

STAFF REPORT*CITY OF OCEANSIDE*

DATE: April 24, 2024

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE TO AMEND CHAPTER 24 OF THE OCEANSIDE CITY CODE AND ADOPTION OF A RESOLUTION AMENDING THE CITY'S LOCAL COASTAL PROGRAM TO INCLUDE NEW RESTRICTIONS ON THE ESTABLISHMENT AND OPERATION OF SHORT-TERM RENTAL UNITS IN THE CITY'S COASTAL ZONE**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance (Option 1) amending Chapter 24 of the City Code and adopt a resolution amending the City's Local Coastal Program to include new restrictions on the establishment and operation of short-term rental units in the City's Coastal Zone.

BACKGROUND

In 2019, the City of Oceanside adopted Chapter 24 of the City Code to regulate short-term rentals (STRs). An STR is defined as the rental of any legally permitted dwelling unit (or portion thereof) for occupancy for dwelling, lodging, or sleeping purposes for a period of less than 30 consecutive days. Currently, there are approximately 1,211 registered STRs in the City of Oceanside, with approximately 833 STRs located in the City's Coastal Zone and approximately 378 STRs outside of the City's Coastal Zone. These totals include all properties that are at least, in part, utilized as an STR and includes non-hosted STRs, hosted STRs, and properties which are exempt from obtaining an STR permit such as North Coast Village (which accounts for 331 of the total number in the Coastal Zone) and properties within the St. Malo gated community.

At this time, operators of non-hosted STRs are required to obtain an STR permit and a Transient Occupancy Tax (TOT) Certificate; operators of hosted units are exempt from the need to obtain an STR permit but are required to obtain a TOT Certificate. While STRs in the two exempt communities referenced above are not required to obtain an STR permit, they are required to obtain a TOT Certificate.

At its August 30, 2023 workshop on housing production, the City Council provided staff direction to amend Chapter 24 of the City Code to prohibit permitting additional STRs outside of the City's Coastal Zone. This action was based on a recognition that STRs

have the potential to occupy housing stock that could otherwise be utilized by permanent residents, which is an important consideration in communities such as Oceanside that are experiencing a housing shortage.

On November 20, 2023, the Planning Commission conducted a public hearing to consider a proposed City Code Amendment to prohibit additional non-hosted STRs outside of the Coastal Zone. Following staff's presentation, the Planning Commission received public testimony that included concerns related to the impacts that large STRs can have on their surrounding neighbors, that enforcement of STR rules is not occurring, that the proposed amendments would only increase pressure on the housing inventory in the Coastal Zone, that Chapter 24 of the City Code should be reviewed in its entirety as a comprehensive STR City Code Amendment, and that the Coastal Zone should be included in any proposed amendments.

After hearing public testimony, the Planning Commission by motion voted 5-0 (Commissioners Morrissey and Ogden absent) to not recommend City Council adoption of the proposed City Code Amendment that would have banned new, non-hosted STRs outside of the Coastal Zone. As outlined in Planning Commission Resolution 2023-P29, the Planning Commission provided a recommendation for the City Council to direct staff as follows:

1. Conduct a complete analysis of Chapter 24 to include an analysis of precluding additional STRs citywide, including the Coastal Zone, and a review of current enforcement mechanisms;
2. Ensure that regular reporting, inclusive of enforcement complaints, occur on a regular basis to both the Planning Commission and City Council; and,
3. Analyze impacts of the conversion of modest 3 to 4-bedroom homes to "commercialized homes" that contain 10 plus bedrooms.

On December 20, 2023, the City Council conducted a public hearing to consider a proposed amendment to Chapter 24 of the City Code to preclude additional non-hosted STRs outside of the City's Coastal Zone. On a 5-0 vote, the City Council voted to adopt staff's recommendation to prohibit non-hosted STRs outside of the City's Coastal Zone. The City Council's motion included direction to bring back an amendment to restrict any future non-hosted STRs in the Coastal Zone to the Residential Tourist (RT) zoning district only.

On March 25, 2024, the Planning Commission conducted a public hearing to consider the latest proposed City Code Amendment. Public testimony received was generally split among those who wanted further restrictions on non-hosted STRs and those who generally support STRs. Some speakers provided testimony in opposition to non-hosted STRs in single-family residential zoning districts and voiced concerns regarding quality of life impacts, the loss of neighborhood character, and "commercialization" of neighborhoods by "corporate owned" STRs. Conversely, those speakers in favor of STRs described how STRs provide public access to coastal resources, support the local economy and advocated for no further regulations on non-hosted STRs. After hearing

public testimony, the Planning Commission, by motion, voted 4-0 (Commissioners Dodds and Rosales absent, Commissioner Morrissey recused himself) to recommend City Council adoption of an alternative option described as Option 3 further below.

In an effort to address the City Council's December 2023 direction, the Planning Commission's March 2024 recommendation, and comments received by staff to date from various members of the public, staff is presenting the City Council with three proposed options for consideration, including a staff-recommended option, as outlined in detail below.

PROJECT DESCRIPTION

Staff has prepared the following three proposed City Code Amendment options for City Council consideration.

Option 1: Staff Recommendation

The proposed Option 1 constitutes the staff-recommended City Code Amendment, which is based upon staff analysis and extensive public comments received since the December 20, 2023 City Council meeting. The proposed ordinance includes the following key elements: 1) capping the total number of non-hosted STR units west of Coast Highway in all zoning districts; 2) prohibiting new, non-hosted STRs in the R-1 zone while "grandfathering" existing STRs in that zone; 3) prohibiting owners of units located in the R-1 zone from advertising the availability of and/or renting more than five bedrooms in a single STR unit with some exceptions for grandfathered units; and 4) adding new categories of enhanced fines for violations of public health and safety violations and for operating an STR without a valid permit. Below is a detailed list of elements included in the Option 1 proposed ordinance:

1. Removes a tenant's ability to serve as a "host" within a hosted STR (i.e., limits hosted STRs to owner-hosted units only).
2. Defines the term "non-hosted STR" and requires the owners of all units, whether hosted or non-hosted, to obtain an STR permit which includes an on-site STR inspection.
3. Clarifies the STR application renewal policy and procedure, including a 30-day grace period for an operator to apply for renewal of an STR permit.
4. Authorizes new, non-hosted STR permits only west of Coast Highway in all residential zones with the exception of the R-1 district, subject to a maximum cap of 480 total non-hosted STR permits issued west of Coast Highway (allowing for the growth of approximately 25 more non-hosted STRs in the area beyond the number currently permitted or in process).
5. Prohibits additional non-hosted STR permits in the R-1 zone.
6. Removes the ability of an R-1 zoned property with an existing STR permit from being utilized as an STR upon transfer of ownership.

7. States that R-1 zoned properties with existing STR permits lose the ability to be utilized as an STR upon approval of permits authorizing an expansion of habitable space.
8. Prohibits an owner in the R-1 zone from advertising the availability of an STR unit with more than five (5) bedrooms and prohibits the rental of more than five (5) bedrooms unless the dwelling unit is legally permitted with more than five (5) bedrooms on the date the ordinance adopting this section is introduced. In that event, the maximum occupancy for a dwelling unit is fourteen (14) people, regardless of bedroom count.
9. Clarifies that an STR permit obtained after the introduction of the ordinance would not be eligible for renewal following Coastal Commission certification of the Local Coastal Plan Amendment (LCPA) if the permit exceeds the cap or otherwise violates the proposed amendment.
10. Prohibits STR operators from advertising occupancy greater than what is authorized by the City Code.
11. Specifies that no amplified or reproduced sound, nor any other disturbing, excessive, or offensive noise shall be audible from the property line of an STR between the hours of 10 p.m. and 10 a.m. At all other times, noise shall comply with limitations set forth in City Code Section 38.17.
12. Specifies that the STR permit identification number, as issued by the City, shall be displayed on the hosting platform that advertises the STR.
13. Adds two new categories of fines and stricter penalties for STR violations specifically pertaining to threats to public health or safety and operating without a valid STR permit. The proposed language states:
 - A notice of violation (warning) is not required and that the code enforcement officer has the ability to immediately issue an administrative citation;
 - A new category of penalty for violations that pose a threat to public health or safety subject to the following schedule of penalties:
 - \$1,500 for a first violation;
 - \$3,000 for a second violation within one year of the prior violation;
 - \$5,000 for each additional violation within one year of the first violation;
 - A new category of civil penalty for operating an STR without a valid permit or a revoked permit subject to the following schedule:
 - \$1,500 for a first violation;
 - \$2,500 for a second and subsequent violation

Also added is an 18-month STR permit ineligibility for owners who receive a second or subsequent violation for operating without a valid permit.

