

ORDINANCE NUMBER O- 20567 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 15 2015

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AND BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, RELATING TO THE DEFINITION AND REGULATION OF ROOMING HOUSES.

ITEM # 55

10/06/15

WHEREAS, the Municipal Code currently contains two different definitions for “rooming house”; and

WHEREAS, Municipal Code Section 113.0103 currently defines a rooming house as “a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements”; and

WHEREAS, Municipal Code Section 131.0112(a)(3)(A) also currently describes a *rooming house* as a dwelling “where rooms are rented, resulting in multiple, independent living units where tenants do not share common access or financial responsibility for use of the dwelling unit as a whole”; and

WHEREAS, the City seeks to reconcile the two different definitions and adopt one definition for consistency, clarity, and enforcement purposes; and

WHEREAS, the City seeks to adopt a definition of a rooming house as a dwelling unit where three or more rooms, excluding kitchens and bathrooms, are rented to three or more individuals under three or more separate rental agreements or leases; and

WHEREAS, the City desires to allow rooming houses in all residential multiple unit zones; and

WHEREAS, the Municipal Code currently includes an amortization period of three years during which previously conforming *rooming houses* were allowed to operate pursuant to Municipal Code Section 127.0102(d); and

WHEREAS, the amortization period expired in 2011 and the clause is no longer necessary; NOW, THEREFORE,

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

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

§113.0103 Definitions

Abutting property through Roof sign [No change in text.]

Rooming house means a *dwelling unit* where three or more rooms, excluding *kitchens* and bathrooms, are rented to three or more individuals under three or more separate rental agreements or leases. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 U.S.C. section 3604(f)) and the California Fair Employment and Housing Act (California Government Code section 12900 *et seq.*), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a *rooming house*.

School through Yard [No change in text.]

Section 2. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) through (2) [No change in text.]

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) *Rooming houses. Rooming house* has the same meaning as in San Diego Municipal Code Section 113.0103.

(B) through (D) [No change in text.]

(4) through (11) [No change in text.]

(b) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, to read as follows:

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

**Table 131-04B
Use Regulations Table for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-	RS-										RX-		RT-									
	3rd >>	1-	1-										1-		1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Residential, Multiple Dwelling Units [No change in text.]	[No change in text.]													
Rooming House [See Section 131.0112(a)(3)(A)]	P			P			P			P		P		
Residential, Single Dwelling Units through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B [No change in text.]

Section 4. 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 5. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station

(MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force as of the date of the finding of consistency by SDCRAA, provided that and not until at least 30 days have passed from the final date of passage, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for

the Airports; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 6. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 5, above.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
06/23/2015
Or.Dept: Council District 9
Doc. No.: 1031235

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 06 2015.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 10/12/15
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: Struck-Out

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AND BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, RELATING TO THE DEFINITION AND REGULATION OF ROOMING HOUSES.

§113.0103 Definitions

Abutting property through Roof sign [No change in text.]

Rooming house means a *dwelling unit* where three or more rooms, excluding kitchens and bathrooms, are rented to three or more individuals ~~individually or separately, to tenants~~ under three or more separate rental agreements or leases.

Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 USC U.S.C. section 3604 ~~(f)~~ 3604(f)) and the California Fair Employment and Housing Act (California Government Code section ~~12920~~ 12900 ~~et seq.~~ et seq.), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a *rooming house*.

School through Yard [No change in text.]

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) through (2) [No change in text.]

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) *Rooming houses.* ~~Dwellings where rooms are rented, individually or separately, resulting in multiple, independent living units where tenants do not share common access or financial responsibility for use of the dwelling unit as a whole. Pursuant to Section 127.0102(d), all previously conforming rooming houses shall be unlawful three years from the effective date of Ordinance O-2008-61.~~ Rooming house has the same meaning as in San Diego Municipal Code Section 113.0103.

(B) through (D) [No change in text.]

(4) through (11) [No change in text.]

(b) [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

**Table 131-04B
Use Regulations Table for Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1st & 2nd >>	RE-	RS-												RX-		RT-							
	3rd >>	1-	1-												1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Residential, Multiple Dwelling Units [No change in text.]	[No change in text.]													
Rooming House [See Section 131.0112(a)(3)(A)]	-P			-P			P			P		P		
Residential, Single Dwelling Units through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B [No change in text.]

SMT:als

06/23/2015

Or.Dept: Council District 9

Doc. No.: 1031237

Passed by the Council of The City of San Diego on OCT 06 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<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"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 15 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], 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

SEP 15 2015

OCT 15 2015

, and on _____

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 [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20567