What is the purpose of Residential Zones, according to City Code?

§131.0403 Purpose of the RS (Residential--Single Unit) Zones

The purpose of the RS zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.

If STVR accommodate visitors (they do), are they allowed in RS zones?

All parties certainly agree that STVR accommodate visitors and are in Residential Zones. Are Visitor Accommodations allowed in Residential Zones? Sections §131.0420 and §131.0422 expressly prohibit the use of properties for visitor accommodations in RS zones.

What are STVR?

The City contends Short-Term Vacation Rentals (STVR) are not defined in the municipal code and the code requires clarification.

- The rental of a single-family dwelling for any time period less than 30 consecutive calendar days. Source: City Attorney Memorandum of Law (September 12, 2007)
- The rental of a residential dwelling unit (single-family or multi-family) by a transient guest (not part of the family unit) for a stay of less than thirty (30) days. Source: City of San Diego Office of the Independent Budget Analysis Report (April 17, 2015)
- A vacation rental is the renting out of a furnished apartment or house on a temporary basis to tourists as an alternative to a hotel. Source: Wikipedia

STVR certainly accommodate transients and visitors for less than 30 days. However, the City does not categorize STVR as a boarding, lodging, or Commercial Services Visitor Accommodations land use. Does the City acknowledge STVR at all?

Transient Occupancy Tax (TOT)/Tourism Marketing District (TMD)

The Office of the City Treasurer is responsible for the administration and collection of the Transient Occupancy Tax (TOT) and Tourism Marketing District (TMD) assessment. The TOT and TMD assessment are applicable to all properties rented to Transients. A Transient is any person who exercises occupancy or is entitled to occupancy for less than one (1) month.

If your property is located in the City of San Diego and is rented out to Transients for less than one month, you are responsible for collecting and remitting the TOT and TMD assessment to the City and therefore need a Transient Occupancy Registration Certificate. Examples of lodging businesses subject to the TOT and TMD assessment include:

- Short-Term and Vacation Rentals of any kind (i.e. houses, condos, rooms, or spaces) rented directly by the owner/operator, by property management companies, or via internet travel services.

So the City acknowledges and includes STVRs with other lodging businesses (hotels, motels, RV Parks, and Campgrounds) with regard to the Transient Occupancy Tax, but excludes STVRs from other lodging businesses with regard to the municipal code. It appears the City wants to collect taxes by allowing commercial services in residential zones in which any such services are strictly prohibited.