During the March 25 Planning Commission meeting, some attendees raised questions regarding the newly proposed modifications to the City's violation policies in relation to existing policies. As such, it is important to clarify that violations not constituting a health and safety hazard or violations related to unpermitted STR operations, continue to be subject to the City's standard citation penalties (i.e. \$100, \$200, \$500, \$1,000) per City Code Section 1.7.

14. Provides language giving the City Manager the authority to promulgate and administer regulations to implement Chapter 24.

The full text of the proposed Option 1 is included as Attachment 1(a) for the City Council's reference, with the proposed new language shown in **bold/underline** format.

Option 2: City Council Direction, December 20, 2023 Meeting

The second proposed City Code Amendment option consists of direction provided by the City Council at its December 20, 2023 meeting, prior to receipt of the extensive public comments referenced above. The proposed amendment consists of all items stated above, except for alternative language related to items 3 through 9.

The proposed Option 2:

- Limits new, non-hosted STR permits to units in the RT and Downtown Subdistrict D-4(A) only. New, non-hosted STR permits would not be allowed in any other zone.
- Does not include a total cap on non-hosted STR permits west of Coast Highway.
- Does not include a limit on bedroom occupancy for permitted STRs in the R-1 zone.
- Authorizes the renewal of an STR permit for units outside of the RT and D-4(A) zones issued before the introduction of the proposed amendment, provided the permit is in good standing.
- Allows a purchaser of a unit with a valid STR permit or a unit outside of the RT and D-4(A) zones issued before the introduction of the ordinance to apply for a new STR permit. However, STR permits for units east of Coast Highway and within the Coastal Zone cannot be transferred to a new owner.

The full text of the proposed Option 2 is included as Attachment 1(b) for the City Council's reference, with the proposed new language shown in **bold/underline** format.

Option 3: Planning Commission Recommendation

The proposed Option 3 is comprised of the Planning Commission's recommendation to the City Council and results from the Planning Commission's consideration of options 1 and 2 at its regular meeting on March 25, 2024. After receiving public testimony, the Planning Commission deliberated and formulated an option that includes all items stated in the proposed Option 1 above, except for alternative language related to items 3 through 5.

Option 3 proposes the following:

- Additional non-hosted STRs can be established in any zoning district west of Coast Highway with the exception of the R-1 zone.
- Existing STR permits for properties in the R-1 zone can continue to operate, without limitation on occupancy related to bedroom count and be renewed subject to the provisions of Section 24.3.

- No cap on the number of STR permits that can be issued for properties west of Coast Highway with the exception of the R-1 zone (where additional STR permits for non-hosted STRs are prohibited).

It should be noted that the Planning Commission included in its motion a recommendation that existing large non-hosted STRs include additional monitoring services like “NoiseAware,” which actively monitors, measures, and identifies locations or activities where noise levels exceed policy limits. Because the technology and providers of services such as NoiseAware evolve rather rapidly, staff does not recommend including such language in the ordinance itself. Rather, staff recommends that any additional monitoring services be required and updated through the implementing regulations authorized via City Code Section 24.9 (Regulations) of the updated ordinance which gives the City Manager the authority to promulgate and administer regulations to implement Chapter 24.

The full text of the proposed Option 3 is included as Attachment 1(c) (Resolution No. 2024-P05) for the City Council’s reference, with the proposed new language shown in **bold/underline** format.

ANALYSIS

The recommended amendments to Chapter 24 of the City Code are a three-pronged approach that addresses 1) the maximum number and location of additional non-hosted STRs permitted in the future 2) the manner in which STRs are allowed to operate in order to minimize potential impacts to the surrounding neighborhood and 3) ways to enhance enforceability of STR regulations, including the introduction of new categories of fines for Chapter 24. Proposed amendment language reflecting ways to enhance enforceability is applicable to all three proposed options referenced in the Project Description section above. The following discussion provides the reasoning and rationale for the proposed staff recommended Chapter 24 amendments.

No New Non-Hosted STRs in the R-1 Zoning District

The most significant change to staff’s recommendation following the Planning Commission’s March 25 consideration is the addition of a new recommendation to prohibit additional non-hosted STRs in the R-1 zoning district. After hearing testimony from the public and deliberations from the Planning Commission, staff acknowledges that one of the original purposes of the R-1 zone was to facilitate orderly development of single-family residences serving a non-transitory population. Though many of the properties serve as vacation homes for their owners, there is a notable contingent of property owners that make this area their primary place of residence.

Cap on Number and Location of Additional Non-Hosted STRs

The proposed Option 1 was formulated in an effort to address concerns expressed by the public with respect to impacts to the quality of life that large non-hosted STRs have on

the R-1 zoned neighborhood along S. Pacific Street. It also attempts to maintain a balance between the benefits STRs have on the local economy and the impacts that an overabundance of STRs could have on the neighborhoods west of Coast Highway. In Option 1 staff proposes implementing a maximum number, or cap, on the number of STR permits issued for non-hosted STRs located west of Coast Highway. It should be noted that staff's recommendation has changed slightly since consideration by the Planning Commission on March 25. Rather than the initially proposed cap of allowing up to 505 non-hosted STRs in the Coastal Zone, staff proposes a cap of 480 non-hosted STRs west of Coast Highway. The original higher number was proposed at a time when further growth in the R-1 zone was being considered. Now that staff is recommending exclusion of the R-1 Zone, it's also recommended that the previous cap be reduced as a result.

Currently, there are approximately 470 STR permits issued (or in the process of being issued) for non-hosted STRs in the Coastal Zone. Of that total, 455 STRs are located west of Coast Highway. The proposed cap of 480 non-hosted STRs west of Coast Highway in Option 1 is based on the number of STRs currently permitted (or in the process of being issued) by the City west of Coast Highway (455) plus an additional 25 non-hosted STRs to allow for some growth. As previously noted, to account for the proposed restriction on additional STRs in the R-1 zone, staff now proposes a cap of 480 non-hosted STRs west of Coast Highway. This equates to 25 less than was presented to the Planning Commission.

Bedroom Occupancy for Non-Hosted STRs in the R-1 Zone

In Option 1, staff recommends prohibiting an owner in the R-1 zone from advertising the ability of an STR unit or renting an STR unit with more than five bedrooms. For existing permitted STRs with more than five bedrooms, Option 1 limit would allow the renting of more than five bedrooms, however, occupancy would be limited to no more than 14 persons, which is the equivalent to the occupancy that would be allowed in a six bedroom STR. This occupancy cap applies to properties with existing STR permits in the R-1 zone.

Within the R-1 zone west of Coast Highway, there are currently 33 non-hosted STR permits. Of those 33 non-hosted STRs:

- 4 STR properties have 10 bedrooms;
- 1 STR property has 9 bedrooms; and,
- 2 properties have 6 bedrooms.

The main concern with allowing such large non-hosted STRs is the potential adverse impacts they may have on the surrounding neighborhood with respect to parking demands and greater number of guests on-site. The Zoning Ordinance requires two parking spaces per single-family home regardless of bedroom count. Existing STR regulations limit occupancy to two guests per bedroom plus two for overnight occupancy. The existing STR regulations also allow a maximum of 10 daytime guests. As such, a 10-bedroom single-family home could allow up to 32 guests during the day. This amount of people could create additional demand for parking that is likely not available on-site

and creates additional pressures on available public parking in the areas immediately surrounding these properties. Such large occupancies also have a greater likelihood to result in increased noise and other disruptive impacts on the surrounding neighborhood.

In an effort to address the potential impacts such large STR occupancies could have on the surrounding area in the R-1 zone, staff proposes to limit the number of bedrooms that could be occupied in any residence to 5 or a maximum overnight occupancy of 14 for existing STRs with 6 or more bedrooms. By limiting occupancy to 5 bedrooms or 14 overnight occupants, a 10-bedroom STR would be limited to a maximum of 14 overnight guests; the maximum STR occupancy during the day would be limited to a maximum of 24 guests. By reducing the number of bedrooms that can be occupied to five, it is anticipated that the demand for parking would decrease and the potential for noise impacts would be reduced. Under the proposed provisions, existing properties with more than 5 bedrooms would be eligible for an STR permit renewal; however, the STR occupancy would be limited to that of only 6 bedrooms, or a maximum of 14 overnight guests, and would be a stipulation of a renewed permit. Operators of non-hosted STRs found in violation of the occupancy limitations would be subject to the penalties outlined in Section 24.8, which could include the revocation of an issued STR permit.

STR Enforcement and Penalties

The three proposed options include policies to improve the enforceability of STR regulations by mandating stricter penalties and higher fines for STR violations. In accordance with City Code Section 1.14.1 (Procedures for administrative citations), code enforcement officers typically provide a responsible party with a warning or "notice of violation" to correct violations rather than immediately issuing administrative citations. Doing so gives the responsible party the opportunity to remedy the violation and helps to facilitate code compliance within a specific period of time. However, in recent months it has become increasingly clear that when it comes to STR violations, code enforcement officers should forego the warning stage and employ more punitive actions since STR operators are expected to have a clear understanding of the City's regulations prior to commencing operations.

Since the December 20, 2023 City Council meeting, Development Services staff conducted extensive research on "best practices" for STR enforcement, including analysis on what is/has been done in other cities, meeting with several residents and industry experts to identify main concerns and potential resources, and meeting with Oceanside Police Department (OPD) staff to understand how to collaboratively improve the current STR enforcement process. Beyond the enforcement policies stated in Option 1 above, staff proposes the following improved enforcement practices and procedures:

SUBJECT AREA	PROPOSED IMPROVEMENT	NOTES
Promote City Point of Contact for STR-related Complaints	Better promote existing 24/7 STR Hotline (760) 435-5460 through such social media resources such as the City's homepage, STR webpage, etc.	The existing 24/7 hotline provides a live operator service tasked with documenting complaints which are then immediately relayed to OPD dispatch for noise complaints or communicated to Code Enforcement staff
Excessive Noise	Promote STR implementation of "NoiseAware" technology, or equivalent, which actively monitors, measures, and identifies locations or activities where noise levels exceed policy limits	Implementation of such noise-regulating equipment puts onus on STR owner to self-regulate prior or concurrent with reports of excessive noise; additional monitoring services would be required through the implementing regulations authorized via City Code Section 24.9 of the updated ordinance
City's Good Neighbor Policy	Conduct greater enforcement and accountability, including occasional audits, for STR owners to comply with the "STR Good Neighbor Policy" requirements outlined in City Code Section 24.7(o).	This section requires the owner or owner's authorized representative to: <ol style="list-style-type: none"> 1. Obtain the name, address, and telephone number of the renter 2. Provide a copy of the City-prepared "STR Good Neighbor Policy" handout summarizing the requirements of this ordinance 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. Maintain information required by items 1 and 3 for a period of three (3) years and make available upon request to any officer of the city responsible for the enforcement

SUBJECT AREA	PROPOSED IMPROVEMENT	NOTES
Need for Additional City Enforcement	Add one new code enforcement officer position following a planned update to the current STR fee schedule (anticipated to occur this summer). This would allow for proactive enforcement of the City's STR regulations and would also help manage the workload to be created by now requiring STR permits for hosted units.	<ul style="list-style-type: none"> • Currently, the Code Enforcement Division of the Development Services Department has only one code enforcement officer position dedicated to addressing all STR-related matters throughout the City • Position proposed to be funded by STR fees, including permit and inspection fees
Improved Coordination between OPD and Code Enforcement Division	<ul style="list-style-type: none"> • Continue on-going communication and collaboration efforts to establish better procedures and practices for addressing STR complaints • Following completion of a regularly-scheduled STR report that includes enforcement complaint data, OPD and Code Enforcement Division staff will meet to discuss such items as potential ways to better inform/educate STR owners on adopted policies and develop proactive efforts to address prevalent STR issues 	Example: Following OPD's visit to STR and confirmation of policy violation, Code Enforcement will follow up with administrative citation as appropriate

Summary

The proposed Option 1 provides the most comprehensive modification of Chapter 24 and is based on staff's consideration of all STR-related comments received to-date. The proposed amendment addresses STR issues in a balanced manner including, but not limited to:

- Clarifying hosted vs non-hosted STR permit requirements

- Permit renewal, transfer of ownership, advertising requirements and prohibitions, policies and procedures
- Cap on number of non-hosted STRs permitted west of Coast Highway
- Location limitations within the Coastal Zone, specifically in the R-1 zoning district
- Occupancy restrictions
- Noise restrictions
- Fines and penalties for STR violations
- Staff's enforcement powers
- Administration of the Ordinance

The items listed above represent staff's good faith efforts towards improving the STR process and addressing quality of life concerns raised by the community while recognizing the important role that STRs play in supporting the City's tourism economy. As such, staff recommends the City Council approve introduction of an ordinance amending Chapter 24 of the City Code as detailed in the proposed Option 1.

FISCAL IMPACT

In fiscal year 2022/2023, the City collected a total of approximately \$7,964,559 in TOT associated with STRs. Through the first two quarters of FY 23/24, the City has collected a total of approximately \$4,223,891. Precluding additional STRs within the City's Coastal Zone, coupled with the ban of non-hosted STRs outside of the City's Coastal Zone, would likely result in a decrease in TOT revenue collected by the City over time, as the total number of STRs within the City will likely decrease due to attrition.

COMMISSION/COMMITTEE REPORT

On March 25, 2024, the Planning Commission conducted a public hearing to consider the proposed City Code Amendment. Following staff's presentation, the Planning Commission received public testimony. Additional meeting details and a high-level list of comments received are provided in the Analysis section above. After hearing public testimony, the Planning Commission, by motion, voted 4-0 (Commissioners Dodds and Rosales absent, Commissioner Morrissey recused himself) to recommend City Council adoption of an alternative option, outlined as the proposed Option 3 above.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA) of 1970 and State Guidelines thereto, the City of Oceanside, as Lead Agency, has determined that the proposed text amendments are exempt from CEQA per Article 5, Section 15061(b)(3): The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.


CITY ATTORNEY'S ANALYSIS

The City Attorney has approved the draft amendment to Oceanside City Code Chapter 24 as to form.

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance (Option 1) amending Chapter 24 of the City Code adopt a resolution amending the City's Local Coastal Program to include new restrictions on the establishment and operation of short-term rental units in the City's Coastal Zone.

