

ORDINANCE NO. 19-OR0408-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ADDING CHAPTER 24 OF THE OCEANSIDE CITY CODE TO CREATE PERMIT REQUIREMENTS FOR AND TO REGULATE SHORT-TERM RENTALS

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, short-term rentals are not explicitly addressed in the Oceanside City Code; and

WHEREAS, the city has approximately 935 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, staff desires to minimize the adverse impacts short-term rentals may have on surrounding residential properties; and

WHEREAS, on June 25, 2018, the Planning Commission 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 receive public testimony and discuss permitting options and regulations for short-term rentals and come up with recommendations for regulating short-term rentals; and

WHEREAS, on January 23, 2019, the City Council 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, on February 26, 2019, the Housing Commission voted 7-1 to recommend approval of the short-term rental recommendations; and

WHEREAS, on April 9, 2019, the Economic Development Commission voted 4-2 (with two members abstaining and two members absent) to not recommend moving forward staff’s

1 recommendations due to concerns that the proposed regulations and Good Neighbor Policy did  
2 not adequately address issues related to STRs and the impact STRs have on neighborhoods; and

3 WHEREAS, on April 22, 2019, the Planning Commission conducted a duly-noticed  
4 public hearing as prescribed by law and voted 5-0 (with two members absent) to recommend  
5 City Council approval of the Local Coastal Program Amendment (LCPA19-00004) and  
6 proposed addition of Chapter 24 of the Oceanside City Code with the following revisions:

- 7 1. New non-hosted short-term rentals be prohibited in the following residential zoning  
8 districts (R1, R3, RE, RS, RM and RH); and
- 9 2. Staff will monitor the number of corporate short-term rental units and provide a report  
10 to the Planning Commission within one year of the date of the adoption of amendments  
11 to the Oceanside City Code regarding short-term rental regulations.

12 WHEREAS, with respect to those properties located within the Coastal Zone, this  
13 ordinance is subject to review and certification of the California Coastal Commission; 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  
16 State Guidelines;

17 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

18 SECTION 1. Sections 24.1 through 24.8 is added to Chapter 24, of the Oceanside City  
19 Code and the revised text of said Chapter is added to the implementing plan of the City's Local  
20 Coastal Program, as specified in Exhibit A, and as follows:

21 **Section 24.1 Findings and Purpose**

22 The City Council finds that the city has seen a substantial increase in the number of  
23 residential properties being used as short-term rentals. With the rise in the number of short-  
24 term rentals, the city has received complaints from citizens and neighborhood groups over the  
25 adverse impacts caused by this transient use on adjacent properties. The purpose of this section  
26 is to balance the city's desire to promote economic development and tourism with the city's  
27 legitimate need to mitigate the adverse impacts often associated with short-term rentals,  
28 including excessive noise, overcrowding, reduction of street parking, and the accumulation of

1 refuse. The regulations contained herein are intended to minimize the adverse impacts short-  
2 term rental properties have on surrounding properties. The city also seeks to ensure that the city  
3 is collecting transient occupancy taxes as required by Chapter 34 of the Oceanside City Code as  
4 well as the Oceanside Tourism Marketing District.

5 **Section 24.2 Definitions**

6 A. Bedroom. A “bedroom” is a private room furnished with a bed and intended primarily  
7 for sleeping. Bedrooms must be separated from other rooms by a door and have at least one  
8 window and emergency escape/rescue opening and a closet or storage nook. Additionally, the  
9 room must be accessible to a bathroom without crossing into another bedroom.

10 B. Daytime guest. “Daytime guest” is defined as an individual allowed at a short-term rental  
11 property between the hours of 7am and 10pm. Daytime guests do not count towards the total  
12 occupancy allowed in a short-term rental property.

13 C. Dwelling unit. “Dwelling unit” shall have the same meaning as set forth in Section 330  
14 of the Oceanside Zoning Ordinance.

15 D. Hosted unit. “Hosted unit” is a dwelling unit where the owner of the property or their  
16 tenant occupies the dwelling unit as his or her principal residence and offers a portion of the  
17 dwelling unit for short-term rental while remaining on-site.

18 E. Owner. “Owner” is the person(s) or entity(ies) that hold(s) legal and/or equitable title to  
19 the subject short-term rental.

