

**AGENDA FOR THE  
COUNCIL MEETING OF  
MONDAY, NOVEMBER 19, 2007 AT 5:00 P.M.  
MISSION VALLEY CHURCH OF THE NAZARENE  
4750 MISSION GORGE PLACE  
SAN DIEGO, CA 92120**

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? [Click here for map and directions to the Mission Valley Church of the Nazarene.](#)

- ITEM-1:                               ROLL CALL.
- ITEM-10:                              INVOCATION.
- ITEM-20:                              PLEDGE OF ALLEGIANCE.

**NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.5.

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

**=== LEGISLATIVE SCHEDULE ===**

Noticed Hearings, Discussion

ITEM-200: Residential High Occupancy Permit and Enforcement Efforts to Address Mini Dorms. Consider whether to approve amendments to the Land Development Code and Local Coastal Program to address “Mini Dorms” by requiring a Residential High Occupancy Permit (RHOP) for single dwelling units with six or more adult occupants (age 18 and older) that reside for 30 or more consecutive days, and establish the date for existing high occupancy units to comply.  
STAFF’S RECOMMENDATION: Introduce the ordinance.

ITEM-201: Rooming House Ordinance, proposed amendments to the Land Development Code and the Local Coastal Program to prohibit the commercial over use of dwelling units in single residential unit zones. (Citywide.)  
CITY ATTORNEY’S RECOMMENDATION: Introduce the ordinance.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

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**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-250:           Submission of Ballot Proposals

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-200: Residential High Occupancy Permit and Enforcement Efforts to Address Mini Dorms. Consider whether to approve amendments to the Land Development Code and Local Coastal Program to address “Mini Dorms” by requiring a Residential High Occupancy Permit (RHOP) for single dwelling units with six or more adult occupants (age 18 and older) that reside for 30 or more consecutive days, and establish the date for existing high occupancy units to comply.

[?View referenced exhibit back-up material.](#)

The City Council will either adopt, modify, or not adopt amendments to the Land Development Code (Chapter 12, Article 3; Chapter 13, Article 1; and Chapter 14, Article 2) and the Local Coastal Program to address “Mini Dorms” by requiring a Residential High Occupancy Permit. The ordinance would apply citywide and would require annual permit review for single dwelling units where the occupancy would consist of six or more adults (age 18 and older) residing for a period of 30 or more consecutive days. The proposed code amendments require additional parking per occupant with a revocable permit.

(See Report to the City Council No. 07-179.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-57)

Introduction of an Ordinance amending the Land Development Code by adding Chapter 12, Article 3, Division 5, by adding Sections 123.0501 through 123.0501, 123.0502, 123.0503, 123.0504, 123.0505 and 123.0506; by amending Chapter 13, Article 1, Division 4, by amending Section 131.0422 Table 131-04B by adding Footnote 11; and by amending Chapter 14, Article 2, Division 5, by amending Section 142.0520 Table 142-05B, all pertaining to Residential High Occupancy Permits.

**OTHER RECOMMENDATIONS:**

Planning Commission on September 6, 2007, voted 6-0-1 to approve this project with the following recommendations:

1. Evaluate whether six adult occupants is the appropriate threshold.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-200: (Continued)

2. Identify how the penalties may be increased.
3. Approve enforcement staff to meet the associated need.
4. Evaluate whether additional hardscape restriction may be necessary.
5. Require that an on-sight responsible party e designated as part of the application. Evaluate whether it also makes sense to require the owner to post the responsible party contact information on-site.
6. Evaluate whether a waiver provision may be incorporated to exempt economic integrated units and families from the permit requirement and/or permit fee.
7. Allow time for CPC, planning groups, universities and the public to consider information, but keep it on the fast track.

Ayes: Naslund, Garcia, Schultz, Otsuji Griswold, Smiley

Abstaining: Ontai

The College Area Community Council has been notified of this item and has taken a position with the following recommendations:

1. Provide time for community planning boards to discuss and respond to RHOP.
2. Present to City Council as action item before end of November.
3. Address concerns about unintended consequences of the RHOP such as widespread paving of backyards.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Consider whether to approve amendments to the Land Development Code and Local Coastal Program to address “mini dorms” by requiring a Residential High Occupancy Permit (RHOP) for single dwelling units with six or more adult occupants (age 18 and older) that reside for 30 or more consecutive days, and establish the date for existing high occupancy units to comply.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-200: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**STAFF RECOMMENDATION:**

Introduce the Residential High Occupancy Permit ordinance amending the Land Development Code and Local Coastal Program, and either adopt, modify or do not adopt the ordinance. Since the RHOP revenue and impacts are difficult to predict, enforcement staff levels should be re-evaluated at a future date.

**EXECUTIVE SUMMARY:**

As requested by the City Council on July 9, 2007, the Residential High Occupancy Permit ordinance was drafted to provide an additional enforcement tool to address mini dorms by ensuring that high occupancy single dwelling units provide adequate parking and minimize impacts on surrounding properties. RHOP would apply to residences with six or more adult occupants (age 18 and older) residing for 30 or more consecutive days. The permit would require additional parking per adult occupant less one, thereby limiting the number of vehicles and requiring lower occupancies where there is not adequate space for the associated parking need. An annual application fee would be collected to recover associated administrative, inspection, and enforcement costs. The permit would be revocable in case of noncompliance.

**FISCAL CONSIDERATIONS:**

It is difficult to estimate the type of case volume that may be generated in response to citywide application of the Residential High Occupancy Permit and/or Rooming House Ordinance. However, as stated above, if these ordinances yield results similar to that of the previous mini dorm regulations, staff expects about 60-120 requests for investigation to be generated. Field work related to these impacts can initially be absorbed by the existing 38 field staff in Neighborhood Code Compliance. If the number of investigation requests exceeds the anticipated 120, additional staff (at a cost of \$90,196 per Zoning Investigator) may be requested through future budget adjustments. The Residential High Occupancy Permit would allow for recovery of some administrative and enforcement costs through adoption of an annual application fee of \$1000 (includes administrative, plan check, and inspection costs). The Rooming House Ordinance has been analyzed separately by the City Attorney. It is anticipated that the staffing need to enforce the Rooming House Ordinance would be similar to enforcement for the Residential High Occupancy Permit; however, there would be no mechanism to recover associated enforcement costs for the Rooming House Ordinance.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On November 29, 2006, the Committee on Land Use and Housing (LU&H) received a report related to mini dorms/nuisance rental properties, and directed staff to prepare an ordinance to address mini dorms by amending the Land Development Code.



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-200: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

LU&H also requested that staff return with an analysis of whether SDPD has the authority to issue administrative citations directly to offenders for loud party calls, and requested clarification regarding the Neighborhood Code Compliance budget. On March 7, 2007, LU&H received a follow up report related to mini dorms/nuisance rental properties, and voted 4-0 to support the 6-month SDPD/NCC Administrative Citation Pilot Program and report back to the Land Use and Housing Committee. LU&H also supported amendments to the Land Development Code to address mini dorms, encouraged monthly meetings within the community between various stakeholders, and supported SDSU's proposal to add a code enforcement representative to their staff. On July 9, 2007, the City Council unanimously approved amendments to the Land Development Code to address inconsistent physical development in single dwelling unit zones to address mini dorms. As part of the motion, the Council requested that staff prepare ordinances for additional options to address the mini dorm problem including a Rooming House Ordinance and Residential High Occupancy Permit, and requested that staff identify funding sources to achieve greater cost recovery in order to hire additional code enforcement staff positions. On October 17, 2007, LU&H received a status report on the Administrative Citation Pilot Program. The Committee voted to support expansion of the program citywide and requested that staff return with a status report in six months following expansion citywide.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

A significant amount of media coverage has occurred on the topic of mini dorms in recent months to solicit community participation including multiple press conferences and local television and newspaper coverage. Opportunities for community participation in the mini dorm issue include: two mini dorm discussion forums (September 2006 and May 2007), individual Community Planning Group meetings, three Land Use and Housing Committee hearings (November 2006, and March and October 2007); two Code Monitoring Team meetings (April and August 2007); two City Council public hearings related the ordinance to address inconsistent physical development (July 2007); one Planning Commission meeting (September 2007); and one Community Planners Committee meeting (September 2007). Information has been posted on a dedicated webpage for public review and comment with multiple email blasts distributed (to citywide interest lists and other parties specifically interested in the mini dorm issue) to encourage public involvement in the code amendment process.

Boekamp/Anderson/AL

Staff: Amanda Lee – (619 446-5367  
Marianne Greene – Deputy City Attorney

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-201: Rooming House Ordinance, proposed amendments to the Land Development Code and the Local Coastal Program to prohibit the commercial over use of dwelling units in single residential unit zones. (Citywide.)

[?View referenced exhibit back-up material.](#)

Matter of approving, conditionally approving, modifying or denying proposed ordinances amending the San Diego Municipal Code, including Land Development Code and Local Coastal Program. The proposed ordinance offered is an amended version of the original ordinance, following the September 6, 2007 Planning Commission hearing, and would amend various Code provisions which may include: Chapter 11, Article 3; Chapter 12, Articles 6 & 7; Chapter 13, Article 1; Chapter 14, Article 2, to prohibit “rooming houses” from various base zones.

Under the ordinance, rooming houses would be prohibited citywide in all zones except residential multiple unit zones and specified commercial zones. A rooming house would be generally defined as a dwelling unit where three or more bedrooms or guestrooms are rented under three or more rental agreements, or, in the alternative, where also, fewer than three rental agreements results in three or more separate households, or integrated economic units. Further, the ordinance establishes general review procedures for previously conforming rooming houses, and an amortization period to allow pre existing rooming houses in residential zones to continue to operate for a specified amount of time. Parking space ratios are based on existing multiple dwelling unit standards.

The public notice of this hearing referred to a Version B of the ordinance, however, such version was not finalized and is not being proposed for consideration at this hearing.

The proposed amendments to the Land Development Code constitute an amendment to City of San Diego’s Local Coastal Program and must be certified by the California Coastal Commission to be effective in the Coastal Overlay Zone. The Local Coastal Program amendment will not become effective within the Coastal Overlay Zone until unconditionally certified by the California Coastal Commission. If you wish to be noticed of the Coastal Commission hearing on this issue, prior to the close of the City Council public hearing, you must submit a request in writing to City of San Diego, Development Services Department, 1222 First Avenue, MS-501, San Diego, CA 92101, Attention: Amanda Lee.

(See Report to Planning Commission PC 07-150/Project No. 137077.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-201: (Continued)

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the ordinance:

(O-2008-61)

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; by amending Chapter 12, Article 6, Division 2, by amending Section 126.0203; Article 7, Division 1, by amending Sections 127.0103, 127.0108, and 127.0109; by amending Chapter 13, Article 1, Division 1, by amending Section 131.0112; Division 2, by amending Section 131.0222; Division 3, by amending Section 131.0322; Division 4, by amending Sections 131.0422 and 131.0423; by amending Section 131.0424; Division 5, by amending Section 131.0522; Division 6, by amending Section 131.0622; by amending Chapter 14, Article 2, Division 5, by amending Section 142.0525.

**OTHER RECOMMENDATIONS:**

Planning Commission on September 6, 2007, voted 6-0-1 to recommend approval, with three modifications.

Ayes: Garcia, Griswold, Otsuji, Naslund, Smiley, Schultz

Not present: Ontai

The City Heights Area Planning Committee, Community Planners Committee, San Carlos Area Council, Eastern Area Planning Committee, Mission Beach Precise Planning Board, Ocean Beach Planning Board, Peninsula Community Planning Board, University Community Planning Group and Uptown Planners have reviewed the Ordinance but have not taken a position.

The College Area Community Council, Pacific Beach Community Planning Committee, Tierrasanta Community Council, University Community Planning Group have recommended approval of the Ordinance.

In addition, the Navajo Planners Community Planners Inc. is scheduled to hear the Ordinance before the November 19, 2007 Council hearing.

No Community Planning Groups have recommended denial of the Ordinance.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-201: (Continued)

**SUPPORTING INFORMATION:**

REQUESTED ACTION:

Adopt the Rooming House Ordinance.

CITY ATTORNEY RECOMMENDATION:

Adopt the Rooming House Ordinance.

EXECUTIVE SUMMARY:

The ordinance will address the chronic and growing problem of commercial overuse of dwelling units in RS unit zones, and consistent with the purposes of these zones, it will protect the neighborhood quality, character, livability, and minimize adverse impacts between adjacent properties. The ordinance would amend both the Land Development Code and the Local Coastal Program and would apply citywide. Specifically, the ordinance would do the following:

- Add and define the following terms related to rooming house regulation: *rooming house*, *roomer*, and *integrated economic unit*. (Ch. 11, Art. 3)
- Exclude rooming houses from RS unit zones; allow them as a permitted use in RM unit zones, and in select commercial zones where mixed-use is appropriate. (Ch. 13, Art. 1)
- Establish general review procedures for *previously conforming* rooming houses, including NUPs under Processes 2 and 3. (Ch. 12, Art. 6 and 7)
- Clarify application of the ordinance where *fewer than* three rental agreements results in at least three separate common households, or *integrated economic units*. (Ch. 13, Art. 1)
- Establish a three-year amortization or phase-out period for existing rooming houses. (Ch. 13, Art. 1)
- Apply a basic parking ratio of 1 space to 2 roomers, except in the beach parking impact overlay zone where the ratio increases to 1 space per roomer, and except under certain situations where the ratio decreases. (Ch. 14, Art. 2)

FISCAL CONSIDERATIONS: None.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-201: (Continued)

**SUPPORTING INFORMATION:** (Continued)PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 19, 2006, CD 7 hosted a public workshop on chronic and increasing commercial overuse of dwelling units in RS unit zones. Subsequently, on October 11, 2006, CD 7 issued a memo to the Mayor and City Attorney requesting an analysis of possible changes could be made to the San Diego Municipal Code to solve the problem. On November 20, 2006, the City Attorney issued its analysis (RC 2006-30) to the LUH Committee, which was then considered on November 29, 2006 and March 7, 2007 by the LUH Committee, which thereafter unanimously approved action items to amend the Land Development Code imposing physical development controls aimed at dwelling units being converted to rooming houses. On December 11, 2006, CD 1 wrote a memo to the Mayor requesting that any action the City takes be applied citywide. On May 10, 2007, the City Attorney, along with CD 2 and 7, hosted another public forum on the problem. Extensive public testimony uniformly supported adoption of a rooming house ordinance. On July 9, 2007, the City Attorney presented a draft rooming house ordinance to City Council as an informational item. Again, eextensive public testimony uniformly supported adoption of a rooming house ordinance, and City Council unanimously passed a motion supporting the return of a rooming house ordinance by early Fall, including consideration by Planning Commission, and targeted community planning groups. On September 6, 2007, Planning Commission voted unanimously to recommend adoption of the rooming house ordinance with:

- 1) A shorter amortization period.
- 2) Greater opportunity for public input for expansion of previously conforming rooming houses, and to close an anticipated loophole.
- 3) Broader application where at least three separate *integrated economic units* arise from the execution of fewer than three rental agreements.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City Attorney has presented drafts of the ordinance to a dozen Community Planning Groups and the Community Planners Committee. Drafts have been posted on the City Attorney website since before July 9, 2007. In addition, there have been numerous hearings and public forums on the issue since September 19, 2006, as described above in the section on previous legislative action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Existing rooming houses will be phased out in three years but property owners in RS zones still reserve the option to rent to up to two boarders or lodgers, or to larger groups under fewer than three rental agreements, if those agreements result in the establishment of fewer than three common households, or *integrated economic units*.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-201: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Residents in RS unit zoned areas, particularly if saturated with rooming houses, will find their neighborhood quality, character, livability, substantially restored in three years, and the adverse impacts to neighbors of rooming houses minimized. Rooming house occupants will have three years to seek replacement housing in RM unit zoned areas where multiple dwelling types and developments exist with similar densities and characteristics as rooming houses, and in select commercial zones where mixed-use is appropriate and compatible.

Greene

**NOTE:** The Ordinance is categorically exempt pursuant to following state CEQA Guidelines:

1. Section 15301, for existing facilities,
2. Section 15601(b)(3), for no significant affect on the environment, and
3. Section 15378(a)(1), for no direct or indirect change to the physical environment.

Staff: Marianne Greene, Deputy City Attorney – (619) 533-5822

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**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-250: SUBMISSION OF BALLOT PROPOSALS**

[?View referenced exhibit back-up material.](#)

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

**Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2008 election:**

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/18/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/23/08	132	Rules Committee review
Monday	1/28/08	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/4/08	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/25/08	99	Council adopts ordinances prepared by City Attorney
Friday	3/7/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/20/08	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.



NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT