

Thursday, August 20, 2020
Planning Commission
Packet

PLAN

AGENDA



This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29- 20 to allow members of the City Council or staff to participate via teleconference.

Pursuant to the Ventura County Public Health Official's order and Governor's Executive Order N-33-20, all city buildings are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting.

The public may provide comments to the Planning Commission via email at planning@oxnard.org no later than 3:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time due to the State of California "Stay At Home" order. Requests to speak must be submitted no later than 3:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the Planning Division Office at (805) 385-7878, or email your request to planning@oxnard.org.

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING

Council Chambers, 305 West Third Street
Thursday, August 20, 2020, 6:00 p.m.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

C. PUBLIC COMMENTS - On Items Not On The Agenda

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – July 2, 2020
2. APPROVAL OF MINUTES – August 6, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Zoning Text Amendment to Create Regulations for Short Term Rentals - Acceptance of Three California Coastal Commission Modifications - PLANNING AND ZONING PERMIT NO. 19-580-04.** A Zone Text Amendment of the City Council of the City of Oxnard amending Oxnard City Code Section 17-53 by adding Subsection (B) (10) to Section 17-10; R-B-1, Single-Family Beach, Sub-Zone; Subsection

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

(B) (10) to Section 17-11. R-W-1, Single-Family Water-Oriented, Sub-Zone; Subsection (B) (10) to Section 17-12. R-W-2, Townhouse Water-Oriented, Sub-Zone; Subsection (B) (10) Section 17-13; R-2-C, Coastal Multiple-Family, Sub-Zone; Subsection (B) (10) to Section 17-14; R-3-C, Coastal Medium Density Multiple-Family, Subsection (B) (3) to Section 17-15; CPC, Coastal Planned Community Sub-Zone; and Subsection (B) (9) to Section 17-25; R-BF, Beachfront Residential, Sub-Zone regarding allowing short-term rental units subject to Section 17.53. Filed by the Community Development Department, 214 South C Street, Oxnard.

Project Planner: Paul McClaren, Associate Planner

Recommendation:

That the Planning Commission (1) acknowledge receipt of the California Coastal Commission's Resolution of Certification, including terms or modifications suggested for final certification relating to Vacation Rental Permit Cap, Separation Requirement and Ineligible Dwellings, Structures and Spaces; (2) find the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15061 and 15305 of the CEQA Guidelines; (3) adopt a Resolution recommending City Council approval of Planning and Zoning Permit No. 19-580-04 (Zoning Text Amendment) to modify Oxnard City Code Section 17-53 to incorporate the changes recommended by the California Coastal Commission into the City's Short Term Rental regulations for the Coastal Zone; (4) accept and agree to such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (5) agree to issue Coastal Development Permits for the total area included in the certified Local Coastal Program.

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Thursday, September 3, 2020, 6:00 p.m., City Council Chambers

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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Thursday, August 20, 2020
Planning Commission
Packet

~~PLAN~~

DRAFT MINUTES



MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
July 2, 2020
DRAFT

A. ROLL CALL

1. At 6:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Frank (via videoconference), Vice Chair Sanchez (via videoconference), Commissioners Chavez (via videoconference) and Meyer (via videoconference) were present. Commissioners Dozier and Fuhring were absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Randy Baez, Assistant Planner; Alex Arnett, Police Commander; Scott Swenson, Neighborhood Safety & Alcohol Compliance Specialist; Ken Rozell, Chief Assistant City Attorney; Michelle Travis, Recording Secretary.
4. Chair Frank presided and called the meeting to order.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

1. Commissioner Chavez led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - June 18, 2020

MOTION: Chair Frank moved and Commissioner Meyer seconded a motion to approve the minutes of June 18, 2020, as submitted:

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez and Meyer, voted in favor. The motion carried 4:0:2:0:0¹.

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. The Planning Commissioners did not have any ex parte communications to report for Item F-1 or Item G-1.

¹ In Favor: Against: Absent: Abstain: Recused

F. CONTINUED PUBLIC HEARING

- 1. Project Name: Verizon Danube** - Planning and Zoning (PZ) Permit No. PZ 18-530-01 (Special Use Permit) Request to construct a 47-foot tall wireless communications facility designed as a faux eucalyptus tree with an associated equipment enclosure within a 596 square-foot lease area adjacent to an existing three-story self-storage facility on a 1.02 acre lot in the C-2-PD zone. Pursuant to Oxnard City Code (OCC) Section 16-497, the request includes an increase in height from 35 feet to 47 feet and a reduction to the rear yard setback from 15 feet to 10 feet in the C-2-PD zone. The project is located adjacent to the southeastern corner of the Public Storage facility at 161 Ventura Boulevard (APN: 145-0-232-135). The project is exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines. Filed by the Scott Dunaway (“Applicant”), 1114 State Street, Suite 234, Santa Barbara, California, 93101 .
Project Planner: Jay Dobrowalski, Senior Planner.

Recommendation:

That the Planning Commission continue the Project to date certain, September 17, 2020 as requested by the applicant; however, if the requested information is not submitted by August 10, 2020, then the item will be removed from the Planning Commission calendar, and any future Planning Commission hearing for the application will require a new public notice.

The Planning Commissioners did not have any ex parte communications to report for Item F-1.

Chair Frank opened the public comments portion of the public hearing.

No public verbal comments were received in support of or against Item F-1.

No public written comments were received in support of or against Item F-1.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Chair Frank seconded a motion to continue the Project to date certain, September 17, 2020 as requested by the applicant; however, if the requested information is not submitted by August 10, 2020, then the item will be removed from the Planning Commission calendar, and any future Planning Commission hearing for the application will require a new public notice.

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez and Meyer voted in favor. The motion carried 4:0:2:0:0².

² In Favor: Against: Absent: Abstain: Recused

G. PUBLIC HEARING

- 1. Project Name: Casa Agria Specialty Ales** - Planning and Zoning (PZ) Permit No. PZ 20-510-02 (Special Use Permit - Alcohol) Request for approval of a Special Use Permit (SUP) to allow a small beer manufacturer (Casa Agria Specialty Ales) with a 381 square-foot on-site tasting room, to sell beer for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 23) within a 8,127 square-foot tenant space within a larger 125,514 square-foot, multi-tenant building on a 8.8-acre property located at 701 North Del Norte Boulevard, Suite #360 (APN: 216-0-211-015) within the Light Manufacturing - Planned Development (M-1-PD) zone (Attachments A & B). The request allows the relocation of an existing small beer manufacturer on the same property from Suite #310 to #360. Alcohol service would be provided between the hours of 12:00 pm to 10:00 pm daily. Filed by Designated Agent Michael Weyandt, 701 North Del Norte Boulevard, Suite 310, Oxnard, CA 93030, (the "Applicant") on behalf of RIF V-Del Norte, LLC, 2451 Eastman Avenue #12, Oxnard, CA 93030, property owner. .

Project Planner: Randy Baez, Assistant Planner.

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2020-12 for Planning and Zoning Permit No. 20-510-02 (Special Use Permit - Alcohol), subject to certain findings and conditions.

The Planning Commissioners did not have any ex parte communications to report for Item G-1.

Assistant Planner Randy Baez provided a presentation outlining the request.

Chair Frank opened the public comments portion of the public hearing.

No public verbal comments were received in support of or against Item G-1.

No public written comments were received against Item F-1. Transmittal Memo No. 1 was distributed to the Commissioners which included an email from Donald Nielsen in support of Item G-1.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Chair Frank seconded a motion to adopt a resolution approving the **Casa Agria Specialty Ales** PZ No. 20-510-02 (Special Use Permit - Alcohol) as submitted.

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez and Meyer voted in favor. The motion carried 4:0:2:0:0³.

H. STUDY SESSION/REPORTS

1. None

I. PLANNING COMMISSION BUSINESS

1. None

J. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. The Planning Commission meeting on July 16, 2020 is cancelled.
 - ii. The next Planning Commission meeting will be August 6, 2020 in the City Council Chambers.
 - iii. On June 30, 2020, the City Council approved the second reading of the Sakioka Farms Development Agreement. It goes into effect in 30 days.
 - iv. On July 10, 2020, the California Coastal Commission will review the Short Term Rentals (STR) Regulations. Coastal Commission staff has informed staff that a Staff Report Addendum will be released on Monday, July 6, 2020, and it will be available to view on their website. This will be Hearing Item 13A on their agenda.
 - v. On July 29, 2020, the City Council is to hold a public hearing on the Appealed 7-Eleven project located at 2900 Saviers Road. The Planning Commission denied the request on October 17, 2019.

K. ADJOURNMENT

1. At 6:46 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, August 6, 2020, 6:00 p.m., City Council Chambers

Deirdre Frank,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

³ In Favor: Against: Absent: Abstain: Recused

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
August 6, 2020
DRAFT

A. ROLL CALL

1. At 6:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Frank (via videoconference), Commissioners Chavez (via videoconference), Dozier (via videoconference), Fuhring (via videoconference) and Meyer (via videoconference) were present. Vice Chair Sanchez was absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Jose Coyotl, Associate Planner; Randy Baez, Assistant Planner; Scott Swenson, Neighborhood Safety & Alcohol Compliance Specialist; Ken Rozell, Chief Assistant City Attorney; Michelle Travis, Recording Secretary.
4. Chair Frank presided and called the meeting to order.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

1. Commissioner Meyer led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. Antonio Diaz (Oxnard) completed a public comment request on-line. There was no answer at his telephone number when called upon.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - July 2, 2020

As a quorum of Planning Commissioners who were in attendance at the July 2, 2020, meeting were not present at tonight's meeting, Chair Frank continued the approval of the minutes to the next Planning Commission meeting.

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. The Planning Commissioners did not have any ex parte communications to report for Item F-1 or Item F-2.

F. PUBLIC HEARING

1. **Project Name: Mr. Shrimp Restaurant Alcohol Special Use Permit** - Planning and Zoning (PZ) Permit No. PZ 20-510-01 (Special Use Permit - Alcohol). A request for a

Special Use Permit (SUP) to allow an existing 3,553 square-foot sit-down restaurant (Mr. Shrimp) to sell beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41) within an existing 14,023 square-foot multi-tenant commercial building on a 1.7-acre property located at 250 South Ventura Road (APN: 202-0-010-795) within the General Commercial (C-2) zone. Alcohol service would be provided between the hours of 7:00 a.m. to 10:00 p.m. daily. Filed by Juvencio Rodriguez, Designated Agent, 1300 East Pleasant Valley Road #35, Oxnard, California 93033 on behalf of Abdulhai Mutih-Huda, 200 South Ventura Road, Oxnard, CA 93030, property owner.

Project Planner: Randy Baez, Assistant Planner

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2020-13 for Planning and Zoning Permit No. 20-510-01 (Special Use Permit - Alcohol), subject to certain findings and conditions..

The Planning Commissioners did not have any ex parte communications to report for Item F-1.

Assistant Planner Randy Baez provided a presentation outlining the request.

Emmanuel Rodriguez, representing Juvencio Rodriguez, was available for questions, but did not provide a presentation.

Chair Frank opened the public comments portion of the public hearing.

A public verbal comment was received in support of the project from the following person: Gabriel Teran of Oxnard (via teleconference), representing the Fremont South Neighborhood Council. No public verbal comments were received against Item F-1.

No public written comments were received in support of or against Item F-1.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Chair Frank seconded a motion to adopt a resolution approving the **Mr. Shrimp Restaurant Alcohol Special Use Permit** PZ No. 20-510-01 (Special Use Permit - Alcohol) with the following edit to Resolution number 2020-13:

1. Planning Condition of Approval number 15 shall read as:
 - a. Sales of ~~alcohol~~ beer or wine for on-site consumption may only occur between the hours of 7:00 a.m. and 10:00 p.m. The sales of beer and wine for off-site consumption is prohibited.

VOTE: Chair Frank, Commissioners Chavez, Dozier, Fuhring and Meyer voted in favor. The motion carried 5:0:1:0:0¹.

2. **Project Name: P.A.C.C. Alcohol Special Use Permit** - Planning and Zoning (PZ) Permit No. PZ 20-510-03 (Special Use Permit - Alcohol) Request for approval of a Special Use Permit (SUP) to allow the sale of beer, wine, and distilled spirits for on-site consumption (Alcohol Beverage Control (ABC) License Type 47 - On-Sale General - Eating Place) at an existing 65,834 square-foot multi-building Performing Arts & Convention Center (P.A.C.C.) on an 11-acre property located at 800 Hobson Way (APN: 202-0-250-065) within the Community Reserve (C-R) zone. Alcohol sales would be provided between the hours of 7:00 a.m. to 12:00 am and Alcohol consumption from 7:00 a.m. to 1:30 a.m. Filed by Kevin Hufford, 100 Wilshire Blvd., Suite 700, Santa Monica, CA 90401.
Project Planner: Jose Coyotl, Associate Planner.

