

CALIFORNIA COASTAL COMMISSION

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W14f

LCP-6-SAN-21-0046-2 (Short Term Rentals)

March 2022

EXHIBITS

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STRIKEOUT ORDINANCE**OLD LANGUAGE: ~~Struck Out~~****NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTION 11.0210; AMENDING CHAPTER 1, ARTICLE 2, DIVISION 1 BY ADDING NEW SECTION 12.0106; AMENDING CHAPTER 5 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW ARTICLE 10, DIVISION 1, SECTIONS 510.0101, 510.0102, 510.0103, 510.0104, 510.0105, 510.0106, 510.0107, 510.0108, 510.0109, 510.0110, AND 510.0111; AMENDING CHAPTER 5 BY ADDING NEW ARTICLE 10, DIVISION 2, SECTIONS 510.0201 AND 510.0202; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTIONS 131.0522 AND 131.0540; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1515; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3 BY REPEALING SECTION 141.0301; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY REPEALING SECTION 141.0603; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0525 AND 142.0555; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 1 BY AMENDING SECTION 152.0104; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0316; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0302 AND 156.0308; AMENDING CHAPTER 15, ARTICLE 10, DIVISION

EXHIBIT NO. 1
APPLICATION NO.
LCP-6-SAN-21-046-2
Strikeout/Underline
(highlight add to LCP)
California Coastal Commission

3 BY AMENDING SECTIONS 1510.0303 AND 1510.0305;
AMENDING CHAPTER 15, ARTICLE 13, DIVISION 3 BY
AMENDING SECTIONS 1513.0303 AND 1513.0304; AND
AMENDING CHAPTER 15, ARTICLE 13, DIVISION 4 BY
AMENDING SECTION 1513.0403, RELATING TO
SHORT-TERM RESIDENTIAL OCCUPANCY
REGULATIONS.

§11.0210 Definitions Applicable To Code Generally

The following words and phrases whenever used in this Code shall be construed as defined in this section unless a different meaning is specifically defined elsewhere in this Code and specifically stated to apply:

“Abatement” through “Council” [No change in text.]

“Director” means the City Manager, ~~or any Department Directors including the following Departments: City Clerk, City Treasurer, Planning, Development Services, Engineering, General Services, Animal Control, Health, Water Utilities, Park and Recreation, Neighborhood Code Compliance, Environmental Services and the Fire and Police Chiefs, and~~ any of their designated agents or representatives. ~~“Enforcement Hearing Officer” means any person appointed by the City Manager to preside over administrative enforcement hearings.~~

“Enforcement Hearing Officer” means any person appointed by the City Manager to preside over administrative enforcement hearings.

“Enforcement Official” means any person authorized to enforce violations of the Municipal Code or applicable state codes, including the City Treasurer.

“Financial Institution” through “Written” [No change in text.]

§12.0106 **Administrative Subpoena Authority**

- (a) The City Manager shall have the power to issue administrative subpoenas for the production of documents and other evidence necessary to determine whether violations of the Municipal Code exist.
- (b) Any administrative subpoena issued pursuant to section 12.0106 shall not require the production of documents and other evidence sooner than 30 days from the date of service of the subpoena. The parties may agree in writing to an extension of the date for the production. A person served with an administrative subpoena may seek judicial review of the subpoena within 30 days of service.

Chapter 5: Public Safety, Morals and Welfare

Article 10: Short-Term Residential Occupancy and Hosting Platforms

Division 1: Short-Term Residential Occupancy

§510.0101 **Purpose and Intent**

It is the intent of this Article to promote and protect the public health, safety, and welfare of the citizens of San Diego by allowing and regulating *short-term residential occupancy* in *dwelling units* through the requirements set forth in this Article and by balancing the need to preserve neighborhood quality of life with the protection of private property rights. This Article is enacted to ensure that *short-term residential occupancy* activity, including activity facilitated by *hosting platforms*, is appropriately regulated so that such activity is conducted in a lawful manner. It is also the intent that the City utilize any applicable provision in

Chapter 1, Article 2 of the Municipal Code to enforce the provisions of this Article, including civil and criminal remedies and the issuance of administrative subpoenas.

§510.0102 Definitions

For the purpose of this Article, the following definitions shall apply and appear in the text in italicized letters:

Booking service means any reservation or payment service that facilitates a transaction between a *host* and *guest* for *short-term residential occupancy* for which a fee is collected or received, directly or indirectly, in connection with the reservation or payment of services provided for the transaction.

Complaint means a statement submitted in written or electronic form to the City Manager alleging a violation of this Article. It shall include the complainant's name and contact information, the *short-term residential occupancy dwelling unit's* address, including unit number, date(s), the nature of alleged violation(s), and any available contact information for the *host*.

Deemed complete has the same meaning as in Municipal Code section 113.0103.

Dwelling unit has the same meaning as in Municipal Code section 113.0103.

Guest means any person who exercises *short-term residential occupancy*, or is entitled to *short-term residential occupancy*, by reason of concession, permit, right of access, license, or other agreement for a period of less than one *month*.

Home share means the *short-term residential occupancy* of either the *host's primary residence* or a separate *dwelling unit* on the same premises as the *host's primary residence*.

Host means a natural person who has the legal right to occupy the dwelling unit and to allow short-term residential occupancy.

Hosting platform means any person, as defined in Municipal Code section 11.0210, who provides, and collects or receives, a fee, subscription, commission, or other consideration for booking services through which a host may offer short-term residential occupancy.

License means a license issued to a host pursuant to this Division. License includes Tier One Licenses, Tier Two Licenses, Tier Three Licenses, and Tier Four Licenses as described in Municipal Code section 510.0104.

Month means a period of consecutive days from the first calendar day of occupancy in any month to the same calendar day in the next month following, or the last day of the next month following, if no corresponding calendar day exists.

Occupancy means the use or possession, or the right to the use or possession, of a dwelling unit for dwelling, lodging, or sleeping purposes.

Primary residence means the dwelling unit in which the host resides at least six months of the year. A host can only have one primary residence.

Rent means the total consideration charged for short-term residential occupancy as shown on the guest's receipt.

Short-term residential occupancy means the occupancy of a dwelling unit or part thereof for less than one month.

Whole home means short-term residential occupancy of the host's entire dwelling unit while the host is not physically present and residing in the dwelling unit.

§510.0103 License Required

It is unlawful for any person to use a dwelling unit for short-term residential occupancy except as provided in this Article.

§510.0104 Short-Term Residential Occupancy Regulated

(a) General Rules Applicable to All Licenses.

- (1) A license is required for all short-term residential occupancy.**
- (2) A host may only hold one license at a time.**
- (3) A host may not operate more than one dwelling unit for short-term residential occupancy at a time within the City of San Diego.**

(b) Tier One License: Short-Term Residential Occupancy for 20 Days or Less

Per Calendar Year.

- (1) A Tier One License is required for home share or whole home short-term residential occupancy for an aggregate total of 20 days or less per calendar year.**
- (2) Home share with a Tier One License is only allowed in the host's primary residence.**
- (3) Only one Tier One License may be issued for a dwelling unit per calendar year.**
- (4) A Tier One License shall expire two years from the date of issuance and may be renewed in accordance with Municipal Code section 510.0106(d).**

(c) Tier Two License: Home Share for More than 20 Days Per Calendar Year.

- (1) A Tier Two License is required for *home share short-term residential occupancy* for an aggregate total of more than 20 days per calendar year.
 - (2) *Home share* with a Tier Two License is only allowed in the *host's primary residence*.
 - (3) The *host* shall occupy the *host's primary residence* for no less than 275 days of the calendar year in which the *primary residence* is rented as a *home share*. If the *host* has not rented or owned the *dwelling unit* for the full preceding calendar year, the *host* shall occupy the *host's primary residence* for no less than 75 percent of the days the *host* has owned or rented the *dwelling unit*.
 - (4) A Tier Two License shall expire two years from the date of issuance and may be renewed in accordance with Municipal Code section 510.0106(d).
- (d) Tier Three License: *Whole Home Short-Term Residential Occupancy Outside of Mission Beach Community Planning Area*.
- (1) A Tier Three License is required for *whole home short-term residential occupancy* outside the Mission Beach Community Planning Area as described in section 510.0104(e) for an aggregate total of more than 20 days per calendar year.
 - (2) A two consecutive night minimum stay by the same *guest* is required.

(3) A Tier Three License shall expire two years from the date of issuance and may be renewed in accordance with Municipal Code section 510.0106(d).

(4) The total number of Tier Three Licenses issued shall not exceed 1 percent of the total housing units in the City of San Diego, excluding the total housing units within the Mission Beach Community Planning Area, based on the most recent Demographic and Socioeconomic Housing estimates issued by the San Diego Association of Governments (SANDAG), rounded up to the next whole number. The total number of available Tier Three Licenses shall be updated once every two years based on the formula in this section 510.0104(d)(4). The total number of Tier Three Licenses shall not be reduced below the total number of Tier Three Licenses available in the prior two-year period.

(e) Tier Four License: *Whole Home Short-Term Residential Occupancy* Within Mission Beach Community Planning Area.

(1) A Tier Four License is required for *whole home short-term residential occupancy* within the Mission Beach Community Planning Area (depicted on the Map on file in the office of the City Clerk as Document No. OO-) for an aggregate total of more than 20 days per calendar year.

(2) A two consecutive night minimum stay by the same *guest* is required.

- (3) A Tier Four License shall expire two years from the date of issuance and may be renewed in accordance with Municipal Code section 510.0106(d).
- (4) The total number of Tier Four Licenses issued shall not exceed 30 percent of the total housing units in the Mission Beach Community Planning Area, based on the most recent Demographic and Socioeconomic Housing estimates issued by the San Diego Association of Governments (SANDAG), rounded up to the next whole number. The total number of available Tier Four Licenses shall be updated once every two years based on the formula in this section 510.0104(e)(4). The total number of Tier Four Licenses shall not be reduced below the total number of Tier Four Licenses available in the prior two-year period.