PREPARED BY:



Sergio Madera
City Planner

SUBMITTED BY:



Jonathan Borrego
City Manager

REVIEWED BY:

Darlene Nicandro, Development Services Director
Kirk Mundt, Code Enforcement Manager



ATTACHMENTS:

- 1) City Council Ordinance
 - a) Exhibit "A" – Option 1
 - b) Exhibit "A" – Option 2
 - c) Exhibit "A" – Option 3 (Planning Commission Resolution No. 2024-P05)
- 2) Resolution Approving LCPA24-00001
- 3) Planning Commission staff report dated March 25, 2024
- 4) Public Comments Received
- 5) Notice of Exemption

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 24 OF THE OCEANSIDE CITY CODE TO REGULATE SHORT TERM RENTAL UNITS IN THE COASTAL ZONE

(Short Term Rentals)

WHEREAS, the City Council of the City of Oceanside (“City Council”) added chapter 24 to the Oceanside City Code on June 19, 2019 to establish permit and operational requirements applicable to owners of short-term rental units in the City of Oceanside (“City”); and

WHEREAS, chapter 24, section 24.2(f) defines a short-term rental (“STR”) as a dwelling unit, or any portion thereof, offered for rent or rented for dwelling, lodging or sleeping for no more than thirty (30) consecutive days in the City, including single-family or multiple-family units, excluding bed and breakfasts, hotels, motels, and timeshares; and

WHEREAS, unless exempt pursuant to chapter 24 section 24.4, an owner is required to obtain a STR permit prior to renting a dwelling unit as a short-term rental. An STR permit expires twelve months after its issuance and must be renewed thereafter for a new twelve-month term; and

WHEREAS, operators of short-term rental units are also required to comply with Oceanside City Code chapter 34, the "Uniform Transient Occupancy Tax Ordinance" of the city; and

WHEREAS, chapter 24 was certified by the Coastal Commission as an amendment to the City’s Local Coastal Program (LCPA 6-OCN 19-0108-2) on October 3, 2019. The Coastal Commission staff report stated as follows: “To conclude, the proposed amendment will allow short-term rental of homes and will help facilitate an additional way to provide affordable overnight accommodations, especially for families, within the City’s coastal zone. Regulations and restrictions have been included that provide a balance between the concerns expressed by residents of Oceanside and the public access and recreational policies of the certified land use plan. The proposed amendment will maintain and promote high priority land uses in the coastal zone consistent with the certified LUP; and, therefore, the Commission finds the LCP amendment can approved as submitted”; and

1 WHEREAS, the City has experienced significant growth in the number of short-term
2 rentals since the adoption and implementation of chapter 24. To date, there are approximately
3 1,211 registered STRs in the City of Oceanside, with approximately 833 STRs located in the
4 City’s Coastal Zone and approximately 378 STRs outside of the City’s Coastal Zone. These
5 totals include all properties that are at least in part utilized as an STR and includes non-hosted,
6 hosted, and properties which are exempt from obtaining an STR permit like North Coast Village
7 (which accounts for 331 STRs in the Coastal Zone) and properties within the St. Malo gated
8 community; and

9 WHEREAS, on August 30, 2023, the City Council conducted a workshop on strategies to
10 stimulate the production of housing in the City and provided direction on a number of policy options
11 to include: (1) subsidizing the production of affordable housing with potential city gap financing;
12 (2) amending the inclusionary housing requirement to increase the required percentage of
13 affordable units in market-rate projects; (3) allow for the use of accessory dwelling units as
14 affordable units to satisfy inclusionary housing and density bonus requirements; (4) consider
15 changes to process review timing and by-right approvals; and (5) consider amendments to chapter
16 24 to restrict future short-term rentals; and

17 WHEREAS, on December 20, 2023, the City Council introduced an amendment to chapter
18 24 to prohibit new STR permits for non-hosted short-term rental units outside of the Coastal Zone.
19 On that same date, the City Council directed staff to draft amendments to chapter 24 to prohibit any
20 additional non-hosted short-term rentals in the City’s Coastal Zone with the exception of the RT
21 zoning district; and

22 WHEREAS, the staff report prepared for the December 20, 2023 amendment detailed the
23 number of STRs in the City, including those in the Coastal Zone and outside of the Coastal Zone
24 along with a detailed breakdown of the number and type of complaints received by the Code
25 Enforcement and the Oceanside Police Department, along with a summary of the fines collected by
26 the City since the inception of chapter 24.

27 WHEREAS, the factual background set forth in the December 20, 2023 staff report is
28 incorporated herein by reference; and

1 WHEREAS, the City Council adopted the amendment to Chapter 24 on January 10, 2024
2 prohibiting new, un-hosted STR permits outside the Coastal Zone; and

3 WHEREAS, after the receipt of extensive public comments, staff prepared amendments to
4 chapter 24 for the Planning Commission’s review, a copy of which is set forth as attachment three
5 to the April 24, 2024 staff report; and

6 WHEREAS, the Planning Commission, after giving the required notice, did on the 25th
7 day of March, 2024 conduct a duly noticed public hearing to consider a recommendation to the
8 City Council on the proposed text amendments; and

9 WHEREAS, the Planning Commission, after receiving a presentation from staff and
10 public testimony, formulated a recommendation to the City Council on the proposed amendment.
11 The Planning Commission decision (attachment 1(c) to the April 24, 2024 staff report) is more
12 fully described as Option 3 in the staff report; and

13 WHEREAS, following the receipt of the Planning Commission recommendation and
14 additional public comments, staff modified its recommendation in a further effort to balance the
15 policy goals of providing a variety of overnight accommodations in the City’s coastal zone while
16 attempting to minimize adverse impacts to residents. The staff recommended amendment
17 (Option 1 in the April 24, 2024 staff report) requires all new STR permits to be issued in
18 residential zones west of Coast Highway, except for the R-1 zone, where new STR permits are
19 prohibited. Option 1 allows STR permits issued before the introduction of the ordinance adopting
20 this section to be renewed unless the owner obtains permit(s) to expand the habitable square
21 footage of the dwelling unit or transfers the dwelling unit to a new owner. Option 1 also includes
22 a cap of 480 total STR permits for non-hosted units in the Coastal Zone west of Coast Highway.
23 This cap does not include hosted or permit-exempt STR units and represents an increase of
24 approximately twenty-five STR units in the area west of Coast Highway than exist as of the date
25 of introduction of this ordinance; and

26 WHEREAS, Option 1 also clarifies the process of renewing a twelve-month permit,
27 requires owners of both hosted and non-hosted units to obtain an STR permit; prohibits tenants
28 from renting a dwelling unit as short-term rental and substantially increases fines for violations
of chapter 24; and

1 WHEREAS, a Notice of Exemption was prepared per California Environmental Quality Act
2 (CEQA), Article 5, Section 15061(b)(3), under the common-sense exemption that CEQA applies
3 only to projects which have the potential for causing a significant effect on the environment;

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

5 **SECTION 1.** The amendments to chapter 24, sections 24.2, 24.3, 24.4, 24.6, 24.7, 24.8 and
6 24.9 of the Oceanside City Code, as specified in Exhibit A, are hereby adopted.

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

10 **SECTION 3.** Severability.

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

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1 **SECTION 4.** In areas outside of the Coastal Zone, this ordinance shall be effective 30
2 days after its adoption. For properties located within the Coastal Zone, this Ordinance shall take
3 effect following certification of LCPA 24-00001 by the California Coastal Commission.

4 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
5 California, held on the 24th day of April, 2024, and thereafter,

6 PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside,
7 California, held on the __day of _____, 2024, by the following vote:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

12
13 ATTEST:

APPROVED AS TO FORM:

14
15 _____
16 CITY CLERK

CITY ATTORNEY

Oceanside, California, Code of Ordinances
Chapter 24 SHORT-TERM RENTALS

Chapter 24
SHORT-TERM RENTALS

Sec. 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 citizens and neighborhood groups over the adverse impacts caused by this transient use on adjacent properties. The purpose of this section is to balance the city's desire to promote economic development and 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 properties. 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.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.2. Definitions.