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2020-14 for Planning and Zoning Permit No. 20-510-03 (Special Use Permit - Alcohol), subject to certain findings and conditions.

The Planning Commissioners did not have any ex parte communications to report for Item F-2.

Associate Planner Jose Coyotl provided a presentation outlining the request.

Kevin Hufford provided a presentation. Lance Sterling, leasee, was available for questions.

Chair Frank opened the public comments portion of the public hearing.

A public verbal comment was received against the project from the following person: Pat Brown of Oxnard (via teleconference). No public verbal comments were received in support of Item F-2.

No public written comments were received in support or against Item F-2.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Chair Frank moved and Commissioner Fuhring seconded a motion to adopt a resolution approving the **P.A.C.C. Alcohol Special Use Permit** PZ No. 20-510-03 (Special Use Permit - Alcohol) with the following edit to Resolution 2020-14:

¹ In Favor: Against: Absent: Abstain: Recused

1. New Planning Condition of Approval number 45 shall read as:
 - a. The site under the purview of this Special Use Permit will include the auditorium, and the adjacent contiguous meeting rooms and patios within the gated area of the facility. The permitted area does not include the Youth Center or the patio adjacent to the Youth Center.
2. Remaining Conditions to be renumbered.

VOTE: Chair Frank, Commissioners Chavez, Dozier, Fuhling and Meyer voted in favor. The motion carried 5:0:1:0:0².

G. STUDY SESSION/REPORTS

1. None

H. PLANNING COMMISSION BUSINESS

1. Commissioner Chavez thanked the Planning Commission and staff for their support as he has reached his one-year anniversary as a Commissioner.
2. Commissioner Dozier thanked the public for their community involvement during the COVID-19 closures. He shared an observation that the community really cares about how the City is run.
3. Chair Frank announced that she pulled the paperwork to run for Mayor of the City of Oxnard.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. On July 21, 2020, the City Council received notification that the Sakioka Farms Business Park Specific Plan Final Map is ready for approval by the Community Development Director.
 - ii. On July 21, 2020, the City Council approved the Ordinance Amendments for the Accessory Dwelling Unit (ADU), Industrial Code changes and Cannabis Code changes. City Council approved the Amendments with no changes from what was adopted by the Planning Commission.
 - iii. On July 28, 2020, the Director reviewed the first of Sakioka Farms Business Park projects. Project Bruin, a 2.3 million square foot industrial project, was approved.
 - iv. On July 29, 2020, the City Council unanimously denied the Appealed 7-Eleven project located at 2900 Saviers Road. The Planning Commission denied the request on October 17, 2019.
 - v. On July 29, 2020, the City Council authorized the Short Term Rentals (STR) monitoring contract and permit fees.
 - vi. On July 30, 2020, the Community Director Hearing reviewed the first project to implement the Downtown Code. The Billboard Lofts project, a 5-story, mixed-use project at the corner of “A” and Eighth Streets, was approved.

² In Favor: Against: Absent: Abstain: Recused

J. ADJOURNMENT

1. At 7:00 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, August 20, 2020, 6:00 p.m., City Council Chambers

Deirdre Frank,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

PLAN

STAFF REPORT
PZ 19-580-04 STR





PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Jeff Pengilley, Interim Community Development Director

DATE: August 20, 2020

SUBJECT: Project Name: **Zoning Text Amendment to Create Regulations for Short Term Rentals - Acceptance of Three California Coastal Commission Modifications**; Planning and Zoning Permit No. 19-580-04; Located in the Coastal Zone.

- 1) Recommendation:** That the Planning Commission (1) acknowledges receipt of the California Coastal Commission's Action Letter (See Attachment A), including terms or modifications suggested for final certification relating to Vacation Rental Permit Cap, Separation Requirement and Ineligible Dwellings, Structures and Spaces; (2) find the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15061 and 15305 of the CEQA Guidelines; (3) adopt a Resolution recommending City Council approval of Planning and Zoning Permit No. 19-580-04 (Zoning Text Amendment) to modify Oxnard City Code Section 17-53 to incorporate the changes recommended by the California Coastal Commission into the City's Short Term Rental regulations for the Coastal Zone; (4) accept and agree to such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (5) agree to issue Coastal Development Permits for the total area included in the certified Local Coastal Program.
- 2) Project Description and Applicant:** An ordinance (Zone Text Amendment) of the City Council of the City of Oxnard amending Oxnard City Code Section 17-53 by adding Subsection (B) (10) to Section 17-10; R-B-1, Single-Family Beach, Sub-Zone; Subsection (B) (10) to Section 17-11. R-W-1, Single-Family Water-Oriented, Sub-Zone; Subsection (B) (10) to Section 17-12. R-W-2, Townhouse Water-Oriented, Sub-Zone; Subsection (B) (10) Section 17-13; R-2-C, Coastal Multiple-Family, Sub-Zone; Subsection (B) (10) to Section 17-14; R-3-C, Coastal Medium Density Multiple-Family, Subsection (B) (3) to Section 17-15; CPC, Coastal Planned Community Sub-Zone; and Subsection (B) (9) to Section 17-25; R-BF, Beachfront Residential, Sub-Zone regarding allowing short-term rental units subject to Section 17.53. Filed by the Community Development Department, 214 South C Street, Oxnard.
- 3) Background Information:** The City has been engaging the community regarding permitting and regulations for Short Term Rentals (STRs) for more than four years. The most recent City action occurred on December 17, 2019, when the City Council adopted Ordinance 2970 in order to regulate STRs within the Coastal Zone. This action constituted an amendment to the implementation portion of the City's Local Coastal Plan (LCP). Before the

City's action could become final, the California Coastal Commission (CCC) needed to review and approve all amendments to the Local Coastal Plan, and the City needs to accept and agree to the modifications.

The City submitted an application for a LCP Amendment to the CCC on January 30, 2020. A public hearing was held by the CCC on July 10, 2020 to review the City's LCP Amendment (Ordinance 2970). The CCC voted unanimously to approve the amendment subject to three modifications.

Modification 1 - Subsection C (Vacation Rental Permit Cap) of Section 17-53 (Short Term Rental Units).

Modification 2 - Subsection D (Separation Requirement) of proposed Section 17-53 (Short Term Rental Units).

Modification 3 - Subsection I.3 (Ineligible Dwellings, Structures, and Spaces) of proposed Section 17-53 (Short Term Rental Units).

4) Discussion:

The first proposed modification regarding the Vacation Rental Permit Cap has two parts. The first part only affects the the Residential Beach Front Zone (RB-F) where it increases the cap on STR permits from 5% to 10%. The zone has a total of 107 parcels. Under Ordinance 2970, as written, it would allow a maximum of 6 STRs. The modification would increase that cap to 11 STRs.

The second part of this modification creates a grandfather clause whereby STRs throughout Oxnard's Coastal Zone that have consistently paid Transient Occupancy Tax (TOT) since January 1, 2019 would have 60 days to apply for and be granted a permit regardless of a cap requirement so long as they were qualified in all other respects of Ordinance 2970. If the number of grandfathered units exceeded the cap, the grandfathered units would be allowed to remain; however, no additional STRs would be allowed.

- There are 62 properties in the Coastal Zone that have paid TOT in the last three years.
- 42 of these properties are located in the Oxnard Shores Neighborhood. However, there are three owners who own two properties in the shores so only 39 units in the Oxnard Shores can be grandfathered per this modification. This is 2.6% of the neighborhood.
- The R-BF zone lies within the Oxnard Shores Neighborhood. 15 of the 42 units in the neighborhood are in the R-BF zone and all of them could be eligible for grandfathering. This is 14% of the properties in the R-BF zone. This exceeds the cap of 11 STRs. Until such time as the number of permitted STRs in the RB-F zone fell below 11, no new STR permits could be issued.
- 18 properties are in the Channel Islands Neighborhood. This is 0.98% of the neighborhood that could be grandfathered per this modification.

- 2 properties are in the Hollywood by the Sea Neighborhood. This is 0.2% of the neighborhood that could be grandfathered per this modification.
- The Dunes does not have any STRs that have paid TOT tax in the last three years.

The second proposed modification also has two parts similar in nature to the first proposed modification. Part 1 would decrease the separation requirements in the R-BF Zone from 200 feet to 100 feet. Part 2 is a grandfathering clause that mirrors the clause from the first modification in that STRs that have been consistently paying the TOT tax since January 1, 2019 would have 60 days to apply for and be granted a permit regardless of the separation requirement so long as they were qualified in all other respects of Ordinance 2970. This modification would result in the current concentrations of STRs continuing or being slightly reduced.

The third modification is a clarification to ensure that Time-Shares can continue to operate as Short-Term Rentals for those weeks when the owner is not occupying the Time-Share unit. The owners of the Time-Shares would still have to apply for, and be issued, an STR permit for those times that they are operating as a STR. Time-Share units are not included in the STR cap or subject to the separation requirements. There is no net effect from this modification.

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

6) Next Steps

After the Planning Commission makes a recommendation to the City Council, the Ordinance Amendment will be presented to the City Council for consideration. The anticipated date of the public hearing is October 6, 2020. If adopted with the modifications as proposed by the CCC, the Ordinance Amendment will be re-submitted to the CCC to go on their consent agenda at their November hearing. This would allow the Coastal Zone STR regulations to be in full effect before the end of the year. That allows the City to open the permit window for eligible grandfathered STRs and take enforcement actions on unpermitted or non-complying STRs in January, 2021.

ATTACHMENTS

- A. California Coastal Commission's Action Letter dated July 13, 2020
- B. Planning Commission Resolution
Exhibit A - Chapter 17 Short Term Rental Ordinance

Attachment A

California Coastal Commission's Action Letter
dated July 13, 2020

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 S. CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001
(805) 585-1800



July 13, 2020

City of Oxnard
Attn: Jeff Lambert, Development Services Director
214 South C Street
Oxnard, CA 93030

**RE: City of Oxnard Local Coastal Program Amendment No. LCP-4-OXN-20-0008-1
(Short Term Rentals)**

Dear Mr. Lambert:

On July 10, 2020, the Coastal Commission approved LCP Amendment No. with three suggested modifications. The Commission's resolution of certification is contained in the staff report dated June 18, 2020 and the addendum dated July 6, 2020. The suggested modifications, as approved by the Commission on July 10, 2020, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification, the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the

Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Should you have any questions regarding this matter, please contact Deanna Christensen in our Ventura office. The Commission and staff greatly appreciate the City's cooperation and assistance in this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director



By: Deanna Christensen
District Supervisor

Enclosure: Final Suggested Modifications for LCP Amendment No. LCP-4-OXN-20-0008-1

FINAL SUGGESTED MODIFICATIONS TO THE PROPOSED IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT

City of Oxnard LCP Amendment No. LCP-4-OXN-20-0008-1 (Short Term Rentals)

City of Oxnard LCP Amendment LCP-4-OXN-20-0008-1 was approved with suggested modifications by the Coastal Commission on July 10, 2020. Following are the modifications suggested by the Commission to the City of Oxnard for incorporation into LCP Amendment No. LCP-4-OXN-20-0008-1. The suggested modifications are numbered consecutively. For each modification, the City's proposed language is shown in straight type and language approved by the Commission to be modified is shown in ~~strikeout~~ and underline.

SUGGESTED MODIFICATION 1

Subsection C (Vacation Rental Permit Cap) of Section 17-53 (Short Term Rental Units) shall be modified as follows:

(C) Vacation Rental Permit Cap.

1. The number of vacation rental permits shall be limited by a 5% cap per General Plan 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 number of vacation rental permits shall also be limited to ~~5~~10% in the Residential Beach Front (R-BF) zone. The total number of vacation rental permits issued to residential dwellings ~~in the City and the R-BF zone~~ shall not exceed 5% of the total dwelling units in each neighborhood ~~or zone~~. 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 Subsection (K).
2. Notwithstanding any language in this Subsection (C), Subsection (D), or Subsection (F)(3) to the contrary, if the owner(s) of an existing short-term rental property (i) consistently paid transient occupancy taxes to the City pursuant to Section 13-15 et seq. starting on or before January 1, 2019 (ii) otherwise complies with the requirements of this Section 17-53, and (iii) applies for a vacation rental permit within sixty (60) days from the effective date of Section 17-53, then such owner(s) shall be eligible for a short-term rental permit even if the approval of such permit(s) would exceed the vacation rental permit cap for the General Plan neighborhood or R-BF zone in which the property is located. During the initial 60-day period from the effective date of this Section 17-53, no applications for a vacation rental permit shall be accepted from any party except from the owner(s) of an existing short-term rental property who consistently paid transient occupancy taxes to the City

pursuant to Section 13-15 et seq. starting on or before January 1, 2019 and otherwise complied with the requirements of Section 17-53. If the issuance of permits pursuant to applications filed during the initial 60-day period exceeds the rental permit cap in any General Plan neighborhood or the R-BF zone, then no further permits can be issued in that General Plan neighborhood or RB-F zone as long as the number of valid permits equal or exceed the percentage of permits otherwise allowed in the particular General Plan neighborhood or R-BF zone. If, however, the vacation rental permit for that property is revoked pursuant to Section 17-53(R), said property will be subject to the applicable cap requirement and the owner(s) may reapply for a permit pursuant to this Section 17-53.

