

ATTACHMENT 1
ORDINANCE 2026-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, AMENDING SUBSECTION 30.50.030 (SPECIAL REGULATIONS) OF CHAPTER 30.50 (SHORT-TERM RENTAL) OF TITLE 30 (ZONING) AND SUBSECTION 9.38.050 (PERMIT OPERATING REQUIREMENTS) OF CHAPTER 9.38 (REGULATING SHORT-TERM RENTALS) OF TITLE 9 (PUBLIC SAFETY, PEACE, AND WELFARE) OF THE ENCINITAS MUNICIPAL CODE AND AMENDING THE LOCAL COASTAL PROGRAM TO INCORPORATE REQUIRED MODIFICATIONS BY THE CALIFORNIA COASTAL COMMISSION PERTAINING TO SHORT-TERM RENTAL USES

WHEREAS, on March 17, 2021, the City Council initiated an agenda item to discuss concerns relating to short-term rental regulations, directed staff to amend Chapter 9.38 (REGULATING SHORT-TERM RENTALS) of the Encinitas Municipal Code (“EMC”), and created a “Short-term Rental Ad-hoc Subcommittee”; and

WHEREAS, on May 11, 2021, the Short-term Rental Ad-hoc Subcommittee held a publicly noticed community meeting to have an open forum discussion regarding regulating short-term rentals in the City, worked with staff to develop a draft Ordinance which included updates to Chapter 9.38 (REGULATING SHORT-TERM RENTALS) of the EMC, and recommended additional modifications to the draft Ordinance. However, those recommendations necessitated a local coastal program (“LCP”) amendment and further analysis to fully understand the land use implications; and

WHEREAS, on October 27, 2021, the City Council of the City of Encinitas, conducted a duly noticed public hearing pertaining to amendments to Chapter 9.38 (REGULATING SHORT-TERM RENTALS) of the EMC and requested staff return at a future hearing date with a data driven analysis and identify a process to establish a maximum number of short-term rental permits within the City; and

WHEREAS, on November 17, 2021, the City Council of the City of Encinitas, conducted a duly noticed public hearing to introduce Ordinance No. 2021-22 pertaining to amendments to Chapter 9.38 (REGULATING SHORT-TERM RENTALS) of the EMC and adopted the amendments on December 8, 2021; and

WHEREAS, on April 20, 2022, the City Council of the City of Encinitas (“City”), conducted a duly noticed public hearing and received the data driven analysis requested at their October 27, 2021, public hearing and adopted Resolution No. 2022-38, initiating amendments to the EMC and LCP pertaining to short-term rental regulations; and

WHEREAS, on October 6, 2022, the Planning Commission conducted a duly noticed public hearing to discuss and consider the proposed amendments to Title 30 of the EMC and LCP to limit and regulate the impacts relating to the short-term rentals and considered public testimony and adopted Resolution No. PC 2022-22 recommending the City Council to approve draft Ordinance No. 2022-16 with amendments; and

WHEREAS, on November 9, 2022, the City Council conducted a duly noticed public hearing to introduce Ordinance No. 2022-15 to amend Chapter 9.38 (REGULATING SHORT-TERM RENTALS) of the EMC, and Ordinance No. 2022-16 with Planning Commission recommendations, to add Chapter 30.50 (Short-term Rental) to Title 30 of the EMC, with amendments to the Encinitas Ranch, and Cardiff-by-the-Sea Specific Plans, and the LCP, establishing a maximum number of short-term rental permits in the City; and

WHEREAS, on December 14, 2022, the City Council conducted a duly noticed public hearing and adopted Ordinance No. 2022-15 to amend Chapter 9.38 (REGULATING SHORT-TERM RENTALS) of the EMC, and Ordinance No. 2022-16 to add Chapter 30.50 (Short-term Rental), with amendments to the Encinitas Ranch, and Cardiff-by-the-Sea Specific Plans, and the LCP; and

WHEREAS, on October 3, 2023, the City of Encinitas submitted the LCP amendment to the California Coastal Commission (“CCC”); and

WHEREAS, between November 2023 and June 2025, staff coordinated with CCC staff by providing extensive supplemental data and responses to numerous CCC questions and requested modifications; and

WHEREAS, on July 21, 2025, the CCC filed the City of Encinitas LCP amendment as complete; however, CCC staff was not able to complete their review of the City’s application within the required 60-day period and requested a one-year time extension that was granted on October 9, 2025; and

