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City Clears a Path for Airbnb

Posted By [Lisa Halverstadt](#) On August 12, 2015 @ 6:50 pm In [Government,Tourism Economy](#) | [No Comments](#)

Short-term vacation rentals may soon be legal – and regulated – in San Diego.

City staffers released a memo Wednesday that lays out a potential framework for both traditional vacation rentals and those that've proliferated through sites like Airbnb and VRBO, which connect hosts and visitors.

[A proposed ordinance drafted by the city's Development Services Department](#) ^[1] would allow up to two paying visitors to stay in a room within a home, and full-home rental stays of less than 30 days. Hosts who book more than two visitors or multiple rooms at a time would be considered bed and breakfast operators, which would come with more requirements.

Here's a rundown of the rules being proposed:

Renting Out an Entire Space

The draft proposes these be generally allowed for less than a month in most residential areas. Hosts would be required to share and enforce a rental agreement with visitors and designate a local contact to respond within an hour of any complaints about bad behavior at the property. City leaders will have to hash out how many guests and visits are allowed per month.

Home Sharing

The property owner is required to remain in the home while the visitor stays for less than 30 days. No more than two lodgers are allowed and an arrangement is only allowed for one room or with one party. At least one parking space must be provided. City leaders will decide how often visits are allowed.

Bed and Breakfasts

Homeowners who host more than two visitors or coordinate more than two stays at once would be classified as bed and breakfast operators. This label wouldn't necessarily mean meals are provided but would require that the property owner to stick around during the visit. Depending on where the home is located, operators could need to get a neighborhood use permit, or a conditional use permit, [which can take more than a year to obtain](#) ^[2]. These hosts would also need to have a parking space for the operator and additional spaces for the guest rooms. There are additional regulations and parking requirements depending on the zone the home is in.



Still, the rules probably don't quell some bitter disagreements over the issue that have flared during months of public hearings, heated debates and even legal threats.

Bob Vacchi, the city's Development Services director, said the tension put pressure on the city.

"It's been extremely difficult for us to put (the draft rules) together because there's really no consensus," he said.

Even with the draft ordinance, the city [remains a house divided](#) ^[3] on short-term rentals.

[4]

Even with the draft ordinance, the city remains a house divided on short-term rentals.

While the city's collecting bed taxes from short-term rentals, a Burlingame woman last week

was [saddled with a nearly \\$25,000 fine](#) ^[10] for operating what city staffers referred to as a bed and breakfast out of her historic craftsman home. The 70-year-old says she simply hosted visitors through Airbnb and didn't operate a commercial enterprise.

The citation followed months of confusion about the rules – or lack thereof – for vacation rental hosts to follow and city demands that they [pay bed taxes](#) ^[11] long imposed on hoteliers.

Those disagreements also contributed to foot-dragging by the city.

City Councilwoman Lorie Zapf, who represents beach communities, [called](#) ^[12] an April City Council subcommittee hearing on short-term rental issues. The gathering was so packed the committee held a second meeting on May 29. That day, members of the smart growth and land use committee – which Zapf chairs – asked city staffers to work on an ordinance.

The initial draft was finished by early July and shared with City Council members, according to emails obtained by Voice of San Diego.

But the emails indicate the mayor's office delayed the release when it discovered continued infighting over some of the specifics.

Brian Pepin, Mayor Kevin Faulconer's director of council affairs, wrote in a July 10 email that the mayor's office had met with some City Council members to get their take on the measure and found continued disagreement over the number of rentals allowed per month or year.

"Unfortunately, the council members were unable to reach consensus on the appropriate frequency to move forward with," Pepin wrote in an email to a Development Services staffer who worked on the draft ordinance. "The result of the meeting was to request that you return to the smart growth committee at its next possible meeting in order to get clear direction on frequency."

The next subcommittee meeting isn't until Sept. 23.

There were other issues, too. At the May 29 meeting and in other settings, City Council members have disagreed on the number of visitors that should be allowed in a full-home vacation rental. They also haven't given clear consensus on whether hosts should be allowed to rent granny flats, or other spaces on residential lots, on a short-term basis.

Officials say conflicts delayed at least one other discussion on the issue.

Joe LaCava chairs the citywide Community Planners Committee, a group that had been set to review the draft short-term rental ordinance at its July meeting.

LaCava said he was told the draft rules would be released June 30 and cleared his group's July agenda to allow for a heated debate. That didn't happen.

"I heard those regulations were being held back by the mayor's office," LaCava said.

He was surprised when the proposed regulations weren't released in the weeks afterward either.

"Everybody knows there's draft language just sitting out there. Everybody's just waiting for that draft language to drop and then start the conversation," LaCava said Wednesday, before the memo was released. "I think everybody's just sort of in a waiting period right now."

Vacchi said the delays were a result of a lack of consensus among Council members, not any intention by the mayor's office to delay the discussion.

A mayor's office spokesman couldn't immediately comment Wednesday.

That debate appears like to pick up again soon, shortly after an administrative law judge decided the Burlingame Airbnb host should be sanctioned.

Amanda Lee, the Development Services manager who drafted the proposed rules, said Zapf's office will decide next steps for the ordinance.

A spokeswoman for Zapf's office said the councilwoman was unavailable to comment Wednesday.

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URLs in this post:

[1] A proposed ordinance drafted by the city's Development Services Department:

<https://www.scribd.com/doc/274357266/Prospective-San-Diego-Short-Term-Vacation-Rental-Home-Sharing-Regulations>

[2] which can take more than a year to obtain:

<http://www.voiceofsandiego.org/topics/government/it-takes-a-year-to-get-the-permits-the-city-wants-airbnb-hosts-to-have/>

[3] remains a house divided: <http://www.voiceofsandiego.org/topics/land-use/san-diego-is-still-a-house-divided-on-vacation-rentals/>

[4] : [http://www.facebook.com/sharer.php?](http://www.facebook.com/sharer.php?u=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F&description=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.)

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[5] : [http://twitter.com/home?status=Even with the draft ordinance, the city remains a house divided on short-term](http://twitter.com/home?status=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.%20http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F)

[rentals.%20http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F](http://twitter.com/home?status=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.%20http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F)

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[7] : [http://pinterest.com/pin/create/button/?](http://pinterest.com/pin/create/button?url=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F&description=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.&media={image})

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[8] : [http://linkedin.com/shareArticle?](http://linkedin.com/shareArticle?mini=true&url=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F&title=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.)

[mini=true&url=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F&title=Even with the draft ordinance, the city remains a house divided on short-term rentals.](http://linkedin.com/shareArticle?mini=true&url=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F&title=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.)

[9] : [mailto:?subject=Even with the draft ordinance, the city remains a house divided on short-term](mailto:?subject=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.&body=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F)

[rentals.&body=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F](mailto:?subject=Even+with+the+draft+ordinance,+the+city+remains+a+house+divided+on+short-term+rentals.&body=http%3A%2F%2Fwww.voiceofsandiego.org%2Ftopics%2Fgovernment%2Fcity-clears-a-path-for-airbnb%2F)

[10] saddled with a nearly \$25,000 fine:

<http://www.sandiegoreader.com/news/2015/aug/10/ticker-airbnb-rachel-smith-fined/>

[11] pay bed taxes: <http://voiceofsandiego.org/topics/news/san-diegos-cracking-down-on-airbnb-hosts/>

[12] called: <http://www.voiceofsandiego.org/topics/economy/cate-airbnb-hosts-keep-calm-rent/>

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