



# Processing & Regulation of Commercial Student Housing In San Diego, CA

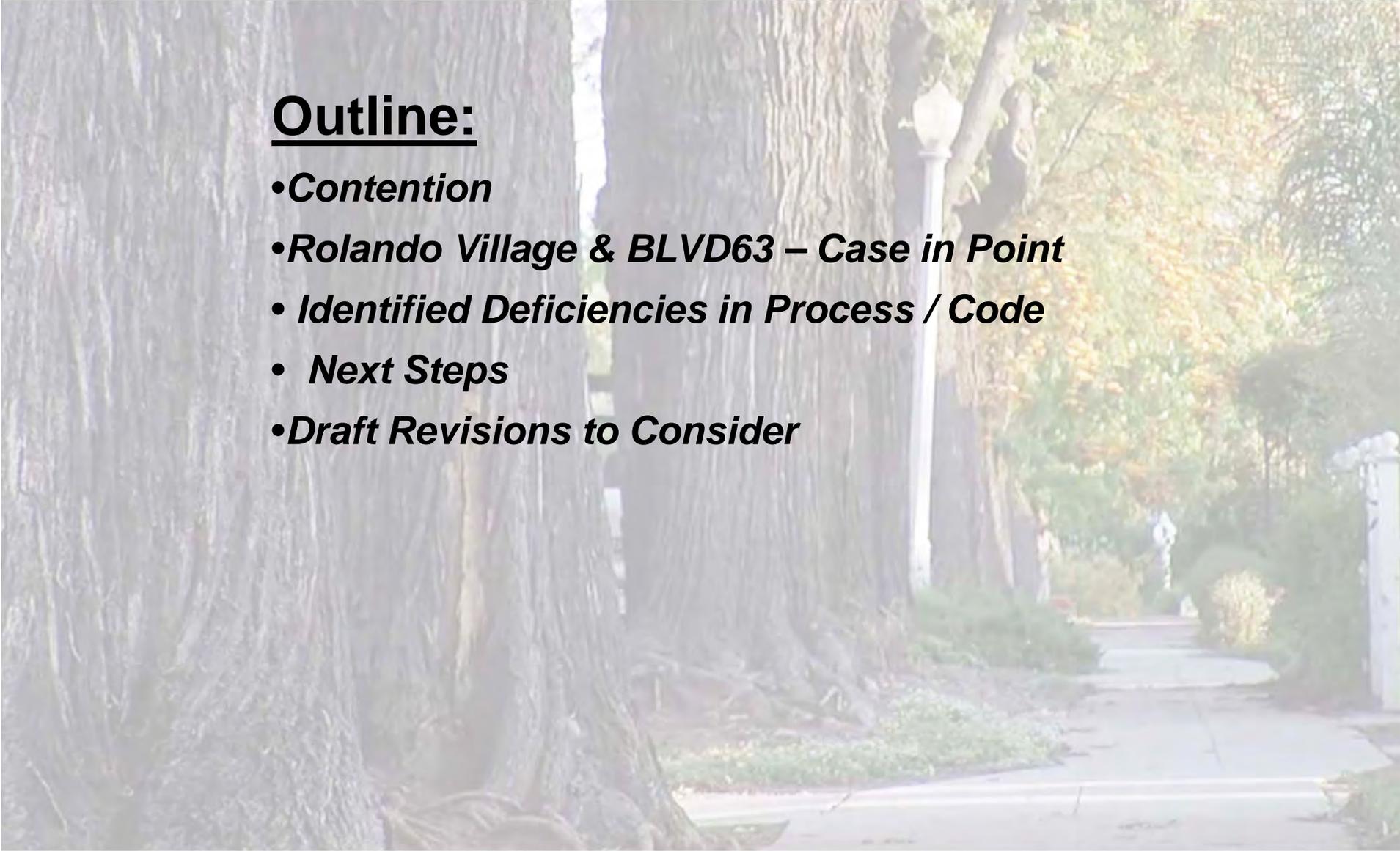
Discussion Points as Presented to  
Public Safety & Livable Neighborhoods Committee

by Subcommittee of Eastern Area Communities Planning Committee (EACPC)

**Laura Riebau, Chair**

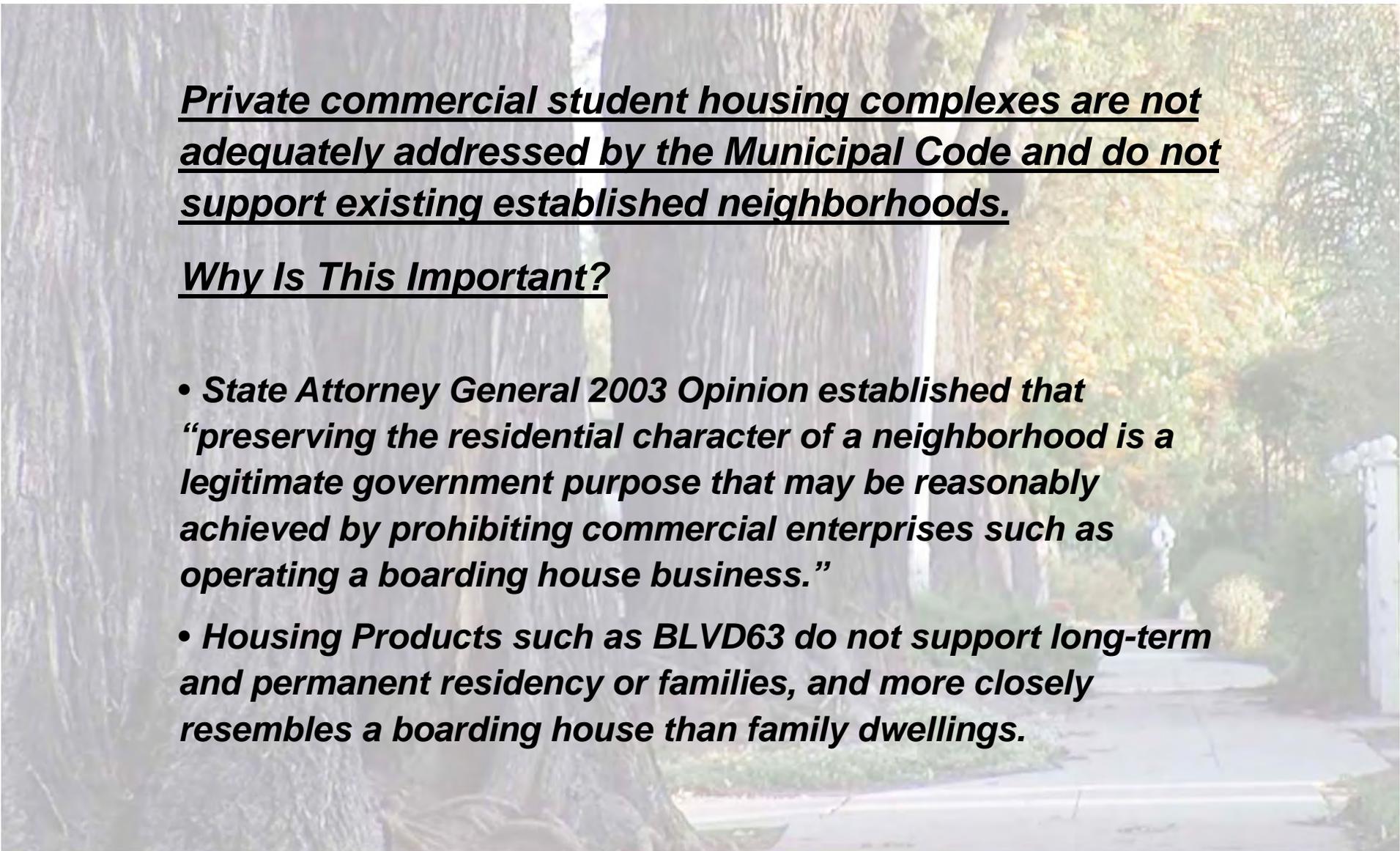
**Denise Armijo, member representing Rolando Village**