SUGGESTED MODIFICATION 2

Subsection D (Separation Requirement) of proposed Section 17-53 (Short Term Rental Units) shall be modified as follows:

(D) Separation Requirement.

1. No Vacation Rental shall be issued a permit when a Vacation Rental permit has already been issued to another property that is either: (i) within 100 feet of the proposed Vacation Rental in the Residential Beach Front (R-BF) zone; or (ii) within 200 feet of the proposed Vacation Rental outside of the R-BF zone in all other areas of the City. The 100 foot and 200 foot feet separation is to be measured horizontally from the all parcel lines of property ownership as established by the legal description for the property on record with the County of Ventura.
2. Notwithstanding any language in this Subsection D to the contrary, the 100 and 200-foot separation requirement shall not apply to a dwelling unit within a development:
 - a. That is subject to the Vacation Ownership and Time-share Act of 2004 (Business and Professions Code Section 11210 et seq.); and
 - b. That became subject to the Vacation Ownership and Time-share Act of 2004 on or before January 1, 2019; and
 - c. Whose owner(s) (i) on or before January 1, 2019, consistently paid transient occupancy taxes to the City pursuant to Oxnard City Code Section 13-15 et seq. (ii) otherwise complies with the requirements of this Section 17-53, (iii) and applies for a vacation rental permit within sixty (60) days from the effective date of Section 17.53; provided, however, if the vacation rental permit is revoked pursuant to Section 17-53(R), said property will be subject to the applicable separation requirement and the owner(s) may reapply for a permit pursuant to this

Section 17-53.

SUGGESTED MODIFICATION 3

Subsection I.3 (Ineligible Dwellings, Structures, and Spaces) of proposed Section 17-53 (Short Term Rental Units) shall be modified as follows:

(I) Ineligible Dwellings, Structures, and Spaces.

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

...

3. A dwelling on property owned by six or more owners, unless each owner shares common ancestors or the dwelling is subject to the Vacation Ownership and Time-share Act of 2004 and became subject to the Vacation Ownership and Time-share Act of 2004 on or before January 1, 2019.

...

Attachment B

Planning Commission Resolution

Exhibit A - Chapter 17 Short Term Rental Ordinance

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL (1) APPROVE PLANNING AND ZONING PERMIT NO. 19-580-04 (ZONING TEXT AMENDMENT) TO MODIFY OXNARD CITY CODE CHAPTER 17, ARTICLE IV, SECTION 17-53 TO INCORPORATE THE MODIFICATIONS RECOMMENDED BY THE CALIFORNIA COASTAL COMMISSION INTO THE CITY'S SHORT TERM RENTAL REGULATIONS FOR THE COASTAL ZONE REGARDING A) SUBSECTION C (VACATION RENTAL PERMIT CAP) OF SECTION 17-53 (SHORT TERM RENTAL UNITS); B) SUBSECTION D (SEPARATION REQUIREMENT) OF PROPOSED SECTION 17-53 (SHORT TERM RENTAL UNITS); AND C) SUBSECTION I.3 (INELIGIBLE DWELLINGS, STRUCTURES, AND SPACES) OF PROPOSED SECTION 17-53 (SHORT TERM RENTAL UNITS); AND (2) ACCEPT AND AGREE TO SUCH TERMS AND MODIFICATIONS AND TAKE WHATEVER FORMAL ACTION IS REQUIRED TO SATISFY THE TERMS AND MODIFICATIONS; AND (3) AGREE TO ISSUE COASTAL DEVELOPMENT PERMITS FOR THE TOTAL AREA INCLUDED IN THE CERTIFIED LOCAL COASTAL PROGRAM. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

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

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

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

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

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

WHEREAS, on August 1, 2019, the Planning Commission held a duly noticed public hearing to consider Planning and Zoning Permit No. 19-580-04 regarding the adoption of

specific rules and regulations for STRs within Chapters 16 and 17 of the Oxnard City Code; and

WHEREAS, on September 24, 2019, the City of Oxnard's City Council's Housing and Economic Development Committee held a duly noticed meeting to receive a summary report on the Planning Commission recommendations and provided input on the recommendations; and

WHEREAS, on November 5, 2019, the City Council held a duly noticed public hearing to consider an amendment to Chapter 17, Article III of the Oxnard City Code; 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 November 5, 2019 regarding establishing escalating fines for short-term rentals.

WHEREAS, on December 17, 2019, the City Council approved for second reading and adopted Ordinance Nos. 2969, 2970, and 2971 regarding short-term rentals; and

WHEREAS, on January 16, 2020, Ordinance Nos. 2969 and 2971 took effect; and

WHEREAS, on January 30, 2020, the City of Oxnard submitted an application for a LCP Amendment to the California Coastal Commission to adopt Ordinance No 2970 to allow the City of Oxnard to regulate short term rentals within the Coastal Zone; and

WHEREAS, the California Coastal Commission held a public hearing on July 10, 2020 to review and consider Zone Text Amendment and recommended approval of the Zone Text Amendment / LCP Amendment with three modifications:

Modification 1 - Subsection C (Vacation Rental Permit Cap) of Section 17-53 (Short Term Rental Units).

Modification 2 - Subsection D (Separation Requirement) of proposed Section 17-53 (Short Term Rental Units).

