

PLANNING COMMISSION
RESOLUTION NO. 2019-P16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE RECOMMENDING CITY COUNCIL APPROVAL OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-00004 TO AMEND CHAPTER 24 OF THE MUNICIPAL CODE TO SET FORTH SHORT TERM RENTAL POLICIES AND REGULATIONS AND ESTABLISH THE AMENDED TEXT AS PART OF THE LOCAL COASTAL PROGRAM

APPLICATION NO: LCPA19-00004
APPLICANT: City of Oceanside
LOCATION: Citywide

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, the City of Oceanside (“city”) has experienced a dramatic increase in the number of residential properties being used as short-term rentals; and

WHEREAS, the city has approximately 900 registered short term rentals; and

WHEREAS, the city has received complaints related to the operation of short-term rentals in residential neighborhoods, including complaints concerning excessive occupants, noise, reduction of street parking and increased trash; and

WHEREAS, the city does not have operational guidelines or regulations for short-term rentals; and

WHEREAS, the Planning Commission, on June 25, 2018, appointed a Short-Term Rental Ad Hoc Committee to recommend policies regarding the regulation of short-term rentals; and

WHEREAS, the Short-Term Rental Ad Hoc Committee held three public meetings on August 21, 2018, November 27, 2018, and January 29, 2019 to discuss permitting options and regulations for short-term rentals and come up with recommendations for regulating short-term rentals via a permitting options matrix; and

WHEREAS, the City Council, on January 23, 2019, directed staff to put together a comprehensive short-term rental program and Good Neighbor Policy to ensure compliance and accountability for short-term rentals; and

WHEREAS, the Housing Commission, on February 26, 2019, reviewed the short-term rental Ad Hoc Committee Permitting Options Matrix, including staff recommendations, and voted 7-1 to recommend approval of the permitting options matrix, including staff’s recommendations; and

1 WHEREAS, the Economic Development Commission, on April 9, 2019, reviewed the STR
2 Ad Hoc Committee Permitting Options Matrix, including staff recommendations, and voted 4-2
3 (with two members abstaining and two members absent) to not recommend moving forward staff's
4 recommendations due to concerns that the proposed regulations and Good Neighbor Policy did not
adequately address issues related to STRs and the impact STRs have on neighborhoods; and

5 WHEREAS, amendments to the City's Municipal Code regarding the regulation of short-
6 term rental properties were prepared for City Council consideration; and

7 WHEREAS, with respect to those properties located within the coastal zone, the policies and
8 regulations established by this text amendment are subject to review and certification of the
California Coastal Commission; and

9 WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd
10 day of April, 2019 conduct a duly noticed public hearing as prescribed by law to consider said
text amendments; and

11 WHEREAS, in accordance with the provisions of the California Environmental Quality
12 Act (CEQA) Guidelines Section 15061(b)(3), the Resource Officer of the City of Oceanside has
13 determined that the proposed project does not have the potential for causing a significant effect
on the environment and therefore is not subject to CEQA review; and

14 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
15 Oceanside for this project pursuant to the California Environmental Quality Act of the 1970 and
State Guidelines;

16 WHEREAS, studies and investigations made by this Commission and on its behalf reveal
17 the following facts pertaining to the proposed Local Coastal Program Amendment:

- 18 1. Pursuant to Public Resources Code §30510(a), the Planning Commission hereby certifies
19 that the Local Coastal Program Amendment (LCPA19-00004) is intended to be carried out
20 in conformance with the Coastal Act of 1976. The proposed municipal code text
21 amendments set forth regulations intended to minimize the potential adverse impacts from
short-term rental operators while still allowing for visitor serving accommodations in coastal
areas.
- 22 2. The Local Coastal Program Amendment conforms to the Local Coastal Program, in that it
23 does not impact public coastal access, water or marine resources, sensitive habitat, visual
24 resources, visitor serving uses, or public facilities.

1 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this
2 amendment shall take effect upon Coastal Commission approval, following City Council
approval and adoption.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 recommend that the City Council approve Local Coastal Program Amendment (LCPA19-00004)
5 as represented in the attached Exhibit "A", request California Coastal Commission certification of
6 said amendment and establish Chapter 24 of the City's Municipal Code as part of the Local Coastal
Program.

7 PASSED AND ADOPTED Resolution No. 2019-P16 on April 22, 2019 by the following
8 vote, to wit:

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:

13 _____
14 Kyle Krahel, Chairperson
15 Oceanside Planning Commission

16 ATTEST:

17 _____
18 Jeff Hunt, Secretary

19 I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true
20 and correct copy of Resolution No. 2019-P16.

21 Dated: April 22, 2019

Sections 24.1 through 24.8 is added to Chapter 24, of the Oceanside City Code section as follows:

Section 24.1 Findings and Purpose

The City Council finds that the city has seen a substantial increase in the number of residential properties being used as short-term rentals. With the rise in the number of short-term rentals, the city has received complaints from neighborhood groups over the adverse impacts caused by this transient use in residential neighborhoods. The purpose of this section is to balance the city's desire to promote tourism with the city's legitimate need to mitigate the adverse impacts often associated with short-term rentals, including excessive noise, overcrowding, reduction of street parking, and the accumulation of refuse. The regulations contained herein are intended to minimize the adverse impacts short-term rental properties have on surrounding residential neighborhoods. The city also seeks to ensure that the city is collecting transient occupancy taxes as required by Chapter 34 of the Oceanside City Code as well as the Oceanside Tourism Marketing District.

