

## **OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT**

**Date Issued:** July 5, 2007

**IBA Report Number:** 07-69

**City Council Docket Date:** July 9, 2007

**Items Number:** 200 and 201

**Item:** Amendments to Address “Mini Dorms” and Rooming House Ordinance

### **OVERVIEW**

Item number 200 includes amendments to the land development code to address “Mini Dorms” to revise requirements to limit the number of bedrooms, increase parking and reduce hardscape in an effort to maintain the character of single dwelling unit neighborhoods. Item number 201 is a related informational item for a Rooming House Ordinance, proposed by the City Attorney.

### **FISCAL/POLICY DISCUSSION**

Mini dorms are prevalent in the College Area, but affect communities throughout San Diego. Mini dorms have been described as single family dwelling units occupied by multiple adults that create nuisance rental properties. The Land Use and Housing Committee received an informational report from City staff in November 2006, which included information on eight different options to address mini dorms, including, among other options, enforcement of existing codes, amendments to the land development code, creation of rental inspection and licensing programs, and regulation of rental businesses in Single Dwelling Unit zones.

The LU&H Committee directed staff to prepare amendments to the land development code to address regulations of physical development, including hardscape and parking requirements. At that time, no direction was given to prepare regulations of rental businesses in Single Dwelling Unit zones, or a rooming house ordinance.

Staff returned to the LU&H Committee in March 2007 and direction was given to proceed with specific land code amendments to be forwarded to the full City Council in

Fall 2007 with the Sixth Amendment to the Land Development Code. At the next LU&H Committee meeting in April 2007, the Development Services Department Director noted that the department was accelerating the land development code amendments, and expected that these specific amendments would be brought before the City Council for approval as soon as June or July, and not as part of the Sixth Amendment to the Land Development Code, as previously stated. At that same meeting, the City Attorney indicated his office was exploring options to immediately stop the development of mini dorms, but did not provide details.

The Development Services Department proceeded with drafting of the land code amendments relating to regulation of physical development, and began work with the Police Department to begin the administrative citation program and otherwise improve enforcement efforts to address neighborhood disturbance issues.

The LU&H Committee directed staff and the IBA to identify funding or create a cost recovery system in order to hire two additional staff positions to fully enforce existing codes. To date, additional staff positions have not been recommended.

The Administrative Citation Pilot Program began operations on April 30, 2007, and is to be reviewed at 3- and 6-month intervals to assess its effectiveness, and the cost and workload issues and impacts to the Neighborhood Code Compliance and Police Departments. Discussion at LU&H included expanding the citation program citywide, pending the results of the review of the pilot program.

At a recent mini-dorm forum on May 10, 2007, sponsored by Council Members Jim Madaffer and Kevin Faulconer and the City Attorney, a three-part solution was proposed, including:

- 1) Physical development regulations
- 2) Nuisance violations and code enforcement programs
- 3) Proposed rooming house ordinance

Much discussion has taken place at the LU&H Committee with opportunity for public input on both the physical development regulations and code enforcement programs.

The City Attorney's proposed rooming house ordinance is docketed as a separate informational item for the City Council's Monday, July 9, 2007 meeting. It is our understanding that additional review of the proposed rooming house ordinance is required under CEQA, and it is likely that review and approval by the Planning Commission is also required, before the City Council can take action. It should be noted that the proposed rooming house ordinance has not been scheduled for review and discussion by the LU&H Committee. In addition, no report or analysis to describe the implications of enacting the rooming house ordinance, or related costs or workload issues for those departments who may bear the responsibilities of its implementation, has been

provided. Such information is imperative in order to make an informed and well-reasoned decision on an important community issue.

**CONCLUSION**

The IBA supports the multi-faceted approach to tackle the mini dorm issue, and notes that the various options can work together to comprehensively address the land use, code enforcement and nuisance issues. In addition, the IBA recommends that newly adopted programs and regulations be regularly monitored to assess the impacts on affected departments to ensure adequate resources are provided to achieve expected results, and outcomes are those intended. It is further recommended that additional information related to the proposed rooming house ordinance be provided for review and discussion by the public and the City Council. The City Council may wish to consider scheduling the proposed rooming house ordinance for a more detailed review at a future LU&H Committee meeting.

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