THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 29, 2007 **REPORT NO. PC-07-137**

ATTENTION: **Planning Commission, Agenda of September 6, 2007**

SUBJECT: RESIDENTIAL HIGH OCCUPANCY PERMIT - PROCESS 5

REFERENCE: Reports to Council 07-115, 07-048, 06-180, and 06-158, and IBA Report 07-69

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council of proposed amendments to the Land Development Code and Local Coastal Program to address "mini dorms" by requiring a Residential High Occupancy Permit for single dwelling units occupied by six or more adults?

Staff Recommendation: That the Planning Commission review and consider the proposed amendments related to a Residential High Occupancy Permit, and make a recommendation to the City Council.

Environmental Review: The proposed amendments are adequately addressed by three previous environmental documents which include: "Amendments to Address Mini Dorms and Preserve the Character of RS Zones Project No. 129501, Addendum to EIR No. 96-0333"; "Revisions to Land Development Code Project No. 96-7897, Addendum to EIR No. 96-0333"; and "Land Development Code EIR No. 96-0333". There is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section §15060(c)(3).

Fiscal Impact Statement: In order to address the volume of mini dorm related complaints, both the City's general fund and Development Services Department enterprise fund have been heavily impacted. The processing of amendments to the Land Development Code is funded as an overhead expense of the Development Services Department (DSD) budget enterprise fund, while the Neighborhood Code Compliance (NCC) function is funded by the general fund. In accordance with Mayor and Council

DIVERSITY

direction, staff will utilize the City's existing administrative remedies to obtain greater cost recovery for enforcement cases related to mini dorms, and will continue to search for additional methods to achieve cost recovery. Currently, where NCC opens a case, the general fund service includes one initial inspection to determine whether a violation exists and a second inspection to verify compliance. A reinspection fee may be charged to the property owner for each additional inspection, in cases where the compliance measures have not been fully corrected within the first two inspections. The reinspection fees were last increased in 2004 to the current rate of $98 for each Zoning Investigator inspection or $105 for each Combination Building Inspector inspection. Staff is analyzing whether an increase in existing inspection fees is warranted and will make a recommendation to the City Council accordingly.

The proposed Residential High Occupancy Permit would have an associated annual fee of approximately $1000 to recover administrative and enforcement costs including plan check and inspection costs. It is anticipated that four Zoning Investigator II positions and one Public Information Clerk position would be necessary to implement the Residential High Occupancy Permit at an approximate general fund cost of $424,138. The Residential High Occupancy Permit would allow for recovery of some costs incurred for enforcement actions.

The Rooming House Ordinance has been analyzed separately by the City Attorney. It is anticipated that the staffing need to enforce the Rooming House Ordinance would be similar to enforcement for the Residential High Occupancy Permit, however, there would be no mechanism to recover associated enforcement costs for the Rooming House Ordinance. The administrative citation program is currently recovering some of the general fund costs related to its implementation. To date, 55 administrative citations ($1000) have been issued at 22 properties, some of which have been reduced through the appeal process. Citation revenue collected is applied towards enforcement costs.

Code Enforcement Impact: The Neighborhood Code Compliance program has recently been impacted by an increase in calls to report "mini dorms", which are currently evaluated against physical development regulations in the Land Development Code or behavior related limitations in the Municipal Code to determine whether notices of violation and/or administrative citations are appropriate. In order to effectively address mini dorms, it is anticipated that additional code enforcement staff will be necessary. Staffing impacts for the proposed Residential High Occupancy Permit will likely have some overlap with impacts for the Rooming House Ordinance, and with the City's administrative citation program that is anticipated to be expanded citywide. (See fiscal impact analysis above.)

The proposed Residential High Occupancy Permit would add an additional enforcement tool to address single dwelling unit occupancy. Regulation of the number of occupants and/or leases is more challenging to enforce than current measurable codes such as setback, floor area ratio or parking. In response to reported violations under the proposed code, NCC staff will be required to collect documentation such as the number of vehicles or occupants per dwelling unit, with assistance from the City Attorney Code Enforcement

Unit, as appropriate. This type of investigation may require obtaining a court issued warrant to inspect inside of a private residence and to obtain copies of lease agreements, copies of utility bills, tax records, DMV records etc. all of which may be difficult to obtain. As a result, actions taken on a Residential High Occupancy Permit (issuance, denial, or revocation) could be contentious and require a significant amount of staff time.