November 13, 2014



## **Outline:**

- ***Contention***
- ***Rolando Village & BLVD63 – Case in Point***
- ***Identified Deficiencies in Process / Code***
- ***Next Steps***
- ***Draft Revisions to Consider***



**Private commercial student housing complexes are not adequately addressed by the Municipal Code and do not support existing established neighborhoods.**

**Why Is This Important?**

- ***State Attorney General 2003 Opinion established that “preserving the residential character of a neighborhood is a legitimate government purpose that may be reasonably achieved by prohibiting commercial enterprises such as operating a boarding house business.”***
- ***Housing Products such as BLVD63 do not support long-term and permanent residency or families, and more closely resembles a boarding house than family dwellings.***

Contention



***PEACEFUL ■ FRIENDLY ■ ROLANDO***

What is the Character of Rolando?



CHOOSE YOUR HOME

IN BEAUTIFUL HEALTHFUL

NO CITY TAXES

ROLANDO VILLAGE  
(DESIGNED FOR BETTER LIVING)

Inexpensive Transportation

445 AMERICANS CAN'T BE WRONG—THEY DID LIKEWISE THESE 3 ATTRACTIVE HOMES ARE OPEN FOR INSPECTION

5 LARGE COMMODIOUS ROOMS—ULTRA MODERN—EXPANSIVE LOTS  
F.H.A. TERMS AND CONSTRUCTION

LINCOLN HOMES, INC.  
6525 EL CAJON BLVD. TALBOT 2171

DO YOU KNOW—

**ROLANDO VILLAGE**

San Diego's Fastest Growing District—  
Now Has 90 New Homes!

**T H A T**

- There are no city taxes.
- F.H.A. payments are lower.
- Sidewalks, curbing, paving and electroliners are in and paid.
- There are no street or Mattoon Bonds.
- It is only a 15-minute drive to downtown San Diego.
- Convenient rapid bus service available.
- State College is only a few minutes drive.
- It is high, dry and fogless.

THAT CHOICE HOMESITES ARE AVAILABLE AS LOW AS

**\$500**  
TERMS

6525 EL CAJON BLVD. TALBOT 2171

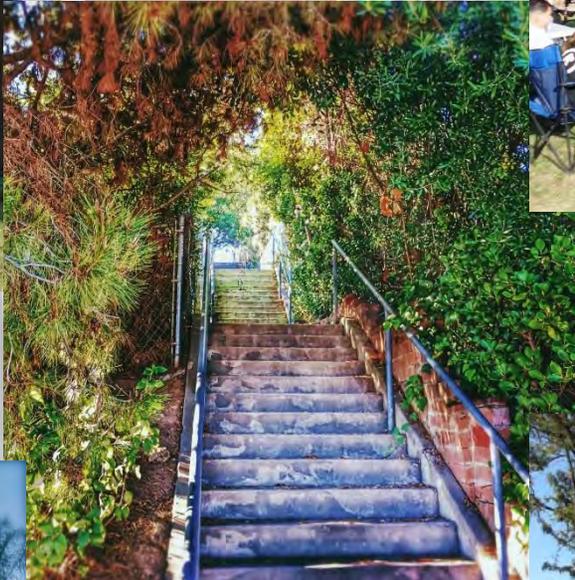
Deliver only in Cajon Blvd. to Rolando Village. Includes all beautiful home accessories. Hand placed and estimated F.H.A. payments—free of charge.

- **Stable predominantly Single-Family neighborhood established in 1926**
- **Long-Term and Second Generation Residents**
- **Pride in Community; Well Maintained Homes**

What is the Character of Rolando?



- ***Pedestrian Oriented***
- ***Neighbors Know Each Other***

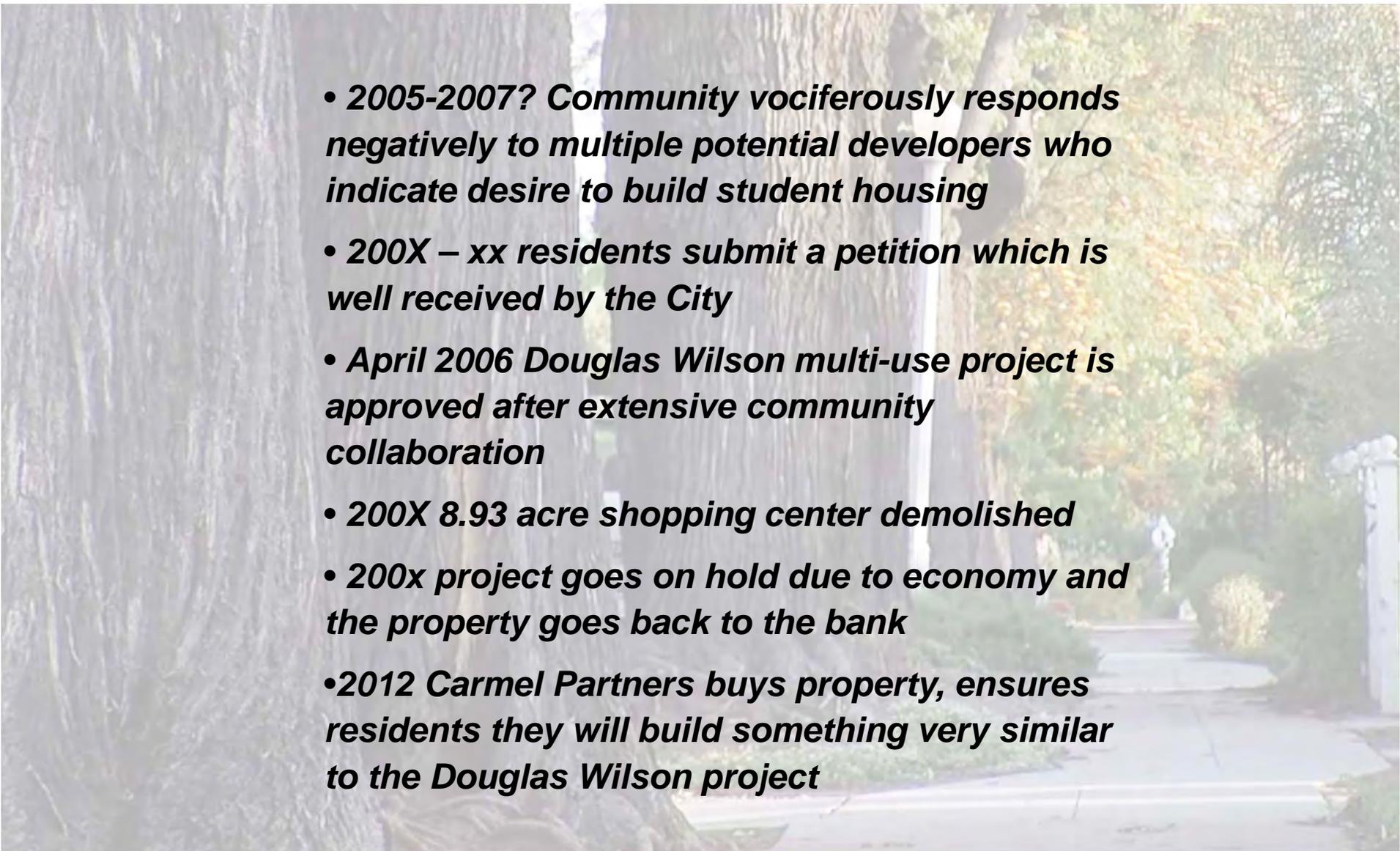


What is the Character of Rolando?

• ***Abundant Community Participation & Volunteer Efforts***



What is the Character of Rolando?

- 
- ***2005-2007? Community vociferously responds negatively to multiple potential developers who indicate desire to build student housing***
  - ***200X – xx residents submit a petition which is well received by the City***
  - ***April 2006 Douglas Wilson multi-use project is approved after extensive community collaboration***
  - ***200X 8.93 acre shopping center demolished***
  - ***200x project goes on hold due to economy and the property goes back to the bank***
  - ***2012 Carmel Partners buys property, ensures residents they will build something very similar to the Douglas Wilson project***

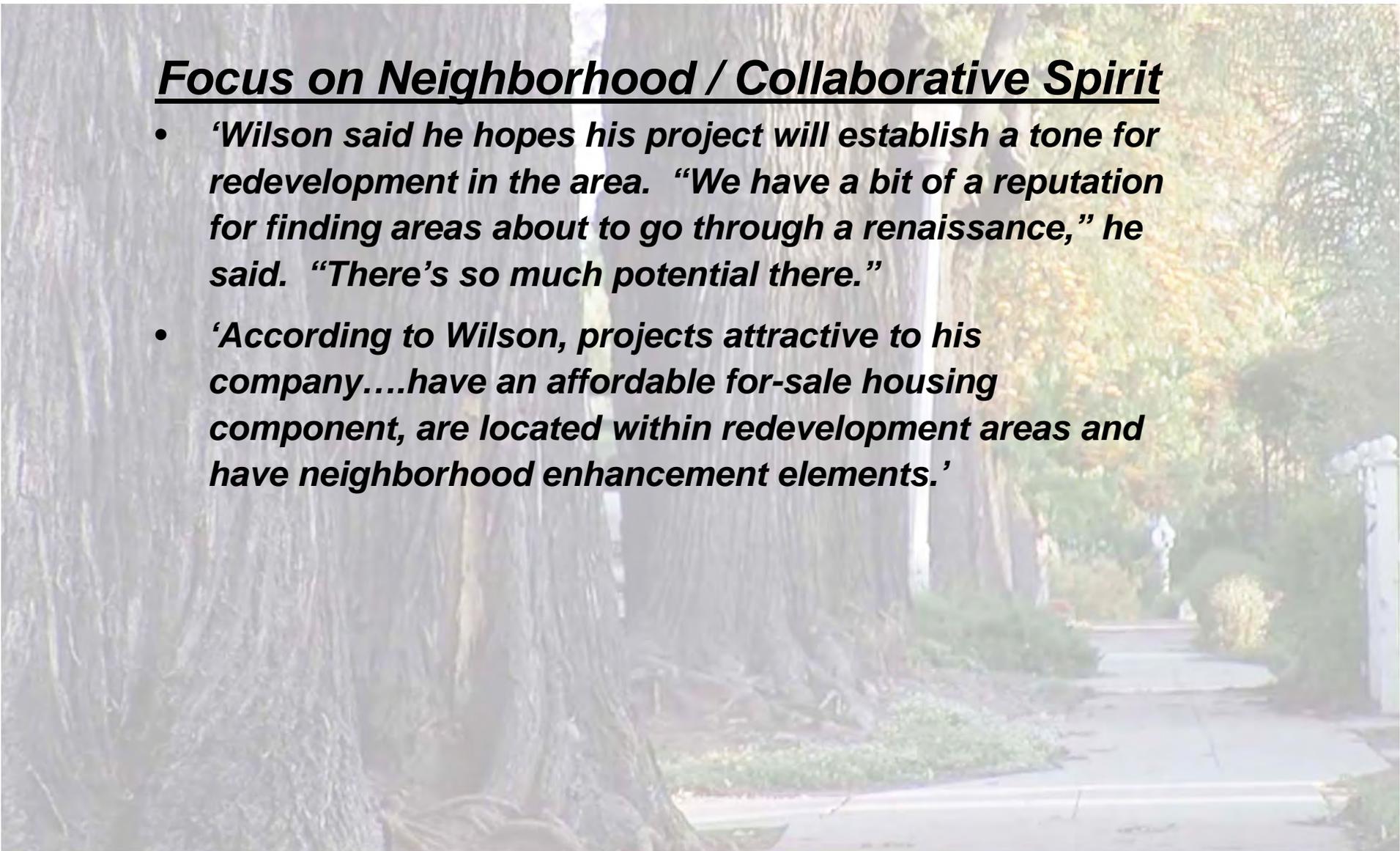
## A Short Project Site History



## **Focus on Neighborhood / Collaborative Spirit**

- ***“This project has overwhelming community support and will serve as an excellent springboard to bring additional housing, services and commercial opportunities to area residents.” – Jim Madaffer, City Council***
- ***“They (developer) worked with the community, with the neighborhood groups. I’ve never had smaller projects go through so well.” - Tracy Reed, Redevelopment Agency***
- ***“We look forward to continuing our work with the developer and the community to ensure that this proposed project, as well as future projects, enhances the neighborhood and stimulates additional revitalization.” – Debra Fischle-Faulk, Redevelopment Agency***

Douglas Wilson Project



## **Focus on Neighborhood / Collaborative Spirit**

- ***‘Wilson said he hopes his project will establish a tone for redevelopment in the area. “We have a bit of a reputation for finding areas about to go through a renaissance,” he said. “There’s so much potential there.”***
- ***‘According to Wilson, projects attractive to his company....have an affordable for-sale housing component, are located within redevelopment areas and have neighborhood enhancement elements.’***

Douglas Wilson Project



***Elevation of Flats facing El Cajon Blvd***

What We Expected  
 (Douglas Wilson Project)



***Color Rendering of Flats facing El Cajon Blvd***

What We Expected  
(Douglas Wilson Project)



***Elevation on El Cajon Boulevard***

What We Got  
(BLVD63)



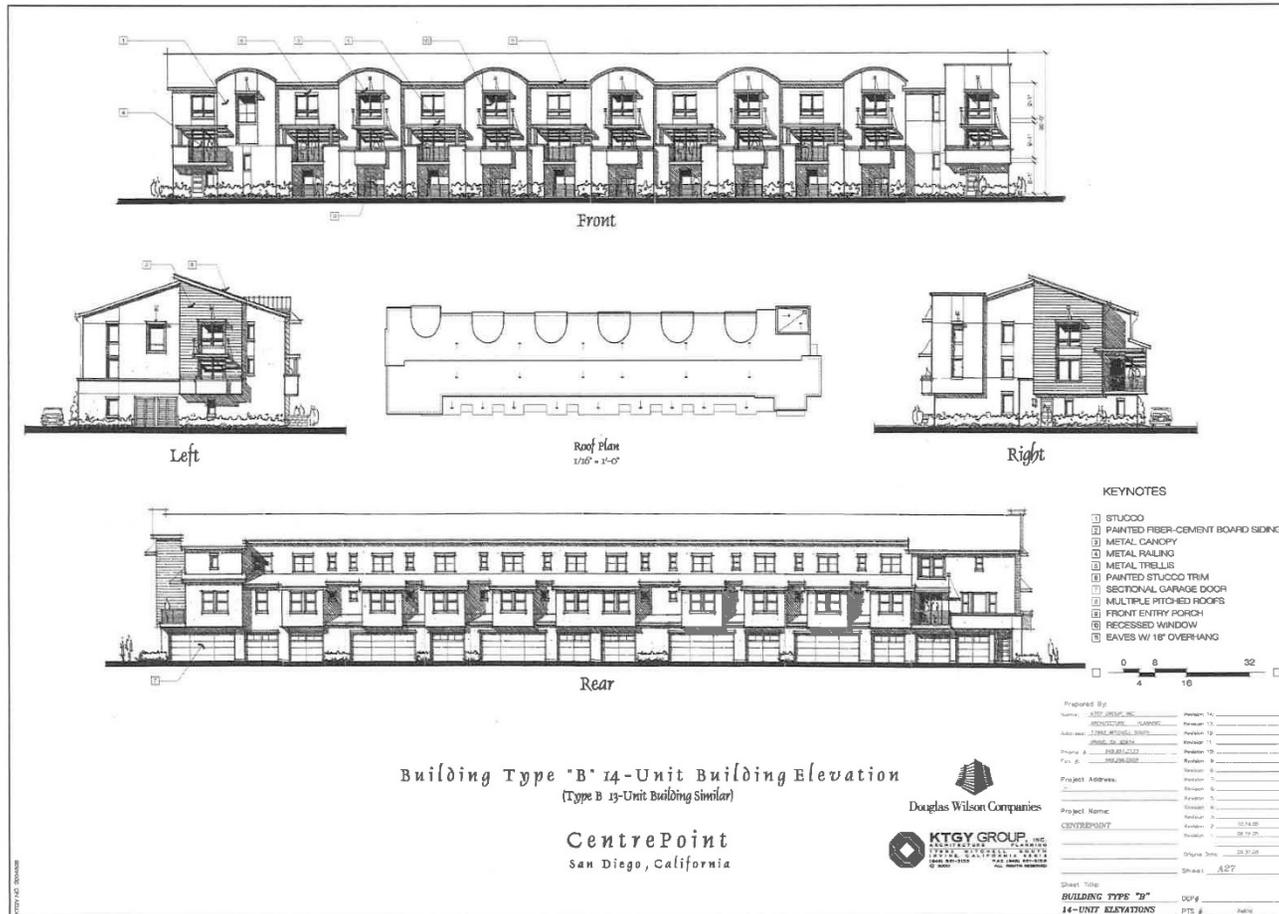
***Elevation of Townhomes 'A' facing Neighborhood***

What We Expected  
(Douglas Wilson Project)



***Elevation facing Neighborhood***

What We Got  
(BLVD63)



## Elevation of Townhomes 'B' facing Neighborhood

What We Expected  
 (Douglas Wilson Project)



*Elevation facing Neighborhood*

What We Got  
(BLVD63)



- **Wraparound with 4-story main building on El Cajon, and 3-story Townhomes in clusters facing neighborhood**
- **312 Residential Units (including 47 affordable for families earning 100% Area Median Income)**
  - 97 Townhomes
  - 204 Flats
  - 11 Live/Work Lofts
  - 4,000 SF Commercial
- **“Pedestrian-oriented mixed-use project which will include market rate and critically-needed affordable housing units.” (April 6, 2006 News Release, Redevelopment Agency)**

What We Expected  
(Douglas Wilson Project)



**El Cajon Blvd.**

**Carmel Partners**  
 1000 Sansome, Suite 180  
 San Francisco, CA 94111  
 415.273.2900

- **All buildings 4-stories, minimal setbacks on all sides**
- **Units face inward with backs to neighborhood**
- **332 Units - No affordable housing**
  - **59 1-bedroom units**
  - **109 2-bedroom units**
  - **18 3-bedroom units**
  - **146 4-bedroom units**
  - **10,000 SF Commercial**

What We Got  
 (BLVD63)



### LIVING 101.

Your future starts here: BLVD63 represents living as it was always meant to be. The best of So-Cal comes together in a community like no other, where beach meets street in a 365 indoor / outdoor modern environment - high on life, with maxed-out style. Resort level pools and spa, a 7,000 sq. ft. fitness center, outdoor fire pits and grills, plus a tech center and aquarium in an unparalleled aquatic paradise. Always inspired, BLVD63 serves up low key luxe in a San Diego State of Mind.

- Brand New Luxury Apartments
- 2 Resort Style Pools and Spa
- Private Cabanas
- Clubhouse with Tech Center, Game Room, Media Center
- 7,000 sq.ft. State-of-the-Art Fitness Center
- Outdoor Fire Pits and Grills
- Contemporary Kitchens and Private Bathrooms
- Full-Size Washer and Dryer in Unit
- Quartz Countertops
- Stainless Steel Appliances
- Hardwood Floors
- Pets Welcome
- Fully Furnished Units
- High Speed WiFi Included
- Ping-Pong, Shuffle Board, and Pool Tables

- **Living 101**
- **Resort Style**
- **“Maxed Out Style”**
- **“A Permanent Staycation”**
- **No Amenities for Children**
- **“Luxury”...but fully furnished**

# BLVD63

### How was your Spring Getaway?

Post your best vacation photo to Instagram or Facebook with the #BLVD63. Best photo will win a \$25 Visa gift card!



Leasing Office | 5193 College Ave (right next to KB Books)



## What is the Character of BLVD63?

- ***Student Oriented***
- ***Even Roommates May Not Know Each Other***

**Need a  
Roommate?  
No Problem!**

Check out [RoomSync](#), our  
roommate matching  
service!



What is the Character of BLVD63?



- ***Dual and Divided Closets***
- ***Bedrooms designed for multiple tenants***

1 BEDROOM   2 BEDROOM   **3 BEDROOM**   4 BEDROOM

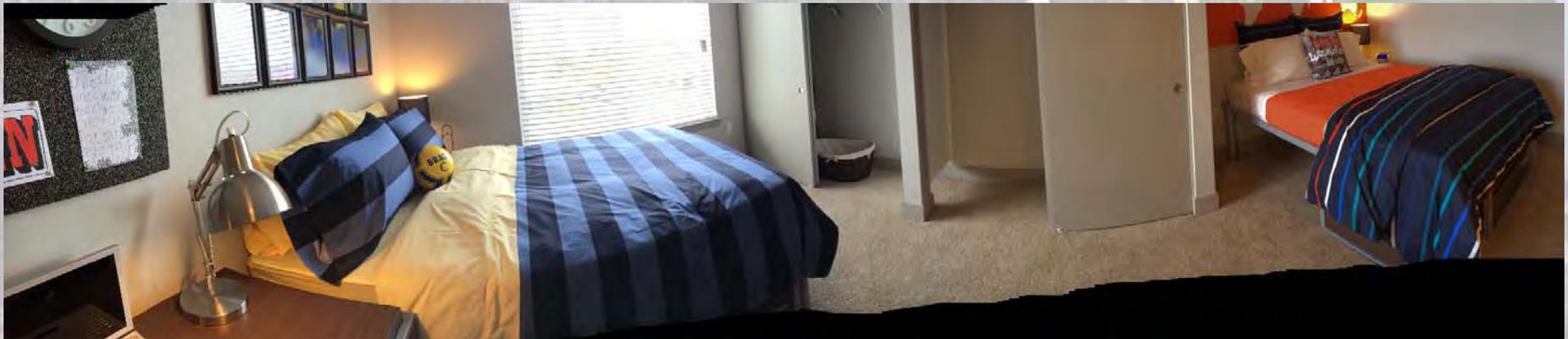
Unit 3-1

**COME CHILL WITH US**  
Get helpful tips, leasing info and more. [SIGN UP >](#)

## SURF WAGON

3 bed | 3 bath  
1268-1301 square feet  
Starting from: \$3000

\* Prices are subject to change



What is the Character of BLVD63?



## VDUB

4 bed | 4 bath  
1714-1734 square feet  
Starting from: \$3600

\* Prices are subject to change



## VDUB L

4 bed | 4 bath  
1714-1734 square feet square feet  
Starting from: \$3500

\* Prices are subject to change

VDUB L offers single occupancy for

VDub L each bedroom

- **Discourages families**
- **Layout does no allow for close monitoring of children**
- **No bathroom from common areas**
- **No common area closets for strollers, coats, etc.**
- **Rent is prohibitive. U.S. Census Bureau for SD-Carlsbad-San Marcos shows median household income of \$50,502**

What is the Character of BLVD63?

*And in case there's still any doubt...*

•***Pull Down Menu for Year in School***

•***SDSU Logo***

**COME CHILL WITH US.**

Name \*  
   
First Name Last Name

Email Address \*

Current Year in School  
Freshman ▾

Phone \*  
    
(###) ### ####

**HOW SWEET IT IS.**

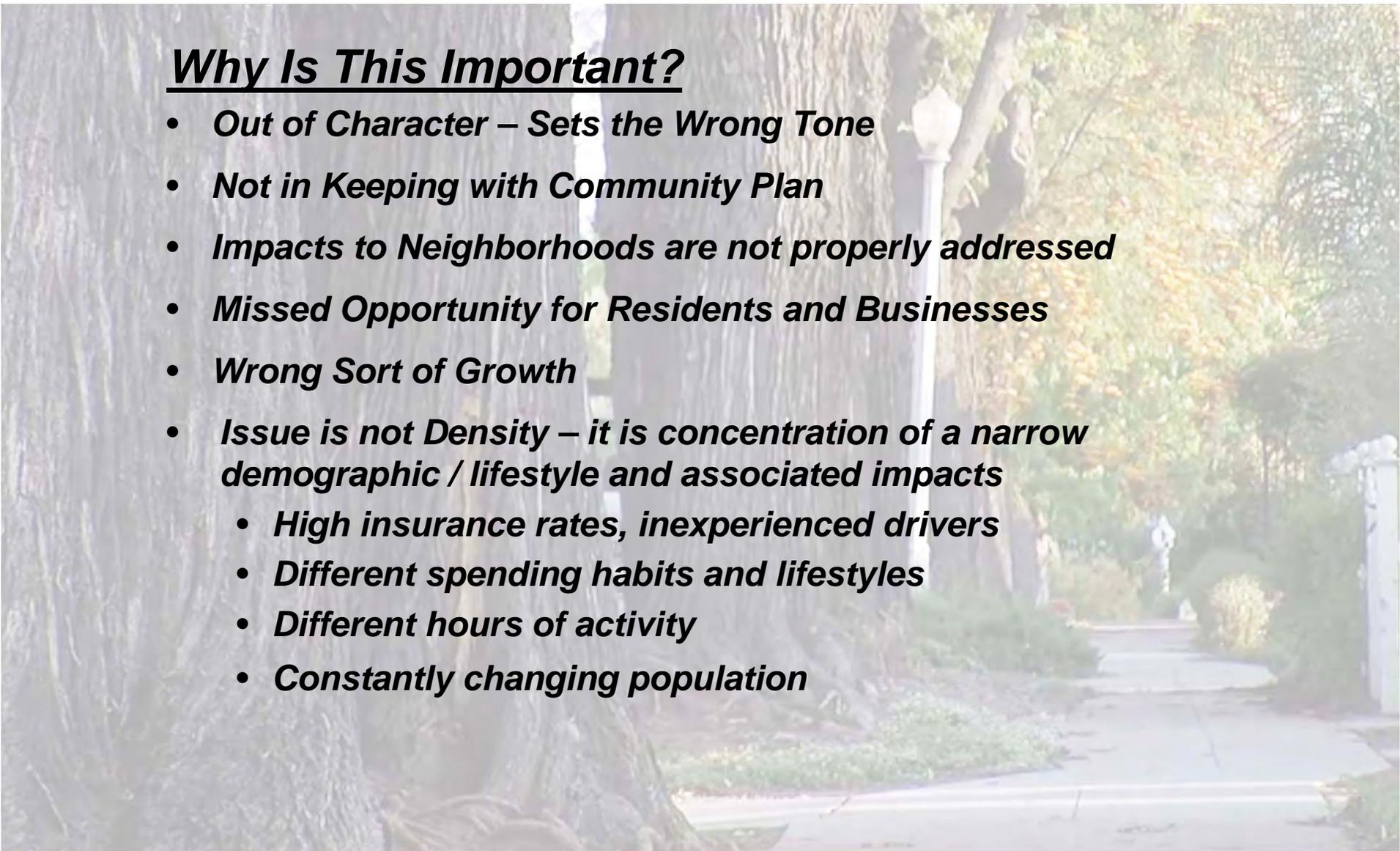
Like us on Facebook and you'll be entered to win prizes! Hit the button and take your best shot.

 Like  728 people like this. Sign up to see what your friends like.



**C'MON IN, THE WATER'S FINE!**

What is the Character of BLVD63?



## **Why Is This Important?**

- ***Out of Character – Sets the Wrong Tone***
- ***Not in Keeping with Community Plan***
- ***Impacts to Neighborhoods are not properly addressed***
- ***Missed Opportunity for Residents and Businesses***
- ***Wrong Sort of Growth***
- ***Issue is not Density – it is concentration of a narrow demographic / lifestyle and associated impacts***
  - ***High insurance rates, inexperienced drivers***
  - ***Different spending habits and lifestyles***
  - ***Different hours of activity***
  - ***Constantly changing population***

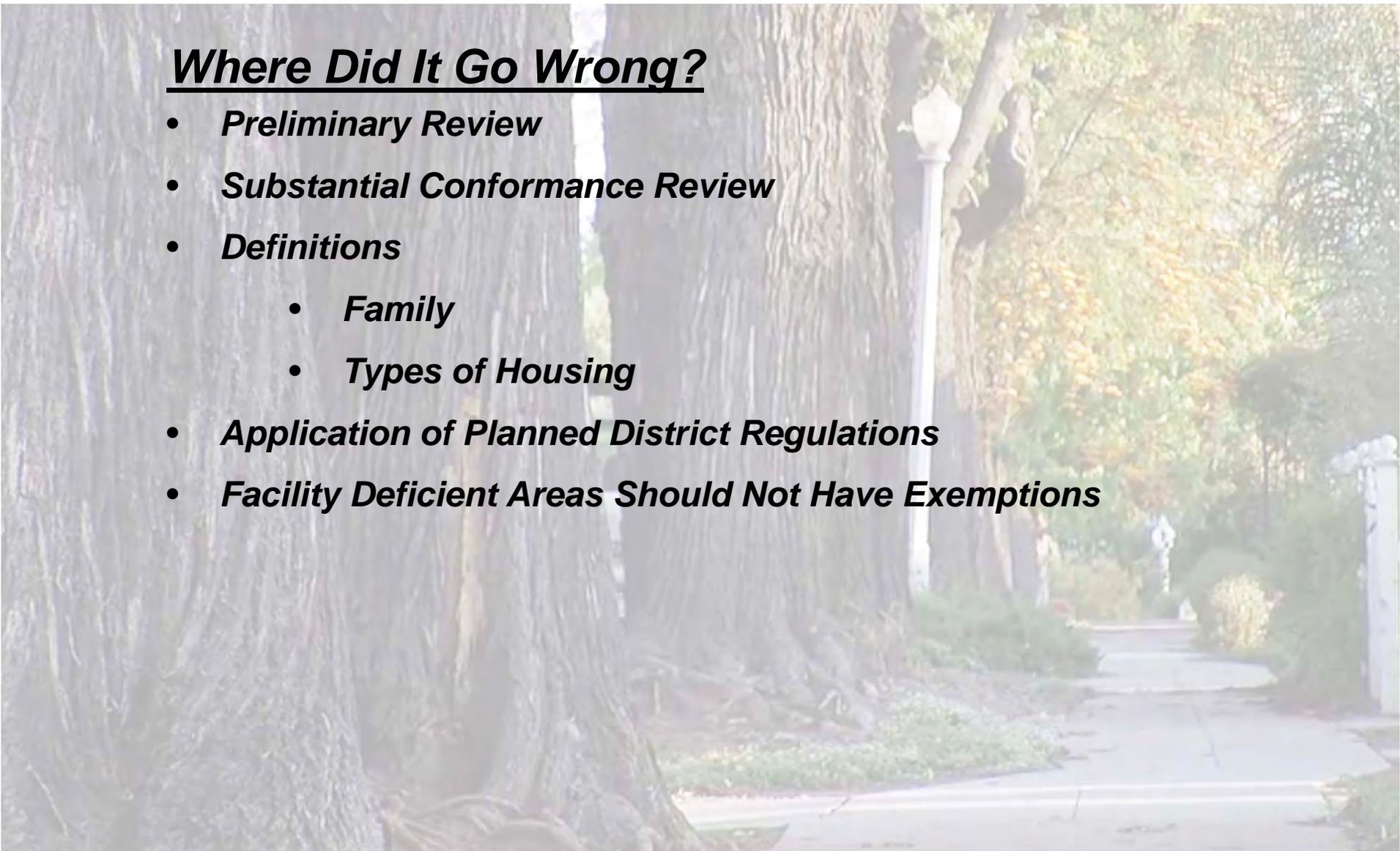
What Are The Results?



## **Why Is This Important?**

- ***Dry business periods during breaks***
- ***Tax Base is Weakened***
- ***Statistics show neighborhoods abutting universities have poverty rates 50% higher than other citywide neighborhoods***
- ***Percentage of persons without a high school diploma is higher than other citywide neighborhoods***
- ***Each foot closer to universities negatively impacts homes sales for stable neighborhoods (such as Rolando)***
- ***Inconsistent treatment of projects is not good for attracting developers***

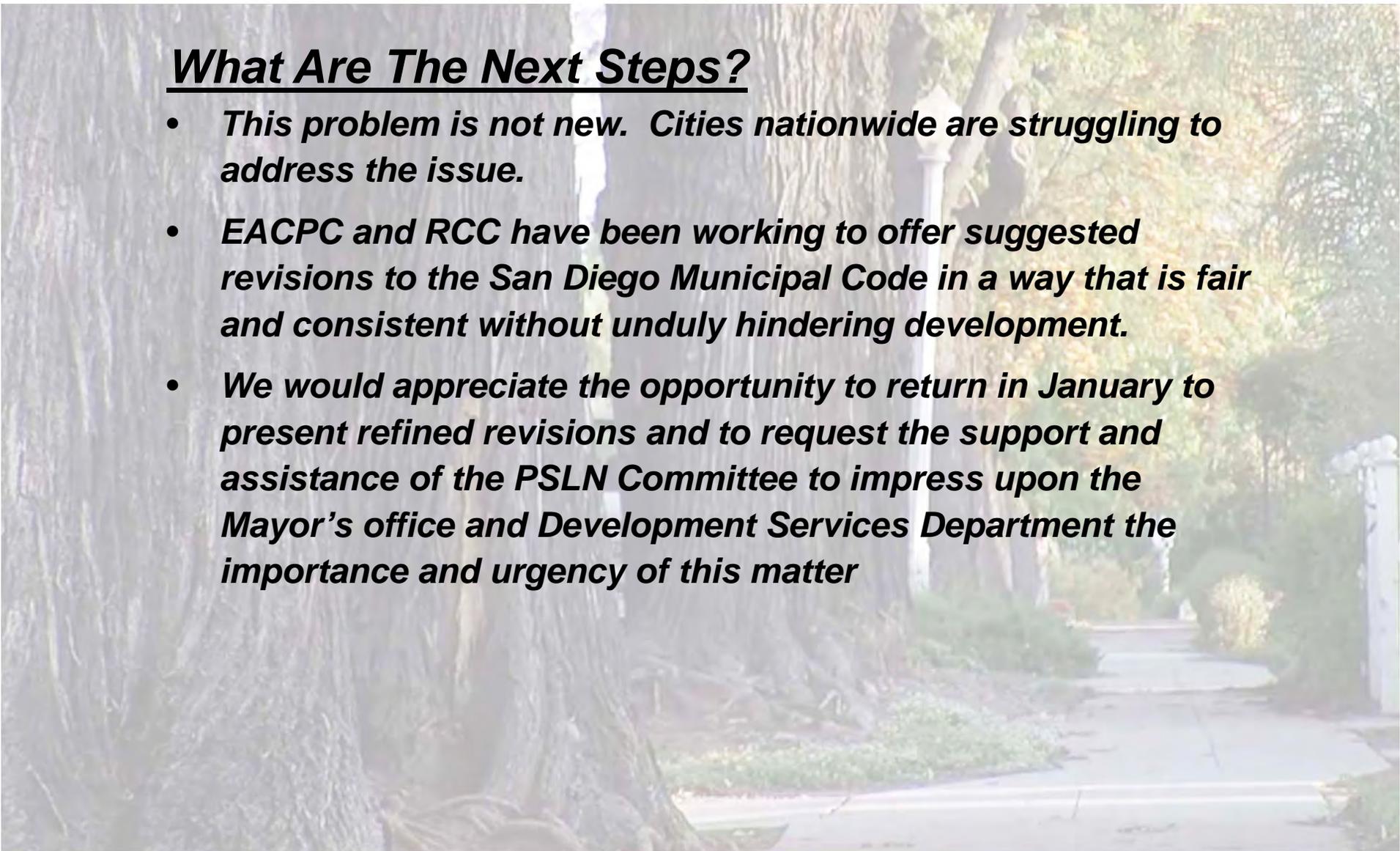
What Are The Results?



## **Where Did It Go Wrong?**

- ***Preliminary Review***
- ***Substantial Conformance Review***
- ***Definitions***
  - ***Family***
  - ***Types of Housing***
- ***Application of Planned District Regulations***
- ***Facility Deficient Areas Should Not Have Exemptions***

Deficiencies in Process / Code



## **What Are The Next Steps?**

- ***This problem is not new. Cities nationwide are struggling to address the issue.***
- ***EACPC and RCC have been working to offer suggested revisions to the San Diego Municipal Code in a way that is fair and consistent without unduly hindering development.***
- ***We would appreciate the opportunity to return in January to present refined revisions and to request the support and assistance of the PSLN Committee to impress upon the Mayor's office and Development Services Department the importance and urgency of this matter***

What Are The Next Steps?

## SUGGESTED DRAFT REVISIONS TO SDMC TO ADDRESS STUDENT HOUSING

October 29, 2014

The following are suggested drafts of revisions to various sections of the San Diego Municipal Code. This is preliminary and open for discussion. Although this effort was spurred by a large student housing project, each change should be viewed and considered as to potential ramifications to other types of development. Additionally, each should be reviewed for cross references within the code that may result in discrepancies and therefore weaken the defensibility of proposed changes.