- (a) 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* is defined as an individual allowed at a short-term rental property between the hours of 7:00 a.m. and 10:00 p.m. Daytime guests do not count towards the total occupancy allowed in a short-term rental property.
- (c) *Dwelling unit* shall have the same meaning as set forth in section 330 of the Oceanside Zoning Ordinance.
- (d) *Hosted unit* is a dwelling unit where the owner ~~or their tenant~~ 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. **In multi-family residential zoning districts only, the owner may occupy a dwelling unit on the same parcel as the short-term rental unit provided the owner remains on-site during all short term rental stays.**
- (e) *Owner* is the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term rental.
- (f) A *short-term rental* is a dwelling unit, or any portion thereof, offered for rent or rented for dwelling, lodging or sleeping for no more than thirty (30) consecutive nights in the city, including single-family or multiple-family units. This excludes bed and breakfasts, hotels, motels, and timeshares.
- (g) **Non-hosted short-term rental is a dwelling unit where the owner of the property does not occupy the dwelling unit as his or her principal residence, or does not remain on-site during rentals, and offers the dwelling unit for short-term rental.**

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 (12) calendar months from the date of issuance and must be renewed thereafter for a new twelve-month term. **A complete application for renewal of a short-term rental permit shall be received by the City no later than 30-days after the expiration date of the permit. If an application for renewal is not timely received the property will lose the ability to be utilized as a short-term rental following the expiration of the twelve-month term, with the exception of properties located west of Coast Highway. If a property located west of Coast Highway outside of the R-1 zone has a short-term rental permit that lapses, then a new short-term permit application shall be submitted and approved prior to the property being utilized as a short-term rental.**
- (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 chapter.
- (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 chapter and all other laws applicable to the short-term rental.
- (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 (12) months. In addition to the operational requirements set forth in section 24.7, 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 (3) years.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.4. Short-term rental permit exemptions.

The following short-term rental properties are exempt from the permit requirement in section 24.3 and the operational requirements in section 24.7 provided the owner and/or operator of the unit remains in compliance with chapter 34, article III governing transient occupancy tax:

~~(1) Hosted units.~~

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

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.5. Reserved.

Sec. 24.6. Short-term rental prohibitions.

- (a) Short-term rentals are prohibited in a manufactured home park, as defined in chapter 16.B.2(c) of the Oceanside City Code.
- (b) Short-term rentals served by a panhandle access that does not meet city standards set forth in Oceanside Zoning Ordinance 1050(Y) or other applicable city ordinances are prohibited.
- (c) Non-hosted short-term rentals located in any residential zoning district outside of the Coastal Zone are prohibited. A short-term rental permit issued for a property outside the Coastal Zone prior to the effective date of this Section shall not be renewed after the property is transferred to a new owner.
- (d) Non-hosted short-term rentals located in any residential zoning district within the Coastal Zone are prohibited, with the exception of the following and subject to the provisions outlined below:**

(1) Non-hosted short-term rentals are allowed in all residential zoning districts west of Coast Highway other than the R-1 zone subject to a maximum of 480 non-hosted short-term rental permits west of Coast Highway. Any short-term rental permit issued in excess of the identified maximum number of permits identified in this Section shall not be renewed following certification of Local Coastal Plan Amendment (LCPA24-00001) by the California Coastal Commission.

(2) Non-hosted short-term rentals in the R-1 zone are prohibited. Any short-term rental permit issued prior to the introduction of the ordinance adopting this section (“pre-existing permit”) is renewable pursuant to section 24.3(b) | A pre-existing permit for a short term rental in the R-1 zone shall not be renewed after the property is transferred to a new owner or the owner of the property obtains permit(s) to expand the habitable space of the dwelling unit. Any short-term rental permit for a property in the R-1 zone shall prohibit the owner from advertising the availability of more than five (5) bedrooms and shall prohibit the rental of more than five (5) bedrooms unless the dwelling unit is legally permitted with more than five (5) bedrooms on the date the ordinance adopting this section is introduced. In that event, the maximum occupancy for a dwelling unit is fourteen (14) people

(3) New non-hosted short-term rental permits east of Coast Highway issued for the first time after introduction of the ordinance adopting this section and inconsistent with Local Coastal Plan Amendment (LCPA 24-00001) shall not be renewed following certification by the California Coastal Commission.) A short-

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term rental permit for a property in the Coastal Zone east of Coast Highway approved prior to the introduction of the ordinance adopting this section is subject to renewal in accordance with section 24.3.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 (7) days a week, to respond to complaints pursuant to this section 24.7(f) 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 twenty-four (24) hour, seven (7) days a week 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 twenty-four (24) hour contact phone number of the owner or owner's authorized agent shall be listed on the city's short-term rental directory website.
- (e) The owner and/or the owner's authorized representative shall use reasonably prudent business practices to ensure the occupants and guests 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 within sixty (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 (2) people per bedroom plus two (2) people per unit. **The operator of a short-term rental shall not advertise**

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occupancy that is greater than the number of occupants depicted on the notice required by sections 24.6(d)(2) or otherwise authorized by section 24.7(c).

- (l) The maximum number of daytime guests allowed in a short-term rental property shall be ten (10) guests, regardless of bedroom count. Daytime guests are allowed between 7:00 a.m. and 10:00 p.m.
- (m) All short-term rental **offerings and** agreements shall have a minimum two (2) night consecutive stay.
- (n) No amplified or reproduced sound, **nor any other disturbing, excessive, or offensive noise** shall be audible from the property line of any short-term rental unit between the hours of 10:00 p.m. and 10:00 a.m. At all other times, noise shall comply with the limitations set forth in section 38.17 of the Oceanside City Code. .
- (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 (3) 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.

(p) The short-term rental permit identification number, as issued by the City, shall be displayed on the hosting platform where the short-term rental is advertised.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 dollars (\$1000.00), imprisonment for a term not to exceed six (6) 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.
- (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. **Notwithstanding anything in chapter 1, section 1.14.1 to the contrary, the enforcement officer is not required to issue a notice of violation prior to issuing an administrative citation for a violation of this chapter.**
 - i. **Pursuant to Government Code section 36900(d), the civil penalties for violations of this chapter that pose a threat to public health or safety shall be one thousand five hundred dollars (\$1,500) for a first violation, three thousand dollars (\$3,000) for a second violation within one year of the prior violation, and five thousand dollars (\$5,000) for each additional violation within one year of the first violation. A permittee seeking a hardship waiver as set forth in Government Code section 36900(e) shall utilize the appeal procedures set forth in Oceanside City Code section 1.14.4.**
 - ii. **The civil penalty for operating a short-term rental without a valid permit, including but not limited to, operating with a revoked permit, shall be one thousand five hundred dollars (\$1,500) for a first violation and two thousand five hundred dollars (\$2,500) for a second and subsequent violation. In**

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addition, a property owner who has received a second or additional violation for operating without a valid permit shall be ineligible for a short-term rental permit for a period of eighteen months from the issuance of the second or additional notice of violation.

- (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.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.9 Regulations.

The city manager, in consultation with the city attorney, is authorized to promulgate such regulations as may be necessary or convenient to implement this chapter.

Chapter 24

SHORT-TERM RENTALS

Sec. 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 citizens and neighborhood groups over the adverse impacts caused by this transient use on adjacent properties. The purpose of this section is to balance the city's desire to promote economic development and 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 properties. 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.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.2. Definitions.

