

**Documents for
San Diego City Council Hearing
November 19, 2007
Rooming House Ordinance [0-2008-61]**

1. 1472 Request for Council Action.
2. Executive Summary of Rooming House Ordinance (0-2008-61).
3. Staff's Recommendation Sheet.
4. City Attorney Digest of Rooming House Ordinance (0-2008-61).
5. Rooming House Ordinance (0-2008-61), October 26, 2007.
6. September 6, 2007, Planning Commission Hearing Minutes, Item 13.
7. Notice of September 6, 2007 Planning Commission Hearing, Item 13.
8. Report to Planning Commission, Report No. PC 07-150, August 30, 2007, Item 13. (Includes draft ordinance dated August 7, 2007.)
9. Determination of Environmental Exemption, August 15, 2007.
10. Correspondence in Support/Opposition, including Speaker Slips.
11. Local Coastal & Always Mailing Lists.
12. Mailing List of Speakers at September 6, 2007 Planning Commission Hearing.

RECEIVED
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SAN DIEGO, CALIF.

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

TO:
Mayor and City Council

2. FROM (ORIGINATING DEPARTMENT):
City Attorney

3. DATE:
10/29/2007

4. SUBJECT:
Rooming House Ordinance to Newly Define and Appropriately Zone Rooming Houses into RM Zones. (O-2008-61)

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	na			
DEPT.	City Attorney			
ORGANIZATION	18000			
OBJECT ACCOUNT	na			
JOB ORDER	005000			
C.I.P. NUMBER	na			
AMOUNT	na			

9. ADDITIONAL INFORMATION / ESTIMATED COST:

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1				8	DEPUTY CHIEF		
2				9	COO		
3				10	CITY ATTORNEY	<i>Kathryn Benton</i>	10/29/07
4	LIAISON OFFICE			11			
5					DOCKET COORD: _____	COUNCIL LIAISON: _____	
6				✓	COUNCIL PRESIDENT <input type="checkbox"/>	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: _____	

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

The Rooming House Ordinance would amend San Diego Municipal Code to accomplish the following:

- Create new definitions for *rooming house*, *roomer*, and *integrated economic unit*, by amending Chapter 11, Article 3, Division 1, Section 113.0103;
- Establish general review procedures for *previously conforming* rooming houses, by amending Chapter 12, Article 6, Division 2, Section 126.0203; and Article 7, Division 1, Sections 127.0103, 127.0108, and 127.0109;
- Clarify application of the ordinance where rooming houses are established under fewer than three lease agreements, by amending Chapter 13, Article 1, Division 1, Section 131.0112;
- Exclude *rooming houses* from RS zones and allow them as a permitted use in RM zones, by amending Chapter 13, Article 1, Division 2, Section 131.0222; Division 3, Section 131.0322; Division 4, Sections 131.0422 and 131.0423; Division 5, Section 131.0522; and Division 6, Section 131.0622;
- Create a three-year phase out period, based upon factors that balance the public interest against the private harm, by adding Chapter 13, Article 1, Division 4, Section 131.0424; and,
- Apply existing parking space requirements for roomers, by amending Chapter 14, Article 2, Division 5, Section 142.0525.

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11A. STAFF RECOMMENDATIONS:

Staff: No recommendation prepared by staff. The Office of the City Attorney originated and recommends adoption of the ordinance.

Planning Commission: Voted 6-0 to recommend adoption with the following three changes, as recommended during public testimony, and which are now incorporated into the ordinance:

- 1) Reduce the amortization or phase-out period from seven to three years for existing rooming houses. (Chapter 13, Article 1, Division 4, Section 131.0424(a))
- 2) Change the NUP review from a Process 2 to a Process 3, where additional bedrooms or guest rooms are proposed to be added to a *previously conforming* rooming house. (Chapter 12, Article 6, Division 2, Section 127.0103, Table 127-01C)
- 3) Expand the ordinance to apply where three or more bedrooms or guest rooms are leased under *fewer than* three rental agreements but which results in the establishment of three separate *integrated economic units*. (Chapter 11, Article 3, Division 1, Section 113.0103 and Chapter 13, Article 1, Division 1, Section 131.0112(a)(3)(A))

Community Planning Groups that have heard the item as an information item only:

- City Heights Area Planning Committee
- Community Planners Committee
- Eastern Area Planning Committee
- Mission Beach Precise Planning Board
- Ocean Beach Planning Board
- Peninsula Community Planning Board
- University Community Planning Group
- Uptown Planners

Community Planning Groups that have recommended approval of this project:

- College Area Community Council with the three changes later endorsed by the Planning Commission.
- Pacific Beach Community Planning Committee
- Tierrasanta Community Council
- University Community Planning Group in concept only.

When this 1472 was issued a presentation to the Navajo Community Planners Inc. was still pending. No Community Planning Groups have recommended denial of this project.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): Council Districts 1, 2, 3, 4, 5, 6, 7, 8

COMMUNITY AREA(S): Citywide

ENVIRONMENTAL IMPACT: The ordinance is categorically exempt pursuant to following state CEQA Guidelines: 1) Section 15301, for existing facilities, 2) Section 15061(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.

HOUSING IMPACT:

The ordinance is consistent with the housing elements and housing density limits contained in city of San Diego General Plan, the General Plan Strategic Framework element, and the City's community plans, because it regulates neither housing density nor occupancy limits, and neither increases or decreases the housing inventory of the City of San Diego.

Further, because it does not propose to develop new housing or regulate the physical development of any housing, the inclusionary housing ordinance does not apply. Nor will the ordinance cause the loss of rental units in the City, as the number of rental units, including the number of bedrooms and guest rooms the market can sustain will not be regulated or changed by the ordinance.

The rooming house market typically serves individuals and small groups renting single bedrooms or guest rooms. The multiple-dwelling unit market serves individuals and small groups, who rent studios and smaller apartments, but it also serves larger groups who rent larger apartments. The ordinance will shift rooming houses from RS to RM zones. This will cause increased competition for bedrooms, guestrooms, and for studios and small apartments in RM zones.

However, this competition will be offset to some degree as former rooming houses in RS zones are marketed to larger groups currently in RM zones, and as larger apartments, most likely through sub-tenancies, become rooming houses. In addition, all property owners in RS zones will continue to be allowed to rent bedrooms or guestrooms to up to two boarders or lodgers as an accessory use to a primary dwelling unit.

Moreover, the ordinance includes a three-year phase out period during which it is anticipated that additional rental units will be built that serve critical segments of the rooming house market.

OTHER ISSUES:

1. Other Regulated Facilities: Will the ordinance supercede regulations for Separately Regulated Residential Uses, such as Residential Care Facilities, Housing for Seniors, or Transitional Housing? No because SDMC Section 131.0112(b) states that regulations for a particular separately regulated use control where the use regulations for another use subcategory may match that particular use. This was discussed in the Planning Commission Report, No. PC-07-05, at page 5.

2. Length of Amortization: Why is the amortization period three years for *previously conforming* rooming houses? Upon the recommendation of the Planning Commission, the ordinance shortens the originally proposed period from 7 to 3 years, at Section 131.0424(a)). The City Council may in its discretion determine the phase out period by balancing the public interest against the private harm specifically applying the factors as recited in Pplanning Commission Report, No. PC-07-05, at page 5.

3. High Occupancy Permit Ordinance: To compare, the underlying mechanism of the rooming house ordinance uses zoning to prevent the undesirable splintering of any *dwelling unit* in an RS zone into separate, multiple rental households; for the high occupancy permit ordinance, it is to use blanket

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permitting, applicable citywide, in all zones, to foster code compliance and to prevent cramped street parking when a concentrated number of adults live in *single dwelling unit*. Rooming houses in *single dwelling units* occupied by 6 or more adults will be subject to the ordinance except the parking requirements for rooming houses, governed by Section 142.0525, as amended, will control where there is a conflict with the parking requirements for the high occupancy permit proposed in Section 142.0520.

CITY CLERK INSTRUCTIONS:

Mail notice of public hearing to the *Citywide always* and the *local coastal program* lists. Publish notice of public hearing as one-eighth page advertisement in newspaper. Send draft copy of the docket entry to project manager for review. Please notify project manager of effective date of the ordinance following its adoption by City Council and signing by the Mayor.

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EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED:
10/09/07

REPORT NO:

ATTENTION: Mayor and City Council
ORIGINATING DEPARTMENT: City Attorney
SUBJECT: Rooming House Ordinance [O-2008-61]
Project No. 13 7077
COUNCIL DISTRICT(S): Council Districts 1, 2, 3, 4, 5, 6, 7, 8
CONTACT/PHONE NUMBER: Marianne Greene, Deputy City Attorney, (619) 533-5822

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.

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

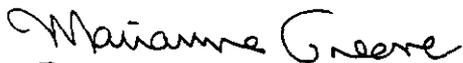
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zones. Subsequently, on October 11, 2006, CD 7 issued a memo to the Mayor and City Attorney requesting an analysis of possible changes could be made to the San Diego Municipal Code to solve the problem. On November 20, 2006, the City Attorney issued 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*. 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney



By
Marianne Greene
Deputy City Attorney

MG:mg
10/29/2007
Or.Dept: City Attorney
O-2008-61

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CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

CASE NO. Project No. 137077

STAFF'S RECOMMENDATIONS:

N/A. Ordinance originated with the Office of the City Attorney, which recommends its adoption.

PLANNING COMMISSION RECOMMENDATION:

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

NAYS: None

ABSTAINING: None

TO: Adopt the ordinance with the following recommendations:

- 1) Reduce the amortization or phase-out period from 7 to 3 years for existing rooming houses. (Chapter 13, Article 1, Division 4, Section 131.0424(a))
- 2) Increase the NUP decision making level from a Process 2 to a Process 3, where additional bedrooms or guest rooms are proposed to be added to a *previously conforming* rooming house. (Chapter 12, Article 6, Division 2, Section 127.0103, Table 127-01C)
- 3) Modify the ordinance to apply the ordinance where three or more bedrooms or guest rooms are leased under *fewer than* three rental agreements but which results in the establishment of at least three separate *integrated economic units*. (Chapter 11, Article 3, Division 1, Section 113.0103 and Chapter 13, Article 1, Division 1, Section 131.0112(a)(3)(A))

COMMUNITY PLANNING GROUPS

 x Community Planning Groups that have been notified* of this project but have not taken a position:

- City Heights Area Planning Committee
- Community Planners Committee
- Eastern Area Planning Committee

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- Mission Beach Precise Planning Board
- Ocean Beach Planning Board
- Peninsula Community Planning Board
- University Community Planning Group
- Uptown Planners

* The Project Manager presented the ordinance as an informational item to each of these CPGs.

x Community Planning Groups that have recommended approval of this project:

- College Area Community Council**
- Pacific Beach Community Planning Committee
- Tierrasanta Community Council
- University Community Planning Group***

** Recommended three modifications which were later adopted by the Planning Commission.

*** Approved the ordinance in concept only.

x Community Planning Groups that have recommended denial of this project: None.

x This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 4

Opposed: 0

By Marianne Greene

Marianne Greene
Deputy City Attorney

CS-6 (03-14-07)

CITY ATTORNEY DIGEST

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY 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 ADDING 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.

The purpose of the ordinance is to address the chronic and growing problem of commercial overuse of dwelling units in residential single dwelling unit zones, and consistent with the purposes of these zones, it will preserve and protect the neighborhood quality, character, livability, and minimize adverse impacts between adjacent properties. The ordinance would more appropriately locate rooming houses in residential-multiple unit zones, with similar housing densities and neighborhood characteristics and adjacent land uses. In summary, the ordinance would specifically accomplish the following:

- Add and define the following terms related to rooming house regulation: *rooming house*, *roomer*, and *integrated economic unit*.
- 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.

- Establish general review procedures for *previously conforming* rooming houses, including NUPs under Processes 2 and 3.
- Clarify application of the ordinance where *fewer than* three rental agreements results in at least three separate common households, or *integrated economic units*.
- Establish a three-year amortization or phase-out period for existing rooming houses.
- 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.

The ordinance would amend both the Land Development Code and the Local Coastal Program and apply Citywide.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

The rooming housing ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

MG:ca
10/26/07
Or.Dept: City Attorney
O-2008-61 Rev.

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY 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 ADDING 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.

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

§113.0103 Definitions

Abutting property through *grubbing* [No change in text].

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.

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more persons in *hotels/motels*, bed and breakfast facilities, private clubs, lodges, fraternity or sorority houses, and *rooming houses*.

Hardscape through Roof Sign [No change in text.]

Integrated economic unit means a group of individuals who blend together in a substantial manner as a common household, as evidenced by: the joint use of common areas; the sharing of food responsibilities, household chores, household expenses, and transportation; combined accounts for financial services and communications services; and who to a significant degree create and sustain an cohesive and interdependent community.

Roomer means any person renting, leasing, or otherwise furnishing compensation for, a *bedroom* or *guest room* in a *rooming house*.

Rooming house means a *dwelling unit* where either: 1) three or more *bedrooms* or *guest rooms*, are rented, or are otherwise furnished provided for compensation, under three or more, written or oral, separate rental agreements, or leases, or subleases, or some combination thereof, or 2) where three or more *bedrooms* or *guest rooms*, are rented, or are otherwise provided for compensation, under fewer than three, written or oral, rental agreements, leases, or subleases, or some combination thereof, which results in the establishment of at least three separate *integrated economic units*.

~~written or oral. A *rooming house* does not require a property owner, or an agent, or rental manager, to be in residence. A *rooming house* may or may not have individual or group cooking facilities; and, may or may not provide meals or other services. A *rooming house* may or may not provide free access to common living areas beyond the *bedrooms* or *guest rooms*. A *hotel/motel*, a bed and breakfast facility, a private club, a lodge, fraternity or sorority house, a single residency hotel (*SRO*), a lodging house, a watchkeeper quarters.~~

School through Yard [No change in text.]

Section 2. That Chapter 12, Article 6, Division 2 of the SDMC is amended by amending section 126.0203 to read as follows:

§126.0203 When a Neighborhood Use Permit Is Required

(a) [No change in text.]

Bed and breakfast establishments through *Wireless communication facilities*

[No change in text.]

(b) The following activities require a Neighborhood Use Permit in any zone:

(1) Resumption of a *previously conforming* use that has been discontinued for more than 2 years, or a *previously conforming rooming house* that has been discontinued for more than 12 consecutive months, as described in section 127.0108;

- (2) Expansion of a *previously conforming* use of up to 20 percent of the existing *gross floor area* of the *structure*, as described in section 127.0109(a)(1); or
- (3) Development of additional *bedrooms* or *guest rooms* in a *single dwelling unit* in a residential-single (RS) unit zone that is *previously conforming* as a *rooming house*, as described in section 127.0109(a)(2).

Section 3. That Chapter 12, Article 7, Division 1 of the SDMC is amended by amending section 127.0103, 127.0108 and 127.0109 to read as follows:

§127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed *development* or activity, based on the *previously conforming* category, such as existing *structural envelope*, *density*, and uses are shown in Table 127-01A through 127-01C. If the proposed *development* includes more than one *previously conforming* category, all corresponding regulations, as described in sections 127.0104 through 127.0108 apply.

- (a) through (b) [No change in text.]
- (c) *Previously Conforming Use*

TABLE 127-01C

Review Process for Previously Conforming Use

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process

Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire structure or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	NDP/Process 2
Reconstruction (following fire, natural disaster, act of the public enemy).	127.0105	CP/Process 1 ⁽¹⁾
		NDP/Process 2 ⁽²⁾
Expansion/enlargement, where new construction conforms with all current development regulations.	127.0106(a) and (b)	NDP/Process ⁽³⁾
Expansion/enlargement, where new construction requests a reduction of up to 20% from required <i>setbacks</i> .	127.0106(c)	NDP/Process 2 ⁽³⁾
Change to another <i>previously conforming</i> use within the same use category.	127.0107	CP/Process 1
Operating or resuming a <i>previously conforming</i> use.	127.0108 (a) and (b)(1)	CP/Process 1
	127.0108(a) and (b)(2)	NUP/Process 2
Increase in floor area to a <i>previously conforming use</i> for (less or equal to 20% of <i>gross floor area</i> of the existing <i>structure</i>), or addition of <i>bedrooms</i> or <i>guest rooms</i> in a <i>single dwelling unit</i> in a residential-single (RS) unit zone that is <i>previously conforming</i> as a <i>rooming house</i> .	127.0109 <u>127.0109(a)</u>	NUP/Process 2 ⁽³⁾
	127.0109 <u>127.0109(b)</u>	NUP/Process 2³ <u>NUP/Process 3⁽³⁾</u>

[No change in footnotes.]

§127.0108 Abandonment of Previously Conforming Uses

- (a) A *previously conforming* use may continue or resume operations subject to the required development permit/decision process indicated a Section 127.0103(c), Table 127-01C, Review Processes for Previously Conforming Use.
- (b) It is unlawful to reinstate any *previously conforming* use after it has been permanently abandoned. Whether a *previously conforming* use is deemed

temporarily discontinued or constitutes an a permanent abandonment is subject to Section 127.0108(a) and depends on the following:

- (1) Temporary discontinuance ~~of previously conforming use~~. When any *previously conforming* use has been temporarily discontinued for a period of less than 2 consecutive years, except for a *rooming house*, when the period shall be less than 12 consecutive months, there is no a presumption of permanent abandonment, ~~is not created~~. An owner or person may assert *previously conforming* use rights to reinstate any *previously conforming* use after a period of temporary discontinuance.
- (2) Permanent ~~A~~ abandonment ~~of a previously conforming use~~. A presumption of permanent abandonment arises ~~is created~~ when any *previously conforming* use is discontinued for a period of 2 or more consecutive years, except for a *rooming house*, when the period shall be 12 or more consecutive months. The owner or person asserting *previously conforming* use rights may offer evidence to rebut a the presumption after a period of abandonment.

(c) [No change in text.]

§127.0109 Expansion of a Previously Conforming Use

- (a) Expansion of a *previously conforming* use requires a Neighborhood Use Permit as follows:
 - (1) A 20 percent or less gross floor area expansion of a structure.
 - (2) The addition of any *bedrooms* or *guest rooms* to a *rooming house*.

(b) [No change in text.]

Section 4. That Chapter 13, Article 1, Division 1 of the SDMC is by amended by amending section 131.0112 as follows:

§131.0112 Descriptions of Use Categories and Subcategories

(a) [No change in text.]

(1) [No change in text.]

(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 house. This subcategory includes rooming houses as defined in Section 113.0103. The Mayor may identify a dwelling unit as a rooming house, in accordance with Chapter 12, Article 1, where a dwelling unit is rented, leased, or subleased, under fewer than three, written or oral, rental agreements, leases, or subleases, but where the occupancy results in at least three separate integrated economic units. Factors in making such a determination may include but are not limited to the following:
- a. Where a property owner, landlord, or master tenant:
 - i. Solicits occupants to rent individual bedrooms or guestrooms and such occupants may have no prior relationship to one another.

- ii. Replaces former occupants in a serial manner to new occupants who may have no prior relationship to current occupants.
 - iii. Collects compensation separately from each occupant or from separate groups of occupants.
 - iv. Omits to include, or fails to enforce, a joint and several liability clause, when an occupant or group of occupants does not provide the agreed upon compensation.
 - v. Assigns bedrooms or guestrooms separate numbers or letters.
 - vi. Maintains separate locks on each bedroom or guest room, provides separate keys to each occupant, and retains a master set of keys for all rooms.
 - vii. Exercises free, unnoticed access to common areas such as living rooms, dining rooms, kitchens, bathrooms, and garages.
 - viii. Establishes separate mail delivery slots for each occupant or group of occupants.
 - ix. Assigns separate storage spaces for food and general storage.
 - x. Assigns separate parking spaces.
 - xi. Requires occupants to comply with a set of household rules.
 - xii. Has a history prior to the passage of this ordinance of executing three or more separate, written or oral, rental agreements, leases, or subleases.
- b. Where occupants or groups of occupants:
- i. Do not occupy or jointly use common areas.
 - ii. Do not establish televisions, stereos, computers, telephones, and appliances in common areas.
 - iii. Maintain separate toiletries, towels, and personal affects in shared bathrooms.
 - iv. Maintain separate food responsibilities such as shopping, storage, preparation, and disposal.
 - v. Do not share common household chores such as cleaning, laundry, yard maintenance, and trash

pick up, except as directed or required by a property owner, landlord, or master tenant.

