

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 S. CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



**F13a**

**LCP-4-OXN-20-0008-1 (Short Term Rentals)**

**July 10, 2020**

**CORRESPONDENCE**

## LETTER TO COASTAL COMMISSION

This correspondence is to request DENIAL of the request by the city of Oxnard for approval of their LCP Amendment Application which is on your calendar for July 10, 2020 (item 13(a)). The basis for this request is that Oxnard's new Short Term Rental (STR) ordinance specifically excludes only two communities (The Colony and Harbour Island) from eligibility for a city-issued permit based upon incompatibility with STR use. The ordinance does not set forth criteria for exclusion of other neighborhoods which may also be incompatible with STR use. By creating this classification, the STR ordinance unnecessarily creates a likelihood of future litigation by creating tension between the ordinance and the long-standing rules and CCRs of other communities that have never allowed STRs since their inception.

## THE STR ORDINANCE

The city's ordinance proposes to issue permits for STRs, except that no permits will be issued for homes in the communities of The Colony and Harbour Island. Mr. Paul McClaren (Associate Planner, City of Oxnard), explained that these two communities were deemed ineligible to receive permits because they explained during the hearing process that there were pre-existing rules that restrict STRs, they have private streets, a gated community and shared walls, ceilings and floors. We contacted Mr. McClaren after the ordinance was approved to explain that our Seabridge community had all of those characteristics and more that would make it equally inappropriate to approve STR permit requests. Mr. McClaren explained that we were out of luck because we did not participate in the hearings on the proposed ordinance.

## THE CITY APPROVAL PROCESS

In the city's LCP Amendment Application dated 1/30/20, the city describes a 3-1/2 year process to develop the STR ordinance. The Seabridge community did not insert itself into the process as it was believed that our long-standing prohibition against STRs (since the inception of our community in 2006) would not be affected by the STR ordinance being developed by the city. However, the **very last** changes made to the STR ordinance before it went to city council for approval were to make the communities at the Colony and Harbour Island ineligible for STR permits. We were unaware of the changes at the time, and too late to ask for similar treatment once the ordinance was already approved.

By making the Colony and Harbour Island ineligible for permits under the ordinance, the city arguably created an inference that the pre-existing CCR prohibitions against STRs were insufficient to enforce, absent a specific exemption in the STR ordinance.

## VALIDITY OF PROPOSED STR ORDINANCE BASED ON EQUAL PROTECTION REQUIREMENTS

The basic constitutional requirement of Equal Protection requires that laws must apply equally to all similarly situated persons. It is our contention that once the city determined which criteria made a development incompatible with STRs, those criteria should have been written into the ordinance

instead of just naming two specific communities that presented their CCRs to the city for review. Seabridge is similarly situated to the two exempted communities as follows.

### **Pre-existing Rules**

The Seabridge rules were adopted with the initial development of the community. Under *Leasing of Units* it states, "An Owner may rent his/her Residential Unit to a third party, but not for a term of less than six (6) months." This has been the rule from the beginning of Seabridge.

### **Private Streets/Gated Community**

Almost all the streets in Seabridge are private. There is no overnight parking permitted on the streets. There are entry gates that restrict entry to the community. The condominiums have private parking lots and restricted entry to the parking and living areas.

### **Shared Walls/Ceilings/Floors**

Roughly half of Seabridge residences are condominiums, and 79% of those are in multi-level buildings. The California Building Code underwent a major reform in 2013 whereby sections dealing with noise transmission (secs. 1207.1 to 1207.13) which were in effect since 1974 were repealed and Section 1207 from the International Building Code were adopted instead. All of the Seabridge condominium buildings except for the Enclave were built prior to the 2013 revisions, and all of the buildings have experienced noise transmission issues.

### **Additional Private Facilities**

Seabridge also has a private pool, a private gym, a private clubhouse, and private shared sitting areas (in the condos). It is a constant struggle to maintain the private nature of these facilities.

The only exception to the Seabridge claim that we are "similarly situated" is the fact that Seabridge did not bring a request for exemption to the city during the public review process. Classifications regarding to whom the law will apply and to whom they will not apply must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation. It is our contention that who attended public hearings and who did not bears zero relationship to the object of the legislation, which is to limit the number of residences that are used as short term rentals.