§510.0105 License Application Requirements

- (a) Only a *host* may apply for a *license*.
- (b) A *host* shall submit a *license* application containing, at a minimum, the following:
 - (1) A Transient Occupancy Tax Certificate number for the *dwelling unit* or proof of concurrent application for a Transient Occupancy Tax Certificate for the *dwelling unit*.
 - (2) Proof of payment of the Rental Unit Business Tax, if applicable.
 - (3) For an application for a *license* to *home share*, proof that the *dwelling unit* is the *host's primary residence*.

- (c) An application shall not be processed for a *dwelling unit* with a pending enforcement action by the City for violations of this Article or any provision of the Municipal Code, unless the approval is required to resolve the enforcement action.
- (d) An application shall not be processed for a *host* who has had a *license* revoked by the City within 12 months prior to the date of application.

§510.0106 License Issuance and Renewal

- (a) A *host* may be issued only one *license* for *short-term residential occupancy* at a time within the City of San Diego.
- (b) Issuance of Tier One Licenses and Tier Two Licenses.
Once an application for a Tier One License or a Tier Two License is *deemed complete*, the appropriate *license* shall be issued by the City Manager when the required fees have been paid, except as provided below.
- (1) A *license* shall not be issued for a *dwelling unit* with a pending enforcement action by the City for violations of this Article or any provision of the Municipal Code, unless the approval is required to resolve the enforcement action.
- (2) A *license* shall not be issued for a *host* who had a *license* revoked by the City within 12 months prior to the date of application.
- (c) Issuance of Tier Three Licenses and Tier Four Licenses.
The issuance of Tier Three Licenses and Tier Four Licenses shall be on a lottery basis if sufficient demand exists. Once an application for a Tier

Three License or a Tier Four License is *deemed complete*, the application shall be accepted. The City Manager shall adopt administrative rules to implement and administer the lottery.

- (1) A Tier Three License or a Tier Four License shall only be issued when the required fees have been paid.
- (2) A Tier Three License or a Tier Four License shall not be issued for a *dwelling unit* with a pending enforcement action by the City for violations of this Article or any provision of the Municipal Code, unless the approval is required to resolve the enforcement action.
- (3) A Tier Three License or a Tier Four License shall not be issued for a *host* who had a *license* revoked by the City within 12 months prior to the date of application.
- (4) The City Manager may create a waiting list of applications that are *deemed complete* for Tier Three Licenses and Tier Four Licenses for issuance of any Tier Three License or Tier Four License that becomes available before the next lottery is held.

(d) License Renewal

- (1) A *license* may be renewed if the *host* complies with the following:
 - (A) pays the renewal fee;
 - (B) has complied with the provisions of this Division during the term of the current *license*;
 - (C) provides information concerning any changes to the previous application for or renewal of the *license*; and

- (D) submits the records described in Municipal Code section 510.0107, unless the *host* lists exclusively on a *hosting platform* that has an agreement with the City that includes a provision for pass-through registration for *license* applicants.
- (2) A *license* shall not be renewed if an action to revoke the *license* is in progress or has been taken within 12 months prior to the date of the renewal request.
- (e) *Licenses* are not transferrable. The City shall not accept any request to transfer or assign ownership or location of any *license* or *license* application.

§510.0107 Short-Term Residential Occupancy Operating Requirements

All *hosts* shall comply with the following:

- (a) maintain and use the *dwelling unit* at all times for residential *occupancy* only;
- (b) for Tier Two Licenses, *home share* while present on the premises in accordance with section 510.0104(c)(3);
- (c) for Tier Three Licenses and Tier Four Licenses, use the *license* a minimum of 90 days each year during the term of the *license* and submit quarterly reports to the City Manager containing the number of days the *dwelling unit*, or any portion thereof, was used for *short-term residential occupancy* to demonstrate utilization;
- (d) not allow the *short-term residential occupancy* to create a public nuisance;

- (e) comply with Chapter 3, Article 5, Division 1 of the Municipal Code;
- (f) provide proof of payment of the Rental Unit Business Tax to the City upon request, if applicable;
- (g) provide a Good Neighbor Policy notice, on a form acceptable to the City Manager, to all *guests* that advises, at a minimum, the following:
 - (1) when the *dwelling unit* is located in a residential neighborhood, *guests* are expected to be respectful of neighbors and maintain the residential character of the neighborhood;
 - (2) *guests* are expected to abide by all laws and be respectful of neighbors;
 - (3) the number of guest rooms and the maximum number of allowable occupants;
 - (4) the parking limitations and rules;
 - (5) the rules for trash and recycling;
 - (6) the City noise limits pursuant to Municipal Code sections 59.5.0401 and 59.5.0501, and remedies available to the City to address and enforce violations, including the issuance of individual administrative citations in an amount up to \$1,000 to each *guest* and to the *host*;
 - (7) that upon a failure to vacate by the expiration of the *occupancy* term, *guests* may be deemed trespassers and may be subject to removal by relevant authorities; and

- (8) that, pursuant to Chapter 5, Article 1, Division 10 of the Municipal Code, if the police are called to address public peace, health, safety, or general welfare issues, *guests* may be responsible for the cost of the police response;
- (h) ensure that the *dwelling unit* complies with current California Fire Code Regulations, which may be confirmed by City inspection or *host* affidavit at the discretion of the City Manager;
- (i) that signs on the premises promoting a business are not allowed;
- (j) designate a local contact who shall be responsible for actively discouraging and preventing any nuisance activity at the premises pursuant to Chapter 5 of the Municipal Code. The *host* or designated local contact shall respond to a complainant in person or by telephone within one hour for all reported *complaints* and shall take action to resolve the matter;
- (k) post a notice on the exterior of the *dwelling unit* in a location visible to the public from the sidewalk or public right-of-way, whichever is closer, that includes the Transient Occupancy Tax Certificate number, *license* number, contact information and telephone number for the *host* or the designated local contact and for the City of San Diego Code Enforcement Division. The *host* shall maintain the notice in good condition while the *dwelling unit* is operated for *short-term residential occupancy*;

- (1) The notice shall be 8.5 inches by 11 inches.
- (2) The notice shall use all capital letters in black, bold font in at least 20-point font;
- (l) include the Transient Occupancy Tax Certificate number and *license* number on all advertisements; and
- (m) post, in a conspicuous location within the *dwelling unit*, guidance for *guests* to report human trafficking based on information provided by the City Manager and educate employees or contractors of the *host* who may interact with *guests* about identifying and reporting human trafficking.

§510.0108 Records Maintenance and Production

- (a) A *host* shall maintain the following information for each *short-term residential occupancy* transaction for a period of four years from the date of the transaction:
 - (1) the exact address of the *dwelling unit*, including any unit numbers;
 - (2) the exact dates for which a *guest* procured *occupancy* of the *dwelling unit*, and the total number of nights by reporting period;
 - (3) a copy of the Good Neighbor Policy notice provided to all *guests* as required by Municipal Code section 510.0107(g);
 - (4) the amount of gross receipts, including, but not limited to *rent* and transient occupancy tax paid for each stay in a format required by the City Manager; and

- (5) the Transient Occupancy Tax Certificate number for the *short-term residential occupancy* and proof of payment of the Rental Unit Business Tax for the *dwelling unit* used for *short-term residential occupancy*, if applicable.
- (b) For as long as a *host* holds a *license*, a *host* shall maintain proof of completing a human trafficking awareness course prior to the initial listing of the *dwelling unit* for *short-term residential occupancy*.
- (c) Subject to applicable law, a *host* shall deliver information provided in Municipal Code section 510.0108(a) to the City Manager upon request. The City Manager may apply auditing procedures necessary to determine the amount of taxes and fees due to the City and to ensure compliance with this Article.

§510.0109 Enforcement of a Short-Term Residential Occupancy License

In addition to the remedies in Chapter 1 of the Municipal Code, a *license* may be revoked in accordance with the following:

- (a) In addition to any penalties and remedies provided by law, and any other bases for regulatory action provided by law, a *host* is subject to regulatory action for any of the following reasons:
 - (1) non-compliance with this Division or any condition of the *license*;
 - (2) failure to take corrective action after timely written notice of a violation; or
 - (3) violation of any state or local law or regulation pertaining to the *license*, including all laws prohibiting human trafficking.

- (b) Regulatory actions include any of the following, the selection of which shall be at the discretion of the City Manager, without any requirement that the actions escalate in severity:
- (1) issuance of a verbal warning;
 - (2) issuance of a written warning;
 - (3) issuance of a notice of violation; or
 - (4) revocation of the license.
- (c) The City Manager shall provide written notice to the host of any regulatory actions taken pursuant to Municipal Code section 510.0109(b)(2) through (b)(4).
- (d) The host may request an appeal hearing of the regulatory actions taken pursuant to Municipal Code section 510.0109(b)(3) or 510.0109(b)(4).
- (1) The request for an appeal hearing shall be made in writing to the City Manager within ten calendar days of the receipt of the notice of regulatory action.
 - (2) Upon receiving the request for a hearing, the City Manager shall set a hearing not more than 90 calendar days from the date of receipt of the request, unless a later date is agreed to by the City and the host in writing.
 - (3) The City Manager shall provide notice to the host of the date, time, and place of the hearing in accordance with Municipal Code section 11.0301.

- (4) The hearing shall be conducted by a hearing officer provided by the City Manager pursuant to the process in Chapter 1, Article 2, Division 4 of the Municipal Code.
- (5) The hearing officer may affirm, deny, or modify the regulatory action, and shall furnish the reason for the decision to the *host* in writing within 30 calendar days of the conclusion of the hearing.
- (e) If a third violation of any provision of Municipal Code section 510.0107 is alleged to have occurred within the previous 12 months at the *dwelling unit* or by a *host*, the hearing officer may revoke the *license* upon a determination that the third violation has occurred. Notice of the alleged third violation, *license* revocation, and conduct of the hearing on the alleged third violation and the *license* revocation shall be combined and the hearing shall be held in accordance with Chapter 1.

