

5.68.050 Eligibility requirements.

The following requirements must be met at the time of submitting an application for a permit to operate a Short-Term Rental:

- A. The Applicant's Primary Residence must be located in the City.
- B. The Dwelling Unit shall not be an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling Unit (JADU) for which a construction permit was applied for on January 1, 2020, or later.
- C. The Dwelling Unit shall not be a deed-restricted affordable housing unit, in a special group residence, or a single-room occupancy.
- D. A Long-Term Tenant shall not operate a Short-Term Rental without prior written approval of the Owner, such written approval to be provided to the City at the time of application for a Short-Term Rental Permit. An Owner may proactively prohibit Short-Term Rental subletting by tenants at any or all of their owned properties by submitting a notification in writing to the Development Services Department.
- E. The Applicant shall not have been subject to a Short-Term Rental Permit revocation during the previous 24-month period.
- F. The Dwelling Unit shall not have been subject to a Short-Term Rental Permit revocation during the previous 24-month period; provided, that the Director of Development Services may consider 100 percent transfers in Ownership of the Dwelling Unit in implementing this provision.
- G. An Applicant may not hold a Short-Term Rental Permit for more than one Nonprimary Residence Short-Term Rental at any given time.

H. An active-duty member of the military who is currently deployed shall be able to operate their Dwelling as a Short-Term Rental. Proof of ownership within the City for a least one year, and, an affidavit prior to the date(s) of deployment, shall be included as part of the application submittal. (Ord. 3514 § 1, 2021).

5.68.070 Permit application requirements.

- A. The Director of Development Services is authorized to issue Short-Term Rental Permits pursuant to this chapter.
- B. A permit application shall be submitted to the Director of Development Services upon forms provided by the City and signed by the Applicant under penalty of perjury and shall be accompanied by the permit application fee, as presently designated, or as may be in the future amended, in the master fee schedule of the City. If the property is held in trust or is part of a limited liability company ("LLC"), the trustee or the general member of the LLC must sign the Short-Term Rental Permit application. If the property is held in a corporation's name, the corporation's duly authorized Agent shall sign the Short-Term Rental Permit application.
- C. The Applicant or the Applicant's Agent, as the case may be, shall within five business days, upon a change of any of the information contained in or accompanying such application, notify the City of such change.
- D. An application may be denied if a Short-Term Rental Permit for the same Dwelling or issued to the same Applicant has previously been revoked or suspended.
- E. The Director of Development Services shall review each application for completeness and accuracy before it is accepted as being complete and officially filed.
- F. In the event that the Director of Development Services determines that an application is incomplete or fails to provide the information and documentation required by this chapter, the Director of Development Services shall notify the Applicant in writing, and the Applicant shall have 30 calendar days (or longer as authorized by the Director of Development Services) in which to submit the needed supplemental information or documentation as specified by the Director of Development Services after the date of the notice. The City reserves the right to request additional information and documentation from an Applicant regarding an application for renewal of a Short-Term Rental Permit and to accept responses to requests for supplemental information or documentation. Failure to submit the required information within the 30-day period may be cause for denial of the application.
- G. The Director of Development Services may require an on-site inspection of the property to be performed by an Enforcement Officer during daytime business hours before confirming that the application complies with all the applicable criteria and provisions of this chapter.

H. As a part of the approval of a permit application, the Director of Development Services may impose such conditions in connection with the permit as he or she deems reasonably necessary in order to fulfill the purposes of this chapter and may require reasonable guarantees and evidence that such conditions will be satisfied.

I. The Director of Development Services shall approve an application for a Short-Term Rental Permit; provided, that:

1. At the time of submission of the application, or at any time during the processing of the application, the Dwelling Unit and the Applicant meet the eligibility requirements of CVMC [5.68.050](#), and the application meets the conditions of permit issuance pursuant to this section, including payment of the required fees.
2. Such approval shall be conditioned upon and subject to compliance with the conditions identified by the Director of Development Services in the renewal, the operational requirements of CVMC [5.68.110](#), and with all other terms, conditions, and requirements of this chapter and the code.

J. The Director of Development Services shall deny an application and decline to issue a Short-Term Rental Permit for any of the following reasons, in their discretion:

1. Failure to meet the eligibility requirements.
2. Failure to meet the conditions of permit issuance, including payment of the required fees.
3. Failure to resolve violations of applicable codes regarding fire, building and safety, health and safety, and other relevant laws, regulations, and ordinances applicable to residential uses and the underlying zone, as more fully described in CVMC Section 5.68.110(A).The notice will set forth the reasons for denial and the procedures for an appeal of the Director of Development Services' determination.
4. Determination that the Applicant has made a false, misleading, or fraudulent statement or omission of fact in the application or in the application process.
5. Determination that the Applicant, Owner, or Agent has been adversely sanctioned, or penalized by the City, or any other city, county, or state, for a violation of applicable laws or regulations related to STR operations.

6. Determination that the Applicant, Owner, or Agent has conducted, facilitated, caused, aided, abetted, suffered, or concealed unlawful STR activity in the City or any other jurisdiction.

Additionally, if a Short-Term Rental Permit application is denied, the Director of Development Services shall notify the Applicant in writing of the determination. The notice will set forth the reasons for denial and the procedures for an appeal of the determination.

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L. The Director of Development Services' determination on the issuance or denial of a Short-Term Rental Permit in response to a pending application or a renewal of a duly issued Short-Term Rental Permit may be appealed in accordance with the appeal procedures of CVMC [5.68.180](#).

M. Upon issuance of a Short-Term Rental Permit in response to a permit application, the Permittee shall comply with all requirements of the business license provisions and transient occupancy tax provisions of this code for the Short-Term Rental Unit. (Ord. 3514 § 1, 2021).

5.68.170 Procedure for imposition of modification, suspension and/or revocation of short-term rental permit.

A. ~~In addition to any other penalty authorized by law, a Short-Term Rental Permit may be modified, suspended, or revoked for any violation of this chapter or federal, state, or local law in accordance with the provisions of this section, and the following:~~~~addition to any other penalty authorized by law, a Short-Term Rental Permit may be modified, suspended, or revoked for any violation of this chapter or federal, state, or local law in accordance with the provisions of this section.~~

~~1. The Applicant or Agent for, and/or Owner of, the Short-Term Rental has been adversely sanctioned or penalized by the City, or any other city, county, or state, for a material violation of State or local laws or regulations related to Short-Term Rentals.~~

~~2. The Applicant or Agent for, and/or Owner of, the Short-Term Rental has conducted, facilitated, caused, aided, abetted, suffered, or concealed unlawful activity in the City.~~

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B. The Director of Development Services shall have the authority to modify a Short-Term Rental Permit to impose additional conditions or amend existing terms or conditions in the event of any violation of any condition of the permit or any violation of this chapter or federal, state, or local law.

C. Any modification of conditions or suspension or revocation of a Short-Term Rental Permit shall be in accordance with the following procedures:

1. The Director of Development Services shall conduct an investigation whenever they have reason to believe that an Owner, Permittee, Permittee's Agent, or Local Contact Person is in violation of, or has failed to comply with, any condition of the Short-Term Rental Permit, any requirements of this chapter or federal, state, or local law.

2. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the Director of Development Services shall issue a written notice of intention to modify, suspend and/or revoke the permit. The written notice shall be served on the Responsible Person, shall specify the facts which, in the opinion of the Director of Development Services, constitute substantial evidence to establish grounds for

modification, suspension and/or revocation, and state that the permit will be modified, suspended or revoked within 30 calendar days from the date the notice is given unless the Owner or Person aggrieved by the Director of Development Services' decision files with the City Clerk, before the modification, suspension or revocation becomes effective, a request for an administrative hearing to appeal the decision pursuant to CVMC [5.68.180](#). (Ord. 3514 § 1, 2021).