## **SUMMARY AND CONCLUSION**

It is our position that the granting of STR permits for Seabridge is incompatible with the nature of the community, just as it is for The Colony and Harbor Island. The fact of which communities had more active lobbying than others during the public hearing process should not be a criterion in determining where STR permits will be issued and where they will not. While Seabridge was aware of the STR discussion prior to its passage, it was our impression that the purpose of the ordinance was to place **additional restrictions** on STRs when none existed before. We did not anticipate that the STR ordinance would liberalize the use of residences as STRs where restrictions already existed.

In *Greenfield v Mandalay Shores*, the court relied heavily on the fact that the HOA was attempting to CHANGE the intensity of use, and therefore it was subject to Coastal Commission rules. There, the court noted that "non-residents have vacationed at Oxnard Shores for decades, renting beach homes on a short term basis", and that the 2016 "STR ban was a 'development' under the Coastal Act and required a coastal development permit". In our case, we do not want to change anything. We just

want to be able to enforce our long-standing rules that were approved by the Coastal Commission at the time and which preceded the Oxnard STR ordinance by 14 years.

The request to amend the LCP should be DENIED until the ordinances is re-written to apply equally to all persons and communities similarly situated.

David Copper, President  
Seabridge Master Homeowners Association

Along with the Board of Directors:

Jan Baldwin  
Joel Framson  
Norm Katz  
Don Rosenberger

**From:** [SouthCentralCoast@Coastal](mailto:SouthCentralCoast@Coastal)  
**To:** [Christensen, Deanna@Coastal](mailto:Christensen_Deanna@Coastal); [Carey, Barbara@Coastal](mailto:Carey_Barbara@Coastal)  
**Subject:** FW: Public Comment on July 2020 Agenda Item Friday 13a - City of Oxnard LCP Amendment No. LCP-4-OXN-20-0008-1 (Short Term Rentals).  
**Date:** Friday, July 03, 2020 3:50:25 PM

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**From:** Robert Chatenever [REDACTED]  
**Sent:** Thursday, July 02, 2020 7:45 PM  
**To:** SouthCentralCoast@Coastal <SouthCentralCoast@coastal.ca.gov>  
**Subject:** Public Comment on July 2020 Agenda Item Friday 13a - City of Oxnard LCP Amendment No. LCP-4-OXN-20-0008-1 (Short Term Rentals).

Dear Commissioners:

I am a resident of Seabridge which is a private community in Oxnard. The original Rules that were adopted when the community was built prohibited rentals of less than 30 days. The community is gated, has private roads, a guardhouse, private pool, private gym, private boat docks and approximately half the residences have shared walls and ceilings/floors without adequate noise attenuation. When I inquired of the City why the communities of The Colony and Harbour Island were deemed ineligible for STR permits and Seabridge was not, I received a responsive email dated March 12, 2020 (shown below). The Colony and Harbour Island were exempted because they appeared at hearings and Seabridge did not. While the city took 3-1/2 years of hearings to come up with their final proposed Short Term Rental ordinance, it was not until the very end of that process that the exemptions were granted for The Colony (September 24, 2019) and Harbour Island (November 5, 2019). Seabridge did not know of these late changes which would draw into question the enforceability of our own rules if the city granted STR permits to our homeowners. The city did not wish to engage in a discussion of whether the nature of our development made it incompatible with STR rentals, similar to The Colony and Harbour Island. They were done with it. The ordinance had been passed by the city council, and they did not want to engage in further discussion that might cause the ordinance to be amended.

The Oxnard STR ordinance needs to be rewritten to provide a process for communities to have themselves deemed to be incompatible with STR use. It cannot, within the bounds of constitutional law, simply exclude two communities that lobbied for an exemption while denying the same exemption for other similarly situated communities. I urge you to REJECT the city's Application for LCP Amendment and send it back to be rewritten to deal with the criteria necessary for exemption rather than just singling out two specific communities to be exempted.

