

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: March 15, 2017
TO: Honorable Councilmember Barbara Bry
FROM: City Attorney
SUBJECT: Short-Term Vacation Rentals

You have asked whether “short-term vacation rentals” are permitted in single family residential zones under the City of San Diego’s current Land Development Code. The City has a “permissive zoning ordinance.” City Att’y MS-2016-23 (July 22, 2016). This means that any use that is not listed in the City’s zoning ordinance is prohibited. *Id.* Short-term vacation rentals are not specifically defined, expressly permitted, or listed in any of the zone use categories, including residential or commercial.¹

The residential use category “includes uses that provide living accommodations for one or more persons.” San Diego Municipal Code (Municipal Code or SDMC) § 131.0112(a)(3). The single dwelling unit subcategory consists of “[d]welling units where no more than one dwelling unit is located on a lot, usually detached, and occupied by a single household unit.” SDMC § 131.0112(a)(3)(D). Permitted uses in the RS (Residential-Single Unit) Zone include mobile home parks, single dwelling units, boarder and lodger, companion, employee housing of less than six employees, garage, yard, and estate sales, home occupations, housing for senior citizens, and residential and transitional care facilities. SDMC § 131.0422, Table 131-04B. “Within the residential zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained except for one or more of the purposes or activities listed in Table 131-04B. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this section or Section 131.0422.” SDMC § 131.0420(b).

¹ The City’s zone use categories include open space, agriculture, residential, institutional, retail sales, commercial services, office, vehicle and vehicular equipment sales and services, distribution and storage, industrial, and signs. SDMC § 131.0112.