- (a) 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* is defined as an individual allowed at a short-term rental property between the hours of 7:00 a.m. and 10:00 p.m. Daytime guests do not count towards the total occupancy allowed in a short-term rental property.
- (c) *Dwelling unit* shall have the same meaning as set forth in section 330 of the Oceanside Zoning Ordinance.
- (d) *Hosted unit* is a dwelling unit where the owner of the property ~~or their tenant~~ 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. **In multi-family residential zoning districts only, the owner may occupy a dwelling unit on the same parcel as the short-term rental unit provided the owner remains on-site during all short-term rental stays.**
- (e) *Owner* is the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term rental.
- (f) A *short-term rental* is a dwelling unit, or any portion thereof, offered for rent or rented for dwelling, lodging or sleeping for no more than thirty (30) consecutive nights in the city, including single-family or multiple-family units. This excludes bed and breakfasts, hotels, motels, and timeshares.
- (g) **Non-hosted short-term rental is a dwelling unit where the owner of the property does not occupy the dwelling unit as his or her principal residence, or does not remain on-site during rentals, and offers the dwelling unit for short-term rental.**

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 (12) calendar months from the date of issuance and must be renewed thereafter for a new twelve-month term. **A complete application for renewal of a short-term rental permit shall be received by the City no later than 30-days after the expiration date of the permit. If an application for renewal is not timely received the property will lose the ability to be utilized as a short-term rental following the expiration of the twelve-month term, with the exception of properties located in the Residential Tourist (RT) zone and Downtown Subdistrict D-4(A). If a property located in either identified zoning district has a short-term rental permit that lapses, then a new short-term permit application shall be submitted and approved prior to the property being utilized as a short-term rental.**
- (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 chapter.
- (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 chapter and all other laws applicable to the short-term rental.
- (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 (12) months. In addition to the operational requirements set forth in section 24.7, 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 (3) years.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.4. Short-term rental permit exemptions.

The following short-term rental properties are exempt from the permit requirement in section 24.3 and the operational requirements in section 24.7 provided the owner and/or operator of the unit remains in compliance with chapter 34, article III governing transient occupancy tax:

~~(1) Hosted units.~~

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

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.5. Reserved.

Sec. 24.6. Short-term rental prohibitions.

- (a) Short-term rentals are prohibited in a manufactured home park, as defined in chapter 16.B.2(c) of the Oceanside City Code.
- (b) Short-term rentals served by a panhandle access that does not meet city standards set forth in Oceanside Zoning Ordinance 1050(Y) or other applicable city ordinances are prohibited.
- (c) Non-hosted short-term rentals located in any residential zoning district outside of the Coastal Zone are prohibited. A short-term rental permit issued for a property outside the Coastal Zone prior to the effective date of this Section shall not be renewed after the property is transferred to a new owner.
- (d) Non-hosted short-term rentals located in any residential zoning district within the Coastal Zone, with the exception of the Residential Tourist (RT) zone and Downtown Subdistrict D-4(A), are prohibited. A short-term rental permit issued prior to the introduction of the ordinance adopting this section may be renewed subject to the procedures set forth in Section 24.3. Upon transfer of ownership, a property in the Coastal Zone, for which a short-term rental permit had been previously issued prior to the introduction of the ordinance adopting this section and not previously revoked , is eligible to apply for a new short-term rental permit subject to the permitting procedures outlined in Section 24.3. New short-term rental permits for properties located in the Coastal Zone outside of the Residential Tourist (RT) zone and/or Subdistrict D-4(A) of the Downtown zone issued for the first time after introduction of the ordinance adopting this section shall not be renewed following certification of Local Coastal Plan Amendment (LCPA24-00001) by the California Coastal Commission.**

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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

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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 (7) days a week, to respond to complaints pursuant to this section 24.7(f) 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 twenty-four (24) hour, seven (7) days a week 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 twenty-four (24) hour contact phone number of the owner or owner's authorized agent shall be listed on the city's short-term rental directory website.
- (e) The owner and/or the owner's authorized representative shall use reasonably prudent business practices to ensure the occupants and guests 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 within sixty (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 (2) people per bedroom plus two (2) people per unit. **The operator of a short-term rental shall not advertise occupancy that is greater than the number of occupants depicted on the notice required by Section 24.7(c).**
- (l) The maximum number of daytime guests allowed in a short-term rental property shall be ten (10) guests, regardless of bedroom count. Daytime guests are allowed between 7:00 a.m. and 10:00 p.m.
- (m) All short-term rental **offerings and** agreements shall have a minimum two (2) night consecutive stay.
- (n) No amplified or reproduced sound, **nor any other disturbing, excessive, or offensive noise** shall be audible from the property line of any short-term rental unit between the hours of 10:00 p.m. and 10:00 a.m. ~~Any disturbing, excessive, or offensive noises as defined in section 38.17 of the Oceanside City Code shall be prohibited between the hours of 10:00 p.m. and 10:00 a.m.~~ **At all other times, noise shall comply with the limitations set forth in section 38.17 of the Oceanside City Code.**

-
- (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 (3) 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.

(p) The short-term rental permit identification number, as issued by the City, shall be displayed on the hosting platform where the short-term rental is advertised.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 dollars (\$1000.00), imprisonment for a term not to exceed six (6) 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.
- (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. **Notwithstanding anything in chapter 1, section 1.14.1 to the contrary, the enforcement officer is not required to issue a notice of violation prior to issuing an administrative citation for a violation of this chapter.**
 - i. **Pursuant to Government Code section 36900(d), the civil penalties for violations of this chapter that pose a threat to public health or safety shall be one thousand five hundred dollars (\$1,500) for a first violation, three thousand dollars (\$3,000) for a second violation within one year of the prior violation, and five thousand dollars (\$5,000) for each additional violation within one year of the first violation. A permittee seeking a hardship waiver as set forth in Government Code section 36900(e) shall utilize the appeal procedures set forth in Oceanside City Code section 1.14.4.**
 - ii. **The civil penalty for operating a short-term rental without a valid permit, including but not limited to, operating with a revoked permit, shall be one thousand five hundred dollars (\$1,500) for a first violation and two thousand five hundred dollars (\$2,500) for a second and subsequent violation. In addition, a property owner who has received a second or additional violation for operating without a valid permit shall be ineligible for a short-term rental permit for a period of eighteen months from the issuance of the second or additional notice of violation.**
- (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.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.9 Regulations.

The city manager, in consultation with the city attorney, is authorized to promulgate such regulations as may be necessary or convenient to implement this chapter.

1 PLANNING COMMISSION
2 RESOLUTION NO. 2024-P05

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
4 OCEANSIDE RECOMMENDING CITY COUNCIL APPROVAL OF LOCAL
5 COASTAL PROGRAM AMENDMENT LCPA24-00001 TO AMEND
6 CHAPTER 24 OF THE MUNICIPAL CODE TO RESTRICT NON-HOSTED
7 SHORT-TERM RENTALS WITHIN THE CITY'S COASTAL ZONE AND
8 ESTABLISH THE AMENDED TEXT AS PART OF THE LOCAL COASTAL
9 PROGRAM

6 APPLICATION NO: LCPA24-00001
7 APPLICANT: City of Oceanside
8 LOCATION: Citywide

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

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

12 WHEREAS, the city has approximately 1,200 registered short-term rentals with
13 approximately 833 of them occurring within the City's Coastal Zone; and

14 WHEREAS, the City Council, on December 20, 2023, directed staff to amend
15 Chapter 24 of the Municipal Code to restrict additional short-term rentals within of the City's
16 Coastal Zone; and

17 WHEREAS, amendments to the City's Municipal Code regarding the restriction of
18 short-term rentals within the City's Coastal Zone were prepared for City Council
19 consideration; and

20 WHEREAS, the Planning Commission, after giving the required notice, did on the
21 25th day of March, 2024 conduct a duly noticed public hearing as prescribed by law to
22 consider said text amendments; and

23 WHEREAS, in accordance with the provisions of the California Environmental
24 Quality Act (CEQA) Guidelines Section 15061(b)(3), City of Oceanside has 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

1 WHEREAS, a Notice of Exemption was prepared by the City of Oceanside for this
2 project pursuant to the California Environmental Quality Act of the 1970 and State
3 Guidelines;

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
5 hereby recommend that the City Council approve Local Coastal Program Amendment
(LCPA24-00001) as represented in the attached Exhibit "A".

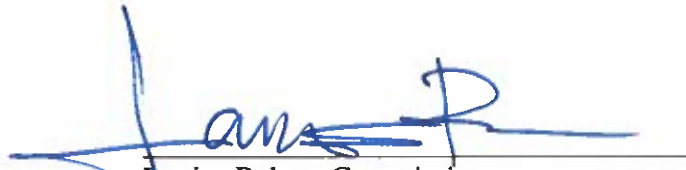
6 PASSED AND ADOPTED Resolution No. 2024-P05 on March 25, 2024 by the
7 following vote, to wit:

8 AYES: Malik, Anthony, Ogden, Balma

9 NAYS:

10 ABSENT: Rosales

11 ABSTAIN: Morrissey



Louise Balma, Commissioner
Oceanside Planning Commission

12
13 ATTEST:



Sergio Madera, Secretary

16 I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this
17 is a true and correct copy of Resolution No. 2024-P05.

18 Dated: March 25, 2024

Oceanside, California, Code of Ordinances
Chapter 24 SHORT-TERM RENTALS

Chapter 24
SHORT-TERM RENTALS

Sec. 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 citizens and neighborhood groups over the adverse impacts caused by this transient use on adjacent properties. The purpose of this section is to balance the city's desire to promote economic development and 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 properties. 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.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.2. Definitions.

- (a) 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* is defined as an individual allowed at a short-term rental property between the hours of 7:00 a.m. and 10:00 p.m. Daytime guests do not count towards the total occupancy allowed in a short-term rental property.
- (c) *Dwelling unit* shall have the same meaning as set forth in section 330 of the Oceanside Zoning Ordinance.
- (d) *Hosted unit* is a dwelling unit where the owner of the property ~~or their tenant~~ 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. **In multi-family residential zoning districts only, the owner may occupy a dwelling unit on the same parcel as the short-term rental unit provided the owner remains on-site during all short term rental stays.**
- (e) *Owner* is the person(s) or entity(ies) that hold(s) legal and/or equitable title to the subject short-term rental.
- (f) A *short-term rental* is a dwelling unit, or any portion thereof, offered for rent or rented for dwelling, lodging or sleeping for no more than thirty (30) consecutive nights in the city, including single-family or multiple-family units. This excludes bed and breakfasts, hotels, motels, and timeshares.
- (g) **Non-hosted short-term rental is a dwelling unit where the owner of the property does not occupy the dwelling unit as his or her principal residence, or does not remain on-site during rentals, and offers the dwelling unit for short-term rental.**

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 (12) calendar months from the date of issuance and must be renewed thereafter for a new twelve-month term. **A complete application for renewal of a short-term rental permit shall be received by the City no later than 30-days after the expiration date of the permit. If an application for renewal is not timely received the property will lose the ability to be utilized as a short-term rental following the expiration of the twelve-month term, with the exception of properties located west of Coast Highway. If a property located west of Coast Highway has a short-term rental permit that lapses, then a new short-term permit application shall be submitted and approved prior to the property being utilized as a short-term rental.**
- (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 chapter.
- (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 chapter and all other laws applicable to the short-term rental.
- (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 (12) months. In addition to the operational requirements set forth in section 24.7, 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 (3) years.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.4. Short-term rental permit exemptions.

The following short-term rental properties are exempt from the permit requirement in section 24.3 and the operational requirements in section 24.7 provided the owner and/or operator of the unit remains in compliance with chapter 34, article III governing transient occupancy tax:

~~(1) Hosted units.~~

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

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.5. Reserved.

Sec. 24.6. Short-term rental prohibitions.

- (a) Short-term rentals are prohibited in a manufactured home park, as defined in chapter 16.B.2(c) of the Oceanside City Code.
- (b) Short-term rentals served by a panhandle access that does not meet city standards set forth in Oceanside Zoning Ordinance 1050(Y) or other applicable city ordinances are prohibited.
- (c) Non-hosted short-term rentals located in any residential zoning district outside of the Coastal Zone are prohibited. A short-term rental permit issued for a property outside the Coastal Zone prior to the effective date of this Section shall not be renewed after the property is transferred to a new owner.
- (d) Non-hosted short-term rentals located in any residential zoning district within the Coastal Zone are prohibited, with the exception of the following and subject to the provisions outlined below:**

(1) Non-hosted short-term rentals are allowed in any zoning district west of Coast Highway with the exception of the R-1 zoning district. Any short-term rental permit issued for a property in the R-1 zone after the introduction of the ordinance adopting this section shall not be renewed following certification of Local Coastal Plan Amendment (LCPA24-00001) by the California Coastal Commission. A short-term rental permit for a property in the R-1 zone west of Coast Highway issued prior to the introduction of the ordinance adopting this section is subject to renewal in accordance with Section 24.3.

(2) New non-hosted short-term rental permits for properties located in the Coastal Zone east of Coast Highway issued for the first time after introduction of the ordinance adopting this section shall not be renewed following certification of Local Coastal Plan Amendment (LCPA24-00001) by the California Coastal Commission. A short-term rental permit for a property in the Coastal Zone east of Coast Highway issued prior to the introduction of the ordinance adopting this section is subject to renewal in accordance with Section 24.3.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 (7) days a week, to respond to complaints pursuant to this section 24.7(f) 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 twenty-four (24) hour, seven (7) days a week 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 twenty-four (24) hour contact phone number of the owner or owner's authorized agent shall be listed on the city's short-term rental directory website.
- (e) The owner and/or the owner's authorized representative shall use reasonably prudent business practices to ensure the occupants and guests 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 within sixty (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 (2) people per bedroom plus two (2) people per unit. **The operator of a short-term rental shall not advertise occupancy that is greater than the number of occupants depicted on the notice required by Section 24.7(c).**
- (l) The maximum number of daytime guests allowed in a short-term rental property shall be ten (10) guests, regardless of bedroom count. Daytime guests are allowed between 7:00 a.m. and 10:00 p.m.
- (m) All short-term rental **offerings and** agreements shall have a minimum two (2) night consecutive stay.

(n) No amplified or reproduced sound, **nor any other disturbing, excessive, or offensive noise** shall be audible from the property line of any short-term rental unit between the hours of 10:00 p.m. and 10:00 a.m. At all other times, noise shall comply with the limitations set forth in section 38.17 of the Oceanside City Code. ₂

(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 (3) 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.

(p) The short-term rental permit identification number, as issued by the City, shall be displayed on the hosting platform where the short-term rental is advertised.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 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 dollars (\$1000.00), imprisonment for a term not to exceed six (6) 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.

(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. **Notwithstanding anything in chapter 1, section 1.14.1 to the contrary, the enforcement officer is not required to issue a notice of violation prior to issuing an administrative citation for a violation of this chapter.**

i. **Pursuant to Government Code section 36900(d), the civil penalties for violations of this chapter that pose a threat to public health or safety shall be one thousand five hundred dollars (\$1,500) for a first violation, three thousand dollars (\$3,000) for a second violation within one year of the prior violation, and five thousand dollars (\$5,000) for each additional violation within one year of the first violation. A permittee seeking a hardship waiver as set forth in Government Code section 36900(e) shall utilize the appeal procedures set forth in Oceanside City Code section 1.14.4.**

ii. **The civil penalty for operating a short-term rental without a valid permit, including but not limited to, operating with a revoked permit, shall be one thousand five hundred dollars (\$1,500) for a first violation and two thousand five hundred dollars (\$2,500) for a second and subsequent violation. In addition, a property owner who has received a second or additional violation for operating without a valid permit shall be ineligible for a short-term rental permit for a period of eighteen months from the issuance of the second or additional notice of violation.**

(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.

(Ord. No. 19-OR0408-1 , § 1, 6-19-19)

Sec. 24.9 Regulations.

The city manager, in consultation with the city attorney, is authorized to promulgate such regulations as may be necessary or convenient to implement this chapter.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM BY REVISING CHAPTER 24 OF THE OCEANSIDE CITY CODE TO PRECLUDE ADDITIONAL NON-HOSTED SHORT-TERM RENTALS IN THE CITY’S COASTAL ZONE AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTATION PLAN OF THE COASTAL PROGRAM AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)

(LCPA24-00001)

WHEREAS, the California Coastal Act (Public Resources Code §30000, et seq.) (the "Coastal Act") requires that the City adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies;

WHEREAS, on January 25, 1985, the California Coastal Commission ("Commission") approved with suggested modifications, the City's Land Use Plan ("LUP") and, pursuant to Public Resources Code §30512.2, found the City's LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and to meet the basic stated goals specified in Public Resources Code §30001.5; and

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

WHEREAS, the city has approximately 1,211 registered STRs; and

WHEREAS, the city has received complaints related to the operation of STRs including complaints concerning excessive occupants, noise, reduction of street parking and increased trash; and

WHEREAS, on December 20, 2023 the City Council provided direction to staff to preclude additional non-hosted STRs within the City’s Coastal Zone with the exception of the Residential Tourist (RT) zone; and

WHEREAS, on March 25, 2024, the Planning Commission conducted a duly-noticed public hearing as prescribed by law and voted 4-0 (with two members absent and one member

1 recusing themselves) to recommend City Council approval of the Local Coastal Program
2 Amendment (LCPA24-00001) to amend Chapter 24 of the Oceanside City Code with the
3 following revisions:

- 4 1. Additional non-hosted STRs can be established in any zoning district west of Coast
5 Highway with the exception of the R-1 zone.
- 6 2. Existing STR permits for properties in the R-1 zone can continue to operate, without
7 limitation on occupancy related to bedroom count and be renewed subject to the provisions of
8 Section 24.3; and

9 WHEREAS, the Planning Division has prepared text amendments to Chapter 24 of the
10 Oceanside City Code to establish the amended text of Chapter 24 of the Oceanside City Code as
11 part of the implementing documents of the Local Coastal Program (LCPA24-00001); and

12 WHEREAS, with respect to those properties located within the coastal zone, the text
13 amendment is subject to review and certification of the California Coastal Commission; and

14 WHEREAS, a Notice of Exemption was prepared by the City of Oceanside for this
15 project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines
16 thereto amended to date and hereby approved by the City Council in conjunction with its
17 recommendations on the application; and

18 WHEREAS, the City Council conducted a duly-noticed public workshop on April 24,
19 2024, to consider the proposed Oceanside City Code Amendment and Local Coastal Program
20 Amendment (LCPA24-00001), and the recommendation of the Planning Commission thereon,
21 and heard and considered written and oral testimony regarding the proposed amendments; and

22 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
23 that the Local Coastal Program Amendment (LCPA24-00001) conforms with and is adequate to
24 carry out the land use plan of the Local Coastal Program.

25 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

26 SECTION 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council
27 hereby certifies that the Local Coastal Program Amendment (LCPA24-00001) is intended to be
28 carried out in a manner fully in conformity with the Coastal Act of 1976 and is hereby adopted.
The proposed Oceanside City Code amendment sets forth regulations intended to minimize the

1 potential adverse impacts from short-term rental operators while still allowing for visitor serving
2 accommodations in coastal areas.

3 SECTION 2. Pursuant to the California Environmental Quality Act of 1970, and the State
4 Guidelines thereto amended to date, a Notice of Exemption has been issued for the project by the
5 Resource Officer for the City of Oceanside.

6 SECTION 3. Pursuant to Coastal Commission Local Coastal Program Regulations
7 §13551(b), this Local Coastal Plan Amendment shall take effect upon Coastal Commission
8 certification.

9 SECTION 4. Notice is hereby given that the time within which judicial review must be
10 sought on the decision is governed by Public Resources Code §30801.

11 PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this
12 24th day of April, 2024, by the following vote:

- 13
- 14 AYES:
- 15 NAYS:
- 16 ABSENT:
- 17 ABSTAIN:
- 18

19 MAYOR OF THE CITY OF OCEANSIDE

20

21 ATTEST:

21 APPROVED AS TO FORM:

22

23 _____

24 City Clerk

23 _____

24 City Attorney

MEMORANDUM

DATE: April 24, 2024

TO: Honorable Mayor and Councilmembers

FROM: Maddison Zafra, City Manager's Office

SUBJECT: **INTRODUCTION OF AN ORDINANCE TO AMEND CHAPTER 24 OF THE OCEANSIDE CITY CODE AND ADOPTION OF A RESOLUTION AMENDING THE CITY'S LOCAL COASTAL PROGRAM TO INCLUDE NEW RESTRICTIONS ON THE ESTABLISHMENT AND OPERATION OF SHORT-TERM RENTAL UNITS IN THE CITY'S COASTAL ZONE**

Due to its size, attachment 3 has not been included in the packet.

To view this document electronically, please go to:

<https://records.ci.oceanside.ca.us/civicax/filebank/blobdload.aspx?BlobID=61666>

MEMORANDUM

DATE: April 24, 2024

TO: Honorable Mayor and Councilmembers

FROM: Maddison Zafra, City Manager's Office

SUBJECT: **INTRODUCTION OF AN ORDINANCE TO AMEND CHAPTER 24 OF THE OCEANSIDE CITY CODE AND ADOPTION OF A RESOLUTION AMENDING THE CITY'S LOCAL COASTAL PROGRAM TO INCLUDE NEW RESTRICTIONS ON THE ESTABLISHMENT AND OPERATION OF SHORT-TERM RENTAL UNITS IN THE CITY'S COASTAL ZONE**

Due to its size, attachment 4 has not been included in the packet.

To view this document electronically, please go to:

<https://cityofoceaside.box.com/s/lbzkeut9wizdych1jcrm59a819fwe35o>



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** City of Oceanside
2. **ADDRESS:** 300 N. Coast Highway, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 435-3539
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sergio Madera, City Planner
6. **PROJECT TITLE:** Short Term Rental Ordinance Update
7. **DESCRIPTION:** A Municipal Code Amendment amending Chapter 24 of the of the Oceanside City Code and adoption of a resolution amending the City Local Coastal Program (LCPA24-00001) to include new restrictions on the establishment and operation of short-term rental units in the City’s Coastal Zone – Short-Term Rentals – Applicant: City of Oceanside.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Planning Division finds that the proposed project would not, in and of itself, occasion land development or any other material change to the environment. Projects subject to the amended provisions would be subject to separate CEQA review. Therefore, the Planning Division has determined that further environmental evaluation is not required because:

- “The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA” (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section_____, (Sections 15260-15277); or,
- The project is categorically exempt, Class 8, “Action by Regulatory Agencies for Protection of the Environment” per Section 15308 of the California Environmental Quality Act; or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: April 24, 2024

Sergio Madera, City Planner

cc: Project file Counter file Library Posting:
County Clerk \$50.00 Admin. Fee