

# Short Term Rental Ordinance Article XI of Chapter 16 and Section 17-53 of Chapter 17

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Housing and Economic Development Committee  
September 24, 2019



## Background

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

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

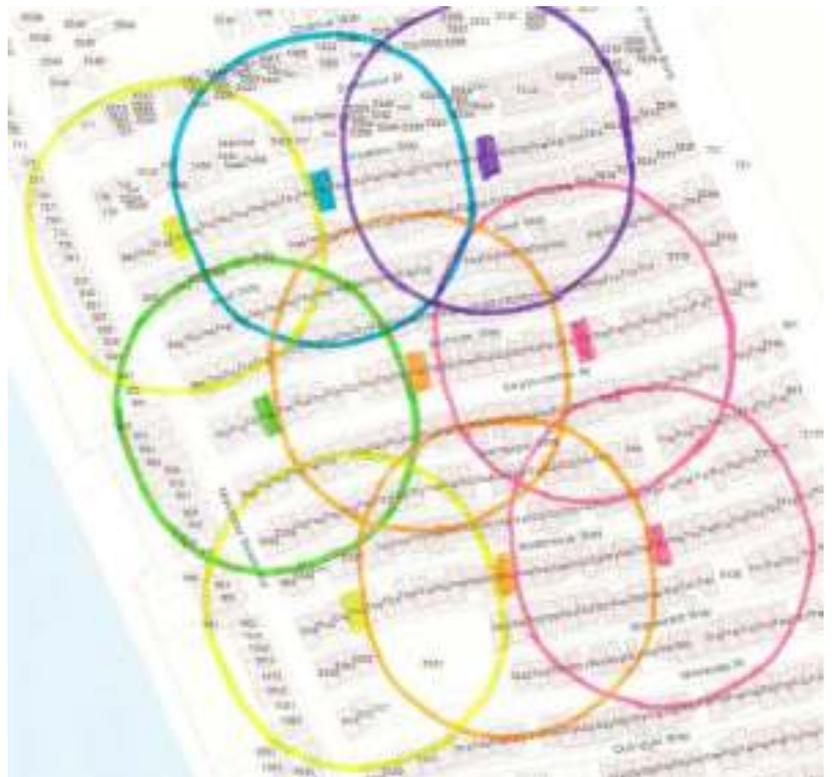
## 300' Separation Requirement

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

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## 300' Separation Analysis

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



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## 5% Cap in R-BF Zone

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

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## Maximum number of rental days (100 vs 180 days)

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

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## Maximum number of rental days (continued)

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

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## Distance of property manager from STR

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

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## Outdoor Amplified Music

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

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## No On-street Parking

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

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# Escalating Fines

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

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## Recommendation

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



## Discussion