- vi. Do not share common household expenses for such items as furniture, cleaning supplies, office supplies, appliances, and gardening equipment.
- vii. Do not share transportation.
- viii. Do not use common financial services.
- ix. Maintain separate land lines and do not jointly subscribe to the same wireless services
- x. Do not regularly interact and communicate, leading essentially separate and independent lives.

~~Rooming house is defined in Section 113.0103. A~~

~~hotel/motel, a bed and breakfast facility, a private club, a lodge, fraternity or sorority house, a single residency hotel (SRO), a lodging house, or a watchkeeper quarters is not a rooming house.~~

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

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

Section 5. That Chapter 13, Article 1, Division 2 of the SDMC is by amended by amending section 131.0222 as follows:

§131.0222 Use Regulations Table for Open Space Zones

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories	Zone Designator	Zones
------------------------------	-----------------	-------

[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space [No change in text.]							
Agriculture [No change in text.]							
Residential							
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]							
<i>Rooming House</i>		-	-	-	-		-
<i>Single Dwelling Units</i>		-	-	-	P		-
Separately Regulated Residential Uses:							
<i>Boarder & Lodger Accommodations</i>		-	-	-	L		-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]							
Institutional through Signs [No change in text.]							
[No change in footnotes.]							

Section 6. That Chapter 13, Article 1, Division 3 of the SDMC is by amended by amending section 131.0322 as follows:

§131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

**Table 131-03B
Use Regulations Table of Agricultural 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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space [No change in text.]					
Agriculture [No change in text.]					
Residential					
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]					
<i>Rooming House</i>		-	-	-	-
<i>Single Dwelling Units</i>		p ⁽¹⁾		P	

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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Separately Regulated Residential Uses					
<i>Boarder & Lodger Accommodations</i>					
Companion Units through Watchkeeper Quarters [No change in text.]					
Institutional through Signs [No change in text.]					
[No change in text.]					

Section 7. That Chapter 13, Article 1, Division 4 of the SDMC is by amended by amending section 131.0422 as follows:

§131.0422 Use Regulations Table for Residential Zones

[No change in text.]

**Table 131-04B
 Use Regulations Table of 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 [No change in text.]																									
Agriculture																									
Agricultural Processing through Raising and Harvesting of Crops [No change in text.]																									
Raising, Maintaining & Keeping of Animals																									
Separately Regulated Agricultural Uses [No change in text.]																									
Residential																									
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]																									
<i>Rooming House</i>																									
<i>Single Dwelling Units</i>																									
Separately Regulated Residential Uses																									
<i>Boarder & Lodger Accommodations</i>																									
Companion Units through Watchkeeper Quarters [No change in text.]																									

Institutional through Signs [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 [No change in text.]																									
Agriculture [No change in text.]																									
Residential																									
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]																									
<i>Rooming House</i>														P				P				P			P
<i>Single Dwelling Units</i>														P				P				P			-
Separately Regulated Residential Uses																									
<i>Boarder & Lodger Accommodations</i>														L				L				L			L
Companion Units through Watchkeeper Quarters [No change in text.]																									
Institutional [No change in text.]																									
Sales																									
Building Supplies & Equipment [No change in text.]																									
Food, Beverages and Groceries														-				-				p ⁽⁸⁾		p ⁽⁸⁾	p ⁽⁸⁾
Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies [No change in text.]																									
Sundries, Pharmaceuticals, & Convenience Sales														-				-				p ⁽⁸⁾		p ⁽⁸⁾	p ⁽⁸⁾
Wearing Apparel & Accessories [No change in text.]																									
Commercial																									
Building Services through Off-site Services [No change in text.]																									
Personal Services														-				-				p ⁽⁸⁾		p ⁽⁸⁾	p ⁽⁸⁾
Assembly & Entertainment through Separately Regulated Commercial Services Uses [No change in text.]																									
Offices																									
Business & Professional through Government [No change in text.]																									
Medical, Dental, & Health Practitioner														-				-				p ⁽⁷⁾		p ⁽⁷⁾	-
Regional & Corporate Headquarters [No change in text.]																									
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]																									

Footnotes for Table 131-04B

¹ through ⁶ [No change in text.]

⁷ See Section 131.0423(a).

⁸ See Section 131.0423(b).

⁹ Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.
(Amended 7-14-2003 by O-19197 N.S.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)

Section 8. That Chapter 3, Article 1, Division 4 of the SDMC is amended by amending section 131.0423 and adding section 131.04234 to read as follows:

§131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this section.

(a) through (b) [No change in text.]

§131.0424 Amortization Periods

Pursuant to SDMC Section 127.0102(d) *previously conforming* uses are allowed to continue to exist and operate unless an amortization period is specified as follows for the following categories and subcategories:

- (a) Rooming houses. The presence of *rooming houses* in residential-single unit zones is adversely impacting neighborhood quality, character, and livability incompatible with the purpose of such zones. *Previously conforming rooming houses* shall be terminated within ~~seven~~ three years from the effective date of Ordinance 0-2008-61.

Section 9. That Chapter 3, Article 1, Division 5 of the SDMC is amended by amending section 131.0522 to read as follows:

§131.0522 Use Regulations Table of Commercial Zones

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial 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										
		CN (1)-			CR-		CO-		CV-		CP-	
	1st & 2nd >>											
	3rd >>	1-			1- 2-		1-		1-		1-	
	4th >>	1	2	3	1	1	1	2	1	2	1	
Open Space [No change in text.]												
Agriculture [No change in text.]												
Residential												
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]												
<i>Rooming House</i>		p(2)			P -		P		p(2)		-	
<i>Single Dwelling Units</i>		-			-		-		-		-	
Separately Regulated Residential Uses												
<i>Boarder & Lodger Accommodations</i>		L(2)			L -		L		L(2)		-	
<i>Companion Units through Watchkeeper Quarters</i> [No change in text]												
Institutional through Signs [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																	
		CC-																	
	1st & 2nd >>																		
	3rd >>	1-			2-			3-			4-			5-					
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Open Space [No change in text.]																			
Agriculture [No change in text.]																			
Residential																			
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]																			
<i>Rooming House</i>		P			-			P			P			P					
<i>Single Dwelling Units</i>		-			-			-			-			-					
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>		L			-			L			L			L					
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]																			
Institutional through Signs [No change in text.]																			

[No change in footnotes.]

(b) through (d) [No change in text.]

Section 10. That Chapter 13, Article 1, Division 6 of the SDMC is amended by amending §131.0622 to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

**Table 131-06B
 Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories <small>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]</small>	Zone designator	Zones								
		IP-		IL-			IH-		IS-	
	1st & 2nd >>									
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	1
Open Space [No change in text.]										
Agriculture [No change in text.]										
Residential										
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]										
<i>Rooming House</i>		-	-	-	-	-	-	-	-	-
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses										
<i>Boarder & Lodger Accommodations</i>		-	-	-	-	-	-	-	-	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]										
Institutional through Signs [No change in text.]										

[No change in footnotes.]

Section 11. Amending Chapter 14, Article 2, Division 5 of the SDMC is amended by amending section 142.0525 to read as follows:

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and accessory uses are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area

Section 10. That Chapter 13, Article 1, Division 6 of the SDMC is amended by amending §131.0622 to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

**Table 131-06B
 Use Regulations Table for Industrial 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								
		IP-		IL-			IH-		IS-	
	1st & 2nd >>									
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Open Space [No change in text.]										
Agriculture [No change in text.]										
Residential										
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]										
<i>Rooming House</i>		-	-	-	-	-	-	-	-	-
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses										
<i>Boarder & Lodger Accommodations</i>		-	-	-	-	-	-	-	-	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]										
Institutional through Signs [No change in text.]										

[No change in footnotes.]

Section 11. Amending Chapter 14, Article 2, Division 5 of the SDMC is amended by amending section 142.0525 to read as follows:

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and accessory uses are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area

parking for some projects, are provided in Section 142.0525(b) through (d).

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
Rooming house	1.0 per two roomers	0.75 per two roomers	1.0 per two roomers, except 1.0 per roomer in beach impact area	0.05 per roomer	0.30 per roomer
Boarder and Lodger Accommodations	1.0 per two boarders or lodgers		1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area		
Residential care facility through Accessory Uses [No change in text]					

[No change in footnotes.]

Section 12. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt pursuant to the following State CEQA Guidelines: 1) Section 15301, because the ordinance applies to existing facilities, 2) Section 15061(b)(3), because the ordinance will have no significant affect on the environment, and 3) Section 15378(a)(1), because the ordinance upon adoption will not result in any direct or indirect change to the physical environment, under State CEQA Guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA Guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 13. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 14. This ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:ca
080707 10/26/07
Or.Dept: City Attorney
~~0-2007-158~~ 0-2008-61

000107

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY 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 ADDING 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.

WHEREAS, the purpose of residential-single (RS) unit zones is to provide for areas of residential development that promote neighborhood quality, character, and livability, and minimizes adverse impacts to adjacent properties; and, that the purpose of residential-multiple (RM) unit zones is to accommodate specific dwelling types and developments with similar characteristics, and to respond to locational issues regarding adjacent land uses; and

WHEREAS, commercial overuse of dwelling units in residential-single (RS) unit zones, has been a chronic and growing problem adversely impacting neighborhood quality, character, and livability incompatible with the purpose of RS unit zones; and

WHEREAS, the commercial overuse of dwelling units in RS unit zones is more compatible with the purpose of residential-multiple (RM) unit zones; and

WHEREAS, on September 19, 2006, Council District 7 hosted a public workshop, on the commercial overuse of dwelling units in RS unit zones, attended by over 300 residents and community leaders. This led Council District 7 to issue a memorandum dated October 11, 2006 to the Mayor and City Attorney, requesting a thorough analysis of possible changes City Council could make to the San Diego Municipal Code to address the problem; and

WHEREAS, on November 20, 2006, in response to the October 11, 2006 memorandum, the City Attorney issued a report (RC 2006-30) to the Land Use and Housing Committee thoroughly analyzing issues associated with the commercial overuse of dwelling units in RS unit zones. The memorandum underscored a California Attorney General opinion (86 Op. Cal. Att'y. Gen. 30 (2003)) regarding a municipal code provision then-proposed by the City of Lompoc that would restrict the operation of rooming houses in RS unit zones. To wit, the opinion concluded the rooming house ordinance, if adopted, would be a permissible use of the city's police powers, reasoning that: 1) where the stated rationale of the ordinance was to preserve the residential character of the neighborhood, and 2) the ordinance focused on the commercial use of the property as being inconsistent with the residential character of the neighborhood, then there was no violation of constitutional rights; and

WHEREAS, on November 29, 2006 and March 7, 2007, the Land Use and Housing Committee conducted hearings, on the commercial overuse of dwelling units in RS unit zones, whereby the Committee unanimously approved several action items, including among them, to amend the Land Development Code to limit the number of

bedrooms based on parcel size and to modify both hardscape and parking regulations, in an effort to maintain the character of residential RS unit zoned neighborhoods; and

WHEREAS, on December 11, 2006, Council District 1 issued a memorandum to the Mayor, which identified chronic and growing problem of commercial overuse of dwelling units RS unit zones and requested that any action the City may takes be applied citywide; and

WHEREAS, on May 10, 2007, the City Attorney, along with Council Districts 2 and 7, hosted a public forum, on the commercial overuse of dwelling units in RS unit zones, led by a panel of numerous City officials and leaders from the three largest local universities, and attended by over 200 residents and members of community groups. Public testimony was uniformly in support of an approach to the problem that would include focus on the commercial overuse of dwelling units to protect the quality of life in RS unit zones; and

WHEREAS, on July 9, 2007, City Council heard as an informational item a proposed draft rooming house ordinance prepared by the City Attorney and accepted public testimony from approximately 100 residents the majority in favor the ordinance. City Council then unanimously moved that the draft rooming house ordinance be presented to the Planning Commission, to the Community Planners Group, and to other community planning groups, and finally returned to City Council by early Fall; and

WHEREAS, on September 6, 2007, the Planning Commission considered and deliberated the draft rooming house ordinance, and thereupon accepting public testimony from approximately two dozen residents, the majority expressing support for the ordinance, the Planning Commission then voted unanimously to recommend that City

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Council adopt the ordinance and consider some amendments suggested through public testimony; and

WHEREAS, between July 24, 2007 and October 16, 2007, eleven of the City-recognized community planning groups, from neighborhoods throughout Council Districts 1,2, 3 and 7, placed the draft rooming house ordinance on their respective agendas, and heard the ordinance as either informational item or an action item. Four of those recommended adoption of the ordinance and none recommended denial. Also, on July 24, 2007, the Community Planners Committee heard the draft rooming house ordinance as an informational item.

WHEREAS, the City wishes to establish an ordinance to create a new regulated land use category for rooming houses to: 1) solve the chronic and growing problem of commercial overuse of dwelling units in RS unit zones, 2) preserve neighborhood quality, character, and livability, compatible with the purpose of RS unit zones, and 3) more appropriately locate rooming houses in neighborhoods with similar densities and characteristics compatible with RM unit zones; 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 [Municipal Code] is amended by amending section 113.0103 to read as follows:

§113.0103 Definitions

Abutting property through *grubbing* [No change in text].

Family means two or more persons related through blood, marriage, or legal adoption or joined through a judicial or administrative order of

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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*.

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more persons in *hotels/motels*, bed and breakfast facilities, private clubs, lodges, fraternity or sorority houses, and *rooming houses*.

Hardscape through Roof Sign [No change in text.]

Integrated economic unit means a group of individuals who blend together in a substantial manner as a common household, as evidenced by: the joint use of common areas; the sharing of food responsibilities, household chores, household expenses, and transportation; combined accounts for financial services and communications services; and who to a significant degree create and sustain an cohesive and interdependent community.

Roomer means any person renting, leasing, or otherwise furnishing compensation for, a *bedroom* or *guest room* in a *rooming house*.

Rooming house means a *dwelling unit* where either: 1) three or more *bedrooms* or *guest rooms*, are rented, or are otherwise provided for compensation, under three or more, written or oral, rental agreements, leases, or subleases, or some combination thereof, or 2) where three or more *bedrooms* or *guest rooms*, are rented, or are otherwise provided for compensation, under fewer than three, written or oral, rental agreements,

leases, or subleases, or some combination thereof, which results in the establishment of at least three separate *integrated economic units*.

School through Yard [No change in text.]

Section 2. That Chapter 12, Article 6, Division 2 of the Municipal Code is amended by amending section 126.0203 to read as follows:

§126.0203 When a Neighborhood Use Permit Is Required

[No change in text.]

Bed and breakfast establishments through Wireless communication facilities

[No change in text.]

(a) The following activities require a Neighborhood Use Permit in any zone:

(1) Resumption of a *previously conforming* use that has been discontinued for more than 2 years, or a *previously conforming rooming house* that has been discontinued for more than 12 consecutive months, as described in section 127.0108;

(2) Expansion of a *previously conforming* use of up to 20 percent of the existing *gross floor area* of the *structure*, as described in section 127.0109(a)(1); or

(3) Development of additional *bedrooms* or *guest rooms* in a *single dwelling unit* in a residential-single (RS) unit zone

that is previously *conforming* as a *rooming house*, as described in section 127.0109(a)(2).

Section 3. That Chapter 12, Article 7, Division 1 of the Municipal Code is amended by amending section 127.0103, 127.0108 and 127.0109 to read as follows:

§127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed *development* or activity, based on the *previously conforming* category, such as existing *structural envelope*, *density*, and uses are shown in Table 127-01A through 127-01C. If the proposed *development* includes more than one *previously conforming* category, all corresponding regulations, as described in sections 127.0104 through 127.0108 apply.

(a) through (b) [No change in text.]

(c) *Previously Conforming Use*

**TABLE 127-01C
Review Process for Previously Conforming Use**

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire structure or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	NDP/Process 2
Reconstruction (following fire, natural disaster, act of the public enemy).	127.0105	<u>CP/Process 1</u> ⁽¹⁾

		NDP/Process 2 ⁽²⁾
Expansion/enlargement, where new construction conforms with all current development regulations.	127.0106(a) and (b)	NDP/Process ⁽³⁾
Expansion/enlargement, where new construction requests a reduction of up to 20% from required setbacks.	127.0106(c)	NDP/Process 2 ⁽³⁾
Change to another <i>previously conforming</i> use within the same use category.	127.0107	CP/Process 1
Operating or resuming a <i>previously conforming</i> use.	127.0108 (a) and (b)(1)	CP/Process 1
	127.0108(a) and (b)(2)	NUP/Process 2
Increase in floor area to a <i>previously conforming</i> use for (less or equal to 20% of gross floor area of the existing structure), or addition of bedrooms or guest rooms in a single dwelling unit in a residential-single (RS) unit zone that is <i>previously conforming</i> as a rooming house.	127.0109(a)	NUP/Process 2 ⁽³⁾
	127.0109(b)	NUP/Process 3 ⁽³⁾

[No change in footnotes.]

§127.0108 Abandonment of Previously Conforming Uses

- (a) A *previously conforming* use may continue or resume operations subject to the required development permit/decision process indicated a Section 127.0103(c), Table 127-01C, Review Processes for Previously Conforming Use.
- (b) It is unlawful to reinstate any *previously conforming* use after it has been permanently abandoned. Whether a *previously conforming* use is deemed temporarily discontinued or constitutes an abandonment is subject to Section 127.0108(a) and depends on the following:
- (1) Temporary discontinuance. When any *previously conforming* use has been temporarily discontinued for a

period of less than 2 consecutive years, except for a *rooming house*, when the period of discontinuance shall be less than 12 consecutive months, there is no presumption of permanent abandonment. An owner or person may assert *previously conforming use* rights to reinstate any *previously conforming use* after a period of temporary discontinuance.

- (2) Permanent abandonment. A presumption of permanent abandonment arises when any *previously conforming use* is discontinued for a period of 2 or more consecutive years, except for a *rooming house*, when the period of abandonment shall be 12 or more consecutive months. The owner or person asserting *previously conforming use* rights may offer evidence to rebut the presumption after a period of abandonment.

- (c) [No change in text.]

§127.0109 Expansion of a Previously Conforming Use

- (a) Expansion of a *previously conforming use* requires a Neighborhood Use Permit as follows:
- (1) A 20 percent or less gross floor area expansion of a structure.
 - (2) The addition of any *bedrooms* or *guest rooms* to a *rooming house*.
- (b) [No change in text.]

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Section 4. That Chapter 13, Article 1, Division 1 of the MUNICIPAL CODE is by amended by amending section 131.0112 as follows:

§131.0112 Descriptions of Use Categories and Subcategories

- (a) [No change in text.]
 - (1) [No change in text.]
 - (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 house.* This subcategory includes *rooming houses* as defined in Section 113.0103. The Mayor may identify a *dwelling unit* as a *rooming house*, in accordance with Chapter 12, Article 1, where a *dwelling unit* is rented, leased, or subleased, under fewer than three, written or oral, rental agreements, leases, or subleases, where the occupancy results in at least three separate *integrated economic units*.

Factors in making such a determination may include but are not limited to the following:

- a. Where a property owner, landlord, or master tenant:
 - i. Solicits occupants to rent individual *bedrooms* or *guestrooms* and such

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- occupants may have no prior relationship to one another.
- ii. Replaces former occupants in a serial manner to new occupants who may have no prior relationship to current occupants.
 - iii. Collects compensation separately from each occupant or from separate groups of occupants.
 - iv. Omits to include, or fails to enforce, a joint and several liability clause, when an occupant or group of occupants does not provide the agreed upon compensation.
 - v. Assigns *bedrooms* or *guestrooms* separate numbers or letters.
 - vi. Maintains separate locks on each *bedroom* or *guest room*, provides separate keys to each occupant, and retains a master set of keys for all rooms.
 - vii. Exercises free, unnoticed access to common areas such as living rooms, dining rooms, kitchens, bathrooms, and garages.
 - viii. Establishes separate mail delivery slots for each occupant or group of occupants.
 - ix. Assigns separate storage spaces for food and general storage.
 - x. Assigns separate parking spaces.
 - xi. Requires occupants to comply with a set of household rules.
 - xii. Has a history prior to the passage of this ordinance of executing three or more separate, written or oral, rental agreements, leases, or subleases.
- b. Where occupants or groups of occupants:
- i. Do not occupy or jointly use common areas.

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- ii. Do not establish televisions, stereos, computers, telephones, and appliances in common areas.
- iii. Maintain separate toiletries, towels, and personal affects in shared bathrooms.
- iv. Maintain separate food responsibilities such as shopping, storage, preparation, and disposal.
- v. Do not share common household chores such as cleaning, laundry, yard maintenance, and trash pick up, except as directed or required by a property owner, landlord, or master tenant.
- vi. Do not share common household expenses for such items as furniture, cleaning supplies, office supplies, appliances, and gardening equipment.
- vii. Do not share transportation.
- viii. Do not use common financial services.
- ix. Maintain separate land lines and do not jointly subscribe to the same wireless services
- x. Do not regularly interact and communicate, leading essentially separate and independent lives.

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

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

Section 5. That Chapter 13, Article 1, Division 2 of the Municipal Code is by amended by amending section 131.0222 as follows:

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§131.0222 Use Regulations Table for Open Space Zones

[No change in text.]

Table 131-02B
Use Regulations Table of Open Space 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 >>		OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
		3rd >>	1-	2-	1-	1-	1-
			4th >>	1	1	1	1
Open Space [No change in text.]							
Agriculture [No change in text.]							
Residential							
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]							
<i>Rooming House</i>		-	-	-	-	-	-
<i>Single Dwelling Units</i>		-	-	-	P	-	-
Separately Regulated Residential Uses:							
<i>Boarder & Lodger Accommodations</i>		-	-	-	L	-	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]							
Institutional through Signs [No change in text.]							

[No change in footnotes.]

Section 6. That Chapter 13, Article 1, Division 3 of the Municipal Code is by amended by amending section 131.0322 as follows:

§131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

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Table 131-03B
Use Regulations Table of Agricultural 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 >>	AG	AR			
	3rd >>	1-	1-			
	4th >>	1	2	1	2	
Open Space [No change in text.]						
Agriculture [No change in text.]						
Residential						
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]						
<i>Rooming House</i>						
<i>Single Dwelling Units</i>	P ⁽¹⁾		P			
Separately Regulated Residential Uses						
<i>Boarder & Lodger Accommodations</i>			L			
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]						
Institutional through Signs [No change in text.]						
[No change in text.]						

Section 7. That Chapter 13, Article 1, Division 4 of the Municipal Code is by amended by amending section 131.0422 as follows:

§131.0422 Use Regulations Table for Residential Zones

[No change in text.]

Table 131-04B
Use Regulations Table of 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 [No change in text.]																										
Agriculture																										
<i>Agricultural Processing through Raising and Harvesting of</i>																										

Crops [No change in text.]					
Raising, Maintaining & Keeping of Animals	p ⁽³⁾⁽⁹⁾	-	-	-	-
Separately Regulated Agricultural Uses [No change in text.]					
Residential					
Mobilehome Parks through Multiple Dwelling Units [No change in text.]					
Rooming House	-	-	-	-	-
Single Dwelling Units	P	-	P	P	P
Separately Regulated Residential Uses					
Boarder & Lodger Accommodations	L		L	L	L
Companion Units through Watchkeeper Quarters [No change in text.]	L		L	L	L
Institutional through Signs [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 [No change in text.]															
Agriculture [No change in text.]															
Residential															
Mobilehome Parks through Multiple Dwelling Units [No change in text.]															
Rooming House		P		P		P		P		P		P		P	
Single Dwelling Units		P		P		P		P		P		P		-	
Separately Regulated Residential Uses															
Boarder & Lodger Accommodations		L		L		L		L		L		L		L	
Companion Units through Watchkeeper Quarters [No change in text.]															
Institutional [No change in text.]															
Sales															
Building Supplies & Equipment [No change in text.]															
Food, Beverages and Groceries		-		-				p ⁽⁸⁾		p ⁽⁸⁾		p ⁽⁸⁾		p ⁽⁸⁾	
Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies [No change in text.]															
Sundries, Pharmaceuticals, & Convenience Sales		-		-				p ⁽⁸⁾		p ⁽⁸⁾		p ⁽⁸⁾		p ⁽⁸⁾	
Wearing Apparel & Accessories [No change in text.]															
Commercial															
Building Services through Off-site Services [No change in text.]															

in text.]					
Personal Services	-	-	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾
Assembly & Entertainment through Separately Regulated Commercial Services Uses [No change in text.]					
Offices					
Business & Professional through Government [No change in text.]					
Medical, Dental, & Health Practitioner	-	-	P ⁽⁷⁾	P ⁽⁷⁾	-
Regional & Corporate Headquarters [No change in text.]					
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]					

Footnotes for Table 131-04B

- ¹ through ⁶ [No change in text.]
- ⁷ See Section 131.0423(a).
- ⁸ See Section 131.0423(b).
- ⁹ Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a premises of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted. (Amended 7-14-2003 by O-19197 N.S.) (Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)

Section 8. That Chapter 3, Article 1, Division 4 of the Municipal Code is amended by amending section 131.0423 and adding section 131:04234 to read as follows:

§131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this section.

(a) through (b) [No change in text.]

§131.0424 Amortization Periods

Pursuant to San Diego Municipal Code Section 127.0102(d) previously conforming uses are allowed to continue to exist and operate unless an

amortization period is specified as follows for the following categories and subcategories:

- (a) Rooming houses. The presence of *rooming houses* in residential-single unit zones is adversely impacting neighborhood quality, character, and livability incompatible with the purpose of such zones. *Previously conforming rooming houses* shall be terminated within three years from the effective date of Ordinance O-2008-61.

Section 9. That Chapter 3, Article 1, Division 5 of the Municipal Code is amended by amending section 131.0522 to read as follows:

§131.0522 Use Regulations Table of Commercial Zones

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial 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									
		CN (1)-			CR-		CO-		CV-		CP-
		1-			1-	2-	1-	1-	1-		
		1	2	3	1	1	1	2	1	2	1
Open Space [No change in text.]											
Agriculture [No change in text.]											
Residential											
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]											
<i>Rooming House</i>		p(2)		P	-	P		p(2)		-	
<i>Single Dwelling Units</i>		-		-	-	-		-		-	
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>		L(2)		L	-	L		L(2)		-	
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]											
Institutional through Signs [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																		
		CC-																		
		1-			2-			3-			4-			5-						
		1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	
Open Space [No change in text.]																				
Agriculture [No change in text.]																				
Residential																				
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]																				
<i>Rooming House</i>		P	-		P		P		P											
<i>Single Dwelling Units</i>		-	-		-		-		-											
Separately Regulated Residential Uses																				
<i>Boarder & Lodger Accommodations</i>		L	-		L		L		L											
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]																				
Institutional through Signs [No change in text.]																				
[No change in footnotes.]																				

(b) through (d) [No change in text.]

Section 10. That Chapter 13, Article 1, Division 6 of the Municipal Code is amended by amending §131.0622 to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial 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									
		IP-			IL-			IH-		IS-	
		1-		2-	1-		2-	3-	1-	2-	1-
		1	1	1	1	1	1	1	1	1	
Open Space [No change in text.]											
Agriculture [No change in text.]											
Residential											
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]											
<i>Rooming House</i>		-	-	-	-	-	-	-	-	-	
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-	
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>		-	-	-	-	-	-	-	-	-	
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]											
Institutional through Signs [No change in text.]											

[No change in footnotes.]

Section 11. Amending Chapter 14, Article 2, Division 5 of the Municipal Code is amended by amending section 142.0525 to read as follows:

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) **Minimum Required Parking Spaces.** The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and accessory uses are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
Rooming house	1.0 per two roomers	0.75 per two roomers	1.0 per two roomers, except 1.0 per roomer in beach impact area	0.05 per roomer	0.30 per roomer
Boarder and Lodger Accommodations	1.0 per two boarders or lodgers	-	1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area	-	-
Residential care facility through Accessory Uses [No change in text]					

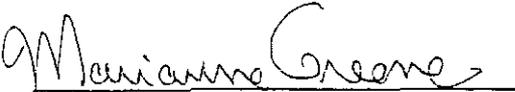
[No change in footnotes.]

Section 12. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt pursuant to the following State CEQA Guidelines: 1) Section 15301, because the ordinance applies to existing facilities, 2) Section 15061(b)(3), because the ordinance will have no significant affect on the environment, and 3) Section 15378(a)(1), because the ordinance upon adoption will not result in any direct or indirect change to the physical environment.

Section 13. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 14. This ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Marianne Greene
Deputy City Attorney

MG:ca
10/26/07
Or.Dept: City Attorney
O-2008-61

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

OLD LANGUAGE: STRIKEOUT
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY 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 ADDING 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.

§113.0103 Definitions

Abutting property through grubbing [No change in text].

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.

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more ~~guests~~ persons in ~~hotel-/~~ motels, bed and breakfast facilities, private clubs, lodges, fraternity or sorority houses, and rooming houses.

000130 *Hardscape through Roof Sign* [No change in text.]

Integrated economic unit means a group of individuals who blend together in a substantial manner as a common household, as evidenced by: the joint use of common areas; the sharing of food responsibilities, household chores, household expenses, and transportation; combined accounts for financial services and communications services; and who to a significant degree create and sustain an cohesive and interdependent community.

Roomer means any person renting, leasing, or otherwise furnishing compensation for, a *bedroom* or *guest room* in a *rooming house*.

Rooming house means a *dwelling unit* where either: 1) *three or more bedrooms or guest rooms, are rented, or are otherwise provided for compensation, under three or more, written or oral, rental agreements, leases, or subleases, or some combination thereof, or 2) where three or more bedrooms or guest rooms, are rented, or are otherwise provided for compensation, under fewer than three, written or oral, rental agreements, leases, or subleases, or some combination thereof, which results in the establishment of at least three separate integrated economic units.*

School through Yard [No change in text.]

§126.0203 **When a Neighborhood Use Permit Is Required**

(a) [No change in text.]

Bed and breakfast establishments through *Wireless communication facilities* [No change in text.]

- (b) The following activities require a Neighborhood Use Permit in any zone:
- (1) Resumption of a *previously conforming* use that has been discontinued for more than 2 years, ~~as described in Section 127.0108~~; or a *previously conforming rooming house* that has been discontinued for more than 12 consecutive months, as described in Section 127.0108; or
 - (2) Expansion of a *previously conforming* use of up to 20 percent of the existing gross floor area of the structure, as described in Section 127.0109-(a)(1); or
 - (2) Development of additional *bedrooms or guest rooms in a single dwelling unit in a residential-single (RS) unit zone that is previously conforming as a rooming house, as described in section 127.0109(a)(2)*.

§127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed development or activity, based on the *previously conforming* category, such as existing *structural envelope, density*, and uses are shown in Table 127-01A through 127-01C. If the proposed development includes more than one *previously conforming* category, all corresponding regulations, as described in Sections 127.0104 through 127.0108 apply.

(a) through (b) [No change in text.]

(c) *Previously Conforming Use*

TABLE 127-01C
Review Process for Previously Conforming Use

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire structure or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	NDP/Process 2
Reconstruction (following fire, natural disaster, act of the public enemy).	127.0105	(1) CP/Process 1
		(2) NDP/Process 2
Expansion/enlargement, where new construction conforms with all current development regulations	127.0106(a) and (b)	(3) NDP/Process 2
Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i>	127.0106 (c)	(3) NDP/Process 2
Change to another <i>previously conforming use</i> within the same use category	127.0107	CP/Process 1
Operating or resuming a <i>previously conforming use</i> , including resumption of <i>previously conforming use</i> up to 2 years after discontinuance.	<u>127.0108 (a) and (e)</u> <u>127.0108(b)(1)</u>	CP/Process 1
	<u>127.0108(a) and</u> <u>127.0108(b)(2)</u>	NUP/Process 2
Resumption of a <i>previously conforming use</i> after 2 years discontinuance.	127.0108(b) and (e)	NUP/Process 2
Increase in floor area to a <i>previously conforming use</i> for (less or equal to 20% of <i>gross floor area</i> of the existing structure) - , or addition of <i>bedrooms or guest rooms in a single dwelling unit in a residential-single (RS) unit zone that is previously conforming as a rooming house</i> .	127.0109 <u>127.0109(a)</u>	NUP/Process 2 ⁽³⁾
	127.0109 <u>127.0109(b)</u>	NUP/Process 2 ³ NUP/Process 3 ⁽³⁾

[No change in footnotes.]

§127.0108 Abandonment of Previously Conforming Uses

- (a) A *previously conforming* use may continue to operate or may resume operations if discontinued for a period of less than 2 consecutive years. Resumption of operations within 2 years is subject to the review procedures for conforming uses. subject to the required development permit/decision process indicated a Section 127.0103(c), Table 127-01C, Review Processes for Previously Conforming Use.
- (b) It is unlawful to reinstate any *previously conforming* use after the use has been discontinued for a period of 2 or more consecutive years, unless the property owner has obtained a Neighborhood Use Permit. Discontinuance of the use for a period of 2 or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting *previously conforming* rights may offer evidence. it has been permanently abandoned. Whether a *previously conforming* use is deemed temporarily discontinued or constitutes a permanent abandonment is subject to Section 127.0108(a) and depends on the following:
- (1) Temporary discontinuance. When any *previously conforming* use has been temporarily discontinued for a period of less than 2 consecutive years, except for a *rooming house*, when the period shall be less than 12 consecutive months, there is no presumption of permanent abandonment. An owner or person may assert *previously conforming* use rights to reinstate any *previously conforming* use after a period of temporary discontinuance.

(2) Permanent abandonment. A presumption of permanent abandonment arises when any *previously conforming* use is discontinued for a period of 2 or more consecutive years, except for a *rooming house*, when the period shall be 12 or more consecutive months. The owner or person asserting *previously conforming* use rights may offer evidence to rebut the presumption after a period of abandonment.

(c) [No change in text.]

§127.0109 Expansion of a Previously Conforming Use

(a) ~~A 20 percent or less gross floor area expansion of a structure with a~~ *previously conforming* use requires a Neighborhood Use Permit as follows:

- (1) A 20 percent or less gross floor area expansion of a structure.
- (2) The addition of any *bedrooms* or *guest rooms* to a *rooming house*.

(b) [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) [No change in text.]

- (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) Group Living Accommodations Dwelling where multiple residents share living accommodations and facilities and where meals or other services are provided.~~

(A) Rooming house. This subcategory includes rooming houses as defined in Section 113.0103. The Mayor may identify a dwelling unit as a rooming house, in accordance with Chapter 12, Article 1, where a dwelling unit is rented, leased, or subleased, under fewer than three, written or oral, rental agreements, leases, or subleases, but where the occupancy results in at least three separate integrated economic units. Factors in making such a determination may include but are not limited to the following:

- a. Where a property owner, landlord, or master tenant:
- i. Solicits occupants to rent individual bedrooms or guestrooms and such occupants may have no prior relationship to one another.
 - ii. Replaces former occupants in a serial manner to new occupants who may have no prior relationship to current occupants.
 - iii. Collects compensation separately from each occupant or from separate groups of occupants.
 - iv. Omits to include, or fails to enforce, a joint and several liability clause, when an occupant or

group of occupants does not provide the agreed upon compensation.

- v. Assigns bedrooms or guestrooms separate numbers or letters.
- vi. Maintains separate locks on each bedroom or guest room, provides separate keys to each occupant, and retains a master set of keys for all rooms.
- vii. Exercises free, unnoticed access to common areas such as living rooms, dining rooms, kitchens, bathrooms, and garages.
- viii. Establishes separate mail delivery slots for each occupant or group of occupants.
- ix. Assigns separate storage spaces for food and general storage.
- x. Assigns separate parking spaces.
- xi. Requires occupants to comply with a set of household rules.
- xii. Has a history prior to the passage of this ordinance of executing three or more separate, written or oral, rental agreements, leases, or subleases.

b. Where occupants or groups of occupants:

- i. Do not occupy or jointly use common areas.
- ii. Do not establish televisions, stereos, computers, telephones, and appliances in common areas.
- iii. Maintain separate toiletries, towels, and personal affects in shared bathrooms.
- iv. Maintain separate food responsibilities such as shopping, storage, preparation, and disposal.
- v. Do not share common household chores such as cleaning, laundry, yard maintenance, and trash pick up, except as directed or required by a property owner, landlord, or master tenant.
- vi. Do not share common household expenses for such items as furniture, cleaning supplies, office supplies, appliances, and gardening equipment.
- vii. Do not share transportation.
- viii. Do not use common financial services.

- ix. Maintain separate land lines and do not jointly subscribe to the same wireless services
- x. Do not regularly interact and communicate, leading essentially separate and independent lives.

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

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

§131.0222 Use Regulations Table for Open Space Zones

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space 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 >>		OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd >>	4th >>	1-	2-	1-	1-	1-
Open Space [No change in text.]							
Agriculture [No change in text.]							
Residential							
<i>Group Living Accommodations</i>			-	-	-	-	-
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]							
<i>Rooming House</i>			=	=	=	=	=
<i>Single Dwelling Units</i>			-	-	-	P	-
Separately Regulated Residential Uses:							
<i>Boarder & Lodger Accommodations</i>			-	-	-	L	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]							
Institutional through Signs [No change in text.]							

[No change in footnotes.]

§131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

Table 131-03B
Use Regulations Table of Agricultural 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 >>		AG		AR	
		3rd >>	1-		1-	
		4th >>	1	2	1	2
Open Space [No change in text.]						
Agriculture [No change in text.]						
Residential						
Group Living Accommodations			-		-	
Mobilehome Parks through Multiple Dwelling Units [No change in text.]						
Rooming House			=		=	
Single Dwelling Units			P ⁽¹⁾		P	
Separately Regulated Residential Uses						
Boarder & Lodger Accommodations			-		L	
Companion Units through Watchkeeper Quarters [No change in text.]						
Institutional through Signs [No change in text.]						

[No change in footnotes.]

§131.0422 Use Regulations Table for Residential Zones

[No change in text.]

Table 131-04B
Use Regulations Table of 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
Open Space [No change in text.]																								
Agriculture																								
Agricultural Processing through Raising and Harvesting of Crops [No change in text.]																								
Raising, Maintaining & Keeping of Animals																								

Separately Regulated Agricultural Uses [No change in text.]				
Residential				
Group Living Accommodations	-	-	-	-
Mobilehome Parks through Multiple Dwelling Units [No change in text.]				
Rooming House	≡	≡	≡	≡
Single Dwelling Units	P	P	P	P
Separately Regulated Residential Uses				
Boarder & Lodger Accommodations	L	L	L	L
Companion Units through Watchkeeper Quarters [No change in text.]				
Institutional through Signs [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 [No change in text.]															
Agriculture [No change in text.]															
Residential															
Group Living Accommodations			P ⁽⁷⁾		P ⁽⁷⁾			P ⁽⁷⁾			P ⁽⁷⁾			P ⁽⁷⁾	
Mobilehome Parks through Multiple Dwelling Units [No change in text.]															
Rooming House			P		P			P			P			P	
Single Dwelling Units			P		P			P			P			-	
Separately Regulated Residential Uses															
Boarder & Lodger Accommodations			L		L			L			L			L	
Companion Units through Watchkeeper Quarters [No change in text.]															
Institutional [No change in text.]															
Sales															
Building Supplies & Equipment [No change in text.]															
Food, Beverages and Groceries			-		-			P ⁽⁹⁾⁽⁸⁾			P ⁽⁹⁾⁽⁸⁾			P ⁽⁹⁾⁽⁸⁾	
Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies [No change in text.]															
Sundries, Pharmaceuticals, & Convenience Sales			-		-			P ⁽⁹⁾⁽⁸⁾			P ⁽⁹⁾⁽⁸⁾			P ⁽⁹⁾⁽⁸⁾	
Wearing Apparel & Accessories [No change in text.]															

Commercial					
Building Services through Off-site Services [No change in text.]					
Personal Services			P(9)(8)	P(9)(8)	P(9)(8)
Assembly & Entertainment through Separately Regulated Commercial Services Uses [No change in text.]					
Offices					
Business & Professional through Government [No change in text.]					
Medical, Dental, & Health Practitioner			P ⁽⁸⁾⁽⁷⁾	P ⁽⁸⁾⁽⁷⁾	
Regional & Corporate Headquarters [No change in text.]					
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]					

Footnotes for Table 131-04B.

¹ through ⁶ [No change in text.]

⁷ See Section 131.0423(e).

⁸ 7 See Section 131.0423(a).

⁹ 8 See Section 131.0423(b).

¹⁰ 9 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

§131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this Section.

(a) through (b) [No change in text.]

~~(c) Group living accommodations are permitted subject to the following:~~

~~(1) Group living accommodations shall not contain more than 5 *guest rooms*.~~

~~(2) No more than 2 renters per *guest room* are permitted.~~

~~(3) Meals may be provided for renters only.~~

~~(4) Renters of guest rooms must reside on the premises for at least 7 consecutive calendar days.~~

§131.0424 Amortization Periods

Pursuant to SDMC Section 127.0102(d) previously conforming uses are allowed to continue to exist and operate unless an amortization period is specified as follows for the following categories and subcategories:

- (a) Rooming houses. The presence of rooming houses in residential-single unit zones is adversely impacting neighborhood quality, character, and livability incompatible with the purpose of such zones. Previously conforming rooming houses shall be terminated within seven three years from the effective date of Ordinance O-2008-61.

§131.0522 Use Regulations Table of Commercial Zones

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial 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									
		CN (1)-			CR-		CO-		CV-		CP-
	1st & 2nd >>	1-			1-	2-	1-		1-		1-
	3rd >>	1	2	3	1	1	1	2	1	2	1
	4th >>										
Open Space [No change in text.]											
Agriculture [No change in text.]											
Residential											
Group Living Accommodations											
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]											

[No change in footnotes.]

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
Rooming and boarding house	1.0 per boarder <u>two roomers</u>	0.75 per boarder <u>two roomers</u>	1.0 per boarder <u>two roomers, except 1.0 per roomer in beach impact area</u>	0.05 per boarder or <u>roomer</u>	0.30 per boarder or <u>roomer</u>
<u>Boarder and Lodger Accommodations</u>	1.0 per two boarders or <u>lodgers</u>	=	1.0 per two boarders or <u>lodgers, except 1.0 per boarder or lodger in beach impact area</u>	=	=
Residential care facility through Accessory Uses [No change in text]					

[No change in footnotes.]

(b) through (d) [No change in text.]

MG:ca

08/07/07 10/26/07

Or.Dept: City Attorney

~~0-2007-158~~ 0-2008-61

000145

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
SEPTEMBER 6, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

Item No. 13

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:07 a.m. Chairperson Schultz adjourned the meeting at 5:03 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz- Not present
Vice-Chairperson Kathleen Garcia- Only present for 11, 12, & 13
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Commissioner Mike Smiley – present

Staff

Andrea Dixon, City Attorney- present
Cecilia Gallardo Planning Department – present
Mike Westlake, Development Services Department-present
Sabrina Curtin, Recorder-present

ITEM 1: **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD:**

Sheri Lightner – Addressed the Benson Residence appeal heard at PC on 8/30. Ms. Lightner felt that the Planning Commission should be readdressed by the Commission or have a workshop regarding Height regulations in La Jolla.

ITEM 2: **REQUESTS FOR CONTINUANCE AND/OR ITEMS TO BE WITHDRAWN:**

Item No. 7 & 8 were continued to October 11, 2007

ITEM 3: **REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:**

Item No. 6 was placed on the consent agenda

ITEM 4: **DIRECTOR'S REPORT:**

Bill Anderson stated that The General Plan briefing with the mayor has been completed and anticipate the release of the Planning Commission draft report and the Final Draft EIR next week or so.

ITEM -5: **COMMISSION COMMENT:**

Commissioner Schultz would like the City Attorney to address the commission with either a discussion or brief workshop on broad scope of CEQA issues. What is our role, what the rules are on CEQA and what is the procedure?

ITEM-6: ***Continued from May 31, 2007 and July 12, 2007:***

4255 WINONA AVENUE TENTATIVE MAP – PROJECT NO. 87147

City Council District: 3; Plan Area: City Heights Neighborhood of the Mid-City Communities Plan

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 277066 AND THE REQUESTED WAIVER OF THE REQUIREMENTS TO UNDERGROUND THE EXISTING OVERHEAD UTILITIES. Second by Commissioner Smiley. Passed by a 5-1-1 vote with Commissioner Griswold voting nay and Vice-Chairperson Garcia not present. Resolution No. 4302-PC.

ITEM-7: *Continued from April 5, 2007, April 26, 2007, May 31, 2007, and June 21, 2007:*

SUNROAD CENTRUM RESIDENTIAL – PROJECT NO. 99397
City Council District: 6; Plan Area: Kearny Mesa

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO CONTINUE TO OCTOBER 11, 2007 AS REQUESTED BY STAFF.

Second by Commissioner Otsuji. Passed by a 6-0-1 vote with Vice-Chairperson Garcia not present.

ITEM-8: *City Council remanded back to Planning Commission on September 25, 2006: Continued from May 10 and July 12, 2007*

***ARMSTRONG RESIDENCE – PROJECT NO. 3511**
City Council District: 1; Plan Area: La Jolla

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO CONTINUE TO OCTOBER 11, 2007 AS REQUESTED BY THE APPLICANT DUE TO AN ERROR IN THE PLANS SUBMITTED TO THE COMMISSION.

Second by Commissioner Ontai. Passed by a 6-0-1 vote with Vice-Chairperson Garcia not present.

ITEM-9: ***BAYSHORE BIKEPATH - PROJECT NO. 1901**
City Council District: 8 Plan Area: Otay Mesa-Nestor

Patricia Grabski presented Report No. PC-07-101 to the Planning Commission.

Speaker slips submitted in favor by Marie Lia, Dennis Landual, Danny Melgoza, Kathy Keehan, and Stephan Vance.

Speaker slips submitted in opposition by Cory Briggs and Bruce Coons.

Public Testimony was closed.

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COMMISSION ACTION:

Motion by Commissioner Griswold to recommend to the city council to certify the Environmental Impact Report (EIR) Project No. 1901.

Recommend to the City Council Adoption of the Statement of Overriding Considerations and Adoption of the Mitigation Monitoring and Reporting Program (MMRP); and recommend to the City Council approval of the Site Development Permit No. 3276 with the modification;

Subject to Finding 2 (which can not be made with out modification) to preserve the ties as indicated by the Historic Resources Board (HRB) and SOHO in the 3600 foot area currently being purposed to be removed.
Second by Commissioner Naslund.

Vote fails 2-4-1 with Chairperson Schultz, and Commissioners Smiley, Ontai and Commissioner Otsuji voting nay and Vice-Chairperson Garcia not present.

COMMISSION ACTION: Substitute Motion

MOTION COMMISSIONER SMILEY TO RECOMMEND TO CITY COUNCIL TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT (EIR) PROJECT NO. 1901.

RECOMMEND TO THE CITY COUNCIL ADOPTION OF THE STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

RECOMMEND TO THE CITY COUNCIL TO APPROVE SITE DEVELOPMENT PERMIT NO. 3276 AS PRESENTED IN REPORT NO. PC-07-101.

Second by Commissioner Ontai. Passed by a vote of 4-2-1 with Commissioners Griswold and Naslund voting nay.

Item 10 was taken out of order; last item heard on the agenda.

ITEM 10: AMENDMENTS TO THE CONDOMINIUM CONVERSION REGULATIONS

Malinda Dickenson, Deputy City Attorney, presented Report No. PC-07-121 to the Planning Commission.

Speaker slip submitted in favor by Corey Briggs. Mr. Briggs did not speak; was not present at the time the item was heard.

Speaker slip submitted in opposition by Chris Christensen

COMMISSIONER ACTION:

MOTION BY COMMISSIONER GRISWOLD TO RECOMMEND TO THE CITY COUNCIL TO NOT ADOPT THE ORDINANCE AMENDING CONDOMINIUM CONVERSION REGULATIONS AS PRESENTED TO THE PLANNING COMMISSION; SPECIFICALLY THE 1000 DWELLING UNIT LIMIT, SURVEY BY THE SAN DIEGO HOUSING COMMISSION, AND THE PROVISION THAT WOULD ALLOW DEFERRED IMPROVEMENTS WITH THE FOLLOWING CONCERNS:

- CAN NOT EXCEPT THE 1000 UNIT CAP WITH OUT ANALYZES
- ISSUES WITH THE SURVEY – DON'T UNDERSTAND THE PURPOSE OF THE SURVEY, AND COULD THE SURVEY CAUSE A DENIAL, WHAT IS THE SIGNIFICANT/PURPOSE AND USE OF THE SURVEY.
- IMPROVEMENTS – PROTECT THE PUBLIC. THIS COULD CAUSE A LONG TERM PROBLEM. THE PROCESSES IS FLAWED.

Second by commissioner Naslund. Passed by a vote of 5-0-2 with Vice-Chairperson Garcia and Commissioner Ontai not present.

Break taken - 11:08 to 11:17

Staff Report and public testimony were taken on Items 12 and 13 before breaking for lunch.

Lunch Break taken - 1:03 to 1:48

Discussion and separate actions were taken after the lunch break.

Was taken out of order; heard after items 12 and 13

ITEM-11: **VIA DE LA VALLE COMMUNITY PLAN AMENDMENT – INITIATION**

City Council District: 1 Plan Area: Via de la Valle

Jennifer Cordeau presented Report No. PC-07-120 to the Planning Commission

Speaker slips submitted in favor by Asha Saunders, Andrew Chang, and Ali Shaouri.

No one present to speak in opposition.

Public Testimony was closed.

COMMISSIONER ACTION:

MOTION BY COMMISSIONER NASLUND TO APPROVE TO INITIATE A LAND USE PLAN AMENDMENT TO THE VIA DE LA VALLE SPECIFIC PLAN AND PROGRESS GUIDE AND GENERAL PLAN PURSUANT TO MUNICIPAL CODE SECTION 122.0103 TO ALLOW AN ADJUSTMENT OF THE DEVELOPMENT BOUNDARIES SHOWN IN DEVELOPMENT AREA 5 OF THE SPECIFIC PLAN AND REPORT NO. PC-07-120.

Second by Vice-Chairperson Garcia. Passed by a 4-2-1 vote with Chairperson Schultz and Commissioner Griswold voting nay and Commissioner Ontai not present.

ITEM-12: **RESIDENTIAL HIGH OCCUPANCY PERMIT**

City Council District: All Plan Area: Citywide

Amanda Lee presented Report No. PC-07-137 to the Planning Commission.

Speaker slips submitted in opposition by Diane Milber, Jeff Milber, Marian Stauffer, Cassandra Purazo, Bi Li, Margie Lin, Nicole Pasten, Xue Zhang, Sherrie Lightner,

Speaker slips submitted in favor by Rhae Kuhlman, Edward Wartman, Armin Kuhlman, Paul Martin, Daniel Schwimmer, Gary DeBussaheve, Mitch Younker, Ann Cottrell, James Krokee, Cathleen Kenney, Michael D. Jenkins, Jim Corrigan, and Bernardine Harrsaman.

Public Testimony was closed.

COMMISSIONER ACTION:

MOTION BY COMMISSIONER NASLUND TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE RESIDENTIAL HIGH OCCUPANCY PERMIT AMENDMENTS TO THE LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM, WITH THE FOLLOWING CHANGES AND/OR ADJUSTMENTS FOR CONSIDERATION:

TAKE SOME CONSIDERATION TO THE APPROPRIATE NUMBER AS THE THRESHOLD POINT. EVALUATE WHETHER 6 ADULT OCCUPANTS IS APPROPRIATE.

CONSIDER THE INCLUSION OF SIGNIFICANT PENALTIES, BOTH AS A DETERRENT AND REVENUE SOURCE FOR THE ENFORCEMENT ACTION.

PUT IN THE METHODOLOGY ON HOW AND WHY THE PAYMENT, AND HAVE ADEQUATE ENFORCEMENT STAFF TO MEET THE ASSOCIATED NEED.

REQUIRE THAT AN ON-SITE RESPONSIBLE PARTY BE DESIGNATED AS PART OF THE APPLICATION. EVALUATE WHETHER POST THE RESPONSIBLE PARTY CONTACT INFORMATION ON SITE.

EVALUATE WHETHER A WAIVER PROVISION MAY BE INCORPORATED TO EXEMPT ECONOMIC INTEGRATED UNITS FROM THE PERMIT REQUIREMENT AND/OR THE PERMIT FEE. TOTAL COMMUNITY INVOLVEMENT – ALLOW TIME FOR CPC, PLANNING GROUPS, UNIVERSITIES, AND THE PUBLIC TO CONSIDER INFORMATION, BUT KEEP IT ON THE FAST TRACK. Second by Commissioner Griswold. Passed by a 6-0-1 vote with Commissioner Ontai not present. Resolution No. 4306-PC

ITEM-13:**ROOMING HOUSE ORDINANCE**

City Council District: All Plan Area: Citywide

Marianne Greene, Deputy City Attorney presented Report No. PC-07-150 to the Planning Commission.

Speaker slips submitted in opposition by Diane Milber, Jeff Milber, Marian Stauffer, Cassandra Purazo, Bi Li, Margie Lin, Nicole Pasten, Xue Zhang, Sherrie Lightner,

Speaker slips submitted in favor by Rhae Kuhlman, Edward Wartman, Armin Kuhlman, Paul Martin, Daniel Schwimmer, Gary DeBussaheve, Mitch Younker, Ann Cottrell, James Krokee, Cathleen Kenney, Michael D. Jenkins, Jim Corrigan, and Bernardine Harrsaman.

Public Testimony was closed.

COMMISSIONER ACTION:

MOTION BY COMMISSIONER GRISWOLD TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE ROOMING HOUSE ORDINANCE AMENDMENTS TO THE LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM WITH THE FOLLOWING CONSIDERATIONS:

REDUCE LENGTH OF AMORTIZATION PERIOD FROM 7 YEARS TO 3 YEARS.

PRESENT REVISED ORDINANCE TO CPC.

EVALUATE MASTER LEASE SITUATIONS TO PREVENT ANY LOOPHOLES.

Second by Commissioner Naslund. Passed by a 6-0-1 vote with Commissioner Ontai not present. Resolution No. 4307-PC

Meeting adjourned @ 5:03 pm by Chairperson Schultz

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THE CITY OF SAN DIEGO

Date of Notice: August 22, 2007

NOTICE OF PUBLIC HEARING and NOTICE OF AVAILABILITY PLANNING COMMISSION RECOMMENDATION

DATE OF HEARING: September 6, 2007
TIME OF HEARING: 9:00 a.m.
LOCATION OF HEARING: Council Chambers, 12th Floor, City Administration Building,
202 C Street, San Diego, California

PROJECT TYPE: Process 5 Amendments to Municipal Code and
Local Coastal Program
PROJECT NAME: ROOMING HOUSE ORDINANCE
APPLICANT: City of San Diego, City Attorney

COMMUNITY PLAN AREA: Citywide

COUNCIL DISTRICT: Citywide

CITY PROJECT MANAGER: Marianne Greene, Deputy City Attorney
PHONE NUMBER: (619) 533-5822

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to **recommend** approval, conditional approval, or denial to the City Council of an application for Process 5 amendments to the Land Development Code (Chapter 11, Article 3; Chapter 12, Articles 6 and 7; Chapter 13, Article 1; Chapter 14, Article 2) and the Local Coastal Program to address "mini dorms" by creating a new rooming house land use. A rooming house would be defined as a dwelling unit where three or more bedrooms are rented under three or more lease agreements. The rooming house use would not be permitted in RS (Residential-Single Unit) zones. An amortization period is proposed to allow existing rooming houses in RS zones to continue to operate as a previously conforming use for 7 years.

The decision to approve, conditionally approve, modify or deny the rooming house ordinance will be made by the City Council at a future public hearing. A separate notice of public hearing will be provided 10 business days prior to the City Council hearing for this item.

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The proposed rooming house ordinance would apply to the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on the amendments to the Land Development Code and associated Local Coastal Program amendments will be with the California Coastal Commission. The City of San Diego must submit the amendments to the Land Development Code as an amendment for certification to the Coastal Commission. The ordinance will not be effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: Amanda Lee, Senior Planner, 1222 First Avenue, MS 501, San Diego, CA 92101 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

In accordance with the California Coastal Act and Guidelines, if you wish to review a draft of the amendment language or have any questions, you can contact the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call the Disability Services Program Coordinator at (619) 236-5979 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

Job Order No. 55503

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ATTORNEY TO CLIENT
CORRESPONDENCE

FOR CONFIDENTIAL USE ONLY

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

DATE: October 24, 2007
TO: Honorable Mayor and City Council
FROM: City Attorney
SUBJECT: Rooming House Ordinance (O-2007-158)

Please be advised of the following corrections, to the August 30, 2007 Report to Planning Commission (Report No. PC-07-150), for Item 13, the Rooming House Ordinance [O-2007-158], Project No. 137077, read into the administrative record, by the Office of the San Diego City Attorney during the September 6, 2007 hearing of the Planning Commission:

Page 1 Deletion:

Staff Recommendation:

~~Certify that the proposed Rooming House Ordinance [O-2007-158] is exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15378(a)(1).~~

Page 1 Deletion/Addition:

Community Planning Group Recommendation:

~~There are no formal community planning group recommendations; however, the City Attorney's office has presented the proposed Rooming House Ordinance [O-2007-158] to the Community Planners Committee, and to the following community planning group recommendations; however, the City Attorney's office has presented the proposed Rooming House Ordinance recognized community planning groups: City Heights Area Planning Committee, College Area Community Council, Ocean Beach Planning Board, Pacific Beach Community Planning Committee, Peninsula Community Planning Board, Uptown~~

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Planners, Tierrasanta Community Council. The following voted to recommend adoption of the ordinance: Tierrasanta Community Council, Pacific Beach Community Planning Committee, and with three amendments, the College Area Community Council.

Page 1

Deletion/Addition:

Environmental Review:

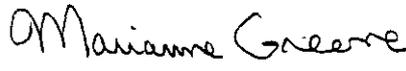
The Rooming House Ordinance [O-2007-158] is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3), ~~and State CEQA Guidelines § 15378(a)(1), and State CEQA Guidelines § 15301.~~

Page 1

Deletion/Addition:

Environmental Analysis: The Rooming House Ordinance [O-2007-158] is categorically exempt pursuant to the following state CEQA guidelines: 1) Section 15301, for existing facilities, 2) Section 15061(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. ~~The Rooming House Ordinance [O-2007-158] is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3), because the ordinance will have no significant affect on the environment; and pursuant to State CEQA guidelines § 15378(a)(1), because the ordinance upon adoption will not result in any change to the physical environmental.~~

MICHAEL J. AGUIRRE, City Attorney

By 

Marianne Greene
Deputy City Attorney

MG:ca

DATE ISSUED: August 30, 2007

REPORT NO. PC - 07-150

ATTENTION: Planning Commission, Agenda of September 6, 2007

SUBJECT: Rooming House Ordinance [0-2007-158], Project No. 137077

SUMMARY

Issue: Should the Planning Commission vote to recommend, for adoption by City Council, the proposed Rooming House Ordinance [0-2007-158]?

Staff Recommendation:

1. **Certify** that the proposed Rooming House Ordinance [0-2007-158] is exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15378 (a)(1).
2. **Recommend** to City Council adoption of the proposed Rooming House Ordinance [0-2007-158].

Community Planning Group Recommendation: There are no formal community planning group recommendations; however, the City Attorney's office has presented the proposed Rooming House Ordinance [O-2007-158] to the Community Planners Committee, and to the following recognized community planning groups: City Heights Area Planning Committee, College Area Community Council, Ocean Beach Planning Board, Pacific Beach Community Planning Committee, Peninsula Community Planning Board, Uptown Planners, Tierrasanta Community Council.

In addition, the Eastern Area Planning Committee, the Navajo Community Planners, Inc., and the Mission Beach Precise Planning Board have scheduled, respectively, the City Attorney on upcoming agendas to review the Rooming House Ordinance [O-2007-158] before the matter is moved for consideration by City Council.

Environmental Review: The Rooming House Ordinance [0-2007-158] is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3) and State CEQA Guidelines § 15378(a)(1).

Fiscal Impact Statement: None.

Code Enforcement Impact: In the short-term, adoption of the proposed Rooming House Ordinance [0-2007-158] can be reasonably expected to produce no change in the number or type

of requests for code enforcement because the ordinance includes an amortization period [O-2007-158, § 131.0424] that will not phase out pre existing, non conforming rooming houses until seven years after the ordinance is adopted. In the long run, as rooming houses are no longer established or developed in residential-single (RS) unit zones, and as pre existing, non conforming rooming houses are phased out, the ordinance can be reasonably expected to reduce the number and type of requests for code enforcement typically generated presently by rooming houses, especially in residential-single (RS) unit zone neighborhoods currently supporting numerous rooming houses.

Housing Impact Statement: The Rooming House Ordinance [O-2007-158] is consistent with the housing elements and housing density limits contained in City of San Diego General Plan, the General Plan Strategic Framework Element, and the City's community plans because the ordinance regulates neither housing density nor occupancy limits, and neither increases or decreases the housing inventory of the City of San Diego. Further, because the Rooming House Ordinance [O-2007-158] does not propose to develop new housing or regulate the physical development of housing, the Inclusionary Housing Ordinance does not apply.

The Rooming House Ordinance [O-2007-158] will not cause the loss of rental units in the City of San Diego. The number of rental units and the number of bedrooms will not change. The rooming house market caters to individuals and small groups renting individual bedrooms. The multiple-dwelling unit market caters to individuals and small groups, who rent studios and smaller apartments, but it also includes larger groups who rent larger apartments. The rooming house market will shift from single residential zones to multiple residential zones. This will cause increased competition for studios and smaller apartments. However, this competition will be offset to some degree as former rooming houses become whole house rentals and larger apartments become rooming houses. Moreover, the Rooming House Ordinance [O-2007-158] includes a seven-year phase out period during which it is anticipated that additional rental units will be built that cater to critical segments of the rooming house market.

BACKGROUND: On September 19, 2006, Councilman Jim Madaffer hosted a public workshop on the commercial overuse of single dwelling units leased as rooming houses in residential-single (RS) unit zones. It was attended by over 300 residents and community leaders, and resulted in the councilman requesting in an October 11, 2006 memorandum to the Mayor and City Attorney, an analysis of possible changes City Council could make to the San Diego Municipal Code to remedy the problem.

In response, on November 20, 2006, the City Attorney issued a report (RC 2006-30) to the Land Use and Housing Committee analyzing numerous aspects and potential approaches to this issue. Importantly, the memo reported a California Attorney General opinion (86 Op. Cal. Att'y. Gen. 30 (2003)) regarding a proposed rooming house ordinance, similar to the one being proposed here, that restricted the operation of rooming houses in a city's residential-single (RS) unit zone. The opinion concluded the ordinance would be a permissible use of the city's police powers, where the stated rationale of the ordinance was to preserve the residential character of the neighborhood, and where the ordinance focused on the commercial use of the property as being inconsistent with the residential character of the neighborhood.

Thereafter public interest in this matter grew. On November 29, 2006 and March 7, 2007, the Land Use and Housing Committee conducted hearings on the issue, and between these two hearings, on December 11, 2006, Councilman Scott Peters wrote a memorandum to the Mayor, requesting that whatever action the City ultimately decides to take to solve the problem be applied citywide. On May 10, 2007, the City Attorney, and Councilmen Jim Madaffer and Kevin Faulconer hosted a public forum on this issue, led by a panel of numerous City officials, and leaders from the three largest local universities, and attended by over 200 residents and community leaders. Public testimony was almost uniformly in support of an approach that would include a rooming house ordinance as a means to protect the quality of life in residential-single (RS) unit zones.

Then, on July 9, 2007, the City Attorney introduced a draft rooming house ordinance, as an informational item to the City Council [Council Meeting Docket, July 9, 2007, Item-201] whereupon City Council unanimously approved a motion to have the City Attorney finalize a rooming house ordinance for its formal consideration in early fall 2007. Since July 9, 2007, the City Attorney's office has presented the proposed Rooming House Ordinance [O-2007-158] to the Community Planners Committee, and to the following recognized community planning groups: City Heights Area Planning Committee, College Area Community Council, Ocean Beach Planning Board, Pacific Beach Community Planning Committee, Peninsula Community Planning Board, Uptown Planners, Tierrasanta Community Council.

The Rooming House Ordinance [O-2007-158] is docketed to be formally heard and considered by City Council on October 8, 2007.

DISCUSSION

Project Description:

The proposed Rooming House Ordinance [O-2007-158] includes amendments to the Land Development Code (Chapter 11, Article 3; Chapter 12, Articles 6 and 7; Chapter 13, Article 1; and Chapter 14, Article 2) and the Local Coastal Program. Amendments would be applicable to zones citywide.

The objective is to halt the commercial overuse of single dwelling units leased as rooming houses in residential-single (RS) unit zones. This will preserve neighborhood quality, character, and livability, will improve the land use compatibility of impacted parcels with the purpose of residential-single (RS) unit zones, and will more appropriately locate rooming houses in neighborhoods with similar densities and characteristics, compatible with residential-multiple (RM) unit zones and in appropriate commercial zones.

In summary, the RHO does the following:

- 1) Defines for the first time the term “rooming house” as a specific residential dwelling type [O-2007-158, § 113.0103].
- 2) Creates a new land use residential subcategory for rooming houses [O-2007-158, § 131.0112(a)(3)(A)].
- 3) Regulates rooming houses separately from other land uses. Specifically, it establishes a phase out period and a review process for non conforming uses, and assigns use specific parking ratios.
 - a. The amortization or phase out period is seven-years for pre existing, non conforming rooming houses [O-2007-158, § 131.0424].
 - b. The review process for non conforming uses establishes an abandonment period of 12 months requiring a Neighborhood Use Permit/Process 2 [O-2007-158, § 127.0108].
 - c. The residential-multiple dwelling unit parking ratios for rooming houses apply at one space per two roomers, except in parking impact overlay zones where the ratio doubles to one per roomer, and where a lower ratio applies for very low income and transit areas [O-2007-158; § 142.0525].
- 4) Prohibits the location of rooming houses in residential-single (RS) unit zones [O-2007-158, § 131.0422] but allows them in residential-multiple (RM) unit zones, and also allows them in the commercial zones that are currently designated as compatible with residential uses. [O-2007-158, § 131.0522].
- 5) Supercedes the residential land use category for Group Living Accommodations [O-2007-158, § 131.0112(a)(3)(A)].

It should be noted that the base zoning and parking requirements for Rooming Houses closely mirrors these requirements as applied to the residential land use subcategory for Boarder and Lodger Accommodations, except that the Rooming House is designated as a permitted use.

Community Plan Analysis: The Rooming House Ordinance [O-2007-158] will not result in any amendment, modification, or change to the City of San Diego General Plan, the General Plan Strategic Framework Element, or to any of the City’s community plans. The Rooming House Ordinance [O-2007-158] merely translocates rooming houses from residential-single unit zones to residential-multiple unit zones and where appropriate, select commercial zones. The Rooming House Ordinance [O-2007-158] does not change land use densities, does not regulate physical development, does not change occupancy limits on dwelling units, which are governed by California Uniform Housing Code § 503.2, and does not propose to zone or rezone any property within the City. For the foregoing reasons the Rooming House Ordinance [O-2007-158] is consistent with the City of San Diego General Plan, General Plan Strategic Framework Element, and the City’s community plans.

Environmental Analysis: The Rooming House Ordinance [0-2007-158] is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3), because the ordinance will have no significant affect on the environment; and pursuant to State CEQA Guidelines § 15378(a)(1), because the ordinance upon adoption will not result in any change to the physical environmental.

Project-Related Issues:

Issue 1: Will Residential Care Facilities or Transitional Housing be regulated by the ordinance?

Issue 2: Why is the proposed amortization or phase out period seven years for pre existing, non conforming rooming houses?

Conclusion:

Issue 1: The Rooming House Ordinance [O-2007-158] does not supercede existing municipal regulations that apply to Residential Care Facilities (San Diego Municipal Code § 141.0312) and Transitional Housing Facilities (San Diego Municipal Code § 141.0313). Rooming Houses will constitute a new residential land use subcategory whereas Residential Care Facilities and Transitional Housing Facilities are both already regulated under the subcategory for Separately Regulated Residential Use. Regulations for a particular separately regulated use control where the use regulations for another use subcategory may match that particular use. San Diego Municipal Code § 131.0112(b).

Issue 2: The City Attorney, based on review of the case law, is recommending a conservative approach to the amortization or phase out period. However, the Planning Commission may balance the public interest against the private harm and recommend to City Council that different length of time should apply. If the Planning Commission applies a balancing test in determining the appropriate phase out period, among the factors that it should consider are the following:

- 1) the fact that ordinance will not impose relocation costs as rooming houses are not storefront businesses that require physical relocation;
- 2) the impact of rooming houses on the neighborhood quality, character, and livability, and the use compatibility of rooming houses with the purpose of residential-single unit zones;
- 3) the impact of rooming houses on property values;
- 4) the typical length of leases executed for bedrooms and guestrooms in rooming houses;
- 5) the loss of rental income, but also the offsetting of that loss by either the whole unit rental of the same dwelling unit, or the continued rental of one or two bedrooms or guestrooms, or by increased tax benefits due to depreciation;
- 6) the loss of investment in the physical expansion of single dwelling units developed as rooming houses;
- 7) the fact that the ordinance does not require any physical alteration of dwelling

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units to reverse physical expansion developed as rooming houses;

Respectfully submitted,

Marianne Greene
Deputy City Attorney
City Attorney of the City of San Diego

Attachments:

1. Rooming House Ordinance [O-2007-158] Clean
2. Rooming House Ordinance [O-2007-158] Strike Out
3. Determination of Environmental Exemption, August 15, 2007.

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY 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 ADDING 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.

WHEREAS, the purpose of residential-single (RS) unit zones is to provide for areas of residential development that promote neighborhood quality, character, and livability, and minimizes adverse impacts to adjacent properties; and, that the purpose of residential-multiple (RM) unit zones is to accommodate specific dwelling types and developments with similar characteristics, and to respond to locational issues regarding adjacent land uses; and

WHEREAS, increasing commercial overuse of single dwelling units in residential-single (RS) unit zones, is adversely impacting neighborhood quality, character, and livability incompatible with the purpose of residential-single (RS) unit zones; and

WHEREAS, the increasing commercial overuse of single dwelling units in residential-single (RS) unit zones is more compatible with the purpose of residential-multiple (RM) unit zones; and

WHEREAS, on September 19, 2006, Council District 7 hosted a public workshop, on the increasing commercial overuse of single dwelling units in residential-single (RS) unit zones, attended by over 300 residents and community leaders, and which resulted in an

October 11, 2006 memorandum to the Mayor and City Attorney, requesting analysis of possible changes City Council can make to the San Diego Municipal Code [SDMC]; and

WHEREAS, on November 20, 2006, in response to the October 11, 2006 memorandum, the City Attorney issued a report (RC 2006-30) to the Land Use and Housing Committee analyzing issues associated with the increasing commercial overuse of single dwelling units in residential-single (RS) unit zones. The memo discussed a California Attorney General opinion (86 Op. Cal. Att'y. Gen. 30 (2003)) regarding a municipal code provision that restricted the operation of rooming houses in a city's residential single (RS) unit zone. The opinion concluded the ordinance would be a permissible use of the city's police powers, where the stated rationale of the ordinance was to preserve the residential character of the neighborhood, and where the ordinance focused on the commercial use of the property as being inconsistent with the residential character of the neighborhood; and

WHEREAS, on November 29, 2006 and March 7, 2007, the Land Use and Housing Committee conducted hearings, on the increasing commercial overuse of single dwelling units in residential-single (RS) unit zones, whereby the Committee unanimously approved action items, *inter alia*, to amend the Land Development Code to limit the number of bedrooms based on parcel size and to modify both hardscape and parking regulations in an effort to maintain the character of residential single (RS) unit zone neighborhoods; and

WHEREAS, on December 11, 2006, Council District 1 wrote a memorandum to the Mayor, on the increasing commercial overuse of single dwelling units in residential-single (RS) unit zones, requesting that any action the City takes be applied citywide; and

WHEREAS, on May 10, 2007, the City Attorney, along with Council Districts 2 and 7, hosted a public forum, on the increasing commercial overuse of single dwelling units in residential-

single (RS) unit zones, led by a panel of numerous City officials, and leaders from the three largest local universities, and attended by over 200 residents and community leaders. Public testimony was uniformly in support of an approach that would include regulating overly commercialized single dwelling units as a way to protect the quality of life in residential-single (RS) unit zones; and

WHEREAS, on July 9, 2007, City Council listened to an informational item presented by the City Attorney entitled, "Rooming House Ordinance to Establish a Separately Regulated Land Use," and accepted public testimony from approximately 100 residents in support of such an ordinance, and then moved that a rooming house ordinance shall be returned to City Council; and

WHEREAS, the City wishes to establish a rooming house ordinance, creating a new regulated land use category for rooming houses, to ameliorate increasing commercial overuse of single dwelling units in residential-single (RS) unit zones, to preserve neighborhood quality, character, and livability, compatible with the purpose of residential-single (RS) unit zones, and to more appropriately locate rooming houses in neighborhoods with similar densities and characteristics, compatible with residential-multiple (RM) unit zones; 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 [SDMC] is amended by amending section 113.0103 to read as follows:

§113.0103 Definitions

Abutting property through *grubbing* [No change in text].

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more persons in *hotels/motels*, bed and breakfast facilities, private clubs, lodges, fraternity or sorority houses, and *rooming houses*.

Hardscape through *Roof Sign* [No change in text.]

Roomer means any person renting, leasing, or otherwise furnishing compensation for, a *bedroom* or *guest room* in a *rooming house*.

Rooming house means a *dwelling unit* where three or more *bedrooms* or *guest rooms*, are rented, or are otherwise furnished for compensation, under separate rental agreements or leases, either written or oral. A *rooming house* does not require a property owner, or an agent, or rental manager, to be in residence. A *rooming house* may or may not have individual or group cooking facilities; and, may or may not provide meals or other services. A *rooming house* may or may not provide free access to common living areas beyond the *bedrooms* or *guest rooms*.

School through *Yard* [No change in text.]

Section 2. That Chapter 12, Article 6, Division 2 of the SDMC is amended by amending section 126.0203 to read as follows:

§126.0203 When a Neighborhood Use Permit Is Required

(a) [No change in text.]

Bed and breakfast establishments through *Wireless communication facilities*
[No change in text.]

(b) The following activities require a Neighborhood Use Permit in any zone:

- (1) Resumption of a *previously conforming* use that has been discontinued for more than 2 years, or a *previously conforming rooming house* that has been discontinued for more than 12 consecutive months, as described in section 127.0108;
- (2) Expansion of a *previously conforming* use of up to 20 percent of the existing *gross floor area* of the *structure*, as described in section 127.0109; or
- (3) Development of additional *bedrooms* or *guest rooms* in a *single dwelling unit* in a residential-single (RS) unit zone that is *previously conforming* as a *rooming house*.

Section 3. That Chapter 12, Article 7, Division 1 of the SDMC is amended by amending section 127.0103, 127.0108 and 127.0109 to read as follows:

§127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed *development* or activity, based on the *previously conforming* category, such as existing *structural envelope*, *density*, and uses are shown in Table 127-01A through 127-01C. If the proposed *development* includes more than one *previously conforming* category, all corresponding regulations, as described in sections 127.0104 through 127.0108 apply.

(a) through (b) [No change in text.]

(c) *Previously Conforming Use*

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TABLE 127-01C
Review Process for Previously Conforming Use

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire structure or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire structure or improvement) that does not expand the <i>structural envelope</i> .	127.0104	NDP/Process 2
Reconstruction (following fire, natural disaster, act of the public enemy).	127.0105	<u>CP/Process 1</u> ⁽¹⁾
		<u>NDP/Process 2</u> ⁽²⁾
Expansion/enlargement, where new construction conforms with all current development regulations.	127.0106(a) and (b)	<u>NDP/Process</u> ⁽³⁾
Expansion/enlargement, where new construction requests a reduction of up to 20% from required <i>setbacks</i> .	127.0106(c)	<u>NDP/Process 2</u> ⁽³⁾
Change to another <i>previously conforming</i> use within the same use category.	127.0107	<u>CP/Process 1</u>
Operating or resuming a <i>previously conforming</i> use.	127.0108 (a) and (b)(1)	<u>CP/Process 1</u>
	127.0108(a) and (b)(2)	<u>NUP/Process 2</u>
Increase in floor area to a <i>previously conforming use</i> for (less or equal to 20% of <i>gross floor area</i> of the existing structure), or addition of <i>bedrooms</i> or <i>guest rooms</i> in a <i>single dwelling unit</i> in a residential-single (RS) unit zone that is <i>previously conforming</i> as a <i>rooming house</i> .	127.0109	NUP/Process 2 ⁽³⁾

[No change in footnotes.]

§127.0108 Abandonment of Previously Conforming Uses

- (a) A *previously conforming* use may continue or resume operations subject to the required development permit/decision process indicated a Section

127.0103(c), Table 127-01C, Review Processes for Previously Conforming Use.

(b) It is unlawful to reinstate any *previously conforming* use after it has been abandoned. Whether a *previously conforming* use is deemed temporarily discontinued or constitutes an abandonment is subject to Section 127.0108(a) and depends on the following:

- (1) Temporary discontinuance of previously conforming use. When any *previously conforming* use has been temporarily discontinued for a period of less than 2 consecutive years, except for a *rooming house*, when the period of discontinuance shall be less than 12 consecutive months, a presumption of abandonment is not created. An owner or person may assert *previously conforming* use rights to reinstate any *previously conforming* use after a period of temporary discontinuance.
- (2) Abandonment of a previously conforming use. A presumption of abandonment is created when any *previously conforming* use is discontinued for a period of 2 or more consecutive years, except for a *rooming house*, when the period of abandonment shall be 12 or more consecutive months. The owner or person asserting *previously conforming* use rights may offer evidence to rebut a presumption after a period of abandonment.

(a) [No change in text.]

§127.0109 Expansion of a Previously Conforming Use

(a) Expansion of a *previously conforming* use requires a Neighborhood Use Permit as follows:

- (1) A 20 percent or less gross floor area expansion of a structure.
- (2) The addition of any *bedrooms* or *guest rooms* to a *rooming house*.

(b) [No change in text.]

Section 4. That Chapter 13, Article 1, Division 1 of the SDMC is by amended by amending section 131.0112 as follows:

§131.0112 Descriptions of Use Categories and Subcategories

(a) [No change in text.]

(1) [No change in text.]

(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 house*. *Rooming house* is defined in Section 113.0103. A *hotel/motel*, a bed and breakfast facility, a private club, a lodge, fraternity or sorority house, a single residency hotel (*SRO*), a lodging house, or a watchkeeper quarters is not a *rooming house*.

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

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

Section 5. That Chapter 13, Article 1, Division 2 of the SDMC is by amended by amending section 131.0222 as follows:

§131.0222 Use Regulations Table for Open Space Zones

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space 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 >>	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space [No change in text.]						
Agriculture [No change in text.]						
Residential						
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]						
<i>Rooming House</i>		-	-	-	-	-
<i>Single Dwelling Units</i>		-	-	-	P	-
Separately Regulated Residential Uses:						
<i>Boarder & Lodger Accommodations</i>		-	-	-	L	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]						
Institutional through Signs [No change in text.]						
[No change in footnotes.]						