Section 24.2 Definitions

- A. **Bedroom.** A "bedroom" is a private room furnished with a bed and intended primarily for sleeping. Bedrooms must be separated from other rooms by a door and have at least one window and emergency escape/rescue opening and a closet or storage nook. Additionally, the room must be accessible to a bathroom without crossing into another bedroom.
- B. **Daytime guest.** "Daytime guest" is defined as an individual allowed at a short-term rental property between the hours of 7am and 10pm. Daytime guests do not count towards the total occupancy allowed in a short-term rental property.
- C. **Hosted unit.** "Hosted unit" is a dwelling unit where the owner of the property occupies the dwelling unit as his or her principal residence and offers a portion of the dwelling unit for short-term rental while remaining on-site.
- D. **Owner.** "Owner" is the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term rental.

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E. Short-term rental. A "short-term rental" is a dwelling unit, or any portion thereof, offered for rent or rented for dwelling, lodging or sleeping for less than thirty consecutive days in the city, including single family or multiple family units. This excludes bed and breakfasts, hotels, motels, and timeshares.

Section 24.3 Permit Required

A. Unless exempt pursuant to Section 24.4, an owner shall obtain a short-term rental permit from the city before renting a dwelling unit for a short-term rental or advertising the availability of a short-term rental unit. The application for a short-term rental permit shall include the following information on a form provided by the city:

1. The name, address, and telephone number of the owner of the short-term rental unit, including local emergency contact information.
2. The name, address and telephone number of the owner's authorized representative, including twenty-four (24) hour local emergency contact information.
3. The address of the proposed short-term rental unit.
4. The number of bedrooms in the short-term rental unit.
5. Acknowledgement of receipt and executed agreement to comply with the City's "Short-Term Rental Good Neighbor Policy" requirements.

B. A short-term rental permit shall be valid for twelve calendar months from the date of issuance and must be renewed thereafter for a new twelve-month term.

C. The application for a short-term rental permit or renewal shall be accompanied by a non-refundable application fee established by resolution of the City Council. The application fee shall not exceed the city's estimated reasonable cost of administering the provisions of this article.

D. The application shall be submitted by the owner or the owner's authorized agent. Even if the application is submitted by the owner's authorized agent, the owner shall be responsible for complying with this article and all other laws applicable to the short-term rental.

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E. The application will be reviewed by the City Manager or designee, and a short-term rental permit will be issued unless the applicant fails to demonstrate compliance with this article or other applicable provisions of the Oceanside City Code, the Oceanside Zoning Ordinance, conditions or approval for the dwelling unit, or other applicable law. The City Manager or designee may deny an application for a short-term rental if the applicant fails to demonstrate compliance with Chapter 34, article III governing transient occupancy tax. The City Manager or designee may further deny the short-term rental permit if the applicant has provided any false information in the application or if the City has revoked a short-term rental permit in the owner's name within the preceding twelve months. In addition to the operational requirements set forth in Section 24.5, the City Manager or designee shall have the authority to impose additional conditions on the use of any short-term rental unit in order to mitigate potential secondary effects unique to the subject property.

F. The short-term rental permit shall not be assignable. Following a change in ownership, a new short-term rental permit shall be required before the new owner rents or advertises the unit for rent as a short-term rental unit.

G. An initial property inspection of the short-term rental property is required when the short-term rental permit application is received by the City. The inspection is subject to a non-refundable fee established by resolution of the City Council. If there are no verifiable complaints or violations received by city staff, the property inspection is to occur every three years.

Section 24.4 Short-Term Rental Permit Exemptions

The following short-term rental properties are considered exempt from the permit requirement in Section 24.3 provided the owner and/or operator of the unit remains in compliance with Chapter 34, Article III governing transient occupancy tax:

1. Hosted Units
2. Homeowner Associations that contain at least 50 units and are self-contained (gated and 24-hour security and/or 24-hour on-site management) and meets applicable parking requirements.

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Section 24.6 Short-Term Rental Prohibitions

- A. Except as provided in Section 24.6(B), short-term rentals shall not be allowed in a manufactured home park, as defined in Chapter 16.B.2(c) of the Oceanside City Code.
- B. Notwithstanding section 24.6(A), a short-term rental in a manufactured home park that has been registered pursuant to Chapter 34 of the Oceanside City Code prior to the introduction of this ordinance shall be eligible for a short-term rental permit in accordance with the provisions of this Chapter 24.