20 F. Short-term rental. A “short-term rental” is a dwelling unit, or any portion thereof,  
21 offered for rent or rented for dwelling, lodging or sleeping for no more than thirty consecutive  
22 days in the city, including single family or multiple family units. This excludes bed and  
23 breakfasts, hotels, motels, and timeshares.

24 **Section 24.3 Permit Required**

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

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

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

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

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

19 E.     The application will be reviewed by the City Manager or designee and a short-term rental  
20 permit will be issued unless the applicant fails to demonstrate compliance with this article or  
21 other applicable provisions of the Oceanside City Code, the Oceanside Zoning Ordinance,  
22 conditions or approval for the dwelling unit, or other applicable law. The City Manager or  
23 designee may deny an application for a short-term rental if the applicant fails to demonstrate  
24 compliance with Chapter 34, Article III governing transient occupancy tax. The City Manager  
25 or designee may further deny the short-term rental permit if the applicant has provided any false  
26 information in the application or if the City has revoked a short-term rental permit in the  
27 owner's name within the preceding twelve months. In addition to the operational requirements  
28 set forth in Section 24.7, the City Manager or designee shall have the authority to impose

1 additional conditions on the use of any short-term rental unit in order to mitigate potential  
2 secondary effects unique to the subject property.

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

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

#### 11 **Section 24.4 Short-Term Rental Permit Exemptions**

12 The following short-term rental properties are exempt from the permit requirement in  
13 Section 24.3 and the operational requirements in Section 24.7 provided the owner and/or  
14 operator of the unit remains in compliance with Chapter 34, Article III governing transient  
15 occupancy tax:

16 1. Hosted Units

17 2. Short-term rentals governed by a homeowner association that contains at least 50  
18 units and are self-contained. To be considered self-contained, the short term rentals governed  
19 by the homeowner association must be gated with twenty-four (24) hour security and/or twenty-  
20 four (24) hour on-site management and shall meet applicable parking requirements.

#### 21 **Section 24.6 Short-Term Rental Prohibitions**

22 A. Short-term rentals are prohibited in a manufactured home park, as defined in Chapter  
23 16.B.2(c) of the Oceanside City Code.

24 B. Short-term rentals served by a panhandle access that does not meet city standards set  
25 forth in Oceanside Zoning Ordinance 1050(Y) or other applicable city ordinances are  
26 prohibited.

27

28

1           **Section 24.7           Operational Requirements**

2   A.   All short-term rental properties must comply with the provisions of Chapter 34 of the  
3   Oceanside City Code regarding the collection and remittance of transient occupancy taxes and  
4   the collection and remittance of the Oceanside Tourism Marketing District Assessment.  
5   Failure to comply with these provisions may result in revocation of a short-term rental permit.

6   B.   The owner or the owner’s authorized agent, identified in the application for a short-term  
7   rental permit, shall be available twenty-four (24) hours a day, seven (7) days a week, to  
8   respond to complaints pursuant to this Section 24.7(F) concerning the condition, operation or  
9   conduct of occupants of the short-term rental unit or their guests.

10   C.   Short-term rental property owners shall display on the exterior of a short-term rental unit,  
11   a notice, utilizing a template approved by the City, containing a twenty-four (24) hour, seven  
12   (7) days a week phone number for a private party responsible for the facility to take complaints  
13   regarding its operation. The exterior display will also contain the number of bedrooms and the  
14   maximum number of occupants permitted to stay in the unit. The notice shall be in plain view  
15   of the general public and/or common area and shall be maintained in good condition at all  
16   times. The notice shall continue to be displayed as long as the unit is used as a short-term  
17   rental.

18   D.   The short-term rental property address and twenty-four (24) hour contact phone number  
19   of the owner or owner’s authorized agent shall be listed on the City’s short-term rental  
20   directory website.

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

25   F.   Upon notification by a city employee authorized to enforce this Chapter that any  
26   occupant or guest of the occupant of a short-term rental unit has created unreasonable noise or  
27   disturbance, engaged in disorderly conduct or committed a violation of an applicable law, the  
28   owner and/or the owner’s authorized agent, shall use all reasonable efforts to immediately halt

1 and prevent a reoccurrence of such conduct. Failure of the owner or the owner's authorized  
2 agent to respond to a notification provided under this Section 24.7(F) within sixty (60) minutes  
3 of the receipt of that notification shall be prima facie evidence that the owner or the owner's  
4 agent has failed to use reasonable efforts as required by Section 24.7(E).

