

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 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.

WHEREAS, the City of San Diego is experiencing an increase in the cost of housing and faces a growing shortage of housing that is affordable to a wide range of its population; and

WHEREAS, the lack of affordable housing is detrimental to the City's economic vitality and quality of life; and

WHEREAS, according to the most recent Regional Housing Needs Allocation, required by California Government Code section 65584 and prepared by the San Diego Association of Governments, the City has a total housing need of 108,036 units, out of which nearly 60 percent is for low and moderate income households (64,199 units); and

WHEREAS, according to a July 2019 City Auditor's Report, there are approximately 16,000 dwelling units being used for short-term residential occupancy (STRO), preventing the use of those units for permanent housing; and

WHEREAS, the City desires to preserve its available housing stock and the quality of life in its residential neighborhoods and to alleviate the impacts to residential neighborhoods caused by STRO, which is an occupancy of less than a month; and

WHEREAS, the City proposes to address some of the impacts of STRO, such as those relating to noise, trash collection, and parking, by requiring that guests using dwelling units for STRO be informed of applicable local ordinances and regulations; and

WHEREAS, the City proposes to address some STRO impacts by requiring hosts to designate a specific individual to be responsible for responding to STRO concerns and by requiring that this contact information be available to the guests using dwelling units for STRO and to the public; and

WHEREAS, STRO in the hosts' primary residences, also known as home sharing, requires the host to reside on the premises as their primary residence for the majority of the annual STRO use, as distinguished from whole home STRO, where the host does not live on the premises; and

WHEREAS, home sharing does not displace the primary resident from the premises and does not cause as significant a removal of existing housing stock from the market and negatively impact the vacancy rate; and

WHEREAS, the City has determined that most negative impacts to neighborhood communities arise from whole home STRO, and the impacts are less when the STRO occurs within the primary residence of the host, and the City desires to reduce these impacts by limiting the number of whole home STRO licenses available; and

WHEREAS, whole home STRO requires a minimum two-night stay to reduce the frequency of guest turnover and the corresponding neighborhood impacts to health, safety, and welfare due to excessive noise, improper storage and disposal of refuse and recyclables, and unfamiliarity with parking regulations where there is not a host present; and

WHEREAS, the City currently allows boarder and lodger accommodations and bed and breakfast establishments as separately regulated uses under the Land Development Code, codified in Chapters 11 through 15 of the Municipal Code, and the City intends to instead require those uses comply with the STRO regulations in this Ordinance; and

WHEREAS, hosting platforms are commonly used by hosts to facilitate STRO rentals, and many of these hosting platforms allow hosts to rent out their properties in a fairly anonymous manner, without disclosing the specific address of the properties, the names of hosts responsible for the properties, or other information identifying properties being used for STRO; and

WHEREAS, existing law requires hosts to register with the City Treasurer and to collect and remit transient occupancy taxes to the City for rentals involving STROs at the same time as the rent is collected; and

WHEREAS, although there are approximately 6,600 properties in San Diego used for STRO and registered with the City Treasurer as of September 2020, a 2019 City Auditor's report indicated approximately 16,000 properties are being used for STRO; and

WHEREAS, this discrepancy in numbers indicates that a significant number of properties rented on a short-term basis are not registered with the City Treasurer and therefore are not in compliance with existing law, which requires businesses operating within the City of San Diego to obtain a business tax certificate and to pay required taxes; and

WHEREAS, to address this issue, the City wishes to require hosting platforms to inform hosts of the City's registration and tax requirements, to verify that hosts have lawfully registered with the City before hosting platforms facilitate the completion of a STRO transaction, and if a hosting platform collects the rent as part of its booking service, to require the hosting platform to collect the required transient occupancy taxes to facilitate compliance with existing law; and

WHEREAS, the City desires to empower City departments under the City Manager, including the City Treasurer, that have enforcement responsibility under Chapter 1 of the Municipal Code, to issue administrative subpoenas for the production of documents and other evidence to verify compliance with the Code; and

WHEREAS, on December 3, 2020, the Planning Commission of the City of San Diego considered the amendments to the Land Development Code and voted 7-0-0 to conditionally recommend City Council approval; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 1, Article 1, Division 2 of the San Diego Municipal Code is amended by retitling and amending section 11.0210, to read as follows:

§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, any Department Directors, 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 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.]