§510.0110 Administration

- (a) The City Manager shall receive and process *license* applications and *complaints* regarding violations of this Article and provide appropriate staffing to process *license* applications, maintain the *license* registry, and enforce the requirements of this Article in a timely and efficient manner.
- (b) The City Manager may promulgate reasonable administrative guidelines, rules, interpretations, and regulations to implement and enforce the provisions of this Article, to simplify and streamline the application process and to minimize the time between the filing of applications and their final approval.

- (c) The City Manager shall create a registry of all *licenses* issued by the City.
- (d) The City Manager shall designate a contact person for members of the public who wish to file *complaints* under this Article or who otherwise seek information regarding this Article or *short-term residential occupancy* generally. This contact person shall also provide to the public upon request, and in accordance with applicable law, information regarding quality of life issues, like noise violations, vandalism, or illegal dumping, and shall direct the member of the public or forward any such *complaints* to the appropriate City department.

§510.0111 Reporting Requirements

The City Manager shall annually report to the City Council or the appropriate City Council Committee on the results of implementing this Article, including:

- (a) the total number of Tier Three Licenses and Tier Four Licenses available for the following year;
- (b) the total number of issued *licenses* by tier;
- (c) the total fees and transient occupancy tax collected by the City from *short-term residential occupancy* operations;
- (d) the total number of *licenses* revoked during the prior year; and
- (e) any proposed changes to these regulations.

Chapter 5: Public Safety, Morals, and Welfare

Article 10: Short-Term Residential Occupancy and Hosting Platforms

Division 2: Hosting Platforms

§510.0201 Requirements for Hosting Platforms

- (a) A hosting platform operating in the City shall provide the following information to any host listing a dwelling unit through the hosting platform's service:
- (1) notice of the requirements of Chapter 5, Article 10, Division 1, including the requirement to obtain a license prior to any listing;
 - (2) notice of the transient occupancy tax requirements in Chapter 3, Article 5, Division 1; and
 - (3) resources or training on the prevention of human trafficking, if provided by the hosting platform.
- (b) Upon request by the City Manager, a hosting platform shall provide documentation to the City Manager demonstrating that the hosting platform provided the required notification to hosts using its services in the City. A hosting platform's failure to provide written notification to a host under section 510.0201(a) shall not excuse a host from complying with any local regulations.
- (c) A hosting platform shall not process or complete any booking service transaction for any dwelling unit offered for short-term residential occupancy unless it has a valid license number listed on the City's registry

created in accordance with Municipal Code section 510.0110(c) at the time the *hosting platform* receives a fee for the *booking service*.

(d) A *hosting platform* shall use reasonable efforts to not process or complete any *booking service* for any *host* with a Tier One License that has exceeded the authorized 20-day limit in one calendar year unless the *host* has subsequently obtained a Tier Two, Tier Three, or Tier Four License.

(e) If a *hosting platform* collects *rent* from a *guest*, the *hosting platform* shall collect all required transient occupancy taxes at the same time the *rent* is collected and shall remit the taxes on a monthly basis to the City with the completion of a form approved by the City Manager. A *hosting platform* collecting *rent* and transient occupancy taxes under this section 510.0201(e) shall issue a receipt to each *guest*. The *hosting platform* shall separately state on the receipt the amount of the transient occupancy tax charged and maintain a duplicate of such receipt in accordance with Municipal Code section 510.0202. A *hosting platform* shall maintain all documentation necessary to demonstrate that the proper amount of taxes have been remitted to the City Manager for a period of four years after the date of remittance.

(f) Subject to applicable laws, a *hosting platform* with any listings in the City of San Diego shall provide the City Manager, on at least a monthly basis and in a format specified by the City Manager, the *license numbers* for

each listing; the name of the person responsible for each listing; the street address of each listing; and for each booking that occurs within the reporting period, the number of days booked.

- (g) Whenever a *hosting platform* complies with this Article and any applicable administrative guidelines promulgated by the City Manager to confirm that the *dwelling unit* has a valid *license*, the *hosting platform* shall be presumed to be in compliance with Municipal Code section 510.0201(a) through (f). Instead of complying with the administrative guidelines, a *hosting platform* may enter into a written agreement with the City that establishes the manner in which the *hosting platform* will support the City's enforcement of this Division and meet the purposes of the *hosting platform's* responsibilities in Municipal Code section 510.0201(a) through (f).

§510.0202 Records Maintenance and Production

- (a) A *hosting platform* shall maintain the following information for each *short-term residential occupancy* transaction in the City for which the *hosting platform* provided a *booking service* for a period of four years from the date of the transaction:
- (1) the first and last name of the *host* who offered the *short-term residential occupancy*;
 - (2) the exact street address of the *dwelling unit*, including any unit numbers;

- (3) the dates for which a *guest* procured *occupancy* of the *dwelling unit* using the *booking service* provided by the *hosting platform*, and the total number of room nights by reporting period by *host*;
 - (4) the amount of gross receipts, including but not limited to *rent* and transient occupancy tax, paid for each stay in a format required by the City Manager; and
 - (5) the *license* number and the Transient Occupancy Tax Certificate number for the *short-term residential occupancy*.
- (b) Subject to applicable law, a *hosting platform* shall deliver information set forth in Municipal Code section 510.0202(a) to the City Manager upon request. The City Manager may apply auditing procedures necessary to determine the amount of taxes due to the City and to ensure compliance with this Article.

§113.0103 Definitions

Abutting property through Bluff edge, coastal (See *coastal bluff edge*) [No change in text.]

~~*Boarder* means an individual resident who is furnished sleeping accommodations and meals in a residential structure.~~

Breakaway wall through Grubbing [No change in text.]

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more guests in *hotels, motels, bed and breakfast facilities, private clubs, lodges, and fraternity or sorority houses.*

Hardscape through Local Coastal Program [No change in text.]

~~Lodger means any person renting a room in a residential structure for living or sleeping purposes without having free access to and use of the rest of the structure.~~

Lot through Yard [No change in text.]

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13:
- Artisan Food and Beverage Producer through Automobile service stations
[No change in text.]
- ~~Bed and breakfast establishments (under circumstances described in Section 141.0603)~~
- Boarding kennels/pet day care facilities through *Wireless communication facilities* (under certain circumstances described in Section 141.0420) [No change in text.]
- (b) [No change in text.]

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

- (a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through Automobile service stations

[No change in text.]

~~Bed and breakfast establishments (under circumstances described in Section 141.0603)~~

Cannabis outlets through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

(b) through (c) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

Table 131-02B
Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones						
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -	
	3rd >>	1-	2-	1-	1-		1-	
	4th >>	1	1	1	1	2	1	
Open Space through Residential, Single Dwelling Units [No change in text.]		[No change in text.]						
Separately Regulated Residential Uses								
Boarder & Lodger Accommodations		-	-	-	L		-	
Companion Units through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]						
Bed & Breakfast Establishments:								
1-2 Guest Rooms		-	-	-	N		-	
3-5 Guest Rooms		-	-	-	N		-	
6+ Guest Rooms		-	-	-	G		-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-		OR ⁽¹⁾ -	
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Boarding Kennels/ Pet Day Care through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Residential, <i>Single Dwelling Units</i> [No change in text.]		[No change in text.]			
Separately Regulated Residential Uses					
<i>Boarder & Lodger Accommodations</i>		-		E	
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]			
Bed & Breakfast Establishments:					
1-2 Guest Rooms		-		E ⁽¹⁰⁾	
3-5 Guest Rooms		-		N ⁽¹⁰⁾	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >> 3rd >> 4th >>	AG		AR	
		1-		1-	
		1	2	1	2
6+ Guest Rooms		-		E ⁽¹⁰⁾	
Boarding Kennels / Pet Day Care through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1st & 2nd>>	RE-		RS-														RX-		RT-									
	3rd >>	1-		1-														1-		1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5				
Open Space through Agriculture, Raising & Harvesting of Crops [No change in text.]		[No change in text.]																											
Raising, Maintaining & Keeping of Animals		P(3)(9)(2)		-														-		-									
Agriculture, Separately Regulated Agriculture Uses through Residential, Shopkeeper Units [No change in text.]		[No change in text.]																											
Single Dwelling Units		P		P(9)(9)														P(9)(9)		P(9)(9)									
Separately Regulated Residential Uses																													
Boarder & Lodger Accommodations		L		L														L		L									
Companion Units through Commercial Services, Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]																											
Bed & Breakfast Establishments:																													
1-2 Guest Rooms		N		N														N		-									
3-5 Guest Rooms		N		E														E		-									
6+ Guest Rooms		E		E														-		-									
Boarding Kennels / Pet Day Care through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																											

