

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.

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) <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>	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 <i>structure</i>) -, <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>127.0109(a)</u>	NUP/Process 2 ⁽³⁾
	127.0109 <u>127.0109(b)</u>	NUP/Process 2 ³ <u>NUP/Process 3⁽³⁾</u>

[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 e~~ 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 >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	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>			=	=	=	=	=	=
<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		-		-	
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]					
<u>Rooming House</u>		≡		≡	
<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 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⁾⁽⁴⁰⁾⁽⁹⁾																					

Separately Regulated Agricultural Uses [No change in text.]				
Residential				
Group Living Accommodations	-	-	-	-
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]				
<u>Rooming House</u>	≡	≡	≡	≡
<i>Single Dwelling Units</i>	P	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 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>	P		P		P			P		P				
<i>Single Dwelling Units</i>	P		P		P			P		-				
Separately Regulated Residential Uses														
<i>Boarder & Lodger Accommodations</i>	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.]											

<u>Rooming House</u>	<u>P</u> ⁽²⁾	<u>P</u>	-	<u>P</u>	<u>P</u> ⁽²⁾	-
<u>Single Dwelling Units</u>	-	-	-	-	-	-
Separately Regulated Residential Uses						
<i>Boarder & Lodger Accommodations</i>	L ⁽²⁾	L	-	L	L ⁽²⁾	-
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															
		CC-															
		1-			2-			3-			4-			5-			
		1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3

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>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Single Dwelling Units</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>	L	-	-	L	-	-	L	-	-	L	-	-	L	-	-	L	-	-	L
Companion Units through Watchkeeper Quarters [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.]

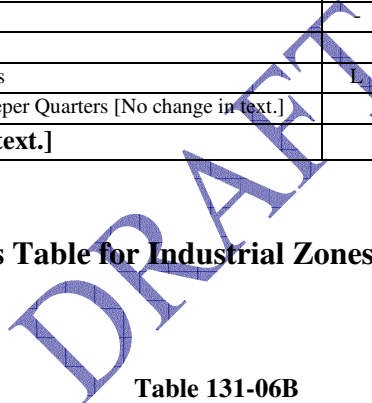


Table 131-06B

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-
		1-	2-	3-	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										
Group Living Accommodations	-	-	-	-	-	-	-	-	-	-
<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>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Single Dwelling Units</u>	-	-	-	-	-	-	-	-	-	-
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 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 <u>roomer</u>	0.30 per boarder <u>roomer</u>
<u>Boarder and Lodger Accommodations</u>	<u>1.0 per two boarders or lodgers</u>	=	<u>1.0 per two boarders or 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
10/26/07
Or.Dept: City Attorney
O-2008-61