



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 4, 2015 **REPORT NO.** PC-15-083

ATTENTION: Planning Commission, Agenda of June 25, 2015

SUBJECT: AMENDMENTS TO THE LAND DEVELOPMENT CODE AND THE CITY'S LOCAL COASTAL PROGRAM PERTAINING TO THE ROOMING HOUSE ORDINANCE EXEMPT. (PROCESS 5)

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program pertaining to the Rooming House Ordinance (RHO)?

Staff Recommendation: Recommend that the City Council approve the proposed amendments.

Community Planning Group:

The proposed amendment was unanimously approved by the College Area Community Planning Group (CACPG) October 8, 2014.

Environmental Review:

This activity (Adoption of an Ordinance amending the Municipal Code) is a Project as defined in CEQA Section 15378(a)(1) which states: "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is an activity directly undertaken by any public agency including but not limited to...enactment and amendment of zoning ordinances...". The activity is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

BACKGROUND

Passage of the RHO, O-19739 received unanimous support from the City Council (4/15/08) and was signed by Mayor Sanders (4/23/08). Issues with mini-dorms go back to 1987. The RHO, passed in 2008, grew out of widespread community protests over the negative impact of rapidly increasing high occupancy high turnover (HTHO) nuisance rental housing especially in the College Area and Pacific Beach. The purpose of the ordinance is to provide Code Enforcement

with the tools necessary to regulate the commercial overuse of dwelling units in residential neighborhoods. The definition of rooming house in O-19739 is not specific enough to enable Code Enforcement to accomplish this task. This action corrects that deficiency.

DISCUSSION

The proposed action recommends amendment to Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending section 113.0103; and amending Chapter 13, Article 1, Division 1 of the San Diego Municipal Code by amending sections 113.0103 and 131.0112, both relating to the definition of rooming house and amending section 131.0422 Use Regulations Table for Residential Zones, Table 131-04B.

The Rooming House Ordinance (RHO) O-19739 was passed by the City Council and signed into law in 2008. The purpose of the ordinance is to provide Code Enforcement with the tools necessary to regulate the commercial overuse of dwelling units in residential neighborhoods. The definition of rooming house in O-19739 is not specific enough to enable Code Enforcement to accomplish this task. Currently there is one definition of a rooming house in the definition section {113.0103} and a different definition in the rooming house section {131.0112(a)(3)(A)}. This action corrects that deficiency by striking the definition in section {131.0112(a)(3)(A)} and stating that "Rooming houses have the same meaning as in San Diego Municipal Section 113.0103" which is clarified and updated.

Please see the proposed ordinance attached hereto and incorporated by reference herein.

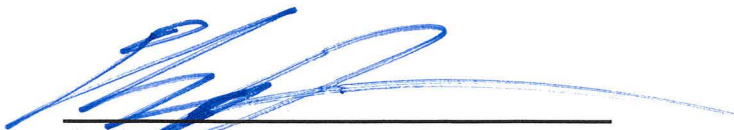
CONCLUSION

The RHO applies city-wide but mainly affects communities near college & university campuses and/or beach communities, the most impacted being SDSU. This amendment merely clarifies the definition of a rooming house in the ordinance for code enforcement actions.

ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the ordinance or that it adopt an ordinance with modifications.

Respectfully submitted,



Chris Pearson

Council Staff for Council President Pro-Tem Marti Emerald

Attachments:

1. Draft Strikeout/underline Ordinance
2. CACPG letter October 8, 2014