Modification 3 - Subsection I.3 (Ineligible Dwellings, Structures, and Spaces) of proposed Section 17-53 (Short Term Rental Units); and

WHEREAS, on July 10, 2020, the California Coastal Commission unanimously approved the LCP Amendment regarding short-term rentals; and

WHEREAS, the Planning Commission has reviewed and considered the California Coastal Commission's proposed modifications to Zone Text Amendment / LCP Amendment PZ No. 19-580-04; and

WHEREAS, on August 20, 2020, the Planning Commission has held a public hearing and received and reviewed written and oral comments related to the California Coastal Commission's proposed modifications to Zone Text Amendments / LCP Amendment PZ No. 19-580-04; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Text Amendment / LCP Amendment No. 19-580- 04 with modifications as recommended by the CCC.

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

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of August, 2020 by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Robert Sanchez, Vice Chair

ATTEST:

Scott Kolwitz, Secretary

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD TO INCORPORATE THE MODIFICATIONS RECOMMENDED BY THE CALIFORNIA COASTAL COMMISSION INTO THE CITY'S SHORT TERM RENTAL REGULATIONS FOR THE COASTAL ZONE WITHIN OXNARD CITY CODE CHAPTER 17, ARTICLE IV, SECTION 17-53 REGARDING A) SUBSECTION C (VACATION RENTAL PERMIT CAP) OF SECTION 17-53 (SHORT TERM RENTAL UNITS); B) SUBSECTION D (SEPARATION REQUIREMENT) OF PROPOSED SECTION 17-53 (SHORT TERM RENTAL UNITS); AND C) SUBSECTION I.3 (INELIGIBLE DWELLINGS, STRUCTURES, AND SPACES) OF PROPOSED SECTION 17-53 (SHORT TERM RENTAL UNITS); AND (2) ACCEPT AND AGREE TO SUCH TERMS AND MODIFICATIONS AND TAKE WHATEVER FORMAL ACTION IS REQUIRED TO SATISFY THE TERMS AND MODIFICATIONS; AND (3) AGREE TO ISSUE COASTAL DEVELOPMENT PERMITS FOR THE TOTAL AREA INCLUDED IN THE CERTIFIED LOCAL COASTAL PROGRAM; AND TO RETAIN THE PREVIOUSLY ADOPTED AMENDMENTS THAT WERE NOT MODIFIED BY THE CALIFORNIA COASTAL COMMISSION REGARDING CHAPTER 17, ARTICLE IV, SECTION 17-53, AND AMENDING CHAPTER 17, ARTICLE II 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; ADDING SUBSECTION (B) (3) TO SECTION 17-15, CPC, COASTAL PLANNED COMMUNITY SUB-ZONE; AND ADDING SUBSECTION (B) (9) TO SECTION 17-25, R-BF, BEACHFRONT RESIDENTIAL SUB-ZONE REGARDING SHORT-TERM RENTAL UNITS. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

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

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

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

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

WHEREAS, the City of Oxnard intends to adopt regulations on Homestays and Short-Term Rental Units (“STRs”); and

WHEREAS, on March 2016, the City conducted an online community survey that contained a series of questions designed to receive public input on STRs; and

WHEREAS, on August 16, 2016, staff held a duly noticed public Community Workshop to summarize the March survey results and secure feedback from the community on specific STR related regulations and questions; and

WHEREAS, on November 3, 2016, the Planning Commission of the City of Oxnard (the “Planning Commission”) held a duly noticed study session to receive input on specific STR regulations; and

WHEREAS, on June 1, 2017, the Planning Commission conducted a duly noticed public hearing and specifically addressed STRs, questions raised at the November 3, 2016 meeting, and the STR processing guidelines; and

WHEREAS, on February 26, 2019, the City Council’s Housing and Economic Development Committee (HEDC) held a duly noticed meeting to discuss policy questions and provide comments; and

WHEREAS, on July 9, 2019, the HEDC held a duly noticed meeting to discuss the draft ordinance with a focus on proposed changes to the ordinance; and

WHEREAS, on March 25, 2019, City Council held a duly noticed special meeting and received public input and provided direction to staff; and

WHEREAS, on August 1, 2019, 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 STRs within Chapters 16 and 17 of 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 recommended that the City Council of the City of Oxnard (the “City Council”) adopt the Zone Text Amendment; and

WHEREAS, on September 24, 2019, the HEDC held a duly noticed meeting to receive a summary report on the Planning Commission recommendations and provided input on the recommendations; and

WHEREAS, on November 5, 2019, the City Council held a duly noticed public hearing to consider the Zone Text Amendment to Chapters 16 and 17, Article III of the Oxnard City Code; and

WHEREAS, at the public hearing, the City Council considered all the evidence in the record, including (but not limited to) the Planning Commission Recommendation, the staff report (including the attachments), written submittals and public testimony before making a final decision on November 5, 2019 regarding the regulation of STRs; and

WHEREAS, on December 17, 2019, the City Council approved for second reading and adopted Ordinance Nos. 2969, 2970, and 2971 regarding STRs; and

WHEREAS, on January 16, 2020, Ordinance Nos. 2969 and 2971 took effect; and

WHEREAS, on January 30, 2020, the City of Oxnard submitted an application for a LCP Amendment to the California Coastal Commission to adopt Ordinance No. 2970 to allow the City of Oxnard to regulate STRs within the Coastal Zone; and

WHEREAS, the California Coastal Commission held a public hearing on July 10, 2020 to review and consider Zone Text Amendment and recommended approval of the Zone Text Amendment / LCP Amendment with three modifications:

Modification 1 - Subsection C (Vacation Rental Permit Cap) of Section 17-53 (Short Term Rental Units).

Modification 2 - Subsection D (Separation Requirement) of proposed Section 17-53 (Short Term Rental Units).

