

ORDINANCE NUMBER O- 17786 (NEW SERIES)  
ADOPTED ON JUN 22 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 101.0407 AND 101.0463  
RELATING TO REGULATIONS AFFECTING PROPERTY  
WITHIN SINGLE FAMILY RESIDENTIAL ZONES.

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

Section 1. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 101.0407, to read as follows:

**SEC. 101.0407 R-1 Zones**

A. [No change to this subsection]

B. PERMITTED USES

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:

1. One-family dwellings, provided that if the dwelling or any portion thereof is rented, leased or sublet, and the property is located within the area designated on Map C-841 on file in the office of the City Clerk, it must also be maintained and used in accordance with the One-Family Dwelling Rental Regulations of Section 101.0463.

2. [No changes to this subsection]

3. [No changes to this subsection]

4. Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

a. Not more than two lodgers, provided they reside within a one-family dwelling unit which is located within the R-1-5000 Zone and outside the boundaries of the One-Family Dwelling Rental Regulations of Section 101.0463.

b. No changes to this subsection]

5. [No changes to this subsection]

C. through F. [No changes to these subsections]

Section 2. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 101.0463, to read as follows:

**SEC. 101.0463 One-Family Dwelling Rental Regulations**

**A. PURPOSE AND INTENT**

The Council finds that there presently exists and may continue to exist in the future within certain neighborhoods of the City, one-family dwellings which are rented, leased or sublet in whole or in part by an owner and which, by their operation, use and occupancy, adversely affect the public health, safety and general welfare of the occupants, the residents of adjacent properties and the neighborhood.

It is the purpose of these regulations to provide standards which ensure a safe and adequate living habitat

for the residents of single family detached dwellings which are rented, leased or sublet in whole or in part.

These regulations are also intended to ensure that the use of these rentals as an economic business enterprise does not adversely affect the health, safety and general welfare of the occupants of adjacent property and the neighborhood in which the dwelling unit is located.

This section is intended for application to specific areas of the city where nuisance problems have been identified. These nuisance problems include: overcrowding and inadequate living space, a lack of on-site and public street parking, excessive noise, litter, inadequate property maintenance and use which otherwise detracts from and adversely impacts upon the desirable nature and character of one-family residential zones.

It is also the intent of this section to reduce these problems by establishing certain property development standards and regulations designed to prevent these nuisances. When appropriate, mediation should be utilized to resolve violations of these regulations before resorting to other administrative or judicial remedies.

B. [No change to this subsection]

C. RENTAL REGULATIONS

It shall be unlawful for an owner of real property in the R-1-5000 zone and located within the area designated on Map C-841 on file in the office of the City Clerk to rent, lease or allow to be occupied or subleased, for any form of

consideration, any one-family dwelling unit, or portion thereof, in violation of any of the following development regulations:

1. No such dwelling shall be occupied by more persons, over the age of eighteen (18), than is permitted by the most restrictive of the following regulations:

a. through c. [No changes to these subsections]

2. No such dwelling, or portion thereof, may be rented if it does not have at least one room, other than a bedroom, with a minimum of 150 square feet of habitable net floor space.

D. ADMINISTRATION

1. The Planning Director is authorized to promulgate procedures and regulations for the administration and enforcement of this section, and may require the property owner to provide a site plan or description of an affected premise for administrative purposes. It is unlawful for an owner to fail or refuse to provide a site plan or description of an affected premise to the Planning Director following thirty (30) days written notice to the owner by the Planning Director of such a requirement promulgated pursuant to this subsection.


2. [No changes to this subsection]

E. through F. [No changes to these subsections]

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

RAD:mqr  
06/18/92  
Or.Dept:Atty  
0-92-151 rev. 1  
Form=o+t

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Passed and adopted by the Council of The City of San Diego on JUN 22 1992  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By Linda Sugano, 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

JUN 08 1992

JUN 22 1992

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By Linda Sugano, Deputy.

Office of the City Clerk, San Diego, California

Ordinance 0-17786

JUN 22 1992

Number ..... Adopted .....

RECEIVED

92 JUN 18 PM 2:03

CITY CLERKS OFFICE  
SAN DIEGO, CA

JUN 18 1992

JUN 18 1992

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK  
02 JUL -9 PM 12:33  
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTIONS 101.0407 AND 101.0463  
RELATING TO REGULATIONS AFFECTING PROPERTY...

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

**ORDINANCE NUMBER O-17786 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0407 AND 101.0463 RELATING TO REGULATIONS AFFECTING PROPERTY WITHIN SINGLE FAMILY RESIDENTIAL ZONES.  
This ordinance amends the San Diego Municipal Code by amending sections 101.0407 and 101.0463.  
Sections 101.0407 and 101.0463 are amended with language to clarify and effectuate the original intent of section 101.0463 regarding single family residential rental regulations which was adopted June 3, 1991, and is scheduled for implementation in July 1992.  
A copy of the full text of the ordinance is on file in the office of the City Clerk and available for public inspection.  
INTRODUCED ON JUN 08 1992 Passed and Adopted by the Council of the City of San Diego on JUN 22 1992.  
AUTHENTICATED BY:  
MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
(SEAL) By Linda Lugano, Deputy  
Pub: July 6 248728

ORDINANCE NUMBER O-17786 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JULY 6

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 6th day of JULY, 1992.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

2 1/4" x 2 = 60.50