

# Short-term Rental Ordinance

City Council Study Session

By: Kathleen Mallory, Planning & Environmental Services Manager  
& Paul McClaren, Associate Planner

City Council, March 25, 2019



# Purpose of Study Session

- Not intended to review prior work efforts; history in staff report.
- Receive a report on regulatory framework establishing restrictions on Short Term Rentals (STRs) and recommended best practice regulations for STRs
- Receive public and Council input
- Provide staff with direction to prepare an STR Ordinance

# Coastal Commission

- Cities with new STR regulations, CCC has not allowed banning or strict limitations on STRs within the coastal zone
- California Coastal Commission (CCC) must approve any changes to the LCP
- Local Coastal Program (LCP) update must address STR's
- Del Mar currently in litigation with CCC
  - Del Mar updated LCP to include 7-day minimum rental and 90 days maximum per year.
  - CCC wants changes that include 3-day minimum rental and 180 days maximum per year.
  - Del Mar has 355 hotel rooms
  - Oxnard has 599 within ½ mile of the beach

# Legal Case Law

- March 13, 2019 the Federal 9th Circuit Court of Appeal upheld the dismissal of litigation brought by HomeAway.com and Airbnb against the City of Santa Monica's STR regulations.
- February 2019, trial court ruled that Santa Barbara's ban on STRs in residential zones was improper.
- March 2018, appeal court ruled that the Mandalay Shores Community Association did not have the right to ban STRs.

# 1989 Settlement Agreement

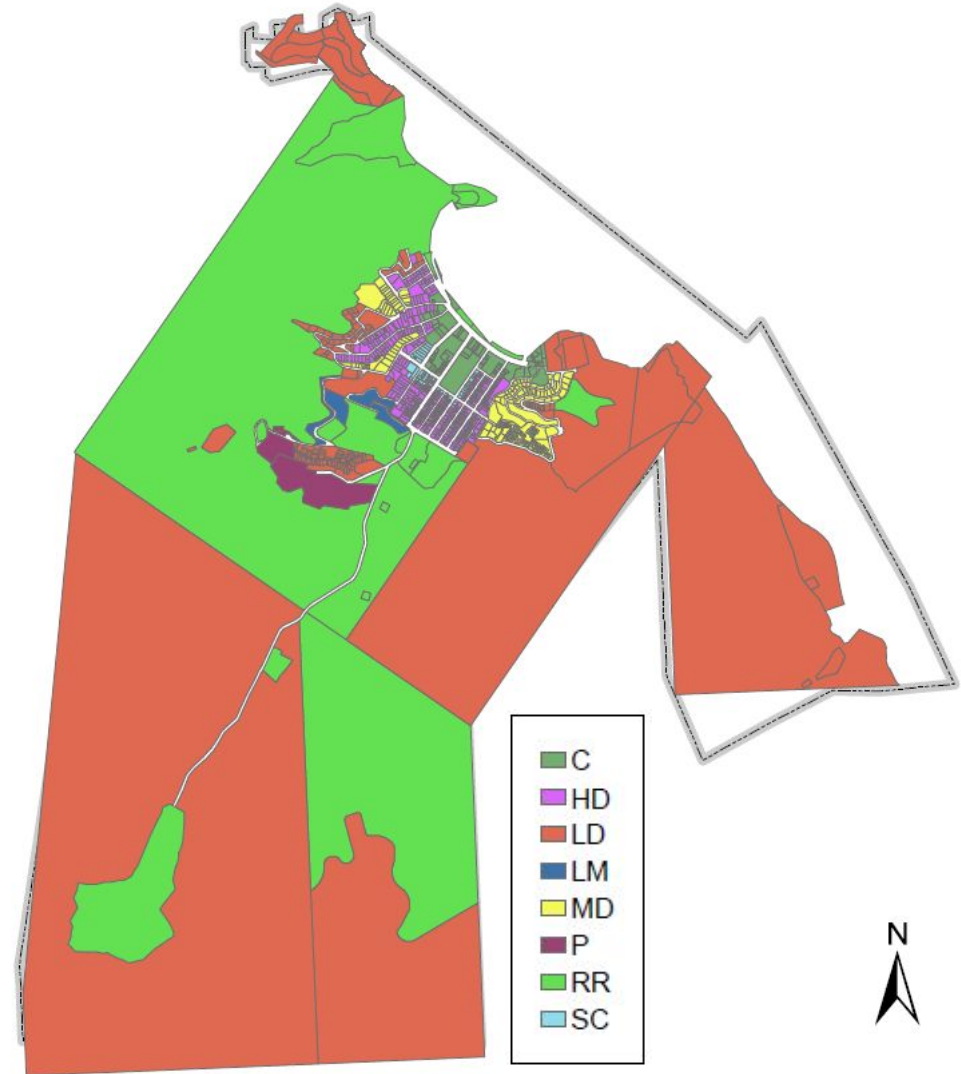
- Agreement provided for greater public recreational access.
- Agreement was vehicle to resolve the litigation between the parties and allow development of 73 beachfront lots.
- Agreement did not restrict future statutory interpretations by the CCC on any matter, including what constitutes a “development” under the Coastal Act.
- Dec. 6, 2016 CCC letter indicates regulation of STRs represents a change of use and access to the shoreline, and thus constitutes a “development” under the Coastal Act.
- Agreement cannot be the legal basis for exempting the Oxnard Shores neighborhood from STRs.

# Zoned regulations

Per Committee recommendations staff reviewed the City of Avalon's (Catalina Island) STR ordinance.





§ 9-6.602(a) of muni. code allows renting or leasing of a room or rooms in a dwelling for periods of fewer than thirty consecutive days duration in all commercial zones with a conditional use permit.

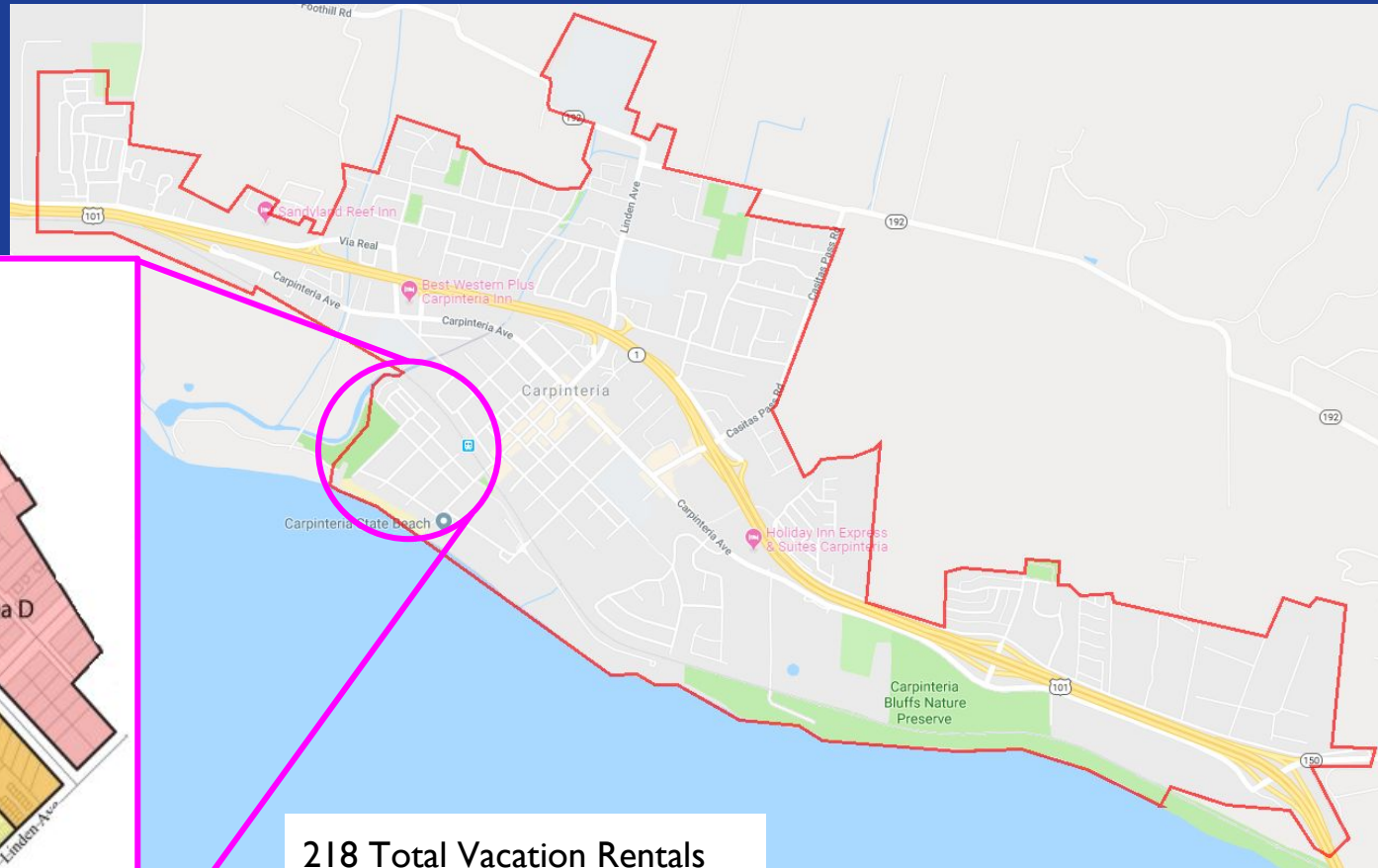
Zoning Map for City of Avalon



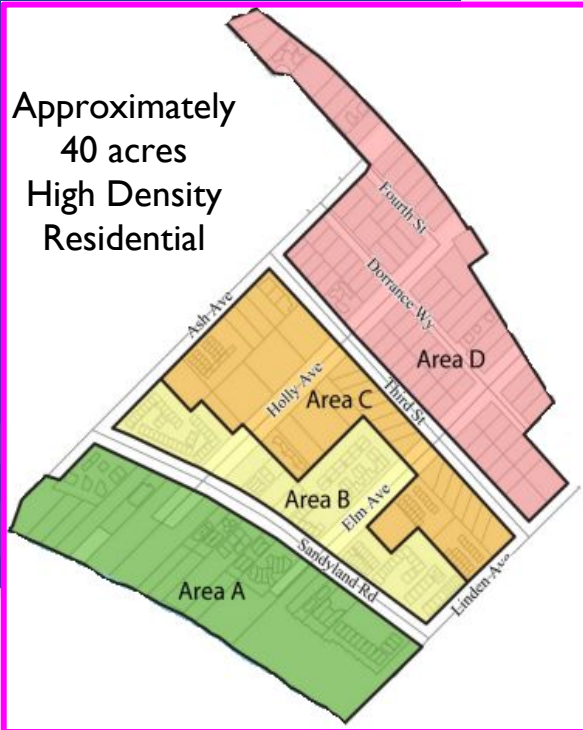
# Zoned regulations

Review of Carpinteria's STR ordinance.

Areas (Max No. of Vacation Rentals)	
	Area A (55 units)
	Area B (115 units)
	Area C (30 units)
	Area D (18 units)



Approximately  
40 acres  
High Density  
Residential

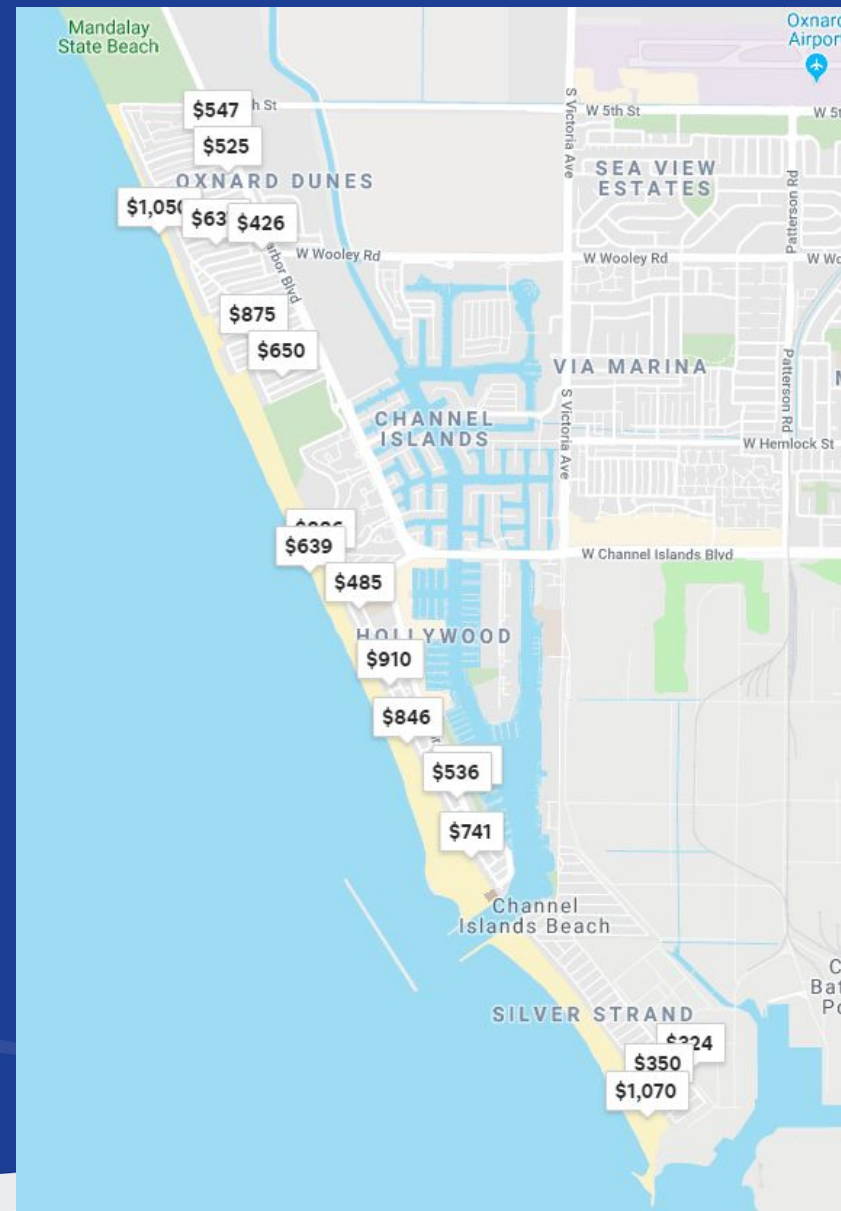


218 Total Vacation Rentals  
or an average of 5.4 per acre

# Overview

## STRs in Oxnard

- Not specifically indicated as an allowed use in residential zones but they have occurred in Oxnard for years.
- Seen as both a contribution to and impact on the community.
- Increasing number of STRs in Oxnard showing up on hosting platforms.





# Summary

- Staff has received community, Planning Commission and CCC input on STR regulations.
- Staff has researched other jurisdictions regulations.
- Based on feedback from the Housing and Economic Development Committee staff has prepared recommended best practice regulations.
- Recommendations are similar to Ventura Counties and should be acceptable to the CCC.

# Best Practice Recommendations

Establishment of key definitions to help implement ordinance. Such as:

- Daytime hours - 7:00 a.m. to 10:00 p.m.
- Quiet hours - 10:00 p.m. to 7:00 a.m. - Monday through Sunday
- Guest - Person invited by the tenant to visit the STR.
- Homestays - Owner, or a long-term tenant acting as a responsible caretaker hired by the owner who occupies and is present during the period that a STR is leased.
- Long-term tenant - Tenant who has entered into a lease for a period of one year or more.
- Responsible Caretaker - An owner, or an individual/s or management company hired by the owner, who is responsible for the care and upkeep of the property.

# Best Practice Recommendations

Where should STRs be allowed by permit?

Existing residential units/areas throughout the City:

- a. Non-coastal zone - R-1, R-2, R-3, R-4, MH-PD, CBD
- b. Coastal Zone - R-B-1, R-W-1, R-W-2, R-2-C, R-3-C, R-BF, MHP-C, CVC

# Best Practice Recommendations

## Administration

1. Homestays authorized form of STRs
2. STR property owner must have a valid permit for the STR and business license.
3. A property with an accessory dwelling unit, the primary or the accessory dwelling unit, but not both, may be used as a STR. The other unit must be occupied by the property owner.
4. Property owner must agree to the City's nuisance response plan
  - a. Owner's contact information; responsible caretaker.
  - b. Responsible caretaker respond to complaints within 30 minutes of the complaint lodged/transmitted to the caretaker.
  - c. Property owner responsible for keeping contact information within the nuisance response plan up-to-date at all times.

# Best Practice Recommendations

## Administration

5. Notice to property owners and tenants within 300 feet of the STR property when an application filed to establish a new/renewal/responsible caretaker changes for STR.
6. Include responsible caretaker's contact information; nuisance response plan and a copy of the good neighbor brochure provided by the City.
7. Property restored to owner-occupied residence or a long-term rental, owner shall notify the City so that it can be removed from the rolls of short-term rentals.

# Best Practice Recommendations

## Permits and Fees

1. Permit fee and annual renewal. Fee set and updated; set to at a minimum cover administrative and enforcement costs.
2. TOT tax collected for each night the property is leased and said tax remitted to the City on a quarterly basis.
3. Permits are only issued to the property owner. A property owner may only have one permit; inclusive of Trust, LLC, LP or an incorporated entity each beneficiary, partner or officer is restricted to one permit.
4. City permit number required with advertisement.

# Best Practice Recommendations

## Permits and Fees

5. Compliance with applicable codes regarding fire, building and safety and all other relevant laws and ordinances. Property will be inspected for compliance.
6. Sign affixed on exterior of the building, STR permit number and the Responsible Caretaker/s number/s.
7. STR rules and operating instructions available inside the STR. Posting include maximum day and nighttime occupancy, parking restrictions, quiet hours, and the trash pick up schedule.
8. Each permit applicant must accept in writing the City's standard nuisance response plan. Each lease shall be accompanied by a good neighbor brochure provided by the City explaining the rules and regulations.

# Best Practice Recommendations

## Good Neighbor Brochure

### What you need to know

It is important to know what to expect when you visit Paso Robles. Whether you are a vacationer or a permanent resident, it is important to be a good neighbor. The City of Paso Robles will assist you in understanding the rules and regulations that apply to your stay. Disturbances, noise, and other violations can be reported to the City. You can also contact your vacation rental owner. Know the rules and regulations of the City of Paso Robles. For more information, please visit our website: [www.pasorobles.com](http://www.pasorobles.com), [www.pasorobles.com](http://www.pasorobles.com), or [www.pasorobles.com](http://www.pasorobles.com).

Most importantly, enjoy your stay in Paso Robles! For more information, please visit our website: [www.pasorobles.com](http://www.pasorobles.com), [www.pasorobles.com](http://www.pasorobles.com), or [www.pasorobles.com](http://www.pasorobles.com).

[www.pasorobles.com](http://www.pasorobles.com), [www.pasorobles.com](http://www.pasorobles.com), or [www.pasorobles.com](http://www.pasorobles.com).

### Welcome to Paso Robles

The City of Paso Robles welcomes you! We encourage you to review the important information included within this Good Neighbor brochure regarding your stay in a vacation rental.

Please remember that you are vacationing among many permanent residents who chose Paso Robles as a quiet and safe place to live. They, and the City, are looking to you to help preserve that special sense of peace and quiet.

In short, being a vacation renter means simply being a good neighbor.

### Occupancy Limits

Each short term/vacation rental is approved for a certain number of bedrooms, parking spaces and occupants. The following table reflects those limits. Your compliance with these limits is an important part of being a good neighbor to the surrounding residents and will be taken into account in the event that a complaint is filed.

Number of Bedrooms (sleeping rooms)	Please park on the property to the extent possible – Limit Cars parked on the street as follows:	Total # Overnight Occupants (9 p.m. to 7 a.m.)	Additional Daytime Occupants (7 a.m. to 9 p.m.)	Total Daytime Occupants (7 a.m. to 9 p.m.)
0	1	2	2	4
1	1	4	2	6
2	2	6	3	9
3	2	8	4	12
4	3	10	5	15
5	3	12	6	18

### What you need to know

This brochure is intended to highlight a few ways you can be a good neighbor during your stay in Paso Robles. Please review these guidelines and make sure all your guests follow them.

### Important Good Neighbor Guidelines

- Parking
- Occupancy Limits
- Noise
- Trash
- Dogs

### Parking

Please use the on-site parking designated for your rental only. If you need to park on the street, please park in front of the vacation rental. Never park in front of someone else's driveway or block a fire lane; your vehicle may be towed.

### Dogs

If your vacation rental allows pets, make sure they are on their best behavior. Be aware that barking or wandering dogs disturb neighbors. Paso Robles requires that all dogs be on leashes when they are outside. Cleaning up after your dog is also required.

For a list of dog parks and pet-friendly wineries and restaurants, go to [www.TravelPaso.com](http://www.TravelPaso.com).

### Trash and Recycling

During your stay, please keep the rental property clean and use the appropriate container for trash (black can), recycling (blue can) and green waste (green can). Contact your owner if you run out of trash can space.

### Noise

Enjoy your peaceful stay in the neighborhood and be mindful of your neighbors who are not on vacation. Please do not create noise disturbances or engage in disorderly conduct and remember quiet hours are from 10:00 p.m. to 7:00 a.m. A little consideration goes a long way. Most vacation rental complaints are a result of noise disturbances.

Please be a good neighbor and enjoy your visit!



# Best Practice Recommendations

## Performance Standards

1. Minimum rental duration of 3 nights.
2. Rental for no more than 180 nights per calendar year for periods of 30 nights or less. For the balance of the calendar year, the property or rooms may be rented for periods greater than 30 days.
3. Overnight occupancy limited to 2 people per bedroom, plus 2 additional people with a maximum of 12 tenants over the age of 5. All tenants shall be listed on the lease agreement and their ages noted. Daytime hours occupancy is limited to the tenants and up to 12 guests over the age of 5.
4. Property cannot be used for events venues. No weddings, parties, or other activities may occur that exceed the maximum number of daytime guests.

# Best Practice Recommendations

## Performance Standards

5. The owner shall require the primary overnight and daytime occupant of the short-term rental to be an adult twenty-one (21) years of age or older. This adult shall provide a telephone number to the owner or responsible caretaker and shall be accessible by telephone at all times.
6. Parking is restricted to the number of vehicles that can be accommodated on-site on legally created parking spaces. No off-site parking allowed.
7. Trash receptacles are to be stored out of site from public view except on pickup days. All trash shall be contained in the receptacles in a manner which protects them from the elements.

# Best Practice Recommendations

## Enforcement

1. Enforcement to be contracted by the City with a third party compliance company.
2. Permit issued pursuant to these regulations may be suspended, modified or revoked for violations of these regulations or for violations of any other laws that occur on the premises of the short-term rental.

# Recommendations

- Provide guidance on the recommended best practices and provisions.
- Direct staff to prepare a STR ordinance for consideration and recommendation by the Planning Commission

# END OF PRESENTATION