Section 24.7 Operational Requirements

- A. All short-term rental properties must comply with the provisions of Chapter 34 of the Oceanside City Code regarding the collection and remittance of transient occupancy taxes and the collection and remittance of the Oceanside Tourism Marketing District Assessment. Failure to comply with these provisions may result in revocation of a short-term rental permit.
- B. The owner or the owner's authorized agent, identified in the application for a short-term rental permit, shall be available twenty-four (24) hours a day, seven days a week, to respond to complaints concerning the condition, operation or conduct of occupants of the short-term rental unit or their guests.
- C. Short-term rental property owners shall display on the exterior of a short-term rental unit, a notice, utilizing a template approved by the City, containing a 24-hour, seven-day phone number for a private party responsible for the facility to take complaints regarding its operation. The exterior display will also contain the number of bedrooms and the maximum number of occupants permitted to stay in the unit. The notice shall be in plain view of the general public and/or common area and shall be maintained in good condition at all times. The notice shall continue to be displayed as long as the unit is used as a short-term rental.
- D. The short-term rental property address and 24-hour contact phone number for the owner or owner's authorized agent shall be listed on the City's short-term rental directory website.

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E. The owner and/or the owner's authorized representative shall use reasonably prudent business practices to ensure the occupants and guest of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct or violate any provisions of this ordinance or other applicable laws.

F. Upon notification by a city employee authorized to enforce this Chapter that any occupant or guest of the occupant of a short-term rental unit has created unreasonable noise or disturbance, engaged in disorderly conduct or committed a violation of an applicable law, the owner and/or the owner's authorized agent, shall use all reasonable efforts to immediately halt and prevent a reoccurrence of such conduct. Failure of the owner or the owner's authorized agent to respond to a notification provided under this Section 24.7(F) within 60 minutes of the receipt of that notification shall be prima facie evidence that the owner or the owner's agent has failed to use reasonable efforts as required by Section 24.7(E).

G. All garage, driveway and on-site designated parking spaces shall be made available for vehicle parking.

H. Parking of any detached camper, boat, boat trailer or other non-motorized vehicle shall be in accordance with Oceanside Traffic Code section 13.25. Parking of any vehicle over seven (7) feet in height shall be in accordance with Oceanside Traffic Code section 13.26.

I. No vehicles shall be parked in a designated fire lane nor block or restrict access to adjacent properties.

J. Rental properties shall be kept clean with no visible trash. All trash containers shall be stored out of public view except when at the curb on trash collection days by the City's authorized waste hauler.

K. The maximum number of occupants allowed to occupy the short-term rental unit shall be limited to two people per bedroom plus two people per unit.

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L. The maximum number of daytime guests allowed in a short-term rental property shall be 10 guests, regardless of bedroom count. Daytime guests are allowed between 7am and 10pm.

M. All short-term rental agreements shall have a minimum two-night consecutive stay.

N. No amplified or reproduced sound shall be audible from the property line of any short-term rental unit between the hours of 10:00 p.m. and 10 a.m.

O. Prior to the occupancy of the short-term rental unit, the owner or the owner's authorized representative shall:

1. Obtain the name, address, and telephone number of the renter.
2. Provide a copy of city-prepared "Short-Term Rental Good Neighbor Policy" handout summarizing the requirements of this ordinance to the renter.
3. Require the renter to execute a formal acknowledgement that he or she is legally responsible for compliance with all requirements of this ordinance by all occupants and their guests.
4. The information required by paragraphs 1 and 3 of this subsection shall be maintained by the owner or the owner's authorized representative for a period of three years and shall be made available upon request to any officer of the city responsible for the enforcement of this ordinance or other applicable laws.

Section 24.8 Violations and Penalties

A. Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor punishable by a fine not exceeding one thousand (\$1000) dollars, imprisonment for a term not to exceed six months, or both, pursuant to Chapter 1, section 1.7(A) of this Code. The City Attorney may prosecute or authorize or direct the prosecution of this Chapter as an infraction pursuant to Chapter 1, section 1.7(b) punishable by the fines specified in Chapter 1, section 1.7(b)(2) of this Code.

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- B. In addition to any penalties imposed pursuant to Chapter 1.7 of this Code, any person who violates the provisions of this Chapter may be issued an administrative citation by an enforcement officer pursuant to Chapter 1, section 1.14 through 1.14.8 of this Code.
- C. Any property maintained in violation of this Chapter is hereby declared to be a public nuisance that may be abated in accordance with Chapter 17 of this Code.
- D. In addition to any other remedy for violations of this Chapter, the City Manager or the City Manager's designee may revoke a short-term rental permit for a violation of this Chapter. The procedures set forth in Chapter 15, section 15.5 shall apply to any proposed revocation of a short-term rental permit.