WHEREAS, the January 22, 2026, staff report from Coastal Commission staff recommended that the Coastal Commission approve the City’s LCP amendment with one modification, to incorporate the minimum night stay requirement currently regulated in Title 9, into Title 30 so this requirement can be regulated under the Local Coastal Program; and

WHEREAS, at the February 5, 2026 Coastal Commission public hearing, the Coastal Commission approved the City’s LCP amendment, with two modifications, reducing the three-night minimum stay to a two-night minimum stay for non-hosted short-term rentals, and adding the two-night minimum stay requirement for non-hosted units to the new Chapter 30.50 of Title 30 of the EMC; and

WHEREAS, the City is required to take formal action before the LCP amendment request can be effectively certified by the CCC, and go into effect; and

WHEREAS, the required modification to EMC Title 30 is a component of the City’s LCP; therefore, the LCP is also proposed to be amended; and

WHEREAS, a Public Notice of Availability of proposed Local Coastal Program Amendments was issued which opened a six-week public review period from April 14, 2026, through May 26, 2026; and

WHEREAS, the City Council conducted public hearings on April 22, 2026 and _____, 2026 for the purpose of considering proposed amendments to the Encinitas Municipal Code and Local Coastal Program; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

WHEREAS, the City Council finds that this Ordinance is intended to be carried out in a manner in full conformance with the California Coastal Act of 1976 and the Development Services Director is hereby authorized to submit this Ordinance as part of the Local Coastal Program Amendment to the California Coastal Commission for their review and adoption; and

WHEREAS, based on the totality of the record and evidence described and referenced in this Ordinance, the City Council finds that the proposed text amendments are consistent with the purposes of the General Plan, Municipal Code, Specific Plans, and adopted Local Coastal Program.

NOW, THEREFORE, the City Council of the City of Encinitas, California, hereby ordains as follows:

SECTION ONE:

Subsection 30.50.030 (Special Regulations) of Chapter 30.50 (Short-term Rental) of Title 30 (Zoning) of the Encinitas Municipal Code is hereby amended to add section 30.50.030.D. per the California Coastal Commissions required modification to read as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

§ 30.50.030 Special Regulations

...

D. Minimum Night Stay. Non-hosted short-term rental units shall have a minimum night stay of two consecutive nights. This provision shall not apply to hosted short-term rental units.

...

SECTION TWO:

Subsection 9.38.050 (Permit Operating Requirements) of Chapter 9.38 (REGULATING SHORT-TERM RENTALS) of Title 9 (Public Safety, Peace, and Welfare) of the Encinitas Municipal Code is hereby amended as follows (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

§ 9.38.050 Permit Operating Requirements.

...

Z. Minimum Night Stay. Non-hosted short-term rental units shall have a minimum night stay of ~~three~~ two consecutive nights. This provision shall not apply to hosted short-term rental units.

...

SECTION THREE: ENVIRONMENTAL COMPLIANCE.

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This project is also categorically exempt pursuant to CEQA Guidelines Section 15301 Class 1 (Existing Facilities), in that the short-term rental Municipal Code amendments relate to the licensing, permitting, and operation of a short-term rental within an existing private structure that involves negligible or no expansion of use.

SECTION FOUR: CONSISTENCY.

Any provision of the Encinitas Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION FIVE: SEVERABILITY.

If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional.

SECTION SIX: EFFECTIVE DATE.

This Ordinance shall take effect the later of (1) thirty (30) days after its passage or (2) following certification by the California Coastal Commission as being consistent with the Local Coastal Program for the City of Encinitas and the California Coastal Act. The City Clerk of the City of Encinitas is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the Coast News, a newspaper of general circulation published in the City of Encinitas.

The City Clerk is directed to prepare and have published a summary of the Ordinance no less than five days prior to consideration of its adoption, and again within 15 days following adoption, indicating the votes cast.

This Ordinance was introduced at a regular meeting of the City Council held on April 22, 2026.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the _____ day of _____.

Bruce Ehlers, Mayor

ATTEST:

Pete Weichers, Interim City Clerk

APPROVED AS TO FORM

Ajit Thind, City Attorney

CERTIFICATION: I, Pete Weichers, Interim City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 22 day of April, 2026 and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the _____ of _____, 2026 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Encinitas, California, this _____ day of _____, 2026

Pete Weichers, Interim City Clerk