

Short Term Rentals (STRs) in the City of Del Mar:
Frequently Asked Questions

BASIC QUESTIONS

What is a short term rental (STR)?

- The term “short term rental” refers to visitor accommodations in a dwelling unit that is rented as a whole for less than 30 consecutive days.
- On October 16, 2017, the City Council introduced an Ordinance to establish new regulations for STRs. The Ordinance will not become effective until the Coastal Commission unconditionally certifies the Ordinance. [See process questions.]

Are STRs allowed in the City of Del Mar?

- It depends on the location. Currently, STRs are allowed in the Residential-Commercial (RC) Zone and Visitor Commercial (VC) Zone. They are not allowed in residential zones.

Will STRs be allowed in the City of Del Mar in the future?

- If approved by Coastal Commission, under the STR Ordinance in process, STRs would be allowed in commercial zones without limit and in residential zones as an accessory use for up to a maximum of 28 days per calendar year and subject to a minimum rental term of 7 consecutive days. Owners would be required to register with the City annually prior to conducting STR activity in residential zones (no associated fee, permit or business license required).

If I have a complaint about an STR who do I contact?

- Please call (858) 755-9342 or visit www.delmar.ca.us to submit a complaint online.

USE QUESTIONS

Can I purchase a second home in Del Mar and rent the unit while I am away?

- In any zone, you can rent a dwelling unit for 30 days or more by right without limitation.
- Currently, STRs (rentals less than 30 days) are not allowed in residential zones other than the RC zone.
- If approved by Coastal Commission, under the STR Ordinance in process, you would be able to rent your home for 30 consecutive days or more, and have the option (as an

Short Term Rentals (STRs) in the City of Del Mar:

Frequently Asked Questions

accessory use) to rent your home short term as an STR for up to a maximum of 28 days per calendar year, subject to a minimum rental term of 7 consecutive days and with required registration with the City as described above. If desired, you could rent your unit as an STR for up to 28 days per calendar year per the rules in residential zones and then rent it for a term of 30 consecutive days or more for the remainder of the year.

I am planning a vacation, can I rent my home out while I am away?

- See response above.

Can I rent my unit (or a room) for 6 weeks to someone getting treatment at a local hospital?

- Yes. There is no limit on rentals 30 days or more. See response above.

To make some extra income, can I rent out a room or rooms in my home?

- Currently, you can rent a room to a maximum of one person for 30 consecutive days or more. Room rentals less than 30 days are not allowed in residential zones other than the RC zone.
- If approved by Coastal Commission, under the STR Ordinance in process, you would be able to rent out a room or rooms in your home (also known as home sharing) for less than 30 days in accordance with the STR regulations above.

I am looking to temporarily exchange homes with another family, is that allowed?

- Home exchange is allowed in all zones, unless the exchange is for less than 30 days and is commercial in nature with additional exchange of money or other consideration (i.e. through a third party service).
- Currently, commercial home exchange for less than 30 days is not allowed in residential zones, except the RC zone (no limit).
- If approved by Coastal Commission, under the STR Ordinance in process, commercial home exchange for less than 30 days would be allowed in accordance with the STR regulations above.

Do I need a business license to rent or exchange my home?

- No

Short Term Rentals (STRs) in the City of Del Mar:
Frequently Asked Questions

Do I need to pay taxes on rental income?

- Del Mar residents do not pay City taxes on rental income. Residents should consult a CPA or tax attorney to determine if they are subject to local, state or federal taxes.

PROCESS QUESTIONS

When will the new STR regulations become effective?

- The City Council adopted the STR Ordinance at a public hearing on November 6, 2017.
- The STR Ordinance requires Coastal Commission approval and will become effective on the date the Coastal Commission unconditionally certifies the Ordinance.

What if the Coastal Commission requires modifications?

- The Coastal Commission may conditionally approve the STR Ordinance and require that the City adopt additional code amendments, in which case the Coastal Commission's "modifications" would be incorporated into a separate Ordinance and brought forward for City Council consideration. The City has six months to process the amendments or else the conditional approval will expire.
- If the City Council approves Coastal Commission's modifications, the STR Ordinance package as a whole is returned to Coastal Commission for final certification.

What if the City Council chooses not to approve Coastal Commission's modifications?

- Then the City's STR Ordinance is unable to become effective through the legislative process, unless a court determines otherwise.

How long does the Coastal Commission certification process take?

- For controversial projects it typically takes 10-18 months to obtain final certification.

How will I know about the Coastal Commission hearings for the STR Ordinance?

- If you submitted a speaker slip or correspondence for the STR item on the Planning Commission agenda on September 12, 2017, the City Council agenda for October 16, and/or City Council November 6, 2017, then you are an "interested person".

Short Term Rentals (STRs) in the City of Del Mar:

Frequently Asked Questions

- All speaker slips and correspondence for the public hearings will be submitted to Coastal Commission, who will mail a notice of public hearing to all interested persons (unless an address was not provided on the submitted paperwork).
- To receive electronic messages from the City at significant project milestones, sign up for the “notify me” service for STR notifications: <http://www.delmar.ca.us/list.aspx>
- You can also monitor the Coastal Commission web page at: <https://www.coastal.ca.gov/>

FORBEARANCE PERIOD QUESTIONS

What does the “forbearance period” mean?

- The “forbearance period” is intended as a transitional period to temporarily delay enforcement action against existing, non-conforming STRs established prior to April 4, 2016 to allow affected owners time to come into compliance with the STR regulations in effect when the forbearance period ends.

When will the forbearance period end?

- The end date will be the date of final certification by Coastal Commission, expiration of the conditional approval period, denial by Coastal Commission, or 24 months from the date of adoption, whichever occurs first; or as extended by action of the City Council.

My STR is not allowed under the existing code, but I was in operation prior to the moratorium.

Is there anything I need to provide to continue under the “forbearance period”?

- Code enforcement is currently conducted on a complaint basis. If a complaint is filed, you must be prepared to demonstrate that the STR existed prior to the moratorium adopted April 4, 2016, by providing one or more of the following documents:
 - o Fully executed rental agreements within the 12 months prior to April 4, 2016 for three separate STR rentals at the property
 - o Del Mar business license for STR at the address on business license
 - o Income tax return for STRs at the address in the 12 months prior to April 4, 2016
 - o Evidence of advertising or contracts showing owner actively advertised STR business in the 12 month period prior to April 4, 2016
 - o Similar evidence may be considered