Section 6. That Chapter 13, Article 1, Division 3 of the SDMC is by amended by amending section 131.0322 as follows:

§131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

**Table 131-03B
Use Regulations Table of Agricultural 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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space [No change in text.]					
Agriculture [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 >>		AG		AR	
			1-		1-	
	3rd >>		1	2	1	2
4th >>						
Residential						
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]						
<i>Rooming House</i>						
<i>Single Dwelling Units</i>						
Separately Regulated Residential Uses						
<i>Boarder & Lodger Accommodations</i>						
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]						
Institutional through Signs [No change in text.]						
[No change in text.]						

Section 7. That Chapter 13, Article 1, Division 4 of the SDMC is by amended by amending section 131.0422 as follows:

§131.0422 Use Regulations Table for Residential Zones

[No change in text.]

**Table 131-04B
Use Regulations Table of 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-					
			1-				1-										1-		1-					
	3rd >>		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
4th >>																								
Open Space [No change in text.]																								
Agriculture																								
<i>Agricultural Processing through Raising and Harvesting of Crops</i> [No change in text.]																								
<i>Raising, Maintaining & Keeping of Animals</i>																								
<i>Separately Regulated Agricultural Uses</i> [No change in text.]																								
Residential																								
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]																								
<i>Rooming House</i>																								
<i>Single Dwelling Units</i>																								

Separately Regulated Residential Uses				
Boarder & Lodger Accommodations	L	L	L	L
Companion Units through Watchkeeper Quarters [No change in text.]	L	L	L	L
Institutional through Signs [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 [No change in text.]															
Agriculture [No change in text.]															
Residential															
Mobilehome Parks through Multiple Dwelling Units [No change in text.]															
Rooming House		P			P			P			P			P	
Single Dwelling Units		P			P			P			P			-	
Separately Regulated Residential Uses															
Boarder & Lodger Accommodations		L			L			L			L			L	
Companion Units through Watchkeeper Quarters [No change in text.]															
Institutional [No change in text.]															
Sales															
Building Supplies & Equipment [No change in text.]															
Food, Beverages and Groceries								p ⁽⁸⁾			p ⁽⁸⁾			p ⁽⁸⁾	
Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies [No change in text.]															
Sundries, Pharmaceuticals, & Convenience Sales								p ⁽⁸⁾			p ⁽⁸⁾			p ⁽⁸⁾	
Wearing Apparel & Accessories [No change in text.]															
Commercial															
Building Services through Off-site Services [No change in text.]															
Personal Services								p ⁽⁸⁾			p ⁽⁸⁾			p ⁽⁸⁾	
Assembly & Entertainment through Separately Regulated Commercial Services Uses [No change in text.]															
Offices															
Business & Professional through Government [No change in text.]															
Medical, Dental, & Health Practitioner								p ⁽⁷⁾			p ⁽⁷⁾			-	
Regional & Corporate Headquarters [No change in text.]															

text.]					
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]					

Footnotes for Table 131-04B

- ¹ through ⁶ [No change in text.]
- ⁷ See Section 131.0423(a).
- ⁸ See Section 131.0423(b).
- ⁹ Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.
(Amended 7-14-2003 by O-19197 N.S.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)

Section 8. That Chapter 3, Article 1, Division 4 of the SDMC is amended by amending section 131.0423 and adding section 131.04234 to read as follows:

§131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this section.

(a) through (b) [No change in text.]

§131.0424 Amortization Periods

Pursuant to SDMC Section 127.0102(d) *previously conforming* uses are allowed to continue to exist and operate unless an amortization period is specified. The presence

TO
 WK/AS
 OR
 DELETE

of rooming houses in residential-single (RS) unit zones is adversely impacting neighborhood quality, character, and livability incompatible with the purpose of such zones. *Previously conforming rooming houses* shall be terminated within seven years from the effective date of Ordinance 0-2007-158 _____.

Section 9. That Chapter 3, Article 1, Division 5 of the SDMC is amended by amending section 131.0522 to read as follows:

§131.0522 Use Regulations Table of Commercial Zones

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial 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									
		CN (1)-			CR-		CO-		CV-		CP-
	1st & 2nd >>	1-			1-	2-	1-		1-		1-
	3rd >>	1	2	3	1	1	1	2	1	2	1
	4th >>	1	2	3	1	1	1	2	1	2	1
Open Space [No change in text.]											
Agriculture [No change in text.]											
Residential											
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]											
<i>Rooming House</i>		p(2)			P	-	P	p(2)		-	
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-	
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>		L(2)			L	-	L	L(2)		-	
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]											
Institutional through Signs [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																	
		CC-																	
	1st & 2nd >>	CC-																	
	3rd >>	1-			2-			3-			4-			5-					
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Open Space [No change in text.]																			
Agriculture [No change in text.]																			
Residential																			
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]																			
<i>Rooming House</i>		P	-	-	P	-	-	P	-	-	P	-	-	P	-	-	-	-	-
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>		L	-	-	L	-	-	L	-	-	L	-	-	L	-	-	-	-	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]																			
Institutional through Signs [No change in text.]																			

[No change in footnotes.]

(b) through (d) [No change in text.]

Section 10. That Chapter 13, Article 1, Division 6 of the SDMC is amended by amending §131.0622 to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial 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								
		IP-		IL-			IH-		IS-	
	1st & 2nd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	3rd >>	1	1	1	1	1	1	1	1	1
	4th >>	1	1	1	1	1	1	1	1	1
Open Space [No change in text.]										
Agriculture [No change in text.]										
Residential										
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]										
<i>Rooming House</i>		-	-	-	-	-	-	-	-	-
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses										
<i>Boarder & Lodger Accommodations</i>		-	-	-	-	-	-	-	-	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]										
Institutional through Signs [No change in text.]										

[No change in footnotes.]

Section 11. Amending Chapter 14, Article 2, Division 5 of the SDMC is amended by amending section 142.0525 to read as follows:

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development of multiple dwelling units*, whether attached or detached, and related and accessory uses are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)	Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit

	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
Rooming house	1.0 per two roomers	0.75 per two roomers	1.0 per two roomers, except 1.0 per roomer in beach impact area	0.05 per roomer	0.30 per roomer
Boarder and Lodger Accommodations	1.0 per two boarders or lodgers		1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area		
Residential care facility through Accessory Uses [No change in text]					

[No change in footnotes.]

Section 12. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA Guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA Guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 13. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 14. This ordinance takes effect outside the Coastal Overlay Zone 30 days after final passage; inside the Coastal Overlay Zone it takes effect upon unconditional certification by the California Coastal Commission.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Marianne Greene
Deputy City Attorney

MG:ca
08/7/2007
Or.Dept: City Attorney
O-2007-158

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REGARDING THE REGULATION OF ROOMING HOUSES AMENDING THE SAN DIEGO MUNICIPAL CODE BY 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 ADDING 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.

§113.0103 Definitions

Abutting property through grubbing [No change in text].

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more ~~guests~~ persons in ~~hotel~~/~~motels~~, bed and breakfast facilities, private clubs, lodges, fraternity or sorority houses, and rooming houses.

Hardscape through Roof Sign [No change in text.]

Roomer means any person renting, leasing, or otherwise furnishing compensation for a bedroom or guest room in a rooming house.

Rooming house means a dwelling unit where three or more bedrooms or guest rooms, are rented, or are otherwise furnished for compensation, under separate rental agreements or leases, either written or oral. A rooming house does not

require a property owner, or an agent, or rental manager, to be in residence. A rooming house may or may not have individual or group cooking facilities; and, may or may not provide meals or other services. A rooming house may or may not provide free access to common living areas beyond the bedrooms or guest rooms.

School through Yard [No change in text.]

§126.0203 When a Neighborhood Use Permit Is Required

(a) [No change in text.]

Bed and breakfast establishments through *Wireless communication facilities* [No change in text.]

(b) The following activities require a Neighborhood Use Permit in any zone:

- (1) Resumption of a *previously conforming* use that has been discontinued for more than 2 years, as described in ~~Section 127.0108~~ or a previously conforming rooming house that has been discontinued for more than 12 consecutive months, as described in Section 127.0108;
- (2) Expansion of a *previously conforming* use of up to 20 percent of the existing gross floor area of the structure, as described in Section 127.0109; or
- (3) Development of additional bedrooms or guest rooms in a single dwelling unit in a residential-single (RS) unit zone that is previously conforming as a rooming house.

§127.0103 Review Process for Previously Conforming Premises and Uses

The required review process for different types of proposed *development* or activity, based on the *previously conforming* category, such as existing *structural envelope*, *density*, and uses are shown in Table 127-01A through 127-01C. If the proposed development includes more than one *previously conforming* category, all corresponding regulations, as described in Sections 127.0104 through 127.0108 apply.

(a) through (b) [No change in text.]

(c) *Previously Conforming Use*

TABLE 127-01C
Review Process for Previously Conforming Use

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process
Maintenance, repair or alteration (less than or equal to 50% of <i>market value</i> of entire structure or improvement) that does not expand the <i>structural envelope</i> .	127.0104	CP/Process 1
Maintenance, repair or alteration (greater than 50% of <i>market value</i> of entire <i>structure</i> or improvement) that does not expand the <i>structural envelope</i> .	127.0104	NDP/Process 2
Reconstruction (following fire, natural disaster, act of the public enemy).	127.0105	(1) <u>CP/Process 1</u>
		(2) <u>NDP/Process 2</u>
Expansion/enlargement, where new construction conforms with all current development regulations	127.0106(a) and (b)	(3) <u>NDP/Process 2</u>
Expansion/enlargement where new construction requests a reduction of up to 20% from required <i>setbacks</i>	127.0106 (c)	(3) <u>NDP/Process 2</u>

Change to another <i>previously conforming</i> use within the same use category	127.0107	<u>CP/Process 1</u>
Operating or <u>resuming</u> a <i>previously conforming use</i> , including <u>resumption of previously conforming use up to 2 years after discontinuance.</u>	<u>127.0108 (a) and (e)</u> <u>127.0108(b)(1)</u>	<u>CP/Process 1</u>
	<u>127.0108(a) and</u> <u>127.0108(b)(2)</u>	<u>NUP/Process 2</u>
<u>Resumption of a previously conforming use after 2 years discontinuance.</u>	<u>127.0108(b) and (e)</u>	<u>NUP/Process 2</u>
Increase in floor area to a <i>previously conforming use</i> for (less or equal to 20% of gross floor area of the existing structure) - , <u>or addition of bedrooms or guest rooms in a single dwelling unit in a residential-single (RS) unit zone that is previously conforming as a rooming house.</u>	127.0109	<u>NUP/Process 2</u> (3)

[No change in footnotes.]

§127.0108 Abandonment of Previously Conforming Uses

- (a) A *previously conforming use* may ~~continue to operate~~ or may resume operations ~~if discontinued for a period of less than 2 consecutive years.~~ Resumption of operations within 2 years is subject to the review procedures for conforming uses, subject to the required development permit/decision process indicated a Section 127.0103(c), Table 127-01C, Review Processes for Previously Conforming Use.
- (b) It is unlawful to reinstate any *previously conforming use* after the use has been discontinued for a period of 2 or more consecutive years, unless the property owner has obtained a Neighborhood Use Permit. Discontinuance of the use for a period of 2 or more consecutive years creates a presumption in favor of abandonment, against which the owner or person asserting, previously conforming rights may offer evidence. it has been abandoned. Whether a previously conforming use is deemed temporarily

discontinued or constitutes an abandonment is subject to Section 127.0108(a) and depends on the following:

(1) Temporary discontinuance of previously conforming use. When any previously conforming use has been temporarily discontinued for a period of less than 2 consecutive years; except for a rooming house, when the period of discontinuance shall be less than 12 consecutive months, a presumption of abandonment is not created. An owner or person may assert previously conforming use rights to reinstate any previously conforming use after a period of temporary discontinuance.

(2) Abandonment of a previously conforming use. A presumption of abandonment is created when any previously conforming use is discontinued for a period of 2 or more consecutive years, except for a rooming house, when the period of abandonment shall be 12 or more consecutive months. The owner or person asserting previously conforming use rights may offer evidence to rebut a presumption after a period of abandonment.

(c) [No change in text.]

§127.0109 Expansion of a Previously Conforming Use

(a) ~~A 20 percent or less gross floor area~~ Expansion of a structure with a previously conforming use requires a Neighborhood Use Permit as follows:

- (1) A 20 percent or less gross floor area expansion of a structure.
- (2) The addition of any bedrooms or guest rooms to a rooming house.

000184

(b) [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) [No change in text.]

(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) Group Living Accommodations Dwelling where multiple residents share living accommodations and facilities and where meals or other services are provided.~~

(A) Rooming house. Rooming house is defined in Section 113.0103. A hotel/motel, a bed and breakfast facility, a private club, a lodge, fraternity or sorority house, a single residency hotel (SRO), a lodging house, or a watchkeeper quarters is not a rooming house.

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

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

§131.0222 **Use Regulations Table for Open Space Zones**

[No change in text.]

000185

Table 131-02B
Use Regulations Table of Open Space 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 >>	OP-		OC-	OR ⁽¹⁾	OF ⁽¹²⁾
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space [No change in text.]						
Agriculture [No change in text.]						
Residential						
Group Living Accommodations		-	-	-	-	-
Mobilehome Parks through Multiple Dwelling Units [No change in text.]						
<u>Rooming House</u>		=	=	=	=	=
Single Dwelling Units		-	-	-	P	-
Separately Regulated Residential Uses:						
Boarder & Lodger Accommodations		-	-	-	L	-
Companion Units through Watchkeeper Quarters [No change in text.]						
Institutional through Signs [No change in text.]						

[No change in footnotes.]

§131.0322 Use Regulations Table for Agricultural Zones

[No change in text.]

Table 131-03B
Use Regulations Table of Agricultural 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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space [No change in text.]					
Agriculture [No change in text.]					
Residential					
Group Living Accommodations		-	-	-	-
Mobilehome Parks through Multiple Dwelling Units [No change in text.]					
<u>Rooming House</u>		=	=	=	=
Single Dwelling Units		P ⁽¹⁾		P	

000186

Separately Regulated Residential Uses			
Boarder & Lodger Accommodations		-	L
Companion Units through Watchkeeper Quarters [No change in text.]			
Institutional through Signs [No change in text.]			
[No change in footnotes.]			

§131.0422 Use Regulations Table for Residential Zones

[No change in text.]

Table 131-04B
Use Regulations Table of 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
Open Space [No change in text.]																								
Agriculture																								
Agricultural Processing through Raising and Harvesting of Crops [No change in text.]																								
Raising, Maintaining & Keeping of Animals	p ⁽³⁾ (+0)(9)																							
Separately Regulated Agricultural Uses [No change in text.]																								
Residential																								
Group Living Accommodations	-		-												-		-							
Mobilehome Parks through Multiple Dwelling Units [No change in text.]																								
Rooming House	≡		≡												≡		≡							
Single Dwelling Units	P		P												P		P							
Separately Regulated Residential Uses																								
Boarder & Lodger Accommodations	L		L												L		L							
Companion Units through Watchkeeper Quarters [No change in text.]																								
Institutional through Signs [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 [No change in text.]																	
Agriculture [No change in text.]																	

Residential					
Group Living Accommodations	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]					
<u>Rooming House</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<i>Single Dwelling Units</i>	P	P	P	P	-
Separately Regulated Residential Uses					
<i>Boarder & Lodger Accommodations</i>	L	L	L	L	L
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]					
Institutional [No change in text.]					
Sales					
Building Supplies & Equipment [No change in text.]					
Food, Beverages and Groceries	-	-	P ⁽⁹⁾⁽¹⁾	P ⁽⁹⁾⁽¹⁾	P ⁽⁹⁾⁽¹⁾
Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies [No change in text.]					
Sundries, Pharmaceuticals, & Convenience Sales	-	-	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾
Wearing Apparel & Accessories [No change in text.]					
Commercial					
Building Services through Off-site Services [No change in text.]					
Personal Services			P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾	P ⁽⁹⁾⁽⁸⁾
Assembly & Entertainment through Separately Regulated Commercial Services Uses [No change in text.]					
Offices					
Business & Professional through Government [No change in text.]					
Medical, Dental, & Health Practitioner			P ⁽⁹⁾⁽⁷⁾	P ⁽⁹⁾⁽⁷⁾	-
Regional & Corporate Headquarters [No change in text.]					
Vehicular & Vehicular Equipment Sales & Service through Signs [No change in text.]					

Footnotes for Table 131-04B.

¹ through ⁶ [No change in text.]

⁷ See Section 131.0423(e).

⁸ 7 See Section 131.0423(a).

⁹ 8 See Section 131.0423(b).

¹⁰ 9 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

§131.0423 **Additional Use Regulations of Residential Zones**

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this Section.

(a) through (b) [No change in text.]

~~(c) — Group living accommodations are permitted subject to the following:~~

~~(1) — Group living accommodations shall not contain more than 5 guest rooms.~~

~~(2) — No more than 2 renters per guest room are permitted.~~

~~(3) — Meals may be provided for renters only.~~

~~(4) — Renters of guest rooms must reside on the premises for at least 7 consecutive calendar days.~~

§131.0424 **Amortization Periods**

Pursuant to SDMC Section 127.0102(d) previously conforming uses are allowed to continue to exist and operate unless an amortization period is specified. The presence of rooming houses in residential-single (RS) unit zones is adversely impacting neighborhood quality, character, and livability incompatible with the purpose of such zones. Previously conforming rooming houses shall be terminated within seven years from the effective date of Ordinance 0-2007-158.

§131.0522 **Use Regulations Table of Commercial Zones**

[No change in text.]

**Table 131-05B
Use Regulations Table for Commercial 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									
		CN (1)-			CR-		CO-		CV-		CP-
	1st & 2nd >>										
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Open Space [No change in text.]											
Agriculture [No change in text.]											
Residential											
Group Living Accommodations		-	-	-	-	-	-	-	-	-	-
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]											
<u>Rooming House</u>		<u>P⁽²⁾</u>			<u>P</u>	-	<u>P</u>		<u>P⁽²⁾</u>		-
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses											
<i>Boarder & Lodger Accommodations</i>		L ⁽²⁾			L	-	L		L ⁽²⁾		-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]											
Institutional through Signs [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																	
		CC-																	
	1st & 2nd >>																		
	3rd >>	1-			2-			3-			4-			5-					
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Open Space [No change in text.]																			
Agriculture [No change in text.]																			
Residential																			
Group Living Accommodations		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Mobilehome Parks through Multiple Dwelling Units</i>																			
<u>Rooming House</u>		<u>P</u>																	
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>		L	-	-	L	-	-	L	-	-	L	-	-	L	-	-	L	-	-
<i>Companion Units through Watchkeeper Quarters</i> [No change in text.]																			
Institutional through Signs [No change in text.]																			

[No change in footnotes.]

§131.0622 Use Regulations Table for Industrial Zones

[No change in text.]

Table 131-06B

Use Regulations Table for Industrial 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							
		IP-		IL-			IH-		IS-
	1st & 2nd >>								
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Open Space [No change in text.]									
Agriculture [No change in text.]									
Residential									
Group Living Accommodations		-	-	-	-	-	-	-	-
Mobilehome Parks through Multiple Dwelling Units [No change in text.]									
Rooming House		=	=	=	=	=	=	=	=
Single Dwelling Units		-	-	-	-	-	-	-	-
Separately Regulated Residential Uses									
Boarder & Lodger Accommodations		-	-	-	-	-	-	-	-
Companion Units through Watchkeeper Quarters [No change in text.]		-	-	-	-	-	-	-	-
Institutional through Signs [No change in text.]									

[No change in footnotes.]

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

**Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses**

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet through Condominium conversion [No change in text.]					
Rooming and boarding house	1.0 per boarder <u>two roomers</u>	0.75 per boarder <u>two roomers</u>	1.0 per boarder <u>two roomers, except 1.0 per roomer in beach impact area</u>	0.05 per boarder or <u>roomer</u>	0.30 per boarder or <u>roomer</u>
Boarder and Lodger Accommodations	1.0 per two boarders or <u>lodgers</u>	=	1.0 per two boarders or <u>lodgers, except 1.0 per boarder or lodger in beach impact area</u>	=	=
Residential care facility through Accessory Uses [No change in text]					

[No change in footnotes.]

(b) through (d) [No change in text.]

MG:ca
08/7/07
Or.Dept: City Attorney
O-2007-158 SO

000191

DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No. 137077

Date: August 15, 2007

JO: 55503

Action/Permit (s): Amendments to the Municipal Code and Local Coastal Program (Process 5)

Description of Activity: Rooming House Ordinance: Amendments to the Land Development Code (Chapter 11, Article 3; Chapter 12, Articles 6 and 7; Chapter 13, Article 1; Chapter 14, Article 2) and the Local Coastal Program to address "mini dorms" by creating a new rooming house land use. A rooming house would be defined as a dwelling unit where three or more bedrooms are rented under three or more lease agreements. The rooming house use would not be permitted in the R.S (Residential-Single Unit) zones.

Location of Activity: The ordinance would apply City-wide. Applicant: City Attorney's Office, 1200 Third Avenue, MS 59, San Diego, CA 92101. Contact: Marianne Greene, Deputy City Attorney (619-533-5822).

- 1. [] This activity is EXEMPT FROM CEQA pursuant to:
[] Section 15061(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. [X] This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

Table with 2 columns: ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list) and ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list). Rows include categories like Existing Facilities, Replacement or Reconstruction, New Construction or Conversion, etc.

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Signature of Ken Teasley, Senior Planner, Environmental Analysis Section

Distribution: Marianne Greene, Deputy City Attorney, MS 59; Amanda Lee, Code Update Team; EAS Reviewer's File; Exemption file



San Diego City Planning Commission

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 13 Date 9/6/07

Subject Rooming House Ordinance

Estimate of your presentation time 2 MINUTES

NAME MITCH YOUNKER

5446 Collier Ave S.D.
Address: Number Street City

CA 92115
State ZIP Telephone

Representing MY SELF.

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.

000193



San Diego City Planning Commission

IN FAVOR OF PROJECT

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Agenda item number 13 Date 9-6-07

Subject Rooming House Ordinance

Estimate of your presentation time 0

NAME Lernadine Necessari

1219 Chalcedony San Diego
Address: Number Street City

CA 92109 858-293-0257
State ZIP Telephone

Representing Stop Mini Dorms

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

I do not wish to speak

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

IN FAVOR OF PROJECT

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Agenda Item number 13 Date 9-6-07

Subject Rooming House Ordinance

Estimate of your presentation time _____

NAME DANIEL SCHWIMMER

1116 DIAMOND ST SD
Address: Number Street City

CA 92109 619-513-6613
State ZIP Telephone

Representing SELF / STOPmini-DORMS.org

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

12/13

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 13 RHD Date 9/6/07

Subject Rooming House Ord

Estimate of your presentation time 1 min

NAME Ann Cottrell

5111 Mankasset Sau Diego
Address: Number Street City

CA 92115 583-7003
State ZIP Telephone

Representing Coll Area Comm Council

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.

000194



San Diego City Planning Commission

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

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Agenda item number 13 Date 4-6-07

Subject Rooming House Ordinance

Estimate of your presentation time 2 min.

NAME Armin Kuhlman

5069 Cotuit Dr. San Diego
Address: Number Street City

CA 92115 619-582-1962
State ZIP Telephone

Representing self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

561000

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

IN FAVOR OF PROJECT

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Agenda item number 13 Date _____

Subject Rooming House Ordinance

Estimate of your presentation time 3 min.

NAME GARY DeBorja

5251 Henslett Dr. San Diego
Address: Number Street City

CA 92115 619-265-0271
State ZIP Telephone

Representing self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

13

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

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Agenda item number 13 Date 9/6/07

Subject Rooming House Ordinance

Estimate of your presentation time 3 min.

NAME Rhea Kuhlman

5069 Catoctin Dr. San Diego
Address: Number Street City

CA 92115 619-582-1962
State ZIP Telephone

Representing self (College Area)

Are you part of an organized presentation? Yes No

yes, list speakers in order of presentation: _____

000196
1000

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

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Agenda item number 13 Date 9/6/07

Subject ROOMING HOUSE ORDINANCE

Estimate of your presentation time 1-2 MINUTES

NAME PAUL MARTIN

1222 CHALCEDONY SAN DIEGO
Address: Number Street City

CA 92109 858 205 7787
State ZIP Telephone

Representing STOPMINIDORMS.COM

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

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Agenda item number 12 & 13 Date 9/6/07
Subject RHO & HOP

Estimate of your presentation time _____

NAME CATHLEEN KENNEY
5255 JOAN CT S.D.
Address: Number Street City
CA 92115 619/287-5368
State ZIP Telephone

Representing Self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

000197

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

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Agenda item number 13 Date 9-6-07
Subject Rooming House Ordinance

Estimate of your presentation time _____

NAME Edward Sherman
1219 Chalcedony St San Diego
Address: Number Street City
CA 92104 858 273 0257
State ZIP Telephone

Representing _____

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: NONE

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

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Agenda item number F1 12-13 Date 9-6-07

Subject High occupancy & Rooming House

Estimate of your presentation time 1-2 min

NAME Jim CORRIGAN

5443 DROVEN DR S.D.

Address: Number EA Street 92115 City

State CA ZIP 92115 Telephone

Representing SELF

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.

861000



San Diego City Planning Commission

IN FAVOR OF PROJECT

12/13

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

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Agenda Item number 12/13 Date 9/6/07

Subject MINI DORM

Estimate of your presentation time 2 M

NAME JAMES KROKOE

1253 OPAL ST SD

Address: Number CA Street 92109 City

State CA ZIP 92109 Telephone

Representing _____

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

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IN FAVOR OF PROJECT

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Agenda Item number 13 Date 9/6/07
Subject Rooming House Ord.

Estimate of your presentation time 1 minute Max

NAME Harlene Greenstein

5184 Walsh way San Diego
Address: Number Street City

CA 92115 hgreenstein@sbccpldocal.net
State ZIP Telephone

Representing Self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

000199

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

13

IN FAVOR OF PROJECT

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Agenda Item number 13 Date 9/06/07
Subject Rooming House Ordinance

Estimate of your presentation time 2 minutes

NAME Andre Beauparlant

5346 E. Falls View Dr. San Diego
Address: Number Street City

CA 92115 619-582-3546
State ZIP Telephone

Representing Self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

12/13

IN FAVOR OF PROJECT

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Agenda item number 12 & 13 Date 9/6/07

Subject High Occupancy Permit and Rooming House Ordinance

Estimate of your presentation time 3 min.

NAME Michael D. Jenkins

5358 Saxon St
Address: Number Street City
San Diego CA 92115 619-571-7458
State ZIP Telephone

Representing self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

000200

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.



San Diego City Planning Commission

13

OPPOSED TO PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 13 Date 9/6/07

Subject Rooming house Ord.

Estimate of your presentation time Register Opinion

NAME Sherri Lightner

8557 La Jolla Shores Dr.
Address: Number Street City
La Jolla CA (619) 551-0770
State ZIP Telephone

Representing Self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side. The Chairperson will call you to the microphone at the appropriate time.

000201

Brian	Longmore	Owner	Permit Soli	Po Box 50	San Diego	CA	92150	
Briggs Law Corporation		Owner	Inland Em	99 East C	Upland	CA	91786	
Bruce	Coons	Executive I	Save Our	2476 San	San Diego	CA	92110	
Chris	Brawner	Sr Director.	Sdcoz	6401 Linda	San Diego	CA	92111	
David	Butler	Chief Depu	SD County	1600 Pacifi	San Diego	CA	92101	
Dean	Stratton	PM	Melhorn Cr	410 West	National Ci	CA	91950	
Dennis	Sharp	Archivist	San Diego	1649 El Pr	San Diego	CA	92101	
Donal	O'Sullivan	Govt Info L	UCSD Libr.	9500 Gilma	La Jolla	CA	92093	
Dyan	Beckett			2821 Fallbr	San Diego	CA	92117	
Edward T	Lopez		ETL Struct	PO Box 81	San Diego	CA	92138	
Fong-Ping Lee & Associates, Inc.	President			10 Corpora	Irvine	CA	92606	
Gary	Pryor	Director	Departmen	5201 Ruffir	San Diego	CA	92123	
Gregory J	Smith	VP of Inspection		5511 Maryl	La Mesa	CA	91942	
Jaime	Barton	Business A	Cement M	1807 Robir	San Diego	CA	92103	
Jim	Gallagher			PO Box 16	San Cleme	CA	92674	
Joe	Ghio	Owner		4352 Niaga	San Diego	CA	92107	
Juan Carlos	Esquivel	President &	JCE Struct	234 E Colo	Pasadena	CA	91101	
Kenneth A	Packer			PO Box 60	San Diego	CA	92160	
Loren	Chico			San Diego	4860 Ruffn	San Diego	CA	92111
Mike	Freeman	Business F	San Diego	5130 Aven	Carlsbad	CA	92008	
Murtaza	Baxamusa	Sr Planner	Center on	13727 Cami	San Diego	CA	92108	
Murphy Development				8851 Kerns	San Diego	CA	92154	
Neva	Cobian	Project Cor	RBF Const	9755 Claire	San Diego	CA	92124	
Noticing Section	Project Manager			1222 First	San Diego	CA	92101	
Omar	Mobayed	President	Mobayed C	PO Box 17	San Diego	CA	92177	
Otto	Emme	Board Men	HRB	2290 Via L	La Jolla	CA	92037	
Philip	Conard	Director	M W Reyn	1908 Frien	El Cajon	CA	92020	
Robert	Bodenham	Principal	Vasquez&	M13220 Eve	San Diego	CA	92128	
Robert C	Johnson	Planning D	County of	F4080 Lemc	Riverside	CA	92501	
Robin	Kole			3148 Unive	San Diego	CA	92104	
Roy	Johnson	Architect		7830 La M	La Mesa	CA	91941	
Thomas C	Farrar	Project Ma	Standard F	5750 Fleet	Carlsbad	CA	92008	
Tom	Harp	Deputy Dir	City of Hes	15776 Mail	Hesperia	CA	92345	
Ulysses	Lepe	Manager		4070 Bonit	Bonita	CA	91902	
Walter B	Bradfield	Engineer	TKG Const	5670 Oberl	San Diego	CA	92121	
Kensington Talmadge	Planning Committee			PO Box 16	San Diego	CA	92176	

000202

Amanda	Lee			1 222 First Av	San Diego	CA	92101
Adam	Gevanthor	Principal	Dds/GA	2583 Via Mer.	Del Mar	CA	92014
Alan	K Marshall	CEO		Inferior Wood	1 215 W Nutr.	San Diego	CA 92101
Alice	Perricone			6 126 Glennct	La Jolla	CA	92037
Allison-Zongker	Lp		Partnership	1 298 Prospec	La Jolla	CA	92037
Aly	Evans			4911 Narraga	San Diego	CA	92107
Andra	Loo	Treasurer		Ocean Beach	4858 Orchard	San Diego	CA 92107
Andy	Schlaefli	VP		Urban System	4 540 Kearny	San Diego	CA 92123
Ann	Swanson			Sunset Cliffs	1 3611 Warner	San Diego	CA 92106
Anne	Terhuna	Editor		Beach & Bay	4645 Cass St	San Diego	CA 92109
Anne	Jones	Board Membe		La Jolla Shor	8039 Calle De	La Jolla	CA 92037
Arlette	Smith			8 19 Gage Dr	San Diego	CA	92106
Barbara	Woodward			1 3997 Recue	Del Mar	CA	92014
Beth	Fischer	Vice Preside		Pardee Home	1 2626 High B	San Diego	CA 92130
BHM & Company				1 384 W Muiri	La Jolla	CA	92037
Bob	Kennedy			2221 Garfield	San Diego	CA	92110
Brad	Black	First VP		CB Richard E	4 365 Executi	San Diego	CA 92121
Bradley	T Lowe			3927 Atascad	San Diego	CA	92107
Brett	L Boynton	Office Manag		Architect Mar	4 10 Bird Roc	La Jolla	CA 92037
Brian	Conway			950 Thomas	San Diego	CA	92109
Brian	Petrini			5030 W Point	San Diego	CA	92107
Briggs Law Corporation		Owner		Inland Empire	99 East C St	Upland	CA 91786
Byrna	Bicknell			4819 Del Mor	San Diego	CA	92107
Byron	Meadows	Property Owner		5 156 W Point	San Diego	CA	92107
Carol	Spong Interior	Owner		PO Box 9105	San Diego	CA	92191
Caroline	St Clair			4534 Muir	San Diego	CA	92107
Catherine	Strohlein	Vice Chair		Pacific Beach	3559 Jewell E	San Diego	CA 92109
Charles	Kaminski	Kental Planning		4558 Norma I	San Diego	CA	92115
Charles	E Little			PO Box 6001	San Diego	CA	92160
Charles	Bullock			PO Box 7491	San Diego	CA	92167
Cheryl	Besmemer			Del Mar Plan	5 159 Shaw R	San Diego	CA 92130
Chris	Rink	VP		G&E/BRE	4350 LA Jolla	San Diego	CA 92122
Christine	Fuller	PB Planning Committee		1 378 Chalced	San Diego	CA	92109
D	Greene			3453 Ingraham	San Diego	CA	92109
Dale	Pursel			4624 Grange	San Diego	CA	92107
Dan	Linn	Architect		5732 Bellevue	La Jolla	CA	92037
Daryl	Lantz	Principal		Lantz Design	1 5576 Paseo	San Diego	CA 92129
Dave	Little			5511 Linda R	La Jolla	CA	92037
David	Marshall	Principal		Heritage Arch	625 Broadwa	San Diego	CA 92101
David	Abrams	General Man		Fairbanks Ra	PO Box 8166	Rancho Sant	CA 92067
David	S Hackley			6441 LA Jolla	San Diego	CA	92037
David	Abrams	General Man		Fairbanks Ra	PO Box 8166	Rancho Sant	CA 92067
David	Pettigrew			610 Rosecrar	San Diego	CA	92106
Dean	Stratton			Melhorn Cons	4 10 West 30t	National City	CA 91950
Deanna	Spehn	Chairman		Tierrasanta C	10371 Matadr	San Diego	CA 92124
Deborah	Marengo	President		Promote La J	7855 Ivanhoe	La Jolla	CA 92037
Denise	Taliarida	Architect		Larsen Taliari	7679 Rowena	San Diego	CA 92119
Dennis	Sharp	Archivist		San Diego Hi	1649 El Pradr	San Diego	CA 92101
Dennis	Lynch			812 Balboa C	San Diego	CA	92109
Dixie	Brien			4760 Brightor	San Diego	CA	92107
Don	Dewhurst	President		Dewhurst & A	PO Box 574	La Jolla	CA 92038
Don	Metzler	Co-Owner		Coastal Traile	6302 Elmhurs	San Diego	CA 92120

000203

Don		Correia		1144 Catalina	San Diego	CA	92107
Donal		O'Sullivan	Govt Info Libr	UCSD Librarir	9500 Gilman	La Jolla	CA 92093
Donald		Schucard	President	Schucard Ass	777 S. Highw.	Solana Beach	CA 92075
Donald		Yarnell	Exec Director	N City West	5309 N Rios A	Solana Beach	CA 92075
Donald		Wolochow	Citizen		2853 Cliffridg	La Jolla	CA 92037
Donald		Schmidt			5536 Calume	La Jolla	CA 92037
Dorothy		Benavides	Owner	Ideas	4869 Del Mor	San Diego	CA 92107
Doug		Zilm			4657 Muir Av	San Diego	CA 92107
Douglas		Spence	Branch Mana	SD Public Lib	4275 Cass St	San Diego	CA 92109
Ed		Garvey	Facilities Mgr	Copley Press	7776 Ivanhoe	La Jolla	CA 92037
Ed		McCoy	Vice Presider	Fairfield Resir	5510 Moreho	San Diego	CA 92121
Ed		Huggin			3863 Del Mar	San Diego	CA 92106
Edwin		Laser	Principal	Architect	7638 Mar Ave	La Jolla	CA 92037
Eli		Margolin			PO Box 3056	La Jolla	CA 92038
Faye		Detsky-Weil	Chair	Torrey Pines	13464 Calais	Del Mar	CA 92014
Felipe		Martinez	Maint Tech	IAC	3535 Lebon C	San Diego	CA 92122
Frank		Phillips	Principal	Phillips Archit	4998 Academ	San Diego	CA 92109
Fred	R	Blecksmith	Pres	Blecksmith A	1706 Fifth Av	San Diego	CA 92101
Gary		Levitt	Chair	Del Mar Mesa	3525 Del Mar	San Diego	CA 92130
Gary		Glover	Chair	Mission Beac	2681 Mission	San Diego	CA 92109
Gloria		Dunne		Permit Review	7241 Rue Mic	La Jolla	CA 92037
Gloria		Turner	Board Member		PO Box 6104	San Diego	CA 92166
Guy		Preuss		Paradise Hills	2653 Keen Dr	San Diego	CA 92139
Harold		Klotz			14083 Montfo	San Diego	CA 92128
Hector		Baca			8191 Brennar	San Diego	CA 92114
Irene		Young			13671 Mercar	Del Mar	CA 92014
J	W	Stump		City Heights	4133 Poplar	San Diego	CA 92105
Jack		Zimmerman			2801 Ocean F	San Diego	CA 92109
Jacob		Dekema			225 Bird Roc	La Jolla	CA 92037
James	H	Fox			855 LA Jolla	La Jolla	CA 92037
James		Moore	Owner	Mission Bay	F 2002 Grand	San Diego	CA 92109
Jan		Hudson	Chair	Del Mar Planr	5121 Shaw R	San Diego	CA 92130
Janie		Killermann		Torrey Pines	2531 Via Mer	Del Mar	CA 92014
Janet		Anderson	Environmenta	Sierra Club	6268 Canyon	San Diego	CA 92121
Jason		Ashman			1317 10th Str	Coronado	CA 92118
Jeffrey	D	Shorn	Architect	Shorn & Kam	7723 Fay Ave	La Jolla	CA 92037
Jeffrey		Steindorf	Asst Vice Ch	UCSD	PO Box 0006	La Jolla	CA 92093
Jennette		Lawrence	Director of Gc	Family Health	823 Gateway	San Diego	CA 92102
Jennifer		Luachesi	Public Land	N State Lands	C 100 Howe Av	Sacramento	CA 95825
Jerry		Elder		J L Elder Conj	Po Box 308	La Jolla	CA 92038
Jerry	B	Cox	Architect	Wm Smith As	2729 4th Ave	San Diego	CA 92103
Jim		Besemar		Del Mar Planr	5159 Shaw R	San Diego	CA 92130
Jim		Jensen	Architect		1591 Natuilus	La Jolla	CA 92037
Jim		Gallagher			PO Box 169	San Clemente	CA 92674
Jim		Morrison			2130 Reed A	San Diego	CA 92109
Jim		Seman		Butler Proper	PO Box 6075	San Diego	CA 92166
Jim		Jensen	Architect		1591 Natuilus	La Jolla	CA 92037
Joanne		Pearson	Coastal Comr	Sierra Club	1525 Bucking	La Jolla	CA 92037
Joe		Ghic	Owner		4352 Niagara	San Diego	CA 92107
Joe		Mannino	Executive Dir	North Bay As	3045 Rosecr	San Diego	CA 92110
John	M	Billy	Attorney		7713 Fay Ave	La Jolla	CA 92037
John		Robertson			4455 MT Cas	San Diego	CA 92117