Housing Impact Statement: High occupancy units are considered to be a negative impact on single dwelling unit neighborhoods due to associated noise and deficient parking. The proposed ordinance, which would require high occupancy units to provide adequate parking and minimize impacts to adjacent properties, is consistent with the General Plan, Community Plans, and the Land Development Code as they apply to single dwelling unit zones. The RS (Residential-Single Unit) zones are intended to "accommodate a variety of lot sizes and residential dwelling types" and "promote neighborhood quality, character, and livability." The ordinance would not apply to residential care facilities, housing for senior citizens, or transitional housing facilities, but may reduce available housing options for other groups or families that are unable to meet the proposed high occupancy parking requirement on a particular lot. The ordinance would allow for a reduced parking requirement in cases where an adult occupant does not have a driver's license or a vehicle.

BACKGROUND

"Mini dorms" are not defined in the Land Development Code or California Building Code, but the term is commonly used by members of the community to describe single dwelling units occupied by multiple adult tenants, which have been identified as a threat to communities throughout the City. As requested by the City Council on July 9, 2007, the proposed code amendments provide an additional tool to the City to address high occupancy single dwelling units. The Residential High Occupancy Permit would require additional parking per occupant with a revocable permit and includes an annual permit fee to recover associated administrative and enforcement costs. The Residential High Occupancy Permit could be implemented together with, or independent of, the Rooming House Ordinance, to supplement the regulations and enforcement programs currently in place to address mini dorms. (Draft code amendment language is provided in Attachment 1.)

The issue of how to regulate mini dorms has been a concern within the City for years due to associated disturbance and nuisance problems, especially in zones where such units are over-concentrated in a single neighborhood. On May 26, 1987, the City adopted the Single Family Rental Overlay Zone, which was followed by the One-Family Dwelling Rental Regulations, adopted on June 3, 1991. Both ordinances were legally challenged by the College Area Rental Landlord Association (CARLA), and were repealed December 9, 1997 after being declared unconstitutional by the courts. Since that time, the City has struggled with how to address the issue at the local level due to constraints at the state and federal levels that do not allow for renters and owners occupying properties that are similarly situated to be regulated differently. The resulting legal opinion suggested that the City can enforce different development standards (such as parking requirements) as long as they are applied equally to similarly situated properties.

Parking Regulations

The City currently utilizes permit districts and overlay zones to address parking impacted areas. Parking permit districts have been created to preserve on-street parking in campus impacted neighborhoods surrounding San Diego State University (District B) and Mesa College (District E). In addition, the parking impact overlay zone was created to require supplemental parking in beach impact areas (Map C-731) and campus impact areas (Map C-795). The campus impact area applies to neighborhoods surrounding SDSU, UCSD, and USD, where single dwelling units with five or more bedrooms are required to provide one parking space per bedroom.

One criticism of the existing parking requirements has been that they do not capture impacts of high occupancy dwelling units in locations outside of the designated campus impact area. The proposed Residential High Occupancy Permit would supplement the existing citywide parking requirements and ensure that high occupancy single dwelling units (six or more adults) provide adequate parking to minimize impacts to adjacent properties throughout the City.

Enforcement Programs

The majority of mini dorm complaints are related to tenant behavior in violation of existing codes such as noise, trash, parties, and threats/intimidation. In response, fines were recently increased in an effort to recover costs for repeat disturbance violations through a more aggressive code compliance program (Administrative Remedies Ordinance (O-19579)), a trial police administrative citation program is in process ($1000 citations issued to tenants and property owners), and an improved Community Assisted Party Program (CAPP) was created to address chronic party houses. The trial administrative citation program has been especially successful in addressing nuisance behavior at identified party houses in the Mid City communities and the College Area. To date, 55 administrative citations have been issued through the trial program at 22 properties. The program is planned for expansion citywide as resources become available. (See Attachment 2 for additional information on enforcement efforts to address tenant behavior.)

The proposed Residential High Occupancy Permit would provide an additional enforcement tool to address mini dorms by limiting properties to lower occupancies (five or fewer adult tenants) where there is not adequate space for the associated parking need. Annual, unannounced inspections would be conducted and the Residential High Occupancy Permit would be revocable in case of multiple enforcement actions in a year, including administrative citations for noise violations as described above.

Public Outreach and Community Participation

Various grass roots activities have been organized to emphasize the importance of the issue to local communities, and a significant amount of media coverage has occurred including multiple press conferences and local television and newspaper coverage. The City has encouraged community participation in the solution by creating a dedicated web page with information and draft code language specific to mini dorms, distributing updates via email, attending and making announcements at public meetings, and publishing and mailing public notices, including the 6-week notice of availability and notice of public hearings.

Two community forums were held on September 19, 2006 and May 10, 2007, to listen to community concerns regarding mini dorms. The Land Use and Housing Committee considered

reports on November 29, 2006 and March 7, 2007, with a variety of solutions to address mini dorms. LU&H voted to immediately pursue amendments to the Land Development Code, make improvements to the CAPP program, approve a trial Mid-City administrative citation program, and support the proposal by SDSU to add a code enforcement representative to their staff. At the time, LU&H did not take action on the more complex alternatives presented such as a rooming house ordinance, administrative use permit, or rental business permit.

City Council

On July 9, 2007, the City Council approved amendments related to physical development that are effective outside of the coastal zone. In order to become effective in the coastal zone, the amendments are subject to Coastal Commission certification. The approved amendments limit the number of bedrooms on smaller lots; limit hardscape areas for vehicular use; require additional parking per bedroom and limit garage conversions in campus impact areas; and modify single dwelling unit parking regulations. As part of the motion, the City Council requested Intergovernmental Affairs investigate changes that can be made to state law to address mini dorms, that the Mayor and Independent Budget Analyst report back to Council on the hiring of additional code enforcement staff to work specifically on neighborhood issues related to mini dorms, and directed the City Attorney to work with the Mayors staff to analyze additional strategies to address mini dorms such as the Rooming House Ordinance and Residential High Occupancy Permit. An exceptionally tight processing timeline was set for staff to return to Council for final action following Planning Commission.

Code Monitoring Team

On August 8, 2007, the Rooming House Ordinance and Residential High Occupancy Permit concepts were presented to the Code Monitoring Team jointly by the City Attorney and DSD staff. The Code Monitoring Team (CMT) voted 7-0-1 to not support the Rooming House Ordinance based on concerns related to enforcement. CMT took a separate vote that passed 8-0 to encourage the Mayor and Council to hire additional enforcement staff to meet the need for both existing and proposed regulations. CMT did not take a formal vote on the Residential High Occupancy Permit, but generally supported the concept of requiring parking and a revocable permit for high occupancy dwelling units.

DISCUSSION

In accordance with City Council direction on July 9, 2007, the proposed Residential High Occupancy Permit was modeled after a similar ordinance in the City of San Luis Obispo (Attachment 3). In summary, San Luis Obispo requires an annual "administrative use permit" for dwelling units occupied by six or more adults to encourage lower occupancies per dwelling unit. The use permits are issued to developments that meet the performance standards. According to their Deputy Director of Community Development, since the ordinance became effective in 1990, there have been six administrative permits denied, one revoked, and there are currently two active permits. This type of ordinance is generally more difficult to enforce than measurable development standards, but in the case of San Luis Obispo, it has provided a sufficient deterrent to high occupancy units and has resulted in a cultural change by landlords who now limit their rental units to a maximum of five adult occupants.

Development Services, in consultation with the City Attorney, drafted language to implement a similar type of requirement, consistent with San Diego's Land Development Code. As is typical of all code amendment proposals, the code language was presented to the Code Monitoring Team for discussion. CMT recommended that the parking requirement (based on occupancy) be the criteria for permit approval, and that Residential High Occupancy Permits be revocable in case of violations. Due to the fact that the ordinance applies equally to related and unrelated individuals, CMT recommended against a provision for the responsible party information to be posted onsite. The responsible party information would instead be available to the public as part of the permit record.

The main policy question related to the proposal is how to balance the desired limitations on single dwelling units to prevent mini dorms, with the competing goals to meet the housing needs of all segments of the population and avoid unintended consequences for single family homeowners. The proposed Residential High Occupancy Permit encourages lower occupancy dwelling units consistent with the RS zone, which when combined with increased enforcement programs and the new development regulations is expected to reduce the prevalence of problem mini dorms. However, decision makers must also consider the fact that the regulations must be applied equally to renter and owner occupied units, which may have unintended consequences for large families and homes that are not considered to be part of the mini dorm problem.

Following are some frequently asked questions related to the proposal:

Can the City limit occupancy to a maximum of five adults per dwelling unit?

