

**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 11/13/2014

ORIGINATING DEPARTMENT: City Council District 9

SUBJECT: Amend Chapter 11, Article 3, Division 1 and Chapter 13, Article 1, Division 1 of the San Diego Municipal Code.

COUNCIL DISTRICTS: Citywide

CONTACT/PHONE NUMBER: Chris Pearson (619) 236-6681

REQUESTED ACTION:

Approve amendment to Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending section 113.0103; and amending Chapter 13, Article 1, Division 1 of the San Diego Municipal Code by amending sections 113.0103 and 131.0112, both relating to the definition of rooming house.

STAFF RECOMMENDATION: Approve requested action.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The Rooming House Ordinance (RHO) O-19739 was passed by the City Council and signed into law in 2008. The purpose of the ordinance is to provide Code Enforcement with the tools necessary to regulate the commercial overuse of dwelling units in residential neighborhoods. The definition of rooming house in O-19739 is not specific enough to enable Code Enforcement to do its job. This action corrects that deficiency.

This action will amend Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending section 113.0103; and amending Chapter 13, Article 1, Division 1 of the San Diego Municipal Code by amending section 131.0112, both relating to the definition of rooming house. Please see the proposed strikeout ordinance attached hereto and incorporated by reference herein.

FISCAL CONSIDERATIONS: None.

EQUAL OPPORTUNITY CONTRACTING INFORMATION: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION

Passage of the RHO, O-19739 received unanimous support from the City Council (4/15/08) and was signed by Mayor Sanders (4/23/08).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The proposed amendment was unanimously approved by the College Area Community Planning Group October 8, 2014.

Issues with mini-dorms go back to 1987. The RHO, passed in 2008, grew out of widespread community protests over the negative impact of rapidly increasing high occupancy high turnover (HTHO) nuisance rental housing especially in the College Area and Pacific Beach.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The RHO applies city-wide but mainly affects communities near college & university campuses and/or beach communities, the most impacted being SDSU. This amendment merely clarifies the definition of a rooming house in the ordinance for code enforcement actions.



P.O. Box 15723, San Diego, CA 92175

www.collegearea.org

Councilmember Marti Emerald, Chair
Public Safety and Livable Neighborhoods Committee
San Diego City Council

October 29, 2014

Re: Request to Approve Revised Draft Language for Municipal Code 113.0103 and 131.0112, known as the Rooming House Ordinance

Dear Councilmember Emerald and Committee Members,

The College Area Community Planning Board and Community Council (CACPB/CACC) respectfully requests that the Public Safety and Livable Neighborhoods Committee approve the revised draft language in the municipal code known as the Rooming House Ordinance and forward it to the full City Council for final approval.

The City Council approved the Rooming House Ordinance in March, 2008, with a three-year compliance or amortization period before enforcement could begin. When that waiting period expired in March 2011, however, it became evident that inconsistencies between the definitions of “rooming house” in the two relevant sections of the code made the ordinance difficult to enforce. Since 2012, CACPB/CACC representatives have worked with the City Attorney’s Office and the Development Services Department to develop a more workable ordinance, by eliminating these inconsistencies. The attached draft from the City Attorney’s Office accomplishes this goal. This draft was considered and approved by the CACPB/CACC at its meeting of October 8, 2014.

The Rooming House ordinance is a necessary tool to address the over-commercialization of single family residential zoned neighborhoods, where high turnover, high occupancy rentals (HTHOs, aka “mini-dorms”) have had an extremely negative impact. In the College area alone, there are nearly 700 single family homes used as rentals aimed at students; 40% have five to ten bedrooms. These HTHOs create serious problems in the College Area, in the following ways:

1. High occupancy: Since more adults live in these houses than they were designed for, there is inadequate space for cars, which often park on lawns or paved front yards and/or spill onto the street, creating parking problems for neighbors. A large number of adult tenants create noise disturbance just

from daily interaction and coming and going, not to mention from infamous parties. High occupancy also creates excessive trash, and can hasten property deterioration. The concentration of HTHOs in a neighborhood compounds the problem by increasing impact of these problems and because these behaviors then appear to be the acceptable norms.

2. High turnover: Tenants in a house just a year, on average, have no stake in the neighborhood, thus no interest in maintaining it. They are generally unaware of regulations for trash collection, noise limits, or appropriate parking. Longer term neighbors are continually educating new arrivals, often without success. As a result, the above problems are never resolved.
3. Absentee, profit-driven landlords: HTHO rentals are usually owned by absentee landlords who don't live in the neighborhood, and don't care about it. They are loath to enforce regulations which might cause tenants to move out. Because their goal is to maximize profit, they prefer to lease to individual renters, often grossing \$5500/month for a four bedroom house, rather than to a family paying \$2000/month on average. Since about 40% of the houses are five to ten bedrooms, income is often much higher. New rentals are constantly added because they can bring in such high revenue. Ordinary families are shut out of the rental market, unable to compete with the high rents from HTHOs.

The presence of de facto rooming houses in single family neighborhoods results in a downward spiral. Long time residents age and move out; others leave because of their deteriorating quality of life and declining property values. This makes room for more HTHOs to move in. The potential profit is so great, current residents report investors coming to the door encouraging them to sell. As the concentration of HTHOs increases, potential residents are reluctant to purchase a home in such a neighborhood because of the problems cited, and it becomes difficult to maintain stable neighborhoods. This pattern causes distress among long time residents who have invested in their homes and neighborhoods.

We recognize that not all HTHOs are nuisance properties and while we recognize that the RHO will not solve all the problems created by the prevalence of HTHO houses in the College Area, the revised ordinance will give the Code Enforcement Division a powerful tool to address the problem of over-commercialization. This ordinance may discourage new investors from creating large rental houses most likely to have tenants on individual leases, and encourage existing rooming houses to change their business model. Thank you for your consideration.

Sincerely,

Rhea Kuhlman, Chair and President
College Area Community Planning Board/College Area Community Council

Cc:

Councilmember Myrtle Cole, Vice Chair
Councilmember Ed Harris
Councilmember Mark Kersey
Marisa Berumen, Committee Consultant

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; AND AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0112, BOTH RELATING TO THE DEFINITION OF ROOMING HOUSE.

§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 individually or separately to multiple tenants under ~~a single rental agreement or lease, or to multiple tenants under~~ separate rental agreements or leases, either written or oral. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (~~42 USC section 3604 (f)~~) (42 U.S.C. § 3604(f)) and the California Fair Housing Act (~~California Government Code section 12920 et seq.~~) (Cal. Gov't Code § 12920, 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.]

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§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 houses have 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.]

(O-[Ord No.])

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3/12/2013
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