000204

John		Ready	Attorney	3829 Mission	San Diego	CA	92109
John	W	Rickards		Sinner Broteh	3452 Hancocl	San Diego	CA 92110
Jorgen		Rasdmussen	Mech Engineer	NOSC	1227 Sunset	San Diego	CA 92107
Joseph	P	Paoluccio	CEO	Paoluccio Pa	7175 Constr	San Diego	CA 92121
Joseph		Dinan	Prime Source	Reacts	4850 Narraga	San Diego	CA 92107
Jospeh		LaCava	Vice Presider	Interra	5274 LA Jolla	La Jolla	CA 92037
Judy		Maddox			3813 Del Mar	San Diego	CA 92106
Kathryn		Conniff	Director of Cc	Jack in the Bc	12780 Via Fe	Del Mar	CA 92014
Kathy		Mateer		Chair	851 Oliver Av	San Diego	CA 92109
Kathy		Evans		PB Com Plan	721 Windeme	San Diego	CA 92109
Kathy		Tanner		Del Mar Planr	225 Ninth St	Del Mar	CA 92014
Keeman	Family	Trust			7982 Miramar	San Diego	CA 92126
Kenneth		Discenza	Civil Engineer	Site Design A	1016 Broadw	El Cajon	CA 92021
Kim		McGinley	Secretary	Ocean Beach	4657 Muir Av	Ocean Beach	CA 92107
Kip		Krueger	Member	OB Greens	2232 Sunset	San Diego	CA 92107
Kurosh		Raoufpur	President	R C E	8952 January	San Diego	CA 92122
Landry		Watson		Chair	5155West Po	San Diego	CA 92107
Laura		Thorton		MCAS Miram	P.O. Box 4	San Diego	CA 92145
Kurt	E	Brickley	Principal		4973 Millwooc	San Diego	CA 92117
Leanne	Howard	Kenney	Administrator	Carmel Moun	8210 Santalu	San Diego	CA 92127
Lee		Klausen			12150 Carme	San Diego	CA 92130
Lee	E	Winslett	Vice-President	Wells Fargo	401 B St Ste	San Diego	CA 92101
Lisa		Bond	Owner	Mt Frazer Mgr	PO Box 7008	San Diego	CA 92167
Lisa		Bond		Mt Frazer Mgr	3065 Rosecrz	San Diego	CA 92110
Marco		Sessa	Vice Presider	Sudberry Proj	5465 Morehol	San Diego	CA 92121
Mark	Lyon	Architect	Architect		410 Birdrock	La Jolla	CA 92037
Mark	L	Marcus	Assistant Hez	La Jolla Coun	9409 Regents	La Jolla	CA 92037
Mark		Mitchell		PBCPC	720 Law St	San Diego	CA 92109
Mark		Lyon	Architect	Architect	410 Birdrock	La Jolla	CA 92037
Marvin		Cohen		La Jolla Shores	5745 Friars R	San Diego	CA 92110
Mary		Coakley	Secretary	LJ CPA	2120 Vallecit	La Jolla	CA 92037
Mary		Perreira	Peninsula Board		3027 Jarvis S	San Diego	CA 92106
Mary		Broussard	Member	OBTC	4720 W Pt Lo	San Diego	CA 92107
Matthew	N	Martinez	Structural Eng	Blaylock Engi	1775 Hancocl	San Diego	CA 92110
Mee-Slen		Joe	Vice Presider	Coast Income	4350 LA Jolla	San Diego	CA 92122
Megan		Gravlich	Dir of Commu	The Corkey N	PO Box 8510	San Diego	CA 92186
Michael		Pallamary	President		7755 Fay Ave	San Diego	CA 92037
Michael		Bartell			4238 Balboa	San Diego	CA 92117
Mike		Kelly		Del Mar Planr	11591 Polaris	San Diego	CA 92126
Mike		Cohen	Executive Dir	Lawrence Jev	4126 Executi	La Jolla	CA 92037
Mike		Freeman	Business Rep	San Diego Ur	5130 Avenida	Carlsbad	CA 92008
Mike		Meyer			714 Coronadr	San Diego	CA 92109
Mindy		Pellissier		Ocean Beach	4933-C Voltai	San Diego	CA 92107
Miriam		McNalley		Del Mar Planr	P.O. Box 82	Chico	CA 95927
Myra		Herrmann			3230 Ingelow	San Diego	CA 92106
Nancy		Kossan	Director	UCSD Real E	9500 Gilman	La Jolla	CA 92093
Nancy		Stockwell			1419 Chalced	San Diego	CA 92109
Nathan		Hibbs	Mna Consulting		427 C St #3	San Diego	CA 92101
Ned		Titlow			PO Box 7276	San Diego	CA 92167
Nicholas		Fintzelberg	Member	Peninsula Pla	730 Golden P	San Diego	CA 92106
Nignon		Scherer	Ph D Cd	Pen Comm P	3851 Centrai	San Diego	CA 92107
Noelle		Morris	Ex Director	San Diego Or	PO Box 9067	San Diego	CA 92169

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Patti		Admas	Secretary	PT Loma Ass	PO Box 6021	San Diego	CA	92166
Paul		Metcalf		Del Mar Planr	13240 Evenin	San Diego	CA	92128
Paul		Johnson	Owner	Ferris Johnso	3254 Fourth /	San Diego	CA	92103
Paul		Libby			7846 Esterel I	La Jolla	CA	92037
Paul		Reed	President	Jc Resorts	533 Coast Bl	La Jolla	CA	92037
Paul	M	Twilegar		PMT Compar	10427 San Di	San Diego	CA	92109
Paul		Deimore		PBCPC	1181 Agate S	San Diego	CA	92109
Paul		Ross	Principal	PB Consulting	1015 Archer S	San Diego	CA	92109
Peggy		Davis		La Jolla Comr	8387 Paseo C	La Jolla	CA	92037
Phil		Dowley	President	Curiew Devel	PO Box 8824	La Jolla	CA	92038
Philip		Linssen	Owner	First Manager	2560 First Av	San Diego	CA	92103
Phillip		Merten	Principal Arch	Phillip A Merte	1236 Muirland	La Jolla	CA	92037
R	K	Fergin			1779 Oceanfr	San Diego	CA	92107
R Kirk		Obrian	Architect	Aedifice Archi	2870 Fifth Av	San Diego	CA	92103
Randall		Read	President	John C Read	2126 Jimmy C	Del Mar	CA	92014
Randy		Berkman	President	RUPP	P O Box 709E	San Diego	CA	92167
Reggie	F	Reyes	Senior Proj M	Island Archite	7632 Hersche	La Jolla	CA	92037
Remington		Jackson		Del Mar Planr	PO Box 104	Del Mar	CA	92014
Rich		Lee	P M	Rosado Asso	PO Box 1308	La Jolla	CA	92039
Richard		Stern			5982 Avenida	La Jolla	CA	92037
Richard		Warner	Pres	Warner Desig	6018 Bellevue	La Jolla	CA	92037
Richard		Speare	Attorney		4455 Lamont	San Diego	CA	92109
Richard		Mitchell			744 Avalon C	San Diego	CA	92109
Rob		Mullally		Torrey Hills P	4685 Corte M	San Diego	CA	92130
Rob		Hutsel	Executive Dir	San Diego Riv	PO Box 8012	San Diego	CA	92138
Robert	D	Orphey	President	Acadia Corpo	3954 4th Ave	San Diego	CA	92103
Robert		Carne			6086 Wenrick	San Diego	CA	92120
Robert	H	Wade		Real Estate Ir	8064 Caminit	La Jolla	CA	92037
Robert		Ard		Christ Church	2061 54th Str	San Diego	CA	92105
Robert		Chakarian			3971 Goldfinc	San Diego	CA	92103
Robert	H	Gieason		Evans Hotel	998 W Missio	San Diego	CA	92109
Robert		Boehm	Architect		7883 Drury L	La Jolla	CA	92037
Rodger		Smith	Director of Fa	Del Mar Scho	225 Ninth St	Del Mar	CA	92014
Roger		Stern			2340 Calle Cr	La Jolla	CA	92037
Roger	A	Zucchet	Architect		5643 Linda R	La Jolla	CA	92037
S	H	Shu	Geotechnical	Self Consultir	4025 Harbor I	Carlsbad	CA	92008
Sally		Ashburn		La Jolla Shor	2744 Inverne	La Jolla	CA	92037
Sandy		Kahn		Del Mar Planr	PO Box 787	Solana Beach	CA	92075
Scott		Bernet	Architect	Scott Bernet /	2031 2nd Ave	San Diego	CA	92101
Sherri		Lightner			8551 La Jolla	La Jolla	CA	92037
Sierra Club San Diego Chapter					3820 Ray Str	San Diego	CA	92104
Simon		Andrews			7533 Miramar	La Jolla	CA	92037
Spencer		Maze		La Jolla Comr	1005 Havenh	La Jolla	CA	92037
Stephen		Hardison	Architect		5410 LA Jolla	La Jolla	CA	92037
Steven	E	Kiss	Architect/Project Manager		PO Box 7309	San Diego	CA	92167
Sue		Geller			2488 Hidden	San Diego	CA	92037
Susan		Roberts	Manager	Del Mar Planr	3919 Townsq	San Diego	CA	92130
Susan		Goulian	Chair Ljsa Me	La Jolla Shor	8433 Prestwic	La Jolla	CA	92037
Susanna		Byrne	Market Rese	The Meyers C	777 S Pacific	Solana Beach	CA	92075
Suzanne		Weissman	Lj Shores Adv Bd		1857 Spindrif	La Jolla	CA	92037
T	L	Sheldon	Pres	T L Sheldon E	PO Box 8283	San Diego	CA	92138
Thomas		Steinke		S C M V	750 B St #21	San Diego	CA	92101

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Thomas	C	Farrar	Project Manager	Standard Pac	5750 Fleet St	Carlsbad	CA	92008
Tim		Golba	Principal	Golba Archite	1025 W Laur	San Diego	CA	92101
Tim		Houtton			4820 Point Lc	San Diego	CA	92107
Tom		Noel	Home Owner		3412 28th Str	San Diego	CA	92104
Tom		Laughlin			PO Box 997	San Jacinto	CA	92581
Tom		Gawronski	Chair	OB Planning I	4867 Coronac	San Diego	CA	92107
Tom		DiBenedetto		Del Mar Planr	2726 Shelter	San Diego	CA	92101
Vanessa		Millard	Sales		342 S Cedros	Solana Beach	CA	92075
Vernon		McGahey	Owner		6416 Lake Sh	San Diego	CA	92119
Victor	B	Moheno	Attorney At Law		1522 S. Moor	Visalia	CA	93277
Victor		Krebs		Colliers Intern	4275 Executiv	La Jolla	CA	92037
Wallace		Cunningham	President	Wallace E Cu	1104 West Ar	San Diego	CA	92103
Wally		Saylor			1210 Oliver A	San Diego	CA	92109
Walter	E	Fielder	Owner	Walter E Fiel	4895 Savann	San Diego	CA	92110
Ward	C	Martin			10232 Kamw	San Diego	CA	92126
William		Hayer	Architect	Hayer Archite	2120 Fourth /	San Diego	CA	92101
William	A	Smith		William A Sm	2729 4th Ave	San Diego	CA	92103
William		Kellogg		FW & FS Kell	2000 Spindrif	La Jolla	CA	92037
William		Kenton	Chair		3235 Hancocl	San Diego	CA	92110
William		Howland	Broker	Wm Howland	9307 Carlton	Santee	CA	92071
William	R	Leslie	Architect	W R Leslie A	6124 LA Jolla	La Jolla	CA	92037
Yvette		Marcum	Chair	La Jolla Comr	PO Box 889	La Jolla	CA	92038
The Beach and Bay		Beacon News			4645 Cass St	San Diego	CA	92109
La Jolla Light					565 Pearl St	La Jolla	CA	92037
City of Del Mar		Community Development			1050 Camino	Del Mar	CA	92014
City of Chula Vista		Community Development			276 Fourth A	Chula Vista	CA	91910
City of Coronado		Community Development			1825 Strand	Coronado	CA	92118
City of Imperial Beach		Community Development			825 Imperial I	Imperial Beach	CA	91932
City of National City		Community Development			1243 National	National City	CA	91950
City of Solana Beach		Community Development			635 S. Hwy 1	Solana Beach	CA	92075
Fish & Wildlife Service		US Dept. Of the Interior			6010 Hidden	Carlsbad	CA	92011
California Dept.		of Fish & Game			4949 Viewrid	San Diego	CA	92123
California State Lands		Commission			100 Howe Av	Sacramento	CA	95825
San Diego Unified Port Dist		Environmental Review			P.O.Box 1204	San Diego	CA	92112
County of San Diego		Dept. of Planning & Land use			5555 Overlan	San Diego	CA	92123
US Army Corps of Engineer		Los Angeles District			911 Wilshire I	Los Angeles	CA	90017
Caltrans/Planning		Attn Mario Orso			4050 Taylor E	San Diego	CA	92110
Californing Coastal		Commission San Diego Dis.			7575 Metropc	San Diego	CA	92108
Californina State		Coastal Conservancy			1330 Broadw	Oakland	CA	94612
SANDAG					401 B St. Ste	San Diego	CA	92101
CA Regional Water		Quality Control Board	San Diego Region		59174 Sky Par	San Diego	CA	92123
US Coast Guard		Commanding Officer			2710 North H	San Diego	CA	92101
Naval Facilities		Environmental Planning Division			1220 Pacific I	San Diego	CA	92132
Naval Facilities		Engineering Command	San Diego Branch		1230 Pacific I	San Diego	CA	92101
Federal Aviation Admin.		AWE 530-6 P>O>BOX 92007			World Way P	Los Angeles	CA	90009
Carmel Valley		Library			3919 Townsg	San Diego	CA	92130
Central		Library			820 E Street	San Diego	CA	92101
Point Loma		Library			3701 Voltaire	San Diego	CA	92107
Pacific Beach/Taylor		Library			4275 Cass St	San Diego	CA	92109
Ocean Beach		Library			4801 Santa M	San Diego	CA	92107
University Community		Library			4155 Govern	San Diego	CA	92122
La Jolla / Riford		Library			7555 Draper /	La Jolla	CA	92037

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Logan Heights / Barrio Loga Library
San Ysidro Library
LIBRARY DEPARTMENT
Sara Osborn
Kim Wallace
Noticing Section/City Clerk's
Councilmember
Councilmember
Councilmember
Councilmember
Councilmember
Councilmember
Councilmember
Councilmember
Community Relations

811 S 28th St San Diego CA 92113
101 W. San Y San Diego CA 92173
GOV. DOCU MS 17
MS 4A
Senior Zoning MS 51N
MS 2A
District 1 MS 10A
District 2 MS 10A
District 3 MS 10A
District 4 MS 10A
District 5 MS 10A
District 6 MS 10A
District 7 MS 10A
District 8 MS 10A
Mayor's Office MS 11A

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NAME	ADDRESS	CITY	STATE	ZIP
Michael Jenkins	5358 Saxon Street	San Diego	CA	92115
Jim Corrigan	5443 Drover Drive	San Diego	CA	92115
James Krokee	1253 Opal Street	San Diego	CA	92109
Cathleen Kenney	5255 Joan Court	San Diego	CA	92115
Mitch Younker	5446 Collier Avenue	San Diego	CA	92115
Ann Cottrell	5111 Manhasset Drive	San Diego	CA	92115
Daniel Schwimmer	1116 Diamond Street	San Diego	CA	92109
Gary DeBusschere	5251 Hewlett Drive	San Diego	CA	92115
Armin Kuhlman	5069 Catocin Drive	San Diego	CA	92115
Paul Martin	1227 Chalcedony	San Diego	CA	92109
Rhea Kulman	5069 Catocin Drive	San Diego	CA	92115
Edward Worlman	1219 Chalcedony	San Diego	CA	92109
Bernadine Hausman	1219 Chalcedony	San Diego	CA	92109
Marlene Greenstein	5184 Walsh Way	San Diego	CA	92115
Andre Beauparlant	5346 E. Falls View Drive	San Diego	CA	92115
Sherri Lightner	8551 La Jolla Shores Drive	La Jolla	CA	92093

000213

Item 201
11/19/07

Mateo, Ledy

From: Larry & Nancy McCleary [nanlar.mcc@att.net]
Sent: Thursday, November 15, 2007 3:38 PM
To: HEARINGS1, HEARINGS1
Cc: Mayor, Office of the; Peters Public, Scott; Faulconer, Council Member Kevin; Atkins, Councilmember; Young, Anthony; Maienschein, Councilmember; Frye, Donna; Madaffer, Councilmember Jim; Hueso, Councilmember Ben
Subject: Strengthening the Rooming House Ordinance in San Diego

Strengthening the Rooming House Ordinance in San Diego

For more than 42 years my wife and I have lived at 1003 Moana Dr in a normally quiet single family residential area of Point Loma. We wish to support the strengthening of controls concerning the current rules and potential spread of rooming houses within the city of San Diego. We have suffered from first hand knowledge of the deplorable conditions which can develop as a result of out-of-control rooming house abuses as follows:

The rooming house located at 1006 Tarento Dr directly behind our home across a paved alley was inhabited by multiple college students from Point Loma Nazarene University from approximately June 2005 to June 2006. Theoretically there were 4 female students residing there. However, it became obvious that at least 5 and possibly 6 were living there, along with frequent visits from male friends. A major problem that ensued included frequent loud outdoor parties lasting well beyond curfew. These parties with large numbers of additional participants involved alcohol. Beer bottles and cans were frequently found on our property the following day. The noise was extremely disturbing not only for us but for the neighborhood which includes all ages from young children to senior adults. Parking was another serious problem caused by the large number of vehicles belonging to the residents of the house and all of their visiting friends. Frequently, neighbors on Tarento Dr and their guests could not park near their own homes. An additional significant irritant was the dog which yapped most of the day while the students were away.

The situation with the rooming house has improved since then with 4 young adults living there. However, they have had several loud parties past curfew, including at least 2 starting at 4:00 AM in the morning. The most serious problem is still the lack of off street parking for the residents since the driveway accommodates only 1 car.

I summary, my wife and I and numerous neighbors support all means possible to strengthen the rooming house rules to allow neighborhoods of single families to live in a quiet and secure environment.

Thank you,
Larry and Nancy McCleary
1003 Moana Dr
San Diego, CA 92107

11/16/2007

November 15, 2007

Mayor Sanders and City Council
City Administration Building
202 "C" Street
San Diego, CA 92101-3862, Mail Sta. 2A

TESTIMONY IN SUPPORT OF 1) RESIDENTIAL HIGH OCCUPANCY PERMIT
AND 2) ROOMING HOUSE ORDINANCE, PUBLIC HEARING ON MONDAY,
NOVEMBER 19, 2007 AT 5:00 P.M.

Dear Mayor Sanders and City Council Members:

We are writing to confirm our support and request your approval of the proposed code amendments to incorporate the Residential High Occupancy Permit requirements and the Rooming House Ordinance.

COMMENTS:

- Residential High Occupancy Permit

The proposed code amendments that require a permit, fee, additional parking for occupants, etc. should provide a very effective means of mitigating the destructive impact the overwhelming number of high occupancy dwellings has had on our community and of deterring further increases in the number of such dwellings.

We especially appreciate that, if the Residential High Occupancy Permit amendments are approved, full implementation can begin without delay, because there are no "grandfathering in" components. This will help insure that the permit requirements will be effective in addressing the immediate, as well as future needs of the community for regulatory controls on high occupancy dwellings.

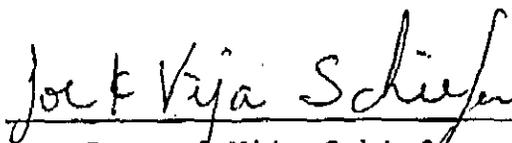
- Rooming House Ordinance

We hope this ordinance will also prove to be very effective in dealing with the serious problems inflicted on the community by the proliferation of mini-dorms. Our main concern is that many of the mini-dorms that should be classified as rooming houses will manage to elude that classification by representing themselves as integrated economic units.

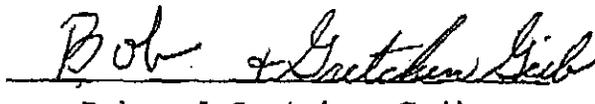
It is unfortunate that the full impact and benefits of the ordinance will not be realized for three years, because of the amortization provision for owners of pre-existing rooming houses. On the plus side, however, the ordinance should have the immediate effect of providing a disincentive for property owners/developers who would otherwise continue their lucrative practice of converting single-family dwellings into rooming houses.

Thank you for your consideration of our request that you approve the proposed code amendments. The need for these measures has become even more critical because of the approval of the SDSU master plan yesterday by the CSU trustees. It is very unlikely that SDSU will provide an adequate number of housing units to accommodate the increased housing need that will accompany the projected increase of 10,000. The community can therefore anticipate even more mini-dorms taking over single family dwellings unless effective ordinances are in place to control them.

Sincerely,



Joe and Vija Schiefer



Bob and Gretchen Geib