As advised by the City Attorney, the City is unable to set occupancy limits for single dwelling units that would conflict with federal or state law such as the California Building Code. The City can, however, require that sufficient parking is provided to support high occupancy living situations. The Residential High Occupancy Permit would not prevent multiple adults from living together in a single dwelling unit, but it would generally encourage lower occupancies of five or fewer adults, and permits could be revoked based on findings of deficient parking or as documented by associated enforcement actions. The City of San Luis Obispo has not been challenged on their ordinance since it became effective in 1990.

What is the relationship between the Rooming House Ordinance and the Residential High Occupancy Permit?

The Residential High Occupancy Permit may be implemented together with, or independent of, the Rooming House Ordinance. The Rooming House Ordinance regulates the number of lease agreements in a dwelling unit; it does not limit the occupancy of a dwelling unit. Due to concerns that property owners could circumvent the Rooming House Ordinance by utilizing a single lease agreement, the Council directed staff to research additional options to address high occupancy dwelling units to provide the City with multiple options to address problem mini dorms. The Residential High Occupancy Permit influences occupancy via parking requirements and other regulatory controls and enforcement remedies that allow the permit to be revoked. It is expected that calls of perceived violation will occur in similar volumes under either ordinance.

A hypothetical scenario would be that NCC receives a call alerting the City that six or more adults are living together in a single dwelling unit. The neighbors may likely perceive there is some type of violation based on the number of cars and people they see associated with the residence on a daily basis. Under the Rooming House Ordinance, the City is limited to enforcing the number of leases. So if NCC opened a rooming house violation case, the property owner could correct the violation by reducing the number of leases to less than three leases and the City's case would be closed. The Residential High Occupancy Permit provides an additional enforcement tool so that in addition, the property owner would also have to apply for a Residential High Occupancy Permit to demonstrate that there is adequate parking per adult occupant and the permit would be revocable in case of adverse impacts on the neighborhood as documented by multiple enforcement actions.

Would the Residential High Occupancy Permit apply citywide?

Yes. Currently single dwelling units are required to provide two parking spaces everywhere in the City, except in the campus impact area of the parking impact overlay zone where homes with five or more bedrooms must provide one parking space per bedroom. Some communities outside the campus impact area expressed concerns that the parking requirement of two spaces per dwelling unit does not meet the parking needs for units with higher occupancies. The Residential High Occupancy Permit would apply consistently throughout the City to require additional parking to meet an identified parking need for high occupancy dwelling units. Prior to applicability in the coastal zone, the ordinance will be subject to certification by the California Coastal Commission.

What is the relationship between the previously approved physical development regulations and the Residential High Occupancy Permit regulations?

In July 2007, the Council approved limitations on the number of bedrooms and the amount of hardscape in single dwelling unit zones to address inconsistent physical development associated with mini dorms. If the Residential High Occupancy Permit parking requirement is also passed, it would be especially difficult to accommodate high occupancy dwelling units on lots less than 10,000 square feet. Required parking spaces are subject to minimum dimensions and design standards and must be located outside of the front yard setback. Lots less than 10,000 square feet are further limited to a maximum of four surface parking spaces on the site as a whole, and a maximum of six bedrooms. Additionally, in the campus impact area, single dwelling units with five or more bedrooms are required to provide one parking space per bedroom with at least two of those required spaces provided in a garage. In a case where the Residential High Occupancy Permit requirement may conflict with the requirement per dwelling unit, the higher parking requirement would apply. For example, a single dwelling unit in the campus impact overlay zone with six bedrooms would require six parking spaces for any occupancy of seven or fewer occupants under the Residential High Occupancy Permit, but would require additional parking for each occupant beyond seven.

Does the ordinance make reasonable accommodations for disabled persons?

Yes. The ordinance does not apply to residential care facilities, transitional housing facilities, or housing for senior citizens. In addition to the existing reasonable accommodations regulations in Section 131.0466, the Residential High Occupancy Permit would allow for a reduced parking requirement in cases of demonstrated need such as where an adult occupant does not have a driver's license or a vehicle.

Will the Residential High Occupancy Permit apply to owner occupied properties and/or families with six or more adults?