Robert Chatenever  
Resident, Seabridge

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**From:** McClaren, Paul [REDACTED]  
**To:** [REDACTED]  
**Sent:** Thursday, March 12, 2020, 03:44:49 PM PDT  
**Subject:** STR Ordinance Attn: Paul McClaren

Mr. Chatenever,

The City Council has already passed the ordinance and all STRs in the City will need a permit once the ordinance is approved by the California Coastal Commission. No STRs will ever be allowed in The Colony or Harbor Island. Greenfield v. Mandalay was appealed and the court of appeals stated that it is not up to a Home Owners Association to regulate whether or not STRs are an allowed use and that it is for the local jurisdiction and the California Coastal Commission to make the decision about whether or not STRs are allowed. During the hearings (eleven were held on the STR ordinance) the residence and board members of the Colony and Harbor Island presented their CC&Rs to the City and Council for review. The City Attorney reviewed the CC&Rs and determined that the CC&Rs did in fact restrict the rental of the units for less than thirty days. In addition, it was determined that the nature of the developments, i.e. private streets, gated community, shared walls and ceilings/floors, and the lack of noise attenuation regulations in the building codes when these units were built, created unique circumstances that made the units use as STRs problematic. So, the City using its police powers and the precedent set by the Greenville v. Mandalay appeal decided to exclude these two developments from being used as STRs.

Seabridge did not have representatives that spoke at the hearings. Seabridge did not make a case to the City or the City Council as to why they should be excluded. Seabridge is mostly single family residences that do not share walls.

I hope this answers your questions. If you have additional questions please feel free to email me at [REDACTED]

Regards,

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Paul McClaren  
Associate Planner

City of Oxnard - Planning Division

Phone: 805-385-3945

Please visit us online: [oxnard.org/planning](http://oxnard.org/planning)

For Answers to Frequently Asked Questions visit our [FAQ](#) page

Dear Coastal Commission Staff,

First I want to say that I support most of the Staff's recommendations with some further changes that I feel can help you achieve more public access to our beautiful beaches. As a responsible owner of a current STR we have no problem with regulating Short Term Rentals. We have always followed and exceeded guidelines that a responsible owner should in having a STR. I am sure you are hearing viewpoints on both extremes regarding the Oxnard City Councils ruling on Short Term Rentals. I feel that my viewpoint is a voice of reason who has perspective on the issues. We have been exceptional neighbors to our neighbors that surround our rental property. We do not allow parties, events of any kind and are a non-smoking property. We will not allow our home to be rented to anyone under the age of 25. Our client base has been multi-generational families who come to stay at our home and ENJOY THE beautiful coast for a memorable once in a lifetime vacation. I have attended hearings and have compassion for those who have complained about those owners who do not follow the rules. I have read the staff report and I am urging you to make a few modifications in your recommendations before passing approval on this issue. We have strict protocols in our contract and have even installed a sound monitor in our properties to ensure no excessive noise along with a Ring security system that WILL MONITOR THE AMOUNT OF PEOPLE COMING IN AND OUT TO ELIMINATE ANY INCONVENIENCE OR DISTURBANCE THAT could occur to bother our neighbors.

Currently the County of Ventura in the Hollywood Beach/Silver Strand and Port Hueneme area allows 365 days of rentals with no minimum stay, with a 10 person occupancy restriction on an approved licensed property. The ordinance that is being proposed in Oxnard area is heavy handed and the result of approving such an ordinance will cause many, many homes to leave the rental market and will have a huge negative loss of available beach rentals, increase rental rates and diminished access to our amazing Coast. Many of our renters are repeat visitors and that speaks for how our property is managed and how we really try to treat

our renters like family and as valued guests. I invite you to look at our reviews and see how special people's visits to our home have been.

One serious reservation I have from the Staff's recommendation is limiting a home to a 100 maximum rental days annually for a short term rentals. Forcing a 100 day maximum stay on STR's does not even begin to cover the entire summer period which for us starts in late May and extends through September. That does not even take into consideration multiple spring/Easter breaks, Thanksgiving and Christmas. By limiting it to 100 days, you are effectively going to force many individual homeowners including ourselves to sell their properties since it will become unfeasible to hold onto and afford to keep the home. So far in our small community, 5 short term rentals have gone off the rental market. We feel extremely fortunate to have a second home which can be very expensive to maintain and renting it as a vacation rental provides the opportunity for others to share the same enjoyment of the coast while helping to defray the cost of maintaining our home.

