-BF zone.
- 430 Parcels in the R-B-1 zone are ineligible as STRs.
- 476 parcels in the Oxnard Shores Neighborhood become ineligible for STRs. This is 23% of all eligible residential units in the neighborhood or a concentration of 1.9%.



4

5% Cap in R-BF Zone

- Planning Commission recommended that the 5% cap be applied specifically to the R-BF zone (in addition to the staff recommended 5% cap within each General Plan Neighborhood).
 - R-BF zone has 107 lots, 93 with existing single family homes and 14 undeveloped lots.
 - Currently 16 STRs operating in the zone or 17% of the zone.
 - Adoption of the 5% cap would reduce the number of allowed STRs by 69% to 5 STRs.
 - Reduction of the allowable number of STRs in the zone that is in highest demand, and greatest access to the coast could be cause for the Coastal Commission to deny the City's Local Coastal Plan Amendment.
- Staff does not recommend a 5% cap in the R-BF zone.

5

Maximum number of rental days (100 vs 180 days)

- Planning Commission recommended maximum number of rental days in a vacation rental unit be reduced from 180-days to 100-days during any calendar year.
 - At the July 9, 2019 HEDC meeting, 2 committee members supported a 180-day cap and 1 committee member didn't feel a limit was necessary.
 - The Planning Commission's recommendation is not in alignment with previous direction from the Council Committee
 - The 100- day limit recommended by Planning Commission is based on litigation between Del Mar and Coastal Commission
 - Litigation is currently pending at trial court.
 - Coastal Commission usually seeks 180 days per year for STRs, although they reduced to 100 days during approval process. Del Mar still rejected so matter is be litigated

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Maximum number of rental days (continued)

- July 12, 2019 Coastal Commission study session indicated that any LCP amendment must provide data to show adequate visitor serving accommodations (hotels, campgrounds and STRs) are available.
- Staff recommends maintaining proposed 180-day maximum rental period per year that has been approved by Coastal Commission.

7

Distance of property manager from STR

- Planning Commission recommended that the individuals listed in the nuisance response plan be within 25 miles of the property at all times.
 - Staff recommended 40 miles (consistent with the Ventura County's Ordinance).
 - There is no best practice for this distance
 - Commissioners wanted complaints resolved within 15-30 minutes
 - Staff suggested most complaints could be resolved with a phone call to the tenant.
 - This may require more STR owners to employ a local property management company.
- Staff does not object to this recommended change by the Planning Commission.

8

Outdoor Amplified Music

- The Planning Commission recommended prohibiting amplified music outside the STR at *any time* due to the size of some of the lots in the beach communities.
 - The proposed ordinance included a provision that prohibited amplified music during quiet hours.
 - The City's noise ordinance restricts noise in residential areas to 55 dBA and 50 dBA between 10:00 p.m. and 7:00 a.m.
- Staff does not recommend this change as the existing noise ordinance addresses this concern.

9

No On-street Parking

- Planning Commission recommended amending Section 16-668.3 and Section 16-668.4 to include in the advertisement and rental agreement the total number of off-street parking spaces and that no on-street parking is allowed.
 - Provision prohibiting on-street parking would be unenforceable without a parking permit program per neighborhood, and possibly citywide.
 - Draft ordinance includes a requirement to provide unobstructed parking on-site (off-street) based on the numbers of bedrooms within the STR.
- Staff recommends the ordinance require the advertisement and rental agreement indicate the number of parking spaces available, consistent with the ordinance, and include a note that off-street parking is severely limited and strictly enforced.

Escalating Fines

- Planning Commission recommended that Section 16-675 be revised to include escalating fines with each new violation to act as a deterrent.
 - Currently fines are set at \$100/\$250/\$500 for infractions and \$1,000 for misdemeanors.
- Staff recommends that an additional zone text amendment be approved adding a sub-section to section 7-56 that states that STR fines are regulated by the STR ordinance.
- Section 16-675 be modified to establish escalating fines as follows:
 - 1st violation \$1,000
 - 2nd violation \$2,000
 - 3rd violation \$3,000 plus revocation of the permit for two years.
 - The fine for operating an unlicensed and/or unpermitted STR is recommended at \$5,000.00 per day.

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Summary

	Staff Recommendation on August 1, 2019	Planning Commission Recommendation	Staff Position
1.	No separation between STRs	300' separation between STRs	Not supported
2.	5% cap per Neighborhood	5% cap in R-BF zone (in addition to Neighborhood)	Not supported
3.	180-day annual cap per year	100-day annual cap per year	Not supported
4.	Distance of property manager/owner (40 miles)	Distance of property manager/owner (25 miles)	Does not object
5.	No outdoor amplified music during quiet hours.	No Outdoor amplified music	Not supported
6.	Off-street parking required per number of.	Prohibit STRs from using on-street parking	Support requiring specific number of on-site parking spaces, but cannot ban on-street parking by STRs
7.	Fines per existing City Code	Escalating fines	Supported

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Recommendation

- Receive a report on the Planning Commission's recommendation on the Short Term Rentals (STRs) ordinance and provide staff input on the recommendations.



Discussion