

#55  
06/14/2022

(O-2022-103)

ORDINANCE NUMBER O- 21464 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 27 2022

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 10, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 510.0102 AND 510.0104, AND ADDING NEW SECTION 510.0112, RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S SHORT-TERM RESIDENTIAL OCCUPANCY REGULATIONS.

WHEREAS, on April 14, 2021, by Ordinance O-21305 (STRO Ordinance), the Council of the City of San Diego (Council) adopted amendments to the San Diego Municipal Code (Municipal Code) to regulate short-term residential occupancy (STRO) use of dwelling units in the City of San Diego; and

WHEREAS, the STRO Ordinance contained changes to the Land Development Code, which serves as the Implementation Plan to the City's certified Local Coastal Program (LCP) and contained changes to Chapter 1 and Chapter 5 of the Municipal Code, which are not in the LCP; and

WHEREAS, the California Coastal Commission (Commission) found aspects of the STRO licensing process, proposed as business regulations in Chapter 5 of the Municipal Code, also function as land use regulations of a high priority to the Commission under the Coastal Act relating to overnight accommodations; and

WHEREAS, the Commission proposed to include specific definitions in Municipal Code section 510.0102 and licensing provisions in Municipal Code section 510.0104 through amendment of the certified Implementation Plan to the City's certified LCP; and

WHEREAS, as an amendment to the City's certified LCP, the STRO Ordinance must be certified by the Commission as consistent with Coastal Act policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on March 9, 2022, the Commission considered certification of the STRO Ordinance; and

WHEREAS, the Commission, concerned with the potential for a substantial adverse impact on the public's ability to visit the coast and the difficulty in predicting the ramifications of the STRO Ordinance on the market for such accommodations, approved the STRO Ordinance with modifications to place a sunset clause of January 1, 2030 on the application of the STRO Ordinance licensing requirement in the Coastal Overlay Zone and to ensure that when Tier III licenses are distributed by lottery, it shall be by a methodology that distributes licenses proportionately to community planning area demand for licenses; and

WHEREAS, the City desires to accept the Commission's modifications; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 10, Division 1 of the San Diego Municipal Code is amended by amending sections 510.0102 and 510.0104, and by adding new section 510.0112, as follows:

**§510.0102 Definitions**

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

*Booking service through Whole home* [No change in text.]

**[Editor's Note:** The defined terms "dwelling unit," "guest," "home share," "host," "license," "primary residence," "short term residential occupancy," and "whole home" are part of the certified Local Coastal Program for the City of San Diego. An amendment by the City of San Diego to any of these definitions will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies the changes as an amendment to the Local Coastal Program and the amendment becomes effective.]

**§510.0104 Short-Term Residential Occupancy Regulated**

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

(d) Tier Three License: *Whole Home Short-Term Residential Occupancy*  
Outside of Mission Beach Community Planning Area.

(1) Through (4) [No change in text.]

(5) Tier Three Licenses issued on a lottery basis shall be issued to each  
Community Planning Area in proportion to the Community Planning  
Area's percentage of the overall Tier Three License applicant pool.

(e) [No change in text.]

**[Editor's Note:** Section 510.0104(b) - (e), inclusive, are part of the certified Local Coastal Program for the City of San Diego. An amendment to any section will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies the change as an amendment to the Local Coastal Program and the amendment becomes effective.]

**§510.0112 Sunset Clause**

The provisions of Sections 510.0102 and 510.0104 that are part of the City of San Diego's certified Local Coastal Program shall be in effect in the Coastal Overlay Zone until January 1, 2030. This section may be amended prior to the expiration date, however, if not amended by January 1, 2030, then the licensing requirement for *short-term residential occupancy* will no longer be in effect in the

Coastal Overlay Zone. The January 1, 2030, deadline may be extended for good cause by the Executive Director of the Coastal Commission.

Section 2. 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 3. That this Ordinance shall not take effect until the date the Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert  
Heather M. Ferbert  
Deputy City Attorney

HMF:sc  
04/28/2022  
Or.Dept: Council District 2  
Doc. No.: 2967200

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 14 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 6/27/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck-Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

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HMF:sc  
04/28/2022  
Or.Dept: Council District 2  
Doc. No.: 2967193

Passed by the Council of The City of San Diego on JUN 14 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input 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 JUN 27 2022

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 Connie Patterson, 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

MAY 17 2022, and on JUN 27 2022.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21464</u>