Section 2. That Chapter 1, Article 2, Division 1 of the San Diego Municipal Code is amended by adding new section 12.0106 to read as follows:

§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.

Section 3. That Chapter 5 of the San Diego Municipal Code is amended 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 to read as follows:

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) timely 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.

Section 4. That Chapter 5 of the San Diego Municipal Code is amended by adding new Article 10, Division 2, sections 510.0201 and 510.0202, to read as follows:

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.

Section 5. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§113.0103 Definitions

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

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*, private clubs, lodges, and fraternity or sorority houses.

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

Lot through *Yard* [No change in text.]

Section 6. That Chapter 12, Article 6, Division 2 of the San Diego Municipal Code is amended by amending section 126.0203, to read as follows:

§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.]

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.]

Section 7. That Chapter 12, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 126.0303, to read as follows:

§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.]

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

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

Section 8. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§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 ⁽¹⁾ -	
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						
<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.]					
Boarding Kennels/ Pet Day Care through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]					

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

Section 9. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322, to read as follows:

§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, Single Dwelling Units [No change in text.]	[No change in text.]				
Separately Regulated Residential Uses					
<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.]				
Boarding Kennels / Pet Day Care through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]				

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

Section 10. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, to read as follows:

§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⁾⁽⁷⁾	-												-		-									
Agriculture, Separately Regulated Agriculture Uses through Residential, Shopkeeper Units [No change in text.]		[No change in text.]																							
Single Dwelling Units	P	P ⁽⁸⁾												P ⁽⁸⁾		P ⁽⁸⁾									
Separately Regulated Residential Uses																									
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.]																							
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			P			P			P		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														
Companion Units through Garage, Yard, & Estate Sales [No change in text.]		[No change in text.]												
Guest Quarters		L ⁽⁸⁾			-			-			-		-	
Home Occupations through Retail Sales, Building Supplies & Equipment [No change in text.]		[No change in text.]												
Food, Beverages and Groceries		-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽⁶⁾	
Consumer Goods, Furniture, Appliances, Equipment through Pets & Pet Supplies [No change in text.]		[No change in text.]												
Sundries, Pharmaceuticals, & Convenience Sales		-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽⁶⁾	
Wearing Apparel & Accessories through Commercial Services, Building Services [No change in text.]		[No change in text.]												
Business Support		-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽⁶⁾	
Eating & Drinking Establishments through Off-Site Services [No change in text.]		[No change in text.]												
Personal Services		-			-			P ⁽⁶⁾			P ⁽⁶⁾		P ⁽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	
Radio & Television Studios through Tasting Rooms [No change in text.]	[No change in text.]													
Visitor Accommodations	-	-	-	-	-	-	-	-	-	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽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.]													
Boarding Kennels/ Pet Day Care through Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]													
Mobile Food Trucks	-	L ⁽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 ⁽⁶⁾							
Government [No change in text.]	[No change in text.]													
Medical, Dental, & Health Practitioner	-	-	-	-	-	-	P ⁽⁶⁾							
Regional & Corporate Headquarters through <i>Signs</i> , Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B¹ through ⁴ [No change in text.]⁵ Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per *dwelling unit* (maximum permitted *density*), as indicated on Table 131-04G.⁶ See Section 131.0423.

- 7 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.
- 8 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*.
- 9 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.
- 10 *Development* of a small *lot subdivision* is permitted in accordance with Section 143.0365.

Section 11. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending sections 131.0522 and 131.0540, to read as follows:

§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-	1-					
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]																	
Separately Regulated Residential Uses																		
<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.]																	
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 >>	CC-																																												
	3rd >>	1-			2-			3-			4-			5-																																
	4th >>	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>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.]																																													
Boarding Kennels/Pet Day Care through <i>Signs, Separately Regulated Signs Uses, Theater 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.]