With this terrible Pandemic, people are desperate to escape. People feel much safer in homes than in a hotel and a STR offers affordability, flexibility and amenities to families that a hotel never could. There is an extreme shortage of affordable hotel options for families and larger groups in the Coastal zone in Oxnard, rather than limiting rental periods because of irresponsible hosts we need to create enforceable rules and weed out irresponsible owners. If we were to limit renting a property to 100 days a year, this type of access to the beautiful California Coast would be severely curtailed, the lack of available STR would cause prices to increase and access to a larger population drastically reduced. I urge you to extend the number of days for allowable legal Short Term Rentals.

Secondly beach zone lots are very small, with varying lot widths and streets of varying lengths. I would like you to consider instead of limiting rentals by a specific measurement, you could limit the number of homes on a particular street based on the length of the street and the number of homes on it. As a suggestion, consider a 2 to 3 home gap between a Short Term Rental within the allowable percentage of licensed properties.



The Coastline in our neighborhood is very special. We self-manage our property, live in the area, have always self-reported and paid our transient occupancy tax from day 1 and have a full time contractor on call whenever a problem should arise. We are respectful of our neighbors and have not had any problems arise at the home. Our neighbors have all our contact information and we answer calls from anyone 24/7. The problem with many short term rentals is poor management and lack of enforcement on these rentals. The City of Oxnard still does not know how they plan to implement a fair and equitable method of assigning who will be able to rent their home and receive a license. There are still so many unanswered questions as to how any of this can be implemented by the city and effectively policed.

We average over 200 days of occupancy a year and COUNTLESS family memories to last a lifetime. I urge you to increase the maximum number of days that a home can be rented short term annually, or you will lose much of the beach zoned rentals which will affect in your own words "...valuable visitor- serving accommodations...public recreational and access opportunities...". A property OWNER of a home cannot afford to continue to rent their homes under these limits. Hollywood Beach is just a few minutes down the road and allows 365 days of rentals with no minimum stay and with that, the supply is insufficient to meet the current demand.

Lastly please consider the effective date for grandfathering in rentals to ownership of the property to 1/1/2020 or prior and for an owner that has always been self-reporting paying their Transient Occupancy tax, not just from 1/2019 since the City of Oxnard had not even passed that ordinance till almost the end of 2019. Please look at this information and please consider THIS request. We truly appreciate and support your efforts to maximize public access and your changes go a long way towards achieving that goal. We would just ask you to consider a few changes that we feel would further your goal. Thank you for your time and consideration.

Respectively,

Rita Weiss

**From:** [Steve Glusker](#)  
**To:** [Christensen, Deanna@Coastal](mailto:Christensen_Deanna@Coastal)  
**Subject:** RE: Oxnard Local Coastal Program  
**Date:** Tuesday, July 07, 2020 3:26:39 PM  
**Attachments:** [1409 marine way rental map.pdf](#)

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Deanna—Nice chatting with you. As we discussed, my wife and I are under contract to purchase 1409 Marine Way, Oxnard. There are 16 houses on the beach on Marine Way. According to the City of Oxnard General Accounting Department, 1409 is the only house on the street that paid transient occupancy taxes prior to January 1, 2019 and would therefore be the only house eligible for grandfathering. As you explained, once we close escrow our house would no longer be eligible for grandfathering as the proposed language removes each house from the rental pool once a change in ownership occurs. Further, we would be precluded from applying for a new permit as we are located within 100 feet of the house at 5156 Neptune Square which also has been available for short term rental. I have attached a photo which highlights in yellow both houses and shows all 16 along the beach.

I would ask that the Commission modify the language to make it clear that homes that were made available for public use and paid the requisite taxes prior to January 1, 2019 may continue to be enjoyed by the public notwithstanding a change in ownership. Should the Commission elect not to do so, it is inevitable that, over time, houses that have long been used by the public will no longer be available to the public. The hope that others owners who have not made their homes available to the public will somehow fill the void is wishful thinking and hardly rises to a standard of good public policy.

