

#50

(O-93-97)

ORDINANCE NUMBER O- 17893 (NEW SERIES)

ADOPTED ON FEB 22 1993

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

WHEREAS, the Fourth District Court of Appeal, in the case of Briseno v. City of Santa Anna, 6 Cal. App. 4th ed. 1378 (1992), has determined that State Law preempts local regulation in the field of housing regulations related to minimum room size dimension requirements; and,

WHEREAS, in order to bring City regulations into conformance with State Law with respect to this field of regulation; NOW THEREFORE,

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 101.0463, to read as follows:

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

- A. [No change to this subsection]
- 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 unit shall be occupied by more persons, over the age of eighteen (18), than is permitted by the most restrictive of the following regulations:

a. Two (2) persons for each 70 square feet of shared bedroom area, plus one (1) additional person for each additional 50 square feet of bedroom area in bedrooms shared by more than two (2) persons, as provided for in Uniform Housing Code section 503; or

b. Four (4) persons for each full or three-quarter bathroom and two (2) persons for each half bathroom; or

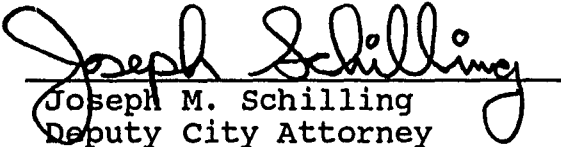
c. One (1) person for each usable off-street parking space on the premises, developed, located and maintained in accordance with the provisions of Division 8 of this Article, plus one additional person; provided, however, that not more than two (2) parking spaces may be in tandem, nor more than one (1) curb cut per front yard, street side yard or alley be allowed for determining occupancy limits based on parking restrictions.

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 120 square feet of habitable net floor space.

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

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
Joseph M. Schilling  
Deputy City Attorney

JWW:JMS:RAD:mqr  
November 3, 1992  
Or.Dept:City Attorney  
O-93-97  
Form=o+t

12803

92 DEC -7 1112:00

FEDERAL BUREAU OF INVESTIGATION  
SAN DIEGO, CA

*[Handwritten signature]*

OLD LANGUAGE LINED OUT  
NEW LANGUAGE UNDERLINED

(0-93-97)

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

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

- A. [No change to this subsection]
- 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 unit shall be occupied by more persons, over the age of eighteen (18), than is permitted by the most restrictive of the following regulations:

a. ~~One (1)~~ Two (2) persons for each ~~8070~~ square feet of shared bedroom area, plus one (1) additional person for each additional 50 square feet of bedroom area in bedrooms shared by more than two (2) persons, as provided for in Uniform Housing Code section 503; or

b. Four (4) persons for each full or three-quarter bathroom and two (2) persons for each half bathroom; or

c. One (1) person for each usable off-street parking space on the premises, developed, located and maintained in accordance with the provisions of Division 8 of this Article, plus one additional person; provided, however, that not more than two (2) parking spaces may be in tandem, nor more than one (1) curb cut per front yard, street side yard or alley be allowed for determining occupancy limits based on parking restrictions.

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~~120 square feet of habitable net floor space.

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

Passed and adopted by the Council of The City of San Diego on **FEB 22 1993**,  
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**SUSAN GOLDING**  
 Mayor of The City of San Diego, California.

(Seal)

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

By *Mary Cepeda*, 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

**FEB 02 1993**

, and on **FEB 22 1993**

~~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 *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17893** Adopted **FEB 22 1993**  
 Number.....

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CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
93 MAR -9 AM 10:31  
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.

REGULATIONS AFFECTING CERTAIN PROPERTY WITHIN  
SINGLE FAMILY RESIDENTIAL ZONES

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-17893 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0463 RELATING TO REGULATIONS AFFECTING CERTAIN PROPERTY WITHIN SINGLE FAMILY RESIDENTIAL ZONES.  
The Fourth District Court of Appeal, in the case of *Briseno v. City of Santa Anna*, 8 Cal. App. 4th ed. 1378 (1992), has determined that state law preempts local regulation in the field of housing regulations related to minimum room size dimension requirements. This ordinance amends section 101.0463 of the San Diego Municipal Code to bring the One-Family Dwelling Rental Regulations into conformance with the minimum room size dimension regulations mandated by state law.  
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, Second Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
INTRODUCED ON February 2, 1993.  
Passed and adopted by the Council of the City of San Diego on February 22, 1993.  
AUTHENTICATED BY:  
BUSAN GOLDING  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
BY MARY DEPEDA, Deputy

ORDINANCE NUMBER O-17893 (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:

MARCH 8

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

Dated at San Diego, California this 8th day of MAR., 1993.

*Corey Donahue*  
(Signature)

2 2/8" x 2 = \$69.12