Section 12. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

§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	[No change in text.]										
<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.]										
Boarding Kennels/Pet Day Care Facilities through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]	[No change in text.]										

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

Section 13. That Chapter 13, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 132.1510 and 132.1515, to read as follows:

§132.1510 Noise Compatibility

Noise 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, <i>Single Dwelling Units</i> [No change in text.]	[No change in text.]			
Separately Regulated Residential Uses	[No change in text.]			
<i>Companion Units</i> through Separately Regulated Commercial Services Uses, Sexual Encounter Establishment [No change in text.]	[No change in text.]			
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]	APZ I	APZ II	TZ
Maximum People Per Acre	25	50	300
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]		
Separately Regulated Residential Uses			
Companion Units through Separately Regulated Commercial Services Uses , Sexual Encounter Establishment [200 sq ft per person] [No change in text.]	[No change in text.]		
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						
Companion Units through Separately Regulated Commercial Services Uses , Sexual Encounter Establishment [200 sq ft per person] [No change in text.]	[No change in text.]					
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

Section 14. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code is amended by repealing section 141.0301.

Section 15. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by repealing section 141.0603.

Section 16. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending sections 142.0525 and 142.0555, to read as follows:

§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

<i>Multiple Dwelling Unit Type and Related and Accessory Uses</i>	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.]					
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.

Section 17. That Chapter 15, Article 2, Division 1 of the San Diego Municipal Code is amended by amending section 152.0104, to read as follows:

§152.0104 Definitions

Artists' Studios through **Banks, Credit Unions, and Savings and Loan**

Associations [No change in text.]

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

Section 18. That Chapter 15, Article 2, Division 3 of the San Diego Municipal Code is amended by amending section 152.0316, to read as follows:

§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.]	[No change in text.]					
Commercial Services , Hotels/Motels through Accessory Uses [No change in text.]	[No change in text.]					

Section 19. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

§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	[No change in text.]										
<i>Companion Units</i> through Commercial Services, Separately Regulated Commercial Services Uses, Assembly & Entertainment	[No change in text.]										

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	
Uses, Including Places of Religious Assembly [No change in text.]											
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.]

Section 20. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending sections 156.0302 and 156.0308, to read as follows:

§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.]

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.]													
Child Care Facilities through Other Use Requirements, Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]													

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

Section 21. That Chapter 15, Article 10, Division 3 of the San Diego Municipal Code is amended by amending sections 1510.0303 and 1510.0305, to read follows:

§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) 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.

(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) 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.
- (2) 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.]

Section 22. That Chapter 15, Article 13, Division 3 of the San Diego Municipal Code is amended by amending sections 1513.0303 and 1513.0304, to read as follows:

§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) 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 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.]

Section 23. That Chapter 15, Article 13, Division 4 of the San Diego Municipal Code is amended by amending section 1513.0403, to read as follows:

§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 per dwelling unit, except for the following:

(A) 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.

(B) 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.

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

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

(c) [No change in text.]

Section 24. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 25. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

Section 26. That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 27. That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

Section 28. That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications,

and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 29. That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to California Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 30. That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 31. Provided that the effective provisions of Sections 25, 26, 27, 28, 29, and 30 have been satisfied, hosts and hosting platforms, as defined in this Ordinance, shall have until January 1, 2022, to either cease the short-term residential occupancy and provision of booking

services, or comply with Chapter 5, Article 10. If the effective provisions of Sections 25, 26, 27, 28, 29, and 30 are not satisfied by January 1, 2022, hosts and hosting platforms shall comply with this Ordinance upon its effective date.

Section 32. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 33. That Ordinances O-2021-74, O-2021-80, and O-2021-85 have been recently considered by the Council or will be in the near future which amend Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within these sections upon the final passage of the Ordinances, without further action by the Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Heather M. Ferbert
Deputy City Attorney

HMF:cm
February 3, 2021
Or.Dept: Council District 2
Doc. No.: 2579098

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

TODD. R. GLORIA, Mayor

Vetoed: _____
(date)

TODD. R. GLORIA, Mayor