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

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

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

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

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

17 L. The maximum number of daytime guests allowed in a short-term rental property shall be  
18 ten (10) guests, regardless of bedroom count. Daytime guests are allowed between 7:00 a.m.  
19 and 10:00 p.m.

20 M. All short-term rental agreements shall have a minimum two (2) night consecutive stay.

21 N. No amplified or reproduced sound shall be audible from the property line of any short-  
22 term rental unit between the hours of 10:00 p.m. and 10:00 a.m. Any disturbing, excessive, or  
23 offensive noises as defined in Section 38.17 of the Oceanside City Code shall be prohibited  
24 between the hours of 10:00 p.m. and 10:00 a.m.

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

- 27 1. Obtain the name, address, and telephone number of the renter.

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

10           **Section 24.8           Violations and Penalties**

11   A. Any person who violates the provisions of this Chapter shall be deemed guilty of a  
12   misdemeanor punishable by a fine not exceeding one thousand (\$1000) dollars, imprisonment  
13   for a term not to exceed six (6) months, or both, pursuant to Chapter 1, section 1.7(A) of this  
14   Code. The City Attorney may prosecute or authorize or direct the prosecution of this Chapter  
15   as an infraction pursuant to Chapter 1, section 1.7(b) punishable by the fines specified in  
16   Chapter 1, section 1.7(b)(2) of this Code.

17   B. In addition to any penalties imposed pursuant to Chapter 1.7 of this Code, any person  
18   who violates the provisions of this Chapter may be issued an administrative citation by an  
19   enforcement officer pursuant to Chapter 1, section 1.14 through 1.14.8 of this Code.

20   C. Any property maintained in violation of this Chapter is hereby declared to be a public  
21   nuisance that may be abated in accordance with Chapter 17 of this Code.

22   D. In addition to any other remedy for violations of this Chapter, the City Manager or the  
23   City Manager’s designee may revoke a short-term rental permit for a violation of this Chapter.  
24   The procedures set forth in Chapter 15, section 15.5 shall apply to any proposed revocation of  
25   a short-term rental permit.

26   SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this  
27   ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15)  
28   days after its passage in a newspaper of general circulation published in the City of Oceanside.



1 SECTION 3. For those properties located outside of the Coastal Zone, this Ordinance shall  
2 take effect and be in force on the thirtieth (30<sup>th</sup>) day from and after its final passage. For  
3 properties located within the Coastal Zone, this Ordinance shall take effect following  
4 unconditional certification of LCPA 19-00004 by the California Coastal Commission.

5 SECTION 4. Severability.

6 If any section, sentence, clause or phrase of this ordinance is for any reason held to be  
7 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
8 shall not affect the validity of the remaining portions of this ordinance. The City Council  
9 hereby declares that it would have passed this ordinance and adopted this rdinance and each  
10 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,  
11 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

12 INTRODUCED at a public hearing of the City Council of the City of Oceanside,  
13 California, held on the 12<sup>th</sup> day of June, 2019, and, thereafter,

14 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
15 Oceanside California, held on the 19 day of June, 2019, by the following vote:

16 AYES: FELLER, KEIM, SANCHEZ

17 NAYS: WEISS

18 ABSENT: RODRIGUEZ (Recused)

19 ABSTAIN: NONE

20   
21 MAYOR OF THE CITY OF OCEANSIDE

22 ATTEST:


23   
24 CITY CLERK

25 APPROVED AS TO FORM:

26   
27 CITY ATTORNEY

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } §  
CITY OF OCEANSIDE }

I, Vaida Pavolas, Assistant City Clerk of the City of Oceanside, do hereby certify that the foregoing is a true and correct copy of *City Ordinance No. 19-OR0408-1 adding Chapter 24 of the Oceanside City Code to create permit requirements for and to regulate short-term rentals* as duly introduced on June 12, 2019 and adopted on June 19, 2019, a regular meeting, by the City Council of Oceanside. This Ordinance has been published as required pursuant to law and the original is filed in the City Clerk's Office (GC 40806).

  
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Vaida Pavolas, Assistant City Clerk  
City of Oceanside, California

Date: June 24, 2019