Modification 3 - Subsection I.3 (Ineligible Dwellings, Structures, and Spaces) of proposed Section 17-53 (Short Term Rental Units); and

WHEREAS, on July 10, 2020, the California Coastal Commission unanimously approved the LCP Amendment regarding STRs; and

WHEREAS, the Planning Commission has reviewed and considered the California Coastal Commission's proposed modifications to Zone Text Amendment / LCP Amendment PZ No. 19-580-04; and

WHEREAS, on August 20, 2020, the Planning Commission has held a public hearing and received and reviewed written and oral comments related to the California Coastal Commission's proposed modifications to Zone Text Amendments / LCP Amendment PZ No. 19-580-04; 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 recommended that the City Council adopt the California Coastal Commission's proposed modifications to Zone Text Amendments / LCP Amendment PZ No. 19-580-04; and

WHEREAS, on October 6, 2020, the City Council held a duly noticed public hearing to consider the Zone Text Amendment to Chapters 16 and 17, Article III of the Oxnard City Code; and

WHEREAS, at the public hearing, the City Council considered all the evidence in the record, including (but not limited to) the Planning Commission Recommendation, the staff report (including the attachments), written submittals and public testimony before making a final decision on October 6, 2020, regarding the regulation of STRs; and

WHEREAS, in accordance with the California Public Resources Code Sections 21000 et seq. and State California Environmental Quality Act (CEQA) Guidelines (Sections 15000 et seq.), the City Council has determined that the proposed zoning text amendment is exempt from CEQA pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations; and

WHEREAS, the City Council authorizes the granting of a temporary STR permit for homeowners that were operating an STR in Oxnard prior to March 25, 2019. The permit must be applied for within 60 days of the effective date of this ordinance, is good for one year and shall not be automatically renewed.

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

Section 1. Based upon the foregoing recitals as required per OCC 17-57(C)(8)(c), which are incorporated herein, the City Council finds:

A. The Zone Text Amendment is consistent with the current certified local 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 local 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 local 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 coastal 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 Zoning regulations (Chapter 17 of the Oxnard City Code). The regulations will make short-term rentals a permitted use in select zones within the Coastal Zone once the required permit is obtained, and the regulations will establish operational requirements to manage the issues that arise as a result of short-term rentals. The Zone Text Amendment 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.

The zone text amendment supports the 2030 General Plan goals of improving community safety and quality of life, and strengthening neighborhood development. Additionally, the amendment will aid in the creation of a vibrant and economically sustainable commercial and retail sector throughout the City and enhance business development.

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.

The zone text amendment has evolved through a process of public engagement with the entire community, review of regulations adopted by other jurisdictions in Southern California and is adopted in the public's interest to address concerns and issues brought to the City by residents. The regulations are based on current law and precedent established in the State of California.

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. Chapter 17, Article II, 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. Chapter 17, Article II, 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. Chapter 17, Article II, 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. Chapter 17, Article II, 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. Chapter 17, Article II, 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. Chapter 17, Article II, 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. Chapter 17, Article II, 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. 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.

1. The number of vacation rental permits shall be limited by a 5% cap per General Plan 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 number of vacation rental permits shall be limited to 10% in the Residential Beach Front (R-BF) zone. The total number of vacation rental permits issued to residential dwellings 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 Subsection (K).
2. Notwithstanding any language in this Subsection (C), Subsection (D), or Subsection (F)(3) to the contrary, if the owner(s) of an existing short-term rental property (i) consistently paid transient occupancy taxes to the City pursuant to Section 13-15 et seq. starting on or before January 1, 2019 (ii) otherwise complies with the requirements of this Section 17-53, and (iii) applies for a vacation rental permit within sixty (60) days from the effective date of Section 17-53, then such owner(s) shall be eligible for a short-term rental permit even if the approval of such permit(s) would exceed the vacation rental permit cap for the General Plan neighborhood or R-BF zone in which the property is located. During the initial 60-day period from the effective date of this Section 17-53, no applications for a vacation rental permit shall be accepted from any party except from the owner(s) of an existing short-term rental property who consistently paid transient occupancy taxes to the City pursuant to Section 13-15 et seq. starting on or before January 1, 2019 and otherwise complied with the requirements of Section 17-53. If the issuance of permits pursuant to applications filed during the initial 60-day period exceeds the rental permit cap in any General Plan neighborhood or the R-BF zone, then no further permits can be issued in that General Plan neighborhood or RB-F zone as long as the number of valid permits equal or exceed the percentage of permits otherwise allowed in the particular General Plan neighborhood or R-BF zone. If, however, the vacation rental permit for that property is revoked pursuant to Section 17-53(R), said property will be subject to the applicable cap requirement and the owner(s) may reapply for a permit pursuant to this Section 17-53.

(D) Separation Requirement.

1. No Vacation Rental shall be issued a permit when a Vacation Rental permit has already been issued to another property that is either: (i) within 100 feet of the proposed Vacation Rental in the Residential Beach Front (R-BF) zone; or (ii) within 200 feet of the proposed Vacation Rental outside the R-BF zone. The 100-foot and 200-foot separation is to be measured horizontally from all parcel lines of property ownership as established by the legal description for the property on record with the County of Ventura.
2. Notwithstanding any language in this Subsection D to the contrary, the 100-foot and 200-foot separation requirement shall not apply to a dwelling unit within a development:
 - a. That is subject to the Vacation Ownership and Time-share Act of 2004 (Business and Professions Code Section 11210 et seq.); and
 - b. That became subject to the Vacation Ownership and Time-share Act of 2004 on or before January 1, 2019; and
 - c. Whose owner(s): (i) on or before January 1, 2019, consistently paid transient occupancy taxes to the City pursuant to Oxnard City Code Section 13-15 et seq. (ii) otherwise complies with the requirements of this Section 17-53, (iii) and applies for a vacation rental permit within sixty (60) days from the effective date of Section 17.53; provided, however, if the vacation rental permit is revoked pursuant to Section 17-53(R), said property will be subject to the applicable separation requirement and the owner(s) may reapply for a permit pursuant to this Section 17-53.

(E) Maximum Rental Period

1. Vacation rentals shall be limited to a maximum of 100-day annual cap per calendar year. Vacation rentals which are only used for a partial day (i.e. arrival departure days) shall be rounded up and counted as a full day.
2. Notwithstanding any language in this Subsection E to the contrary, the 100-day annual cap per calendar year shall not apply to a dwelling unit within a development:
 - a. That is subject to the Vacation Ownership and Time-share Act of 2004; and
 - b. That became subject to the Vacation Ownership and Time-share Act of 2004 on

or before January 1, 2019.

(F) Permit Required.

1. 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.
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. For purposes of this Article, the owner of a dwelling unit that is subject to the Vacation Ownership and Time-share Act of 2004 must obtain a valid permit issued by the City pursuant to this Article for the rental of the dwelling unit for non-timeshare purposes for a period of less than thirty days.
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 Article.
 - 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.

(G) Limited Term.

1. 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."
2. Permit holders that remain in good standing and apply for a renewal permit prior to the

expiration of their current permit will be granted a renewal permit. If a permit expires, the request for a permit would be treated as a new permit subject to any established waiting lists.

(H) 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 that have not been subdivided pursuant to the subdivision map act (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.
3. Notwithstanding any language in subsection H(2) to the contrary, if a dwelling unit is subject to the Vacation Ownership and Time-share Act of 2004, an owner of said dwelling unit may obtain a permit for more than one such dwelling, provided that said owner otherwise complies with all of the applicable requirements of Section 17-53.

(I) 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. Notwithstanding any

language in this subsection 2 to the contrary, if a dwelling unit is subject to the Vacation Ownership and Time-share Act of 2004, such unit may be owned by a corporation, partnership or limited liability company and still be eligible to obtain a permit pursuant to this Section 17-53, provided that said owner otherwise complies with all of the applicable requirements of Section 17-53.

3. A dwelling on property owned by six or more owners, unless each owner shares common ancestors or the dwelling is subject to the Vacation Ownership and Time-share Act of 2004 and became subject to the Vacation Ownership and Time-share Act of 2004 on or before January 1, 2019.
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.
8. Those 440 units in the Planned Development Community known as The Colony at Mandalay Beach.
9. Those units in the Harbour Island condominiums.
10. An Accessory Dwelling Unit.

(J) 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.

(K) 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 L.
4. Each application shall include a mailing list for notifications pursuant Subsection N(2) 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 (M) and the property management requirements of Subsection (N) 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 Chapter 17, Article IV, 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) 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); (iii) provide a fully-executed affidavit pursuant to Subsection (K)(5); (vi) provide proof of compliance with the applicable business tax and licensing, and transient occupancy tax requirements pursuant to Subsection (N)(6); (v) for a homeshare only, proof of homeowner's exemption and statement that property is owner occupied pursuant to Subsection (K)(6); (vi) provide proof of insurance pursuant to

Subsection (N)(7); and (vii) provide the fully- executed defense and indemnification agreement pursuant to Subsection (N)(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.

(L) 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 shall be deemed "prompt" when:
 - a. Between the hours of 7:01 a.m. and 9:59 p.m. the call to contact the renter to correct the problem is made within thirty minutes of receiving the initial complaint:
 - b. Between 10:00.p.m. and 7:00 a.m., the quiet hours, the call to contact the renter to correct the problem is made within fifteen minutes of receiving the initial complaint.
3. 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
4. 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.
5. 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.

6. 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.

(M) 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 100 days during any calendar year. Notwithstanding any language in this Subsection M to the contrary, the 100-day annual cap per calendar year shall not apply to a dwelling unit within a development that is subject to the Vacation Ownership and Time-share Act of 2004 and that became subject to the Vacation Ownership and Time-share Act of 2004 on or before January 1, 2019.

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 (M).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:
 - i. a minimum of one parking space for vacation rentals in a studio or one bedroom;
 - ii. a minimum of two parking spaces for homeshares and vacation rentals with two to four bedrooms; and
 - iii. a minimum of three parking spaces for homeshares and vacation rentals with five or more bedrooms.
- b. Permitted garages and driveways on the property shall be unobstructed and made available for renter parking.

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. Pursuant to OCC 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.

5. Events and Activities.

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 (M)(2) that violates any noise standard of Subsection (M)(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 collection day(s). The waste collection schedule and information about recycling and green waste separation and disposal shall be included in the rental agreement and posted conspicuously inside the rental unit.

(N) 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 twenty-five 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 twenty-five 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.

- a. 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.

- b. At a minimum, the notice of permit issuance shall include: (i) directions to view 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 and a copy of Chapter 7, Article XI - Sound Regulations of the Oxnard City Code as may be amended from time to time;
 - (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 that all parking shall occur on-site with no on-street parking allowed;
 - (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;

(4) The available number of onsite parking spaces, and notification that all parking shall occur on-site with no on-street parking allowed;

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 (N)(3), shall be posted in a conspicuous location inside the dwelling within six feet of the main entrance of the homeshare or vacation rental;

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

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 action, 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.

(O) Inspection and Monitoring.

1. Inspections.

In addition to the pre-permitting inspection of a homeshare or vacation rental pursuant to Subsection (J), 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. Inspection, Monitoring and Code Enforcement Costs.

City monitoring shall be required for each homeshare and vacation rental operation issued a permit. The permittee shall be responsible for all inspection and monitoring costs associated with the operation. Monitoring may be conducted by a third party compliance company hired by the City. The permittee shall also be responsible for any and all code enforcement costs, calculated at a full cost recovery rate, related to their property.

(P) 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.

(Q) 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 (F);
- b. Failure to comply with an operational standard of Subsection (M);
- c. Failure to comply with a property management requirement of Subsection (N);
- d. Failure to comply with the complaint investigation, resolution and/or reporting requirements of Subsection (Q)(1); and
- e. Failure to timely remit to the City any cost or fee pursuant to this Article.

(R) 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:
 - (1) Resulted in a citation or conviction against the permittee;

- (2) Violated local, state or federal law;
 - (3) Constituted a public nuisance;
 - (4) Breached any condition, requirement, or restriction of the vacation rental or homeshare permit; or
 - (5) Constituted a hazard to public peace, health, or safety.
- d. Failure to pass inspections required under the provisions of Subsection (J).
 - 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.

(S) Violations Declared A Public Nuisance.

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

(T) 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).

(U) Criminal Penalties.

Each and every violation of the provisions of this Article may at the discretion of the District Attorney or City Attorney be prosecuted as an infraction or misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) for the first violation, two thousand dollars (\$2,000) for the second violation, and three thousand dollars (\$3,000) and revocation of the permit for a period of two years, after which the property owner would have to reapply, for the third violation. Each day a violation is committed or permitted to continue shall constitute a separate offense. The fine for operating an unlicensed and/or unpermitted STR shall be \$5,000 per day.

(V) 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.

(W) Appeals.

A property owner or duly appointed designee may appeal a decision of the Community Development Director to deny, revoke, or suspend a short-term rental permit pursuant to Chapter 1, Article V-Administrative Hearings of the Oxnard City Code.

Section 11. If any subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 12. 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 13. 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. 2970 was first read on December 3rd, 2019, was adopted on December 17th, 2019. California Coastal Commission Modifications to Ordinance No. 2970 were read by the City Council on October 6th, 2020, with the California

Coastal Commission to accept the final modifications on their consent agenda at their November hearing. The Ordinance is to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 6th day of October, 2020 by the following vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

ABSTAIN: Councilmember(s):

RECUSED: Councilmember(s):

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney