

CITY OF OJAI

RESOLUTION NO. 16-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI CONFIRMING THE CITY'S EXISTING BAN ON SHORT-TERM, TRANSIENT, OR VACATION RENTALS AND AMENDING THE MASTER FEE AND FINE SCHEDULE FOR MUNICIPAL CODE VIOLATIONS

WHEREAS, the City Council of the City of Ojai (the "City Council") by the adoption of this Resolution intends to:

a. Preserve and maintain the character of the city, its neighborhoods and communities as described in the Land Use Element of the Ojai General Plan which states "the residents of Ojai share a common goal of ensuring that the existing 'sense of the community' is maintained..." and that Ojai "successfully blends the best of small town lifestyles and a tourist economy;"

b. Support commercial interests of locally owned and operated businesses associated with the tourist economy, including the City's lawful hotels, motels, and bed and breakfasts;

c. Eliminate to the extent possible the purchase or renovation of single family residential properties, multifamily residential properties, and second unit residential properties for sole use as illegal short term vacation rentals;

d. Reverse the current and accelerating trend of converting existing affordable housing units into illegal short term vacation rentals;

e. Preserve the City's existing rural residential character, including protecting its existing quiet, safe, low density residential neighborhoods from commercial activity more suited to the City's existing commercial zones.

WHEREAS, on March 24, 2015 the City Council adopted, and on April 28, 2015, extended, a moratorium on approving a conditional use permit and a determination of similar use for any proposed transient rental, effective through March 23, 2016.

WHEREAS, on January 12, 2016, the City Council received public comment on the issue of vacation rentals and determined to take no action to amend the City's existing rules for short-term, transient, or vacation rentals.

WHEREAS, the City Council intends, with the adoption of this Resolution, to affirm the City's existing ban on short-term, transient, or vacation rentals, except for lawful hotels, motels, and bed and breakfasts approved and operated in full compliance with all applicable federal, state, and City rules and regulations.

WHEREAS, on December 6, 2015, the City Council directed, and on January 12, 2016 confirmed, that the existing suspension of enforcement of any Ojai Municipal Code provisions governing short-term, transient, or vacation rentals would cease effective January 30, 2016.

WHEREAS, the City's current schedule of fines does not specify fines for violations of the Ojai Municipal Code related to operating illegal short-term, transient, or vacation rentals.

WHEREAS, the City Council desires to amend the current schedule of fines and fees to adopt fines for violations of the Ojai Municipal Code related to operating illegal short-term, transient, or vacation rentals.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ojai that:

SECTION 1. Recitals

The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Confirmation of Existing Ban on Short Term, Transient, or Vacation Rentals, Except for Lawful Hotels, Motels, and Bed and Breakfasts

A. The City Council confirms that it is the understanding of the City Council that the existing Ojai Municipal Code provides that any short-term, transient, or vacation rentals of property or a portion thereof for less than 30 days in exchange for any form of compensation is prohibited in all residential zones as this land use is not provided for in Ojai Municipal Code Section 10-2.402, Table 2-2 which lists all allowable land uses in residential zones. Ojai Municipal Code Section 10-2.302, subdivision (a) requires that any proposed land use be expressly identified as allowed in the applicable requirements for a zone. Under the principle of permissive zoning, any land use not expressly allowed or permitted via a determination of substantially similar use under Ojai Municipal Code Section 10-2.303 is prohibited. Ojai Municipal Code Section 10-2.303 provides for the City to approve a land use that is substantially similar to a listed land use, but only after finding that the land use is consistent with the General Plan, would not adversely affect the City's public health, safety, and general welfare, and that the proposed use meets all other requirements of Ojai Municipal Code Section 10-2.303. The City Council finds that short-term, transient, or vacation rentals are not consistent with the General Plan's designated land uses for residential zones.

B. The City Council confirms that it is the understanding of the City Council that the existing Ojai Municipal Code provides that any short-term, transient, or vacation rentals of property or a portion thereof for less than 30 days in exchange for any form of compensation is prohibited in all commercial and manufacturing zones as this land use is not provided for in Ojai Municipal Code Section 10-2.503, Table 2-4, with the following exceptions:

(1) lawfully approved hotels, motels, and timeshare facilities operated in full compliance with all applicable federal, state, and local rules and regulations including all required permits from the City, which are a permitted use in the Commercial-1, Business-Professional, and Village Mixed Use zones as stated in Ojai Municipal Code Section 102.503, Table 2-4, and

(2) lawfully approved bed and breakfasts operated in full compliance with all applicable federal, state, and local rules and regulations including all required permits from the City, which are a permitted use in the Business-Professional zone and are a conditionally permitted use subject to the approval of a conditional use permit in the Commercial-1 and Village Mixed Use zones as stated in Ojai Municipal Code Section 10-2.503, Table 2-4. A bed and breakfast is not permitted in any single-family or residential zoning district under Ojai Municipal Code Section 10-2.1703, subdivision (a). A lawfully operated bed and breakfast must conform to the standards of Ojai Municipal Code Section 10-2.1703, the definition of bed and breakfast in Ojai Municipal Code Section 10-2.3602, the parking requirements of Ojai Municipal Code Section 10-2.1405,

Table 3-5, which requires 1 parking space for each guest room, plus 2 parking spaces for the resident family, and all other applicable rules and regulations.

C. The City Council confirms that it is the understanding of the City Council that the existing Ojai Municipal Code provides that any short-term, transient, or vacation rentals of property or a portion thereof for less than 30 days in exchange for any form of compensation is prohibited in all special purpose zoning districts as this land use is not provided for in Ojai Municipal Code Section 10-2.603, Table 2-6, with the following exception:

(1) lawfully approved hotels and motels operated in full compliance with all applicable federal, state, and local rules and regulations including all required permits from the City, which are permitted in the Institutional-Recreational-3 zone as stated in Ojai Municipal Code section 10-2.603, Table 2-6.

SECTION 3. Amendment of the City of Ojai Schedule of Fines for Municipal Code Violations

The following fines are hereby added to the schedule of fines for Municipal Code Violations:

Code Sections	Description	Misdemeanor
Ojai Municipal Code Section 10-2.402, Table 2-2; Section 10-2.503, Table 2-4; Section 10-2.603, Table 2-6	Operation of a short-term, transient, or vacation rental of property or a portion thereof for less than 30 days in exchange for any form of compensation, except for lawful hotels, motels, and bed and breakfasts, per day	\$500

SECTION 4. Lifting of Suspension of Enforcement of Existing Ban on Short-Term, Transient, or Vacation Rentals.

Effective February 1, 2016, the existing suspension of enforcement of any Ojai Municipal Code provisions governing transient rentals will cease. The City Council hereby directs the City Manager, City Attorney, Building Official, and all other City personnel to being enforcing the City's existing ban on short-term, transient, or vacation rentals, except for lawful hotels, motels, and bed and breakfasts beginning February 1, 2016.

SECTION 5. Environmental Determination

The City Council finds that the adoption of this resolution, confirming an existing ban on short-term, transient, or vacation rentals, except for lawful hotels, motels, and bed and breakfasts is exempt from review under the California Environment Quality Act ("CEQA"). Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. Under this section, CEQA review is not required because there is no possibility that the adoption of this resolution confirming an existing ban on short-term, transient, or vacation rentals, except for lawful hotels, motels, and bed and breakfasts, adopting a fine for violations of that ban, and directing that enforcement efforts begin will have a significant effect on the environment. This resolution does not permit

any change in the City's existing rules and regulations governing allowable land uses and does not approve any new development or construction. Additionally, the adoption of this resolution is an administrative activity that will not permit any new or different activities than are presently legal. This resolution does not authorize any physical changes to the environment. Accordingly, the City Council finds that the adoption of this resolution does not qualify as a "project" subject to CEQA under CEQA Guidelines Section 15378(b)(5) because the resolution constitutes administrative activities of government that do not directly or indirectly result in any physical changes in the environment.

SECTION 6. Effective Date.

This Resolution shall be in full force and effect upon adoption.

PASSED, APPROVED and ADOPTED this 26th day of January 2016 by the following vote:

AYES: Blatz, Clapp, Lara, Weirick
NOES: Haney
ABSENT: None
ABSTAIN: None

CITY OF OJAI, CALIFORNIA



Paul Blatz, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:



Matthew Summers, City Attorney