### Suggested Revisions to Definitions, Housing Types (Chapters 11 and 14)

**Current Code:** Family means two or more persons related through blood, marriage, or legal adoption or joined through a judicial or administrative order of placement of guardianship; or unrelated persons who jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit.

**Suggested Revision:** Family means two or more persons related through blood, marriage, or legal adoption or joined through a judicial or administrative order of placement of guardianship; or unrelated persons who jointly occupy and have equal access to all areas of a dwelling unit, whose relationship is of a continuing non-transient domestic character, and who function together as an integrated economic unit or Household. For the purpose of the zoning code, this definition shall not include a group of individuals whose association is temporary or seasonal in character or nature or for an anticipated limited duration of a school term or terms, or other similar determinable period.

#### **ADD**

**Household** - A Household may serve as the definition of Family if it meets the following criteria.

1. The following factors shall be prima facie evidence that the group of persons living together constitutes a Household:
  - a. The same group of persons, or a majority of them has resided together at a different location for a period of no less than six (6) months, or resided together at the present location for at least twelve (12) months: AND
  - b. One or two members of the group have executed the lease for the entire premises, including the entire rental obligation, and there are no sub-lease, hold harmless or other arrangements to pro-rate the rent or recover the rent from other members of the group.
2. The following factors shall be prima facie evidence that the group of persons living together does NOT constitute a Household:
  - a. More than two individual members of the group have entered into separate leases for the same premises or parts thereof, with the obligation

under each lease constituting only a portion of the total periodic rent payment due to the landlord for occupancy of the premises; AND

- b. The premises are furnished with key-operated locks on individual rooms or with other means through which one member of the group may prevent other members of the group from entering his/her room or portion of the premises when he/she is not physically present (deadbolts, chains or other locking devices operated only from the inside of the room shall not be considered as evidence of the status of the group.
3. The following additional factors shall be considered, to the extent known or applicable, in determining whether the group of persons constitutes a Household.
    - a. Voter registration of group members uses the address of the dwelling
    - b. Registration of motor vehicles of the group members use the address of the dwelling
    - c. Drivers licenses of the group members use the address of the dwelling
    - d. Tax returns filed by the group members use the address of the dwelling
    - e. Minor children enrolled in local schools live within the unit
  4. A Household serving as the definition of a Family shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature or for an anticipated limited duration of a school term or terms, or other similar determinable period.

#### **ADD**

**Student Housing** – Facilities designed to be used as a residence for students, unrelated by blood, marriage or legal adoption, attending or about to attend a college or university, whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms, or other similar determinable period.

1. The following additional factors shall be considered in determining designation as Student Housing.
  - a. Roommate matching services are provided
  - b. The lack of on-site amenities suitable for children of all age groups, particularly if the Facility is not designated 'adult only' and amenities for adults are provided.

### **Chapter 15 – Planned Districts**

**Table 155.02C Use Regulations Table for CU Zones** – Revise to specifically list Student Housing and Rooming Houses and require minimum Process Three review.

#### **§155.0253 Supplemental Development Regulations**

The following additional supplemental *development* regulations apply in the Central Urbanized Planned District. These regulations shall supersede any regulations contained in Code Chapter 14, Article 3 that are inconsistent or not expressly incorporated into the Central Urbanized Planned District regulations.

# Suggested Revisions

(a) Residential and Mixed Commercial-Residential Development in Facility-Deficient Neighborhoods. A Site Development Permit decided in accordance with Process 3 is required for residential and mixed residential-commercial projects within the facility deficient neighborhoods as shown on Map Number C-896 and Diagram 155-2A, that propose the addition of three or more dwelling units per lot, unless:

(1) At least three acres of the following improved park acreage in the Mid-City Communities Plan have been added since August 4, 1998:

(A) City owned improved parkland, except the initial 4 acres of 39<sup>th</sup> Street Park, the initial 6.9 acres of Park De La Cruz, and the initial 4 acres of Teralta Park; or

(B) Improved recreational area owned by a governmental entity for which there is a joint use agreement with the City of San Diego for public recreational use; or

(C) Other improved park or recreational use area that is open to the public at no cost.

(2) The proposed development is within 600 feet of a public park, a public school with a joint use agreement with the City of San Diego for public recreational use, or a school that is open during non-school hours for public recreational use.

(3) When residential and mixed residential-commercial projects are required to obtain a Site Development Permit the proposed development shall:

(A) provide a minimum of 750 square feet of on-site usable (recreational) open space area per dwelling unit with a minimum of 10 feet in each dimension, within a non-vehicular area. The area will be landscaped and may also include hardscape and recreational facilities; and

(B) In the absence of a street light within 150 feet of the property, adequate neighborhood serving security lighting consistent with Land Development Code Section 142.0740 shall be provided onsite.

#### **§151.0401 Uses Permitted in the Planned Districts**

(a) The uses identified in Chapter 14, Article 1 (Separately Regulated Uses) may be permitted in planned districts as limited uses subject to supplemental regulations, or conditional uses requiring a Neighborhood Use Permit or Conditional Use Permit in accordance with the rules and procedures in Chapter 14, Article 1.

(b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations.

(c) Where the use and accompanying permit process for a separately regulated use is not provided for within a planned district, but upon request of the applicant, the City Manager determines a separately regulated use, identified in Chapter 14, Article 1, meets the purpose and intent of the applicable planned district zone, that separately regulated use may be processed in accordance with the zone in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses within the zone and the allowable intensity of those uses.

(d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply.

#### **Suggested Revision:**

(c) Where the use and accompanying permit process for a separately regulated use is not provided for within a planned district, **an applicant may request a determination by the Director of Development Services. Notice of the application and request for project determination shall be provided to the applicable planning group for input prior to determination. Should it be determined that a separately regulated use**, identified in Chapter 14, Article 1, meets the purpose and intent of the applicable planned district zone, that separately regulated use may be processed in accordance with the zone in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses within the zone and the allowable intensity of those uses.

#### **OTHER SECTIONS OF CODE TO CONSIDER**

##### **Triggers for Substantial Conformance Review**

##### **Requirements for Multi-Unit Residential Projects:**

Suggest adding:

- a. Multi-unit residential projects that exceed 50 units within 1,000 feet of single family residences shall:
  - i. Require review and approval by the appropriate planning committee
  - ii. Provide public notice to all owners within 1,000 feet of the project

##### **Student Housing – add a separate section, or tack on to Rooming Houses?**

(already qualifies as de facto rooming house under Ord. O-19739)

# Suggested Revisions