Thank you for your consideration. Best, Steve Glusker


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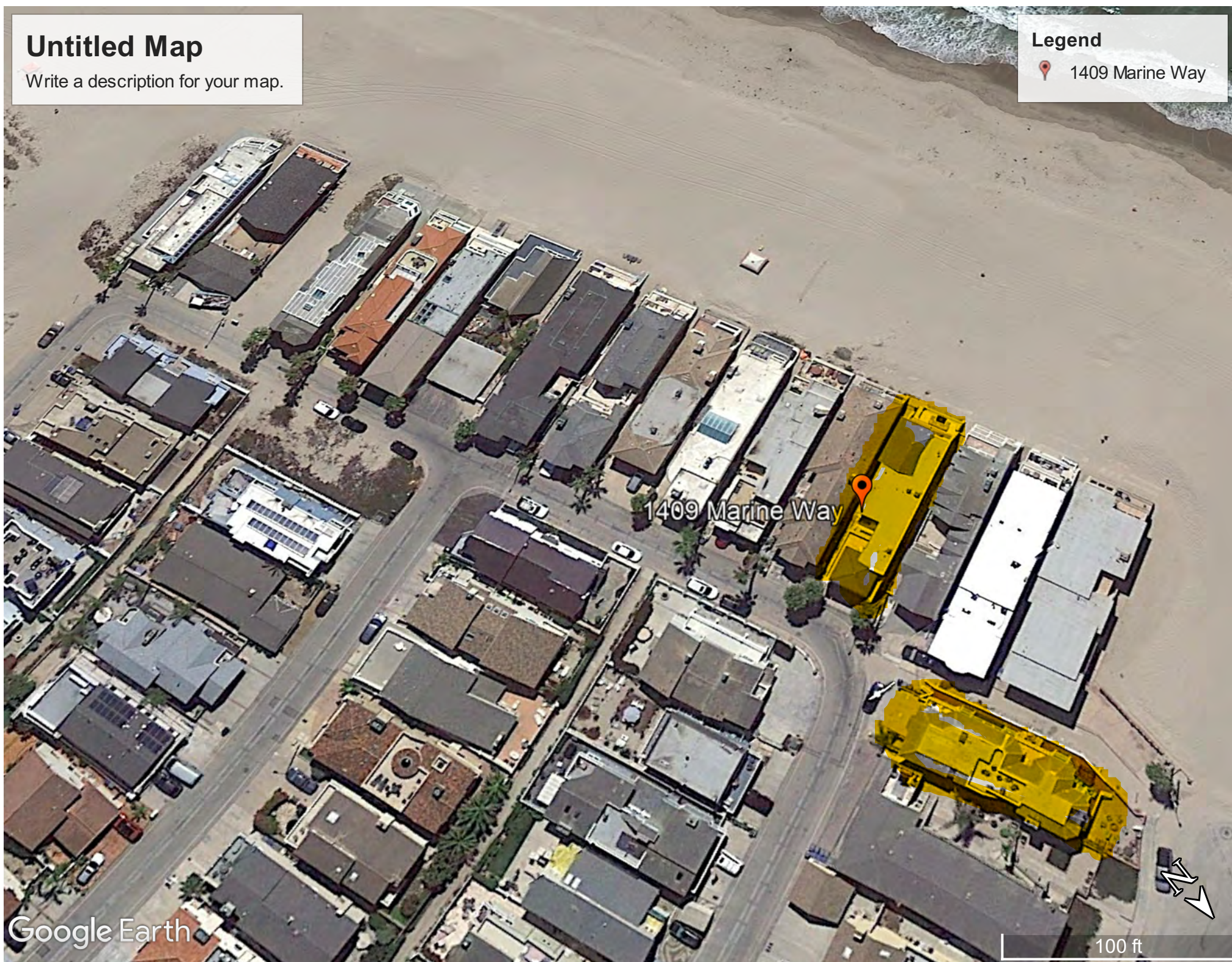


# Untitled Map

Write a description for your map.

## Legend

 1409 Marine Way



Google Earth

100 ft