



Dana Point Short-Term Rental Program Regulations

5.38.010 Purpose.

It is the intent of this Chapter to establish a permit requirement for all Short-Term Rentals (“STRs”) within the City of Dana Point, and accordingly Section 5.38.045 hereof is intended to and shall apply to STRs located both within and outside of the City’s Coastal Zone. The remaining provisions of this Chapter set forth rules and regulations applicable to STRs located outside of the City’s Coastal Zone; and except for Section 5.38.045 regulations applicable to STRs located within the City’s Coastal Zone are addressed in Coastal Development Permit No. CDP22-0010 (A-5-DPT-22-0038), as it may be amended from time to time. The purpose of the regulations set for herein is to protect public health safety and welfare by limiting the total number of STRs which may exist, and to require the owner or owners of a residential Dwelling that operates as an STR to apply for and secure a permit authorizing such use in a manner that will safeguard the peace, safety and general welfare of the residents of Dana Point, their guests, and out of town visitors, by eliminating excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and the accumulation of refuse which are directly related to STRs. There are currently existing STR Permits in the City. These existing STR Permits are subject to the provisions of this Chapter on a moving forward basis, including the provisions hereof related to renewals; but, they are “grandfathered” in the sense they continue to remain valid provided their Permits are renewed, and the holders of such STR Permits do not need to submit a new initial application.

5.38.020 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

- (a) “Accessory Dwelling Unit” shall mean an attached or a detached residential Dwelling that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes the following: (A) An efficiency unit, and (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.”
- (b) “Agent” shall mean the representative, if any, designated by the owner in accordance with Section 5.38.040.
- (c) “City Manager” shall mean the City Manager of the City of Dana Point or designee.
- (d) “Community Development Director” shall mean the Community Development Director of the City of Dana Point or designee.
- (e) “Dwelling Unit” or “Dwelling” shall have the same meaning as set forth in Section 9.75.050 of the Municipal Code.

(f) “Home Stay Short-Term Rental” shall mean an STR at a Dwelling (as defined in the Municipal Code) at which the Property Owner rents a portion of the Dwelling Unit for use as an STR while continuing to live in the Dwelling Unit during the period of the rental.

(g) “Junior Accessory Dwelling Unit” shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior Accessory Dwelling Unit may include separate sanitation facilities or share sanitation facilities with the existing structure.”

(h) “Mixed-Use Parcel” shall mean a parcel upon which the City’s zoning permits commercial and residential uses to exist at the same time (i.e., commercial on first floor and residential on upper floors). By way of example only, as of the effective date of this Chapter, parcels located in the following zoning districts in the City would meet the definition of Mixed-Use Parcel: C/R; R/C-18; P/R; TC-MU.

(i) “Mixed-Use Parcel STR Permit” shall mean a Permit for either a Non-Primary STR or a Multi-Family Home Stay STR issued for an STR located in a Dwelling on a Mixed-Use Parcel.

(j) “Multi-Family Home Stay Short-Term Rental” shall mean an STR at a parcel upon which a multi family Dwelling (i.e., a duplex, tri-plex, etc.) lawfully exists, and at which all the following conditions also exist: (i) the Property Owner owns two or more Dwellings on the parcel, and (ii) the Property Owner resides in one of the Dwellings on the parcel and such Dwelling unit is the Property Owner’s Primary Residence, and (iii) one of the Dwellings owned by the Property Owner is used for STR purposes.

(k) “Non-Primary Short-Term Rental” shall mean a Dwelling used for Short-Term Rental purposes other than a Home Stay, Multi-Family Home Stay or Primary Residence Short-Term Rental.

(l) “Permittee” shall mean the holder of an STR Permit.

(m) “Primary Residence” shall mean a Dwelling which a Permittee uses as his or her domicile and permanent principle home for legal purposes.

(n) “Primary Residence Short-Term Rental” shall mean an STR at a Dwelling which is the Property Owner’s Primary Residence, as evidenced per the provisions hereof, which is being rented for STR purposes when the Property Owner is traveling or living elsewhere.

(o) “Property Owner” shall mean a person who holds a recorded interest in a parcel upon which a Dwelling exists which is used for, or proposed to be used for an STR. In the case of a trust, both the trustees and any person or entity holding a beneficial interest of more than 5% in the trust are deemed to be the Property Owner. In the case of a business entity, any person having an ownership interest of more than 5% in the entity shall be deemed to be a Property Owner.

(p) “Short-Term Rental” or “STR” shall mean the rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for at least two (2) consecutive nights, but no more than thirty (30), consecutive calendar days in duration in a zoning district where residential uses are allowed, including, but not limited to, detached single-family dwellings, condominiums, duplexes, triplexes, townhomes and multiple-family dwellings.

(q) “STR Permit” means a permit issued to the Property Owner to authorize use of a Dwelling for STR purposes pursuant to this Chapter.

5.38.030 Short-Term Rental Permit Limitations

(a) A total maximum of 115 STR Permits may be issued for any type of STR located at Dwellings outside the City’s Coastal Zone. Any STR Permits issued as of the effective date of this Chapter outside the City’s Coastal Zone shall continue to be valid, and shall count towards this numerical cap.

(b) One goal of this Chapter is to encourage Home Stay STRs, Primary Residence STRs, Multi-Family Home Stay STRs, and STRs on Mixed-Use Parcels which are deemed to be preferred over Non-Primary STRs. Towards this end, the following provisions shall apply:

(1) The STR Permit fee for Home Stay STRs, Primary Residence STRs, Multi-Family Home Stay STRs, and STRs on Mixed-Use Parcels shall be calculated as follows: (Total STR Permit fee established by the City Council x 0.75).

(2) Permit applications for Home Stay STRs, Primary Residence STRs, Multi-Family Home Stay STRs, and STRs on Mixed-Use Parcels shall be given priority when selected from the City’s STR Permit waitlist.

(3) In addition, no more than 60 of the available STR Permits shall be for Non-Primary STRs.

(c) When a parcel upon which a Dwelling exists for which an STR Permit has been issued is sold, the STR Permit shall expire upon the date the title to such parcel transfers, and the STR Permit shall not transfer to the new Property Owner. Should the new Property Owner desire to use any Dwelling on the parcel as an STR, such new Property Owner must apply for and receive an STR Permit.

(d) Notwithstanding the foregoing, if a parcel upon which a Dwelling exists for which an STR Permit has been issued changes ownership through an inheritance, or as a result of a family transfer that results in no new property tax assessment of the parcel, the STR Permit may be transferred provided the new Property Owner(s) is/are family members of the prior Property Owner. In such circumstance, the new Property Owner may apply for an STR Permit transfer. The STR Permit transfer shall be subject to such requirements as may be imposed by the Community Development Director to confirm the new Property Owner(s) is(are) a family member(s) of the prior Property Owner(s). Prior to the first use of any Dwelling on a parcel as an STR after a change of ownership as a result of an inheritance, an STR Permit transfer shall

have been approved by the City. The Community Development Director shall determine if a familial relationship exists, and shall base that decision on the totality of the facts of any given circumstance in a manner that carries out the intent of this provision consistent with applicable laws.

(e) While 115 total STR Permits are authorized by this Chapter, the Community Development Director shall make available no more than 25 new STR Permits before July 1, 2023. Thereafter, before any additional new STR Permits are issued, the Community Development Director shall present a report to the City Council which shall assess the program created by this Chapter and Coastal Development Permit No. CDP22-0010 (A-5-DPT-22-0038).

(f) Upon issuing the maximum number of STR Permits authorized by this Chapter, the City will establish a waitlist for the issuance of additional STR Permits when they become available.

(g) Upon the effective date of this Chapter, STR Permits shall be limited to one STR Permit per Property Owner without regard to the category of STR to which such STR Permit applies (i.e., whether for a Home Stay, Non-Primary, Multi-Family Home Stay, Mixed-Use Parcel, or Primary Residence Short-Term Rental.) Any STR Permits issued prior to the effective date of this Chapter which conflict with this provision shall be deemed to be “grandfathered” and will remain valid, subject to all other provisions hereof until such time as the pre-existing STR Permit(s) expire(s) or is (are) revoked.

(h) An STR Permit shall not be issued for a Dwelling located in a multi-family structure if issuance of such Permit would result in the creation of a “hotel”, as defined by the Dana Point Zoning Code (i.e., six (6) or more guest rooms or suites located in a structure or group of structures). Additionally, properties with five (5) or fewer residential units that are located in a structure or group of structures may only convert a maximum of one (1) unit into an STR, and properties with six (6) or more residential units that are located in a structure or group of structures may only convert a maximum of twenty percent (20%) of the total number of residential units into STRs.

(i) Every three years the Community Development Director will review the regulations set forth in this Chapter to determine if a change to the maximum number of STR Permits outside the Coastal Zone, or any other changes, should be recommended to the City Council; provided, however, the Council may change the maximum number of such Permits, or any other provision of this Chapter, at any time.

5.38.040 Permit Holder/Agents

(a) STR Permits shall be issued only to the Property Owner of the parcel upon which a Dwelling exists that is proposed to be used as an STR. The Property Owner shall be responsible for compliance with the provisions of this Chapter, and any STR Permit.

(b) A Property Owner may retain an Agent or a representative to comply with the requirements of this Chapter, including, without limitation, the filing of an application for an STR Permit, the management of the STR, and the compliance with the conditions to the STR

Permit. The Property Owner shall sign and notarize an agreement satisfactory to the Community Development Director demonstrating the creation of an Agent relationship. The failure of an Agent to comply with this Chapter or any STR Permit condition shall be deemed non-compliance by both the Property Owner and Agent, and both shall be subject to any adverse action by the City related to a violation, including imposition of fines and STR Permit revocation.

5.38.045 Permit Required; Permit Compliance.

- (a) No person shall rent, offer to rent, or advertise for rent a Dwelling for use as an STR without a valid STR Permit approved and issued by the City of Dana Point for the Dwelling.
- (b) Every Permittee shall comply with the provisions of this Chapter or Coastal Development Permit No. CDP22-0010 (A-5-DPT-22-0038), as applicable, with applicability dependent upon whether the Permittee's STR Permit applies to a Dwelling located within or outside of the City's Coastal Zone.

5.38.050 Application for Permit.

The Property Owner of the parcel upon which a Dwelling exists that is proposed to be used as an STR shall submit an application for an STR Permit to the Community Development Director. The application for an STR Permit shall be upon forms provided by the City and shall contain the following information:

- (a) The name, address, email, and telephone number of the Property Owner, and all persons or entities that are Property Owners, of the parcel upon which a Dwelling exists that is proposed for use as an STR and for which the STR Permit is requested.
- (b) The name, address, email, and telephone number of the Property Owner's Agent, if any.
- (c) The address of the Dwelling proposed to be used as an STR.
- (d) Evidence of a valid transient occupancy tax registration certificate issued by the City in connection with the proposed STR.
- (e) Proof of general liability insurance in the amount of one million dollars (\$1,000,000.00) combined single limit and an executed agreement to indemnify, defend, and save the City harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the issuance of the STR Permit or the use of the Dwelling to which the STR Permit applies as an STR.
- (f) In connection with an application for a Primary Residence, or Home Stay STR the Property Owner shall provide evidence that the Dwelling proposed to be used as an STR is the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and received a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the

Dwelling as the Property Owner's domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.

(g) In connection with an application for a Multi-Family Home Stay Short-Term Rental, the Property Owner shall provide evidence that one of the Dwellings on the parcel where the proposed STR is located is the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and received a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the Dwelling as the Property Owner's domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.

(h) Acknowledgement that the Property Owner (and Agent if applicable) received a copy of, reviewed and understands the regulations pertaining to the operation of an STR within the city.

(i) The STR to which the Permit applies shall not be prohibited by any Homeowners Association Conditions, Covenants, and Restrictions ("CC&Rs") or any other community standards/guidelines applicable to the parcel where the Dwelling to be used as an STR is located.

(j) Such other information as the Community Development Director deems reasonably necessary to administer this Chapter.

(k) Permits shall only be issued to the Property Owner of the parcel upon which a Dwelling exists that is proposed to be used as an STR. If multiple Property Owners exist, one such owner may be designated as the Agent, subject to the provisions hereof related to Agents.

(l) Only one (1) STR Permit, for one Dwelling, shall be issued to any person or entity that meets the definition of a Property Owner hereunder; and, when an STR Permit is issued for a Dwelling, it is deemed to be issued to all Property Owners of such Dwelling.

(m) The fee for issuance of an STR Permit as established by the City Council.

5.38.060 Application for Waitlist

A Property Owner desiring to be added to the City's STR Permit waitlist shall submit a waitlist application. Once received, the Property Owner will be added to the City's STR Permit waitlist.

(a) Property Owners on the STR Permit waitlist must provide an application annually to verify continued eligibility to preserve their position on the STR Permit waitlist.

(b) A Property Owner's position on the STR Permit waitlist is not transferable.

(c) The application for the STR Permit waitlist shall be upon forms provided by the City and shall contain the following information:

- (1) The name, address, email, and telephone number of the Property Owner of the parcel upon which a Dwelling exists that is proposed for use as an STR and for which the STR Permit is requested.
 - (2) The address of the Dwelling proposed to be used as an STR.
 - (3) Additional information as the Community Development Director deems reasonably necessary to administer this Chapter.
- (d) The STR Permit waitlist fee shall be the same as the STR Permit fee. Upon selection and STR Permit issuance, the STR Permit waitlist fee paid will be applied toward the first year's STR Permit fee.
- (e) Upon selection from the STR Permit waitlist, the Property Owner shall have 14 days to submit a complete STR Permit application to the City.
- (f) A Property Owner on the STR Permit waitlist may request to be removed from such waitlist in writing, and upon receipt of such a request the City will remove the Property Owner from the waitlist and refund the STR Permit waitlist fee.

5.38.070 Renewal of Permit.

- (a) All Property Owner's holding STR Permits shall apply for and renew their STR Permit annually on March 1st or an alternative date as determined by the Community Development Director. STR Permit renewals shall include any changes to the information or requirements set forth in these regulations, as well as proof of current general liability insurance as required by Section 5.38.050(e).
- (b) In the case of renewal of STR Permits issued for Primary Residence and Home Stay STRs, the Property Owner shall provide evidence that the Dwelling proposed to be used as an STR continues to be the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and continues to receive a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the Dwelling as the Property Owners domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.
- (c) In the case of renewal of STR Permits issued for Multi-Family Home Stay STRs, the Property Owner shall provide evidence that one of the Dwellings on the parcel where the proposed STR is located continues to be the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and received a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the Dwelling as the Property Owner's domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.

(d) Any STR Permit that is inactive during a Permit year (meaning no rentals occurred during the year) will not be renewed. The inactivity requirement can be waived if the Dwelling to which the STR Permit renewal applies is under renovation, as evidenced by validly issued, unexpired building permits, or for good cause as determined by the Community Development Director. Any STR Permit inactive for two Permit years shall not be renewed.

5.38.080 Conditions of Permit Issuance and Renewal.

(a) Permits and renewals issued pursuant to this Chapter are subject to the following standard conditions:

(1) All STR Permits shall comply with the terms of this Chapter and the provisions of this Chapter are deemed to be included in all STR Permits.

(2) The Property Owner (or Agent if applicable) shall ensure that the STR complies with all applicable codes regarding fire, building and safety, and all other relevant laws and ordinances.

(3) The Property Owner (or Agent if applicable) shall provide proof that the STR to which the Permit applies is not legally prohibited by any Homeowners Association Conditions, Covenants and Restrictions (“CC&Rs”) or any other community standards/guidelines, applicable to the parcel where the Dwelling to be used as an STR is located.

(4) Concurrent with the issuance of the STR Permit, and annually upon its renewal, City Staff shall provide notice of the proposed action on the STR Permit to all property owners and tenants abutting the parcel, or in the case of an STR in a multi-family Dwelling the owners and tenants of all other Dwelling Units on the parcel and/or in the same structure, upon which the Dwelling proposed to operate as an STR is located. The notice shall also provide the contact information for the Property Owner (and Agent if applicable) and their twenty-four (24) hour emergency contact phone number. The notification package shall also identify the City’s twenty-four (24) hour STR hotline phone number, Code Enforcement phone number, and Orange County Sheriff’s Department phone number. The notice shall not afford the abutting owners/tenants any protest, appeal, or other related rights; rather, its intent is to provide the abutting property owners/tenants with an annual reminder as to the contact information for the various individuals and entities responsible for enforcement in the event that an issue arises with the operation of the STR.

(5) The Dwelling for which an STR Permit is requested must pass an initial inspection by the City prior to STR Permit issuance. The City may conduct additional inspections as deemed necessary or prudent at any reasonable time, including prior to subsequent renewals.

(6) The Property Owner shall provide a twenty-four (24) hour emergency contact that will be available to respond to issues at the STR.

- (7) The STR must have and maintain a minimum of two (2) off-street parking spaces.
- (8) The STR must have a visible house number easily seen from the street, day or night.
- (9) All advertising for the STR shall include the City issued STR Permit number in the subject line and in the description of the STR. In addition, all photographs maps, and diagrams of the STR that are used for advertising purposes shall impose the City-issued STR Permit number in the lower right-hand corner in a font, style, size, and color to be reasonably legible, with any dispute as to the meaning of this provision subject to interpretation by the Community Development Director.
- (10) The primary overnight and daytime renter, who shall also be residing as a guest in the STR during any STR rental period must be an adult twenty-five (25) years of age or older. This adult must provide a telephone number to the Property Owner (or Agent if applicable) and shall be accessible to the Property Owner by telephone at all times.
- (11) Prior to occupancy, the Property Owner (or Agent if applicable) shall obtain the name, address, and driver's license number or a copy of the passport of the primary adult occupant of the STR. The Property Owner (or Agent if applicable) shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the STR with the provisions of this Chapter, as well as a copy of the City's Good Neighbor Acknowledgment. An unsigned copy of the City's Good Neighbor Acknowledgment shall be posted in a conspicuous location within the STR, along with a copy of this Chapter. This information shall be readily available upon request of any police officer or employee of the City authorized to enforce this Chapter or State law.
- (12) The Property Owner (or Agent if applicable) shall rent the STR for a minimum stay of two (2) consecutive nights.
- (13) The maximum overnight occupancy of the STR shall be limited to two (2) persons per bedroom plus two (2) additional persons within the STR. The Community Development Director may, when unusual size, interior layout, parking, or other physical characteristics are shown, approve a greater maximum number of overnight occupants as part of an STR Permit application or renewal. The maximum daytime occupancy shall be limited to two and a half (2.5) times the overnight occupancy and not exceed twenty (20) persons; however, the Community Development Director may, when unusual size, or other physical characteristics, approve a greater maximum number of daytime occupants as part of an STR Permit application or renewal.
- (14) The maximum number of vehicles allowed at the STR shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles maximum with two (2) or more bedrooms within the STR. The Community Development Director may, when unusual

size, parking or other physical characteristics are shown, approve a greater maximum number of vehicles as part of an STR Permit application or renewal. The Property Owner must ensure a sufficient number of parking spaces are accessible to tenants to accommodate the maximum number of vehicles allowed.

(15) No on-site exterior signs are to be posted on a parcel advertising an STR at the location.

(16) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler and between the hours of 5:00 p.m. the day before and 8:00 a.m. the day after the scheduled trash collection days, as provided in Chapter 6.10 of the Dana Point Municipal Code. In the event the Property Owner fails to comply with this provision, he/she shall be required to sign up for walk-up trash service provided by the City's waste disposal franchisee and provide proof to the City of the same. The Property Owner shall provide sufficient trash collection containers and services to meet the demand of the occupants of the STR.

(17) Each lease or rental agreement for an STR shall include the following terms, notifications and disclosures, which shall also be posted in a conspicuous location inside the STR:

(A) The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation of this Chapter.

(B) The number of parking spaces provided and, if not adjacent to the STR, the location of assigned parking and the maximum number of vehicles that are permitted.

(C) The trash pick-up day(s) and applicable rules and regulations pertaining to leaving or storing trash on the exterior of buildings on the parcel.

(D) Notification that the occupant may be cited or fined by the City and/or immediately evicted by the Property Owner (or Agent as applicable) for violating any and all applicable laws.

(E) The name of the Property Owner or Agent, and a telephone number at which that party may be reached at all times and 9-1-1 Emergency information.

(F) Summary of applicable Homeowners Association Conditions, Covenants and Restrictions (CC&Rs) and bylaws, including pool location and hours.

(G) The terms, notifications, and disclosures must be posted during the registration process.

(18) The Property Owner shall ensure that the occupants of the STR do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of

the Municipal Code or any State Law pertaining to noise, disorderly conduct, overcrowding, alcohol consumption, or the use of illegal drugs. Property Owners are expected to take any measures necessary to abate disturbances, including, but not limited to, directing the tenant, calling for law enforcement services, or City code enforcement officers, evicting the tenant, or any other action necessary to immediately abate the disturbance.

(19) The Property Owner or Agent as applicable shall, upon notification that occupants or tenants of an STR have created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the Municipal Code or State Law pertaining to, but not limited to, noise, disorderly conduct, and/or overcrowding, take action to abate the issue within thirty (30) minutes of the Property Owner or Agent being notified of a complaint and prevent a recurrence of such conduct by those occupants or guests. In some instances, the Property Owner or Agent may be required to arrive on site within thirty (30) minutes of a received complaint to address the issue and ensure there is not a re-occurrence.

(20) No outside noise from the STR shall be heard during quiet hours of 10:00 p.m. to 7:00 a.m.

(21) The Property Owner or Agent as applicable shall include ADA information, if available, in all advertisements for the STR (e.g., stairs, signage, ingress/egress, parking, storage, utilities, showers and lavatories, air conditioning, etc.).

(22) Advertisements, and information provided in the STR itself, shall disclose whether bicycles or other means of transport (scooters, skateboards, carpooling, rideshare, etc.) are available.

(b) The Community Development Director shall have the authority at any time to impose additional standard conditions, applicable to all STRs, as necessary to achieve the objectives of this Chapter.

(c) The Community Development Director shall have the authority to impose additional conditions on any STR Permit in the event of any violation of the conditions to the Permit or the provisions of this Chapter subject to compliance with the procedures specified in Section 5.38.100.

(d) The Property Owner or Agent as applicable shall maintain a valid transient occupancy tax registration certificate issued by the City for the STR, and shall collect and remit transient occupancy tax as required by Chapter 3.25 of the Municipal Code.

5.38.090 Short-Term Rental Operator Regulations

The following are additional regulations and clarifications applicable to all Property Owners or Agents if applicable for the operation of STRs. These regulations may be updated periodically by

the Community Development Director for clarification of situations that may develop based on the implementation of this Chapter and regulations within the City.

(a) No person shall rent, offer to rent, or advertise for rent a Dwelling for use as an STR if such Dwelling is an Accessory Dwelling Unit, Junior Accessory Dwelling Unit, created as part of Single-Family Residential Duplex (as defined by Zoning Code Section 9.72), or designated as an affordable housing unit, and no STR Permit shall be issued for any such Dwelling.

(b) No person shall rent, offer to rent, or advertise for rent a Dwelling for use as an STR unless such Dwelling is in a zoning district where residential uses are allowed, including, but not limited to, detached single-family dwellings, condominiums, duplexes, triplexes, townhomes, and multiple-family dwellings, and no STR Permit shall be issued for a Dwelling that does not meet this criteria.

(c) Home Stay STR and Multi-Family Home Stay STR shall be subject to the following:

(1) Notwithstanding any other provision of this Chapter to the contrary, the Property Owner of a Home Stay Short-Term Rental or Multi-Family Home Stay Short-Term Rental shall be present at the parcel upon which the STR is located during the rental period between the hours of 10:00 p.m. to 7:00 a.m.

(2) A maximum of one Home Stay STR Permit may be issued for any parcel upon which multiple Dwellings exist.

(3) In no instance shall a Home Stay STR Permittee allow the use of an on-site camper, RV, or tent by renters as part of the STR use on a parcel.

(d) Primary Residence STR shall be subject to the following:

(1) A Property Owner to whom an STR Permit for a Primary Residence STR is issued shall be limited to renting the Dwelling to which the STR Permit applies for a maximum of 60 days per 12-month period, (with the date starting on the date the STR Permit is issued) unless further restricted by CC&R regulations. Compliance will be monitored by the transient occupancy tax annual submittal, and such other means as deemed necessary and appropriate by the Community Development Director.

5.38.100 Violations and Penalties.

(a) Any violation of this Chapter, any relevant provision of the Municipal Code, or any Permit condition, including any of the following, shall constitute a violation for which the penalties specified in this Section may be imposed, or for which the STR Permit may be revoked:

(1) The Property Owner and/or Agent has failed to comply with any standard conditions which are part of an STR Permit;

(2) The Property Owner and/or Agent has failed to comply with conditions imposed by the Community Development Director on an STR Permit;

(3) The Property Owner and/or Agent has willfully violated the provisions of this Chapter;

(4) The Property Owner and/or Agent has failed to comply and pay any fines imposed pursuant to subsection (b) within thirty (30) days of the date of notification; or

(5) The Property Owner and/or Agent has failed to comply and pay the transient occupancy tax or submit a report as required by Chapter 3.25 of the Municipal Code within the required time limit.

(b) Penalties. The penalties for violations imposed per subsection (a) above, or the Municipal Code, shall be the responsibility of the Property Owner, and/or the Agent if applicable, and are issued per day and per violation as follows:

(1) For the first violation the penalty shall be the maximum monetary amount allowed per State law;

(2) For a second violation the penalty shall be the maximum monetary amount allowed per State law;

(3) For a third violation the penalty shall result in the immediate revocation of the STR Permit. In the event the STR Permit has been revoked, the Property Owner shall thereafter be ineligible to receive an STR Permit for any category of STR to be operated on the same parcel upon which the STR for which the Permit was revoked existed.

5.38.110 Procedure for Imposition of Penalties/Revocation.

Penalties shall be imposed, and STR Permits shall be revoked, in the manner provided in this Section. The Community Development Director shall conduct an investigation whenever he or she has reason to believe that a Property Owner (or Agent as applicable) has committed a violation described in this Chapter. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the Community Development Director shall issue written notice of intention to impose a penalty and/or revoke the STR Permit. The written notice shall be served on the Property Owner, and Agent if applicable, and shall specify the facts which, in the opinion of the Community Development Director, constitute substantial evidence to establish grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or the STR Permit will be revoked within thirty (30) days from the date the notice is given unless the Property Owner, or Agent if applicable, files with the City Clerk before the penalties or revocation becomes effective, a request for hearing before the City Manager.