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Residential, Mobilehome Parks [No change in text.]		[No change in text.]											
Multiple Dwelling Units		p ⁽⁵⁾			p ⁽⁵⁾			p ⁽⁵⁾			p ⁽⁵⁾		P
Rooming House [See Section 131.0112(a)(3)(A)] through Shopkeeper Units [No change in text.]		[No change in text.]											
Single Dwelling Units		p ⁽⁺⁾⁽¹⁰⁾			p ⁽⁺⁾⁽¹⁰⁾			p ⁽⁺⁾⁽¹⁰⁾			p ⁽⁺⁾⁽¹⁰⁾		p ⁽⁺⁾⁽¹⁰⁾
Separately Regulated Residential Uses													
Boarder & Lodger Accommodations		L			L			L			L		L
Companion Units through Garage, Yard, & Estate Sales [No change in text.]		[No change in text.]											
Guest Quarters		L ⁽⁹⁾⁽⁸⁾			-			-			-		-
Home Occupations through Retail Sales, Building Supplies & Equipment [No change in text.]		[No change in text.]											
Food, Beverages and Groceries		-			-			p ⁽⁷⁾⁽⁶⁾			p ⁽⁷⁾⁽⁶⁾		p ⁽⁷⁾⁽⁶⁾
Consumer Goods, Furniture, Appliances, Equipment through Pets & Pet Supplies [No change in text.]		[No change in text.]											
Sundries, Pharmaceuticals, & Convenience Sales		-			-			p ⁽⁷⁾⁽⁶⁾			p ⁽⁷⁾⁽⁶⁾		p ⁽⁷⁾⁽⁶⁾
Wearing Apparel & Accessories through Commercial Services, Building Services [No change in text.]		[No change in text.]											
Business Support		-			-			p ⁽⁷⁾⁽⁶⁾			p ⁽⁷⁾⁽⁶⁾		p ⁽⁷⁾⁽⁶⁾

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Eating & Drinking Establishments through Off-Site Services [No change in text.]		[No change in text.]											
Personal Services		-			-			p ⁽⁷⁾ (6)			p ⁽⁷⁾ (6)		p ⁽⁷⁾ (6)
Radio & Television Studios through Tasting Rooms [No change in text.]		[No change in text.]											
Visitor Accommodations		-			-			-			p ⁽⁶⁾ (5)		p ⁽⁶⁾ (5)
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments, Adult Book Store through Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]											
Bed & Breakfast Establishments:													
1-2 Guest Rooms		L			L			L			P		P
3-5 Guest Rooms		N			N			L			P		P
6+ Guest Rooms		C			N			N			P		P
Boarding Kennels/ Pet Day Care through Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]											
Mobile Food Trucks		-			L ⁽¹⁰⁾ (9)			L ⁽¹⁰⁾ (9)			L ⁽¹⁰⁾ (9)		L ⁽¹⁰⁾ (9)
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]											
Offices													
Business & Professional		-			-			p ⁽⁷⁾ (6)			p ⁽⁷⁾ (6)		p ⁽⁷⁾ (6)
Government [No change in text.]		[No change in text.]											

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Medical, Dental, & Health Practitioner		-			-			p ⁽⁷⁾ (6)			p ⁽⁷⁾ (6)		p ⁽⁷⁾ (6)
Regional & Corporate Headquarters through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B

¹ through ⁴ [No change in text.]

⁵ ~~Non-owner occupants must reside on the premises for at least 7 consecutive calendar days.~~

⁶² Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per dwelling unit *dwelling unit* (maximum permitted *density*), as indicated on Table 131-04G.

⁷⁶ See Section 131.0423.

⁸⁷ Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

⁹⁸ A guest quarters or habitable accessory building is permitted in accordance with Section 141.0307 only as an *accessory use* to a *single dwelling unit*.

¹⁰² Mobile food trucks are permitted by right on the property of a *school*, university, hospital, religious facility, *previously conforming commercial premises* in a residential zone, or construction site. Mobile food trucks on any other *premises* are subject to the limited use regulations set forth in Section 141.0612.

¹¹⁰ ~~Development of a small lot subdivision is permitted in accordance with Section 143.0365.~~

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-					CV-		CP-			
	3rd >>	1-					1-	2-	1-	2-	3-	1-	2-	1-					
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Residential, <i>Single Dwelling Units</i> [No change in text.]		[No change in text.]																	
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>		L ⁽²⁾					L	-	L	-	-	L ⁽²⁾	-						
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]																	
Bed & Breakfast Establishments:																			
1-2 Guest Rooms		-					P	P	-	-	-	P	-						
3-5 Guest Rooms		-					P	P	-	-	-	P	-						
6+ Guest Rooms		-					P	P	-	-	-	P	-						
Boarding Kennels/Pet Day Care through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																			
	1st & 2nd >> 3rd >> 4th >>	CC-																																			
		1-			2-			3-			4-			5-																							
		1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6				
Open Space through Residential, <i>Single Dwelling Units</i> [No change in text.]		[No change in text.]																																			
Separately Regulated Residential Uses																																					
<i>Boarder & Lodger Accommodations</i>		L			-					L						L						L															
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]																																			
Bed & Breakfast Establishments:																																					
1-2 Guest Rooms		P			P					P						P						P															
3-5 Guest Rooms		P			P					P						P						P															
6+ Guest Rooms		P			P					P						P						P															
Boarding Kennels/Pet Day Care through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																																			

Footnotes for Table 131-05B [No change in text.]

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential *development* within commercial zones where indicated in Table 131-05B:

(a) through (d) [No change in text.]

(e) ~~Non-owner occupants must reside on the premises for a minimum of 7 consecutive calendar days.~~

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]										
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>	-	-	-	-	-	-	-	-	-	-	-
<i>Companion Units through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly</i> [No change in text.]	[No change in text.]										
Bed & Breakfast Establishments:											
1-2 Guest Rooms	-	-	-	-	-	-	-	-	-	-	-
3-5 Guest Rooms	-	-	-	-	-	-	-	-	-	-	-
6+ Guest Rooms	-	-	-	-	-	-	-	-	-	-	-
Boarding Kennels/Pet Day Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

Footnotes for Table 131-06B [No change in text.]

§132.1510 Noise CompatibilityNoise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

(a) through (f) [No change in text.]

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]			
Separately Regulated Residential Uses				
Boarder & Lodger Accommodations	Classify with primary use			
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Sexual Encounter Establishment [No change in text.]	[No change in text.]			
Bed & Breakfast Establishments:				
1-2 Guest Rooms	P ²	P ²	-	-
3-5 Guest Rooms	P ²	P ²	-	-
6+ Guest Rooms	P ²	P ²	-	-
Boarding Kennels through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

(a) through (e) [No change in text.]

(f) Safety Compatibility Review for MCAS Miramar.

(1) through (2) [No change in text.]

Legend for Table 132-15F

[No change in text.]

Table 132-15F**Safety Compatibility Criteria for MCAS Miramar**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Maximum People Per Acre	APZ I	APZ II	TZ
	25	50	300
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]		
Separately Regulated Residential Uses			
<i>Boarder & Lodger Accommodations</i>	Classify with primary use		
Companion Units through Separately Regulated Commercial Services Uses , Sexual Encounter Establishment [200 sq ft per person] [No change in text.]	[No change in text.]		
Bed & Breakfast Establishments:			
1-2 Guest Rooms	-	-	P
3-5 Guest Rooms	-	-	P
6+ Guest Rooms	-	-	P
Boarding Kennels [200 sq ft per person] through Industrial, Separately Regulated Industrial Uses , Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

(g) Safety Compatibility Review for Brown Field and Montgomery Field.

(1) through (2) [No change in text.]

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]					
Separately Regulated Residential Uses						
Boarder & Lodger Accommodations	Classify with primary use					
Companion Units through Separately Regulated Commercial Services Uses , Sexual Encounter Establishment [200 sq ft per person] [No change in text.]	[No change in text.]					
Bed & Breakfast Establishments:						
1-2 Guest Rooms	-	P	P	P	P	P
3-5 Guest Rooms	-	P	P	P	P	P
6+ Guest Rooms [200 sq ft per person]	-	-	L/60	L/60	L/92	P
Boarding Kennels [200 sq ft per person] through Industrial, Separately Regulated Industrial Uses , Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

Footnotes to Table 132-15G

§141.0301 ~~Boarder and Lodger Accommodations~~

~~Boarder and lodger accommodations are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:~~

- ~~(a) Boarder and lodger accommodations are permitted only as an accessory use to a primary dwelling unit.~~
- ~~(b) No more than two boarders or lodgers are permitted per primary dwelling unit.~~
- ~~(c) In the RM zones and all commercial zones, boarders and lodgers must occupy the premises for a minimum of 7 consecutive calendar days. In all other zones, boarders and lodgers must occupy the premises for a minimum of 30 consecutive calendar days.~~
- ~~(d) Off-street parking shall be provided at a rate of 1 space for each 2 boarders or lodgers. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a rate of 1 space for each boarder or lodger.~~

§141.0603 ~~Bed and Breakfast Establishments~~

~~Bed and breakfast establishments are visitor accommodations within a residential structure where breakfast is typically provided for guests.~~

~~Bed and breakfast establishments are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Bed and breakfast establishments may be permitted with a Neighborhood Use Permit in the zones~~

indicated with an "N" or with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) — In the RM zones, bed and breakfast establishments are subject to the following regulations:
- (1) — No more than one bed and breakfast establishment is permitted on a premises.
 - (2) — Only one kitchen is permitted in a newly constructed bed and breakfast establishment except that one additional kitchen may be permitted for the owner or operator that is separate from the kitchen for the bed and breakfast establishment.
 - (3) — A bed and breakfast establishment that is a conversion of existing multiple dwelling units may contain the number of kitchens permitted by the applicable zone provided the existing off-street parking on the premises is not decreased.
 - (4) — Off-street parking shall be provided as follows:
 - (A) — One space for the operator of the establishment;
 - (B) — One space per guest room for up to two guest rooms or, if located in a transit area identified in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), one space for up to two guest rooms; and
 - (C) — One half space for each additional guest room.

- (5) ~~Eating and drinking facilities shall be available only to the overnight guests.~~
- (6) ~~For newly constructed bed and breakfast establishments, the number of exterior accesses shall not exceed the maximum number of dwelling units permitted on the premises.~~
- (7) ~~One sign is permitted on the premises with a maximum sign copy area of 12 square feet and a maximum horizontal or vertical dimension of 6 feet.~~
- (b) ~~In the RE, RS, RX, OR, and AR zones, bed and breakfast establishments are subject to the following regulations.~~
 - (1) ~~Bed and breakfast establishments in RS and RX zones shall be limited to the conversion of existing structures.~~
 - (2) ~~In the RS zones, bed and breakfast establishments with six or more guest rooms may be permitted only in historical buildings.~~
 - (3) ~~The maximum number of guest rooms in the RE, OR, and AR zones is nine.~~
 - (4) ~~No more than one kitchen is permitted in a bed and breakfast establishment.~~
 - (5) ~~Off street parking shall be provided as follows:~~
 - (A) ~~Two spaces for the single dwelling unit;~~
 - (B) ~~One space per guest room for up to two guest rooms or, if located in a transit area identified in Chapter 13, Article 2,~~

Division 10 (Transit Area Overlay Zone), one space for up to two ~~guest rooms~~; and

(C) ~~One half space for each additional guest room.~~

(6) ~~One sign is permitted on the premises with a maximum sign copy area of 8 square feet and a maximum dimension of 4 feet in any horizontal or vertical direction.~~

(7) ~~Eating and drinking facilities shall be available only to the overnight guests.~~

(8) ~~The property owner or operator shall reside on the premises.~~

(c) ~~In commercial zones, the development regulations of the zone that are applicable to visitor accommodations shall apply.~~

(d) ~~Bed and breakfast establishments of six guest rooms or less in any residential zone for which the required Rental Unit Business Tax and the Transient Occupancy Tax were current as of May 2, 1996, and have remained current since that date, may continue to exist and operate subject to Chapter 12, Article 7 (Previously Conforming Premises and Uses) provided that the owner or operator of the bed and breakfast establishment provides evidence of payment of the required Rental Unit Business Tax and Transient Occupancy Tax to the City Manager upon request and the City Manager confirms this evidence in writing to the owner or operator. Bed and breakfast establishments continuing to exist and operate under this provision are not subject to Section 127.0102(a).~~

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

Table 142-05C

Minimum Required Parking Spaces for Multiple Dwelling Units and Related Accessory Uses

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)				Motorcycle Spaces Required Per Dwelling Unit ⁽⁹⁾	Bicycle Spaces Required Per Dwelling Unit ⁽⁵⁾
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Standards Transit Priority Area ⁽⁹⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Rooming house [No change in text.]	[No change in text.]					
Boarder & Lodger Accommodations	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area	N/A	N/A
Residential care facility (6 or fewer persons) through Accessory uses (spaces per square feet ⁽⁷⁾) [No change in text.]	[No change in text.]		[No change in text.]	[No change in text.]		

Footnotes for Table 142-05C [No change in text.]

(b) through (d) [No change in text.]

§142.0555 Tandem Parking Regulations

- (a) [No change in text.]
- (b) Tandem Parking for Commercial Uses. Tandem parking shall be counted as two parking spaces toward the off-street parking required by this Division and only allowed for the following purposes:
 - (1) Assigned employee parking spaces; and
 - (2) Valet parking; and
 - (3) ~~Bed and breakfast establishments.~~

§152.0104 Definitions

Artists' Studios through Banks, Credit Unions, and Savings and Loan Associations [No change in text.]

~~Bed and Breakfast Inns — Establishments offering lodging on a less than weekly basis with incidental eating and drinking services for lodgers only. A single kitchen.~~

Building Materials and Services through Wholesale and Warehouse [No change in text.]

§152.0316 Redevelopment Subdistrict Permitted Land Use Categories

Six major land use categories, described in Figure 2 of the Barrio Logan Planned Districts, are permitted within the Redevelopment Subdistrict: Commercial Use, Mercado District, Commercial/Residential Mixed Use, Residential Use, Public/Quasi-Public Use, and Light Industry/Commercial Use. The permitted land

use classifications within each of these six land use categories are described in Section 152.0317 (Redevelopment Subdistrict - Land Use Classifications) and in Table 152-03A.

Legend for Table 152-03A

[No change in text.]

Table 152-03A

Permitted Land Use Categories

Land Use Classifications	Land Use Categories					
	Commercial Use	Mercado District	Comm/Res. Mixed Use	Residential Use	Public/Quasi - Public Use	Light Industrial/Comm. Use
Residential through Commercial Services, Visitor Accommodations [No change in text.]						
Bed & Breakfast	P	P	P	-	-	-
Commercial Services, Hotels/Motels through Accessory Uses [No change in text.]	[No change in text.]					

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C

[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Residential, Single Dwelling Units [No change in text.]		[No change in text.]									
Separately Regulated Residential Uses											
Boarder & Lodger Accommodations		L		L			L				
Companion Units through Commercial Services, Separately Regulated Commercial Services Uses, Assembly & Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]									
Bed & Breakfast Establishments:											
1-2 Guest Rooms		N		P			P				
3-5 Guest Rooms		N		P			P				
6+ Guest Rooms		N		P			P				
Boarding Kennels/ Pet Day Care Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

Footnotes for Table 155-02C [No change in text.]

§156.0302 Definitions

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

~~Active commercial uses through Base floor area ratio (Base FAR) [No change in text.]~~

~~Bed and breakfast means a visitor serving establishment with up to twenty rooms for overnight stays that serves breakfast every morning.~~

~~Blank wall through Urban open space [No change in text.]~~

§156.0308 Base District Use Regulations

(a) through (b) [No change in text.]

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay														
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Separately Regulated Commercial Service Uses, Animal Hospitals & Kennels [No change in text.]	[No change in text.]													
Bed & Breakfast Establishments	P	P	P	P	—	P	P	—	—	P	—	—		CS
Child Care Facilities through Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]													

Footnotes for Table 156-0308-A [No change in text.]

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following uses:

(a) through (b) [No change in text.]

(c) ~~Boarder and lodger accommodations;~~ Companion units and junior units; Family day care homes; Garage, yard and estate sales; Guest quarters and habitable accessory buildings; Home occupations; Community gardens; and Temporary real estate sales offices and model homes as a limited use in accordance with the applicable regulations in Chapter 14, Article 1 (Separately Regulated Use Regulations).

(d) through (f) [No change in text.]

§1510.0305 Multi-Family Zones - Permitted Uses

In the Multi-Family (MF) Zones, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes:

(a) through (b) [No change in text.]

(c) Apartment houses designed to serve as the principal place of residence for a family or person. ~~These units should not serve transient and temporary residents in the manner of a hotel or motel.~~

(d) Accessory uses

All accessory uses shall be located in the same building complex as the permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio or similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than 20 percent of the gross floor area of the permitted uses. Accessory uses may include the following:

- (1) ~~Not more than two lodgers or boarders per dwelling unit.~~
- (21) Recreational and health facilities which are designed, used and clearly intended for the use of occupants of residential complexes, including tennis courts, putting greens, exercise rooms and sauna and steam baths.
- (32) Communal dining facilities and snack bars in residential complexes which are designed, used and clearly intended for the convenience of the occupants and guests of the residential complex only.

(e) through (g) [No change in text.]

§1513.0303 Permitted Uses – Residential Subdistricts

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(a) [No change in text.]

(b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

(1) through (2) [No change in text.]

~~(3) Lodgers, permitted as follows:~~

~~(A) For a single dwelling unit which is the only dwelling unit on the premises, not more than 2 lodgers with each being provided a bedroom and with more than one full bathroom facility within the dwelling unit.~~

~~(B) For duplexes and multiple dwelling units, not more than one lodger being provided with a bedroom and with more than one full bathroom facility on the premises.~~

(43) On-premises signs subject to the Sign Regulations in accordance with Section 1513.0404(a) titled Residential Subdistricts – On Premises Signs.

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) Density Regulations

One dwelling unit shall be allowed, ~~including lodging and boarding units,~~
per 1,200 square feet of lot area, except as follows:

(1) through (3) [No change in text.]

(b) through (h) [No change in text.]

§1513.0403 Parking

(a) [No change in text.]

(b) Residential Subdistricts

(1) Every premises used for one or more of those uses permitted in
Section 1513.0303 shall be provided with a minimum of two
permanently maintained off-street parking spaces ~~located on the~~
~~premises as follows:~~ per dwelling unit,

~~(A) Two spaces per dwelling unit;~~ except for the following:

~~(iA)~~ In R-S Subdistricts when a unit is added to a lot with an
existing single-family unit and the lot has less than 34 feet
of frontage on a street or alley, then the requirement shall
be 1.5 spaces per dwelling unit.

~~(iiB)~~ In the R-N Subdistrict the requirement shall be one space
per dwelling unit for lots abutting Ocean Front Walk or
Bayside Walk with less than 10 feet of vehicular access on
a street or alley.

~~(B) One space per unit (room) of boarder or lodger.~~

- (2) At least one space per dwelling unit and ~~one space per 2 boarding or lodging units~~ shall have direct access to a dedicated and improved street or alley.

(3) through (8) [No change in text.]

(c) [No change in text.]

HMF:cm
February 3, 2021
Or.Dept:Council District 2
Doc. No.: 2579097

Passed by the Council of The City of San Diego on APR 06 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 14 2021

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 28 2021

, and on APR 14 2021.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21305

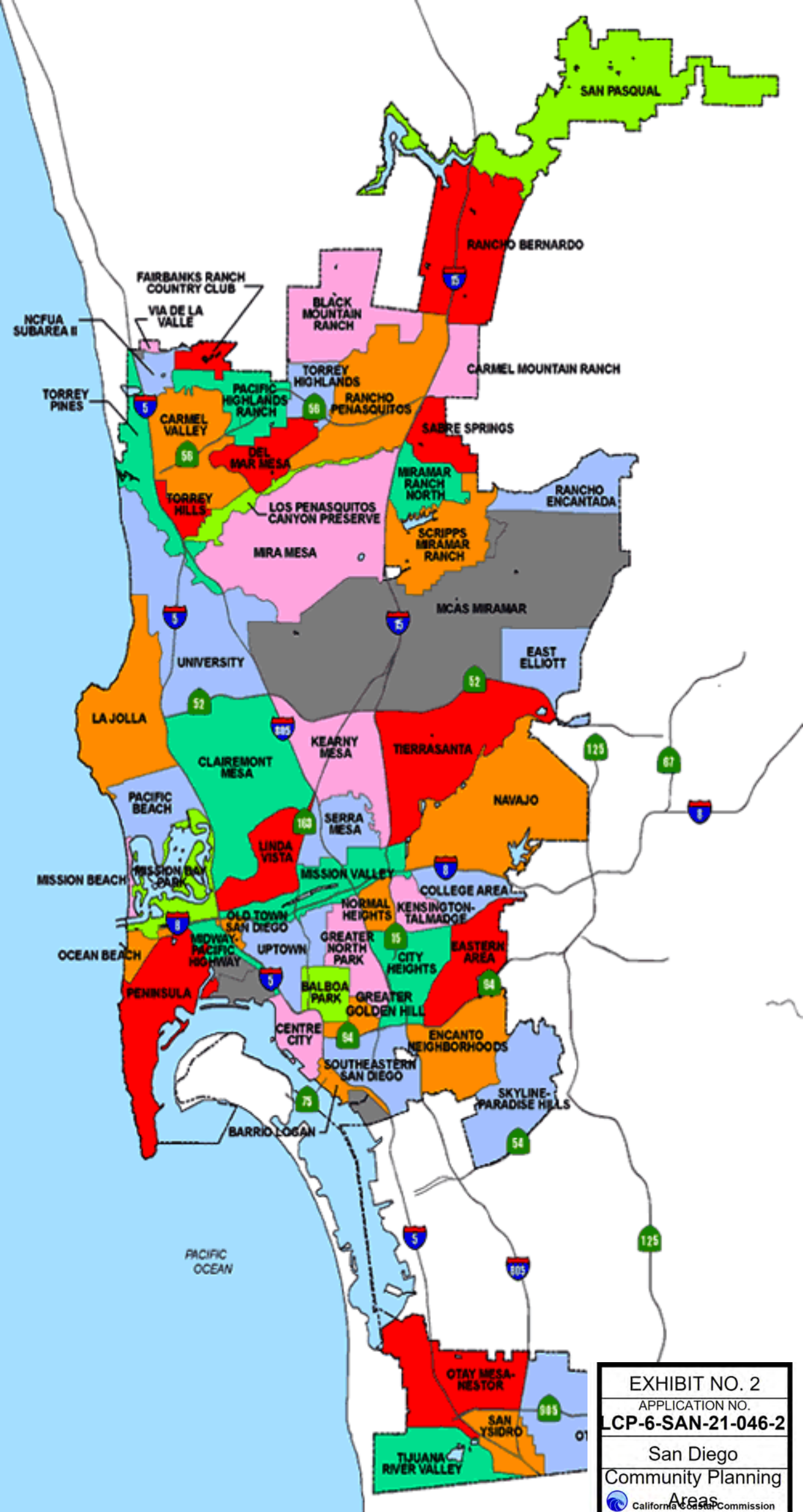


EXHIBIT NO. 2

APPLICATION NO.

LCP-6-SAN-21-046-2

San Diego

Community Planning

Areas



California Coastal Commission

ATTORNEY CLIENT PRIVILEGE
FINAL SIGNED MOU - June 24, 2020

Memorandum of Understanding

between

Expedia Group

and

UNITE HERE

Expedia Group and UNITE HERE (collectively, The Parties) are proposing new regulations to govern short-term rentals in San Diego. The Parties have agreed to enter into this non-binding Memorandum of Understanding outlining the parameters of the regulations, which, if approved by the City Council, would balance the need to preserve neighborhood quality of life with protecting private property rights.

The Parties have agreed the following terms and conditions should form the foundation of any short-term rental ordinance adopted by the City of San Diego:

Brief Proposals for STR Regulations

1. Purpose - to define and regulate short-term rentals within the City of San Diego so that the people of San Diego are better able to find available housing at reasonable prices and enjoy peace and tranquility in their home neighborhoods.
2. A short-term rental (STR) is defined in San Diego's Municipal Code as occupation of a dwelling unit or part thereof for 30 consecutive days or less.
3. A permanent resident is defined as the person who regularly resides at the STR property for at least 180 days per year. It must be the property owner or the property owner's lessee who lives there permanently and has documented permission by the owner to use the property as a STR.
4. Permit applicants must include the following information when registering annually for a permit online or in person:
 - a. A valid Driver License or Government ID Card to verify the applicant's identity.
 - b. A valid utility bill for the residence being rented as a STR, and matching the applicant's verified name.
 - c. LLCs will be required to provide a valid Employer Identification Number and a Government ID card.
5. STR owners will be required to pay for trash service provided by the City of San Diego in addition to the STR permit fees.
6. STR Platforms:
 - a. All platforms that display short-term rental listings for properties in San Diego shall comply with the following:
 - i. require that all operators using the platform include a permit number in any listing for a STR on the platform;



- ii. check the operator-provided permit number against the City's registry and deactivate any STR listing that lacks a permit number that appears on the City's registry;
 - iii. the City shall create a registry of permitted STR properties that is accessible to STR platforms; and
 - iv. the registry shall, at a minimum, include the city-issued permit numbers. The City will update the registry at least daily to include newly issued permit numbers.
 - b. Additionally, STR platforms agree to provide guidance and best practice solutions to assist the City of San Diego in its development of technology systems to track and monitor STR usage.
7. A person or LLC who wishes to rent out a STR will be allowed to choose only one Tier at a time upon which to get their permit.
 8. A property used as a STR will be defined as a STR in one of the following Tiers:

Tier 1:

The lodging will be owned or sub-leased with permission of the owner and rented as a STR for an aggregate total of 30 days or less per year. The permanent resident must obtain a business license and a STR permit from the City of San Diego to operate the STR and is responsible for sending the proper Transient Occupancy Tax to the City Treasurer, unless collected and remitted by a STR platform on the property owner's behalf. This tier will be charged a fee of: \$50/year

Tier 2:

The lodging is the permanent residence of the owner or permanent residence of the renter who has written permission from the owner to use the property as a STR. A room or rooms within the residence are rented as a STR with the permanent resident present. The owner must obtain a business license and a STR permit to operate the STR and is responsible for sending the Transient Occupancy Tax to the City Treasurer, unless collected and remitted by a STR platform on the property owner's behalf. This home-sharing includes duplex properties, accessory dwelling units and granny flats¹ where owner or renter live on site. This tier will be charged a fee of: \$250/year

Tier 3:

A property owner, or their lessee, has the option to rent out a maximum of one home as a whole-home rental. The property can be rented more than 30 days per year as a STR. To rent as a STR, the owner must obtain a business license and a STR permit. Individuals and LLCs cannot hold more than one STR permit at a time. The owner is responsible for sending the Transient Occupancy Tax to the City Treasurer, unless collected and remitted by a STR platform on the property owner's behalf.

¹ Granny flats and/or accessory dwelling units built prior to the City of San Diego's September 12, 2017 Granny Flat Ordinance are eligible to be used as a STR. Granny flats and/or accessory dwelling units built after the 2017 ordinance are not allowed to be used as a STR.

Any whole-home STR shall require a two-night minimum stay for guests. The two-night minimum applies to Tiers 3 and 4, but does not apply to Tiers 1 and 2.

The amount of whole-home STRs shall not exceed 0.7 percent of the Total Housing Units in the City of San Diego per SANDAG's annual Demographic and Socioeconomic Housing estimates². Today this amount equates to 3,750 whole-home STRs in the City of San Diego. STRs associated with Tiers 1, 2 and 4 are not to be counted in the 0.7 percent whole-home permit cap. Homes with 3 bedrooms or less will be charged a fee of: \$1000/year. Homes with more than 3 bedrooms will be charged a fee of: \$1500/year.

Tier 4:

Mission Beach will stand as an individual tier allowing for up to 30 percent of housing inventory to be used as whole-home STR rentals. The amount of whole-home STRs should not exceed more than 30 percent of Total Housing Units in the community per SANDAG's annual Demographic and Socioeconomic Housing estimates³. Today this amount equates to 1,086 whole-home STRs in the Mission Beach Community. The owner must obtain a business license and a STR permit to operate the STR and is responsible for sending the Transient Occupancy Tax to the City Treasurer, unless collected and remitted by a STR platform on the property owner's behalf.

Any whole-home STR shall require a two-night minimum stay for guests. The two-night minimum applies to Tiers 3 and 4, but does not apply to Tiers 1 and 2.

Homes with 3 bedrooms or less will be charged a fee of: \$1000/year. Homes with more than 3 bedrooms will be charged a fee of: \$1500/year.

STR Enforcement

In order to facilitate neighborhood quality of life, STR operators will be required to provide guests with a Good Neighbor policy⁴ designed to make the guest familiar with parking and other rules of conduct that promote neighborhood cohesion and livability. The Good Neighbor policy shall remind guests that they are obligated to follow all City laws or face escalating fines and citations at the discretion of the responding officer.

In instances where noise and nuisance complaints arise, Code Enforcement, together with the Police Department when necessary, will be responsible for determining if a violation has occurred.

A fine or citation may be given to the STR owner and the guest at the discretion of the responding officer for all verified violations:

- A first response notice constitutes a 'warning'.
- A second and subsequent response notice may result in the property's responsible person or primary resident being issued an administrative citation.⁵

² http://datasurfer.sandag.org/download/sandag_estimate_2018_jurisdiction_san-diego.pdf

³ http://datasurfer.sandag.org/download/sandag_estimate_2018_cpa_mission-beach.pdf

⁴ See accompanying policy document example

⁵ §12.0301 Administrative Remedies in the San Diego Municipal Code



September 22, 2021

San Diego City Council
202 C Street, 10th Floor
San Diego, CA 92101

Dear Council President Jennifer Campbell:

This information is provided in response to a request for data on the short-term rental (STR) industry in the City of San Diego. This data was acquired from Transparent Intelligence (Transparent), a leading, independent data intelligence provider for the short-term rental industry. All data points, except where otherwise noted, reflect analysis inclusive of Airbnb and Vrbo.

The number of short-term rentals in any given market can fluctuate over time, including year over year. Fluctuations are caused by a number of potential factors, including health mandates and COVID restrictions, other types of government regulations, and market trends. These numbers are a snapshot of listings available for booking as of September 1, 2021.

- Overall, in San Diego there are roughly 12,300 listings, with 84% entire homes vs 16% private or shared rooms, and the average listing has a capacity of 4.8.
- 39% of San Diego listings fall within the Coastal Zone, which is itself more weighted toward entire home listings (93%), and the average listing is larger, with a capacity of 5.8.
- City-wide, 74% of listings are apartments or houses, 8% are hotels, 1% are hostels, with all other listing types making up 17%. In the Coastal Zone, these values are 78%, 7%, 1%, and 15% respectively.
- In San Diego, the ADR is \$216. Within the Coastal Zone, this increases to \$306.
- Overall, San Diego hosted roughly 1.7M nights in the past 12 months, with the average listing hosting 160 nights. 85% of these nights occurred in Entire Home listings.
- The Coastal Zone accounted for 42% of these Nights, and the average listing there hosted 172 nights. 94% of these nights occurred in Entire Home listings.
- In San Diego, summer is the busiest season, with June, July and August receiving the highest nights booked. Overall occupancy is roughly 75% for the year, but increases to 83% in June, July, and August.
- The same is true within the Coastal Zone, however occupancy is uniformly higher: 78% overall, and 86% in peak months.
- The average trip was 4.4* nights for San Diego and 4.2* nights within the Coastal Zone.
- 18%* of trips in San Diego were Family Trips**. In the Coastal Zone this was even higher at 22%*.

Notes about these data points:

- Family Trip % determined using Airbnb data only
- "Family Trips" are defined as having a Child (2-12) or Infant (0-2) count of > 0
- ADR calculated using the base price taken from the calendar view of listings, exclusive of fees, long-term discounts, and taxes.

3033 Wilson Blvd., Suite 700, Arlington, VA 22201-(703)-842-3754
www.TravelTech.org



Year	Month	Occupancy Rate				
		Downtown	Del Mar/Oceanside	La Jolla Coastal	Mission Bay	Pt. Loma - Airport
2020	Jan	77.6%	62.0%	69.2%	69.0%	68.5%
2020	Feb	83.0%	71.4%	77.5%	74.2%	74.0%
2020	Mar	31.5%	39.2%	30.9%	33.3%	41.5%
2020	Apr	15.2%	27.3%	9.8%	20.0%	22.2%
2020	May	29.2%	38.2%	27.0%	29.3%	35.7%
2020	Jun	30.5%	47.8%	38.2%	39.9%	42.8%
2020	Jul	34.9%	59.3%	46.9%	49.9%	51.4%
2020	Aug	32.8%	57.9%	54.7%	59.2%	52.8%
2020	Sep	39.2%	56.6%	54.4%	55.2%	52.1%
2020	Oct	35.7%	54.2%	48.4%	50.6%	49.9%
2020	Nov	31.4%	43.5%	33.5%	32.3%	42.3%
2020	Dec	18.5%	32.8%	18.9%	20.3%	31.8%
2021	Jan	19.2%	35.9%	21.6%	20.6%	29.7%
2021	Feb	29.7%	45.4%	35.8%	31.9%	39.4%
2021	Mar	39.9%	56.8%	46.2%	50.5%	53.5%
2021	Apr	46.9%	62.1%	59.1%	58.4%	60.2%
2021	May	51.7%	62.3%	61.4%	59.1%	64.6%
2021	Jun	67.6%	71.6%	70.9%	75.7%	78.1%
2021	Jul	76.3%	79.1%	83.8%	82.2%	79.1%
2021	Aug	70.2%	67.6%	74.8%	69.0%	72.9%
2021	Sep	61.2%	62.8%	71.4%	62.8%	70.9%
2021	Oct	62.2%	65.4%	71.8%	62.4%	69.3%
2021	Nov	58.3%	62.2%	67.5%	59.2%	63.9%
2021	Dec	56.0%	56.9%	57.4%	47.5%	61.9%

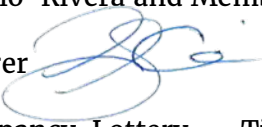


THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: January 7, 2022

TO: Honorable Council President Elo-Rivera and Members of the City Council

FROM: Elizabeth Correia, City Treasurer 

SUBJECT: Short-Term Residential Occupancy Lottery – Tier 3 and Tier 4 *Good Actor* Prioritization

On October 11, 2021, the Office of the City Treasurer presented a Short-Term Residential Occupancy (STRO) lottery methodology for Tier 3 and Tier 4 licenses to the City Council. The methodology presented focused on lottery eligibility. Staff was asked to incorporate prioritization of *good actors* as provided in the motion passed by City Council on February 23, 2021 and report back to Council via memo.

City Council defined a *good actor* as a Host that has:

1. Paid Transient Occupancy Tax (TOT), whether directly to the City or through an Online Hosting Platform,
2. Recent booking activity, and
3. Less than three (3) verifiable complaints.

The lack of available data and noncompliance with existing TOT regulations poses a significant challenge to staff when applying priority criteria. Although some Hosts remit TOT directly to the City, the majority of Hosts utilize a hosting platform that remits TOT to the City in the aggregate; therefore, the City does not receive the data necessary to verify eligibility during the application process. Additionally, some hosting platforms offer an “opt out” option; participation in this option means that the hosting platform collects TOT but does not remit the TOT to the City. Any reports provided by hosts reflecting TOT collected would require payment validation from the hosting platforms. Although this data is not currently received by the City, some of the hosting platforms have verbally committed to providing data that will allow staff to validate some priority criteria¹. If data is not made available, some Hosts may not receive priority points.

¹ City staff will work with hosting platforms to execute written agreements based on verbal commitm



Additionally, many Hosts have not completed individual TOT registration as required by the San Diego Municipal Code (SDMC)². It is the duty and responsibility of the City Treasurer to enforce all taxing provisions of the SDMC, including the TOT registration requirement.

Lottery Prioritization (Good Actor)

In order to fulfill the City Treasurer City Charter section 45 responsibilities, prioritization will include Hosts who completed TOT registration as of the date of the first reading of the Ordinance. As a result, for purposes of lottery prioritization, a *good actor* will be defined as applicants who:

1. Demonstrate compliance with the registration and tax remittance requirements as outlined in the SDMC Chapter 3, Article 5, Division 1 – Transient Occupancy Tax (TOT),
2. Have verifiable proof of booking activity of more than 90 days per calendar year, and
3. Have no verifiable violations for the dwelling unit in the prior two (2) calendar years. Note verifiable violations are those in which a penalty was issued by Development Services Department.

Lottery prioritization will be based on a weighted scale with points assigned as defined in the table below. To satisfy the direction provided by City Council, staff has assigned higher priority points to the three criteria memorialized during the previous City Council meetings.

Although priority points will not guarantee a license, it will improve the probability that *good actors* will receive a license and still provide an opportunity for a license to newcomers in the industry. A priority point will be granted to applicants meeting each of the following criteria:

Criteria	Priority Weight Point
Hosts in compliance with Transient Occupancy Tax (TOT) registration requirement as of STRO Ordinance First Reading (February 23, 2021)	1
Hosts with proof of booking activity of more than 90 days per calendar year and operating during the previous (maximum of 3 points):	
a. One (1) to two (2) calendar years; or	1
b. More than two (2) calendar years but less than five (5) calendar years; or	2
c. Five (5) calendar years or more.	3
Hosts with verifiable proof of payment of Transient Occupancy Tax (TOT) per year for (maximum of 3 points):	
a. Previous one (1) to two (2) calendar years; or	1
b. More than two (2) calendar years but less than five (5) calendar years; or	2
c. Five (5) calendar years or more.	3
Hosts operating during the previous two (2) calendar years and have no verifiable code violations during the previous two (2) calendar years	3
Maximum Weight Possible	10

² SDMC §35.0113 (as amended August 6, 1990 by Ordinance 17508) requires Operators renting Occupancy to Transients, to register with the City Treasurer and obtain a “Transient Occupancy Registration Certificate” to be posted at all times within thirty (30) days after commencing business.

Prioritization criteria are in addition to the minimum application requirements as outlined in the STRO ordinance section 510.0105. For an application to be considered complete and submitted, Hosts must certify under penalty of perjury that all information contained in the application, including prioritization criteria, is accurate. A Host's failure to provide adequate documentation may result in the removal of prioritization points or revocation of a license. Licenses issued to Hosts that are determined by the City to contain false or inaccurate data may be revoked.

Prioritizing good actors who have long standing economic activity in the STRO industry advances the purpose of the Ordinance by:

- Allowing the City to continue to maximize TOT to protect the cleanliness and public safety of our neighborhoods, while continuing to support the small businesses that rely on tourism resulting from STRO,
- Preserving low cost accommodations at the coast consistent with the requirements of the Coastal Act, and
- Supporting the City's desire for safe and livable neighborhoods by reducing the strain on San Diego Police Department and Code Enforcement related to STRO operation.

Lottery Methodology

After passage of the published lottery application submission date, if the total number of Tier 3 or Tier 4 applications received are greater than the number of licenses available, completed applications will be weighted as outlined above. The lottery, including weighting, will be conducted by staff from the Performance and Analytics Department and will be done by random lottery as presented to City Council on October 11, 2021.

cc: Honorable Mayor Todd Gloria
Honorable City Attorney Mara Elliott
Paola Avila, Chief of Staff, Office of the Mayor
Jay Goldstone, Chief Operating Officer
Jeff Kavar, Interim Independent Budget Analyst
Matthew Vespi, Chief Financial Officer
Jeff Sturak, Deputy Chief Operating Officer
Jessica Lawrence, Director of Policy, Office of the Mayor
Adrian Granda, Director of Government Affairs, Office of the Mayor
Kirby Brady, Director, Performance & Analytics Department
Elyse Lowe, Director, Development Services Department
Mike Hansen, Director, Planning Department
Heather Ferbert, Chief Deputy City Attorney
Kate Malcolm, Deputy City Attorney
Darren Bennet, Deputy Director, Information Technology Department
Nicole LeClair-Miller, Deputy Director, Office of the City Treasurer
Leslie Sennett, Deputy Director, Development Services Department
Tricia Mendenhall, Financial Operations Manager, Office of the City Treasurer
Chris Haley, Program Manager, Police Department
Renee Mezo, Development Project Manager III, Planning Department

Demographic and Socioeconomic Estimates Community Planning Area Mission Beach



Apr 1, 2020

Total Population	5,984
Household Population	5,976
Group Quarters Population	8
Persons Per Household	2.17

Housing and Occupancy

	Total Housing Units	Households	Vacancy Rate
Total Housing Units	3,602	2,756	23.5%
Single Family - Detached	823	624	24.2%
Single Family - Attached	1,014	761	25.0%
Multi-Family	1,765	1,371	22.3%
Mobile Home and Other	0	0	--

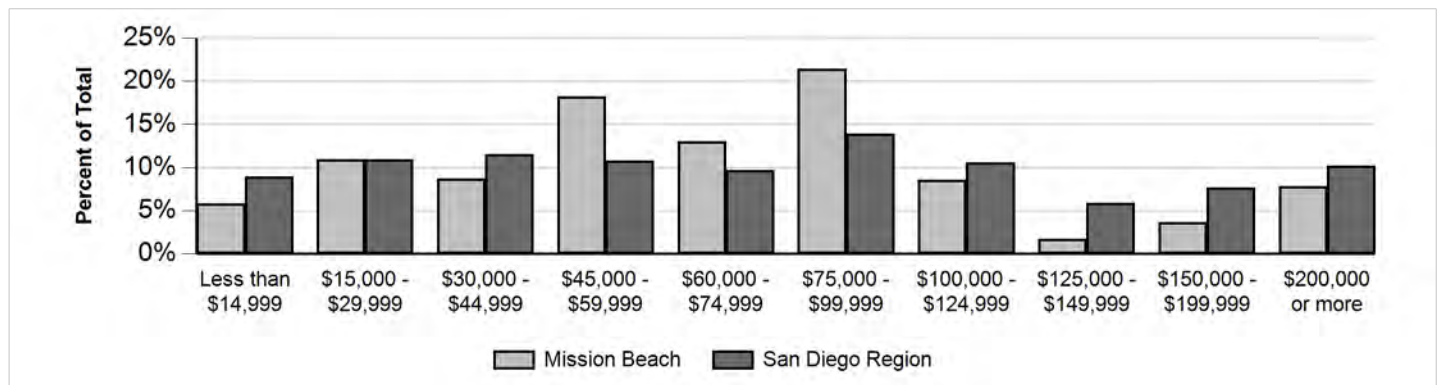
Household Income

Households by Income Category (2010 \$, adjusted for inflation)

	Less than \$15,000	\$15,000- \$29,999	\$30,000- \$44,999	\$45,000- \$59,999	\$60,000- \$74,999	\$75,000- \$99,999	\$100,000- \$124,999	\$125,000- \$149,999	\$150,000- \$199,999	\$200,000 or more
% of Total	6%	11%	9%	18%	13%	21%	9%	2%	4%	8%

Median Household Income

	2020
Adjusted for Inflation (2010 \$)	\$67,312



IMPORTANT ADVISORY:

Caution should be taken when using data for small population groups, particularly at small levels of geography. Minor adjustments were made (such as correcting the location of housing units that were erroneously allocated by the Census Bureau to roads and open space) to more accurately reflect the region's true population and housing distribution.

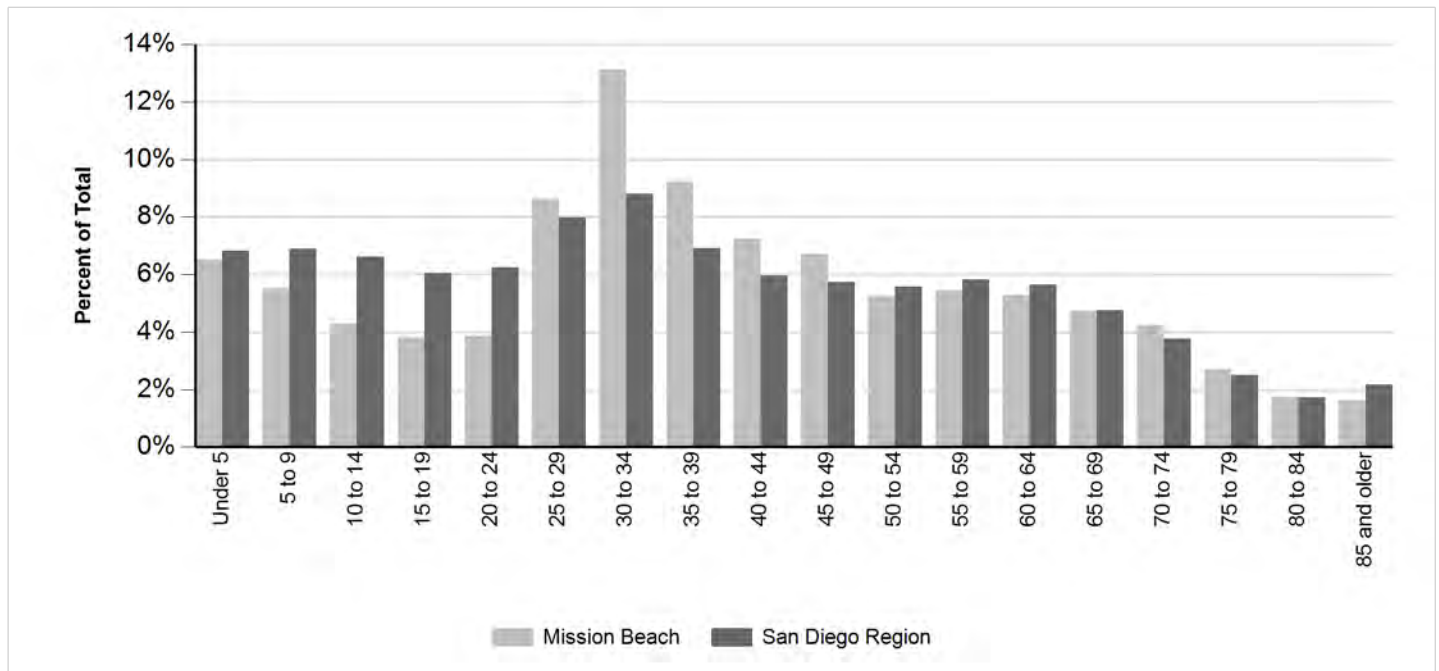
In addition, Census 2010 does not include information about structure type or household income. Those details and other demographic estimates shown here are developed from other sources, including the California Department of Finance E-5 estimates for cities and the County of San Diego; San Diego County Assessor Records, vital events records from the California Department of Health, and income data from the U.S. Census Bureau American Community Survey.

Caution should always be taken when using data for small population groups, particularly at small levels of geography.

Population by Age and Sex

	Total	Male	Female	Percent Female
Total Population	5,984	3,150	2,834	47%
Under 5	390	202	188	48%
5 to 9	330	184	146	44%
10 to 14	256	118	138	54%
15 to 17	167	83	84	50%
18 and 19	61	33	28	46%
20 to 24	231	107	124	54%
25 to 29	516	285	231	45%
30 to 34	786	462	324	41%
35 to 39	552	290	262	47%
40 to 44	434	239	195	45%
45 to 49	402	230	172	43%
50 to 54	314	178	136	43%
55 to 59	326	179	147	45%
60 and 61	127	67	60	47%
62 to 64	190	97	93	49%
65 to 69	283	125	158	56%
70 to 74	254	112	142	56%
75 to 79	162	62	100	62%
80 to 84	105	50	55	52%
85 and older	98	47	51	52%
Under 18	1,143	587	556	49%
65 and older	902	396	506	56%
Median Age	37.3	36.7	37.9	N/A

Population by Age



Population by Race, Ethnicity and Age

	Non-Hispanic					
	Hispanic	White	Black	American Indian	Asian & Pacific Isl.	All Other
Total Population	1,170	4,191	71	20	289	243
Under 5	86	268	3	0	20	13
5 to 9	83	219	4	2	10	12
10 to 14	65	149	5	1	20	16
15 to 17	45	104	6	2	7	3
18 and 19	23	29	0	0	5	4
20 to 24	52	160	4	1	10	4
25 to 29	111	351	8	0	23	23
30 to 34	136	589	8	2	27	24
35 to 39	86	409	4	2	31	20
40 to 44	67	308	10	2	23	24
45 to 49	61	295	2	2	26	16
50 to 54	60	214	4	2	19	15
55 to 59	57	229	1	1	18	20
60 and 61	25	92	0	0	5	5
62 to 64	45	123	2	0	7	13
65 to 69	49	201	4	1	18	10
70 to 74	40	189	3	1	9	12
75 to 79	34	119	1	0	4	4
80 to 84	22	75	0	1	4	3
85 and older	23	68	2	0	3	2
Under 18	279	740	18	5	57	44
65 and older	168	652	10	3	38	31
Median Age	34.4	37.8	33.4	40.0	38.6	40.5