Yes. The permit requirement applies equally to renter and owner occupied properties. The parking impacts associated with adult occupants are expected to be the same regardless of the relationship between the adult occupants. Application of the ordinance to families with six or more adult occupants, may have some unintended consequences in certain communities, however, as explained above, where an adult occupant does not have a driver's license or a vehicle, such as a multi generational family in a single dwelling unit where the elderly parents no longer drive, the parking requirement may be reduced. Historically, the average household size in San Diego has been approximately 2.5 and average family size has been approximately 3.3.

Which mini dorm related regulations would apply to existing situations and which apply only to new development?

The ordinance related to physical development and the proposed Rooming House Ordinance apply to new development only. Existing development and/or rooming houses would have previously conforming rights, except that a 7-year amortization period is proposed after which all rooming houses must conform to new regulations. Since the Rooming House Ordinance affects only the number of lease agreements it is anticipated that owners will move from multiple lease agreements to a single lease to exempt themselves from the ordinance within the seven years. The Residential High Occupancy Permit would apply to all existing and new development with six or more adults residing in a single dwelling unit for 30 or more consecutive days. The Council will be asked to establish a grace period during which public outreach would be conducted to inform the public of the new regulations before penalties would be assessed for non compliance.

Would Parking Permit Districts be exempt from the Residential High Occupancy Permit?

No. Parking permit districts have been established in areas where there is an identified parking impact. A high occupancy unit is considered to be an additional impact on the neighborhood. Currently, property owners in permit parking districts may purchase up to four parking district permits per property. As proposed, a property owner may not use the parking district permits to satisfy on-premises parking requirements for the Residential High Occupancy Permit.

Would the Residential High Occupancy Permit apply to short term vacation rentals?

Short term vacation rentals involve a period of less than 30 days, therefore the Residential High

Occupancy Permit would not apply. However, a similar type of permit strategy could also be considered to address short term vacation rentals. The short term rental of single dwelling units is a similar issue impacting the character of established single family neighborhoods that will be discussed in the forum of the City Council Committee on Land Use and Housing as part of a separate project.

Conclusion:

The proposed Residential High Occupancy Permit would provide an additional enforcement tool to address "mini dorms" (high occupancy dwelling units). The Residential High Occupancy Permit may be implemented together with, or independent of, the Rooming House Ordinance. If approved, the Residential High Occupancy Permit would be used together with the zoning regulations, administrative citation program, CAPP program, and other enforcement tools to address problem "mini dorms" in order to preserve the character if single dwelling unit zones.

ALTERNATIVES

1. Recommend Approval of the Residential High Occupancy Permit code amendments,

2. Recommend Approval of the Residential High Occupancy Permit code amendments, with modifications, or

3. Recommend Denial of the Residential High Occupancy Permit code amendments.

Respectfully submitted,

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Attachments:

1. Draft Ordinance Language
2. Enforcement Efforts to Address Mini Dorms
3. San Luis Obispo Administrative Use Permit

Article 3: Zoning
Division 5: Residential High Occupancy Permit

§123.0501 Purpose of Residential High Occupancy Permit

The purpose of these procedures is to provide for annual review of high occupancy *single dwelling units* for conformance with the applicable zoning regulations by ensuring that high occupancy units provide adequate parking and minimize impacts to adjacent properties.

§123.0502 When a Residential High Occupancy Permit Is Required

(a) A Residential High Occupancy Permit is required for a *single dwelling unit* when the occupancy of the dwelling unit would consist of six or more persons eighteen years of age and older residing in the dwelling unit for a period of 30 or more consecutive days.

(1) Prior to the rental or sale of a *single dwelling unit*, the property *owner* shall disclose the requirement for a Residential High Occupancy Permit to prospective tenants.

(2) The Residential High Occupancy Permit requirement shall apply to a *single dwelling unit* described in Section 123.0502(a) regardless of whether six or more persons eighteen years of age and older resided in the dwelling unit prior to the effective date of this ordinance.

(b) Housing for senior citizens, residential care facilities, and transitional housing facilities are exempt from the requirement for a Residential High Occupancy Permit, but are otherwise subject to the use regulations in Chapter 14, Article 1.

[Language will be included in the implementing ordinance to set a phase in period to allow existing high occupancy dwelling units time without penalty to apply for the required Residential High Occupancy Permit.]

§123.0503 How to Apply for a Residential High Occupancy Permit

(a) Within 30 days of an increase in *single dwelling unit* occupancy that results in six or more persons eighteen years of age and older residing in a *single dwelling unit* for a period of 30 or more consecutive days, a

property *owner* shall apply for a Residential High Occupancy Permit in accordance with Section 112.0102.

(b) The Residential High Occupancy Permit *application* and applicable fees shall be resubmitted annually by the property *owner* to ensure compliance with the provisions of this division.

§123.0504 Decision on a Residential High Occupancy Permit

(a) A decision on an application for a Residential High Occupancy Permit shall be approved in accordance with Process One.

(b) The *applicant* shall demonstrate on submitted plans that one off-street parking space per occupant eighteen years of age and older, less one will be accommodated on the *premises*. In cases where an occupant eighteen years of age and older does not have a vehicle or a valid driver's license, the *applicant* shall provide evidence to the satisfaction of the City Manager to demonstrate the need for a lower parking requirement, which shall be documented in the permit record.

(c) In case of conflict between the requirements of this section and the Parking Impact Overlay Zone, the higher of the applicable parking requirements shall apply.

(d) Parking spaces shall conform to regulations in Chapter 14, Article 2.

§123.0505 Issuance of a Residential High Occupancy Permit

(a) The City Manager shall issue the Residential High Occupancy Permit when the required fees have been paid, a copy of the lease agreement has been provided, and the permit has been approved.

(b) A Residential High Occupancy Permit shall not be issued to a property with a pending code violation case.

(c) The permit shall be valid for a 12 month period, except that an increase in occupancy or the number of vehicles in excess of that authorized under the permit shall require a new permit application and fees.

§123.0506 Enforcement and Administrative Remedies

Violations shall be subject to the identified enforcement and administrative remedies identified in Chapter 12, Article 1, including revocation of a previously approved Residential High Occupancy Permit in the event two or more administrative enforcement actions are taken regarding the subject property within a calendar year. The City shall have the authority to recover costs from the

applicant associated with staff time investigating legitimate complaints that result in the issuance of a citation.

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

Symbol In Table 131-04B	Description Of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or *development permit*. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

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
Residential																								
Group Living Accommodations		-			-														-		-			
Mobilehome Parks		-			P(1)														P(1)		-			
Multiple Dwelling Units		-			-														-		-			
Single Dwelling Units		P			P(11)														P(11)		P(11)			
Separately Regulated Residential Uses																								
Boarder & Lodger Accommodations		L			L														L		L			
Companion Units		L			L														L		L			
Employee Housing:																								
6 or Fewer Employees		L			L														L		L			
12 or Fewer Employees		-			-														-		-			
Greater than 12 Employees		-			-														-		-			
Fraternities, Sororities and Student Dormitories		-			-														-		-			
Garage, Yard, & Estate Sales		L			L														L		L			
Guest Quarters		N			N														N		-			
Home Occupations		L			L														L		L			

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
Housing for Senior Citizens		C			C														C		C			
Live/Work Quarters		-			-														-		-			
Residential Care Facilities:																								
6 or Fewer Persons		P			P														P		P			
7 or More Persons		C			C														C		C			
Transitional Housing:																								
6 or Fewer Persons		P			P														P		P			
7 or More Persons		C			C														C		C			
Watchkeeper Quarters		-			-														-		-			

Footnotes for Table 131-04B

1 *Development* of a *mobilehome park* in any RS or RX zone is subject to Section 143.0302.

2 *Development* of a *mobilehome park* in the RM zones is subject to Section 143.0302.

3 This use is permitted only if as an *accessory use*, but shall not be subject to the *accessory use* regulations in Section 131.0125.

4 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

5 Non-owner occupants must reside on the *premises* for at least 7 consecutive calendar days.

6 Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per dwelling unit (maximum permitted *density*), as indicated on Table 131-04G.

7 See Section 131.0423(c).

8 See Section 131.0423(a).

9 See Section 131.0423(b).

10 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.

11 A Residential High Occupancy Permit is required in accordance with Section 123.0502 for a *single dwelling unit* when the occupancy of the dwelling unit would consist of six or more persons eighteen years of age and older residing in the dwelling unit for a period of 30 or more consecutive days.

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

The required number of *off-street parking spaces* for *single dwelling units* and related uses are shown in Table 142-05B.

Table 142-05B
Minimum Required Parking Spaces for
Single Dwelling Units and Related Uses

Type of Unit and Related Uses	Number of Required Parking Spaces
All *single dwelling units*, except those with five or more *bedrooms* in campus impact areas (See Chapter 13, Article 2, Division 8)	2 spaces per dwelling unit (1)
Single dwelling units with five or more *bedrooms* in campus impact areas (See Chapter 13, Article 2, Division 8)	1 space per *bedroom* (previously conforming parking regulations in Section 142.0510 (d) do not apply) (2)
High occupancy *single dwelling units* subject to Section 123.0502	1 space per occupant eighteen years of age and older, less one space (previously conforming parking regulations in Section 142.0510 (d) do not apply)
Housing for senior citizens (maximum 1 bedroom)	1 space per dwelling unit

Footnotes for Table 142-05B

1 *Single dwelling units* that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall conform to Section 142.0525(c)(4).

2 In campus impact areas, new *single dwelling unit development* with 5 or more *bedrooms* shall provide a minimum of 2 parking spaces in a garage. Where an existing garage is proposed for conversion to habitable area, garage parking shall be replaced with an equivalent number of garage parking spaces on the *premises*.

Enforcement Efforts to Address Mini Dorm Tenant Behavior

Administrative Citation Program

- The Administrative Citation Pilot Program allows SDPD when responding to a party call to issue a warning or administrative citations ($1,000) to the tenants of the house. Property owners are also cited where houses have been CAPP designated. The program allows issuance of the citation at the time of the disturbance and has been an effective tool where police officers are denied access by tenants.

- Since the program was initiated on April 30, 2007, 55 administrative citations have been issued at 22 properties; including 4 property owners.

- The Mid City pilot administrative citation program will be evaluated for potential expansion in November 2007 by the LU&H Council Committee. Expansion of the administrative citation program will require hiring and training additional staff (general fund impact).

- For additional information on the administrative citation program or to report a code violation, please contact Neighborhood Code Compliance at (619) 236-5500. To report a loud party, please contact the SDPD non emergency line at (619) 531-2000.

Administrative Enforcement Remedies Ordinance

- The Administrative Enforcement Remedies Ordinance (O-19579) was passed in February 2007 to increase the City's penalty fine amounts, grant authority for broader use of administrative citations, and clarify language to allow for greater cost recovery. (The City's administrative remedies had last been updated in 1990.)

- Code Compliance officers/inspectors have flexibility to impose penalty as appropriate in relationship to the severity of the violation up to a maximum $1,000 administrative citation. Fines are no longer required to start with the lowest $100 penalty and increase sequentially with subsequent violations.

CAPP Program

- Program administered by Police Department to track chronic party houses. SDPD enforces zero tolerance policy at future calls to CAPP designated houses. Properties may be CAPP'd if there are two police responses in a 30 day period, if police response results in an immediate arrest(s), or as concluded by an investigation conducted in response to neighbor petition. As of January 19, 2007, 19 houses CAPP'd by the Police Department; with 2 additional houses CAPP'd in June 2007.

- Mid City (1989) and Northern (1997) Division programs were merged into a single program which has improved efficiency and consistency in CAPP program citywide

- For additional information on the CAPP program or to report a chronic party house, please contact the SDPD CAPP coordinator at (619) 516-3000.

Mid City Community Court

- Community court is comprised of a Deputy City Attorney, Case Manager, and two trained community members. Over 100 cases were heard in 2006.

- For some misdemeanor quality of life violations, offenders can avoid a criminal record by attending community court, complying with penalty (ie community service, rehab programs, fines and administrative fees), and remaining law abiding for 1 year

SDSU Participation in College Area Enforcement Efforts

- SDSU code enforcement (trained by City staff) is now issuing citations on evenings and weekends for code violations visible from the public right-of-way

- SDSU police address all disturbance complaints related to SDSU fraternity, sorority or residence halls including issuance of misdemeanor citations and citations for noise. SDSU police coordinates with SDPD to exchange information on party locations.

- SDSU Associated Students sponsor a Good Neighbor Program which sends out student teams to identify and meet with party houses. This has been effective; SDPD revisited only 3 of the 150+ properties the Associated Students visited.

- The SDSU student code of conduct was expanded to include some off campus areas and allows for academic sanctions; 92 students were disciplined since the modified CSU Trustee policy went into effect.

Second Response Ordinance

- The Second Response Ordinance(O-17303) was approved in 1989 (SDMC Chapter 5, Article 1, Division 10) to allow for recovery of costs (up to $500 for a single incident) for use of Police Services to respond to disturbance calls for events on private property with five or more persons

Social Host Ordinance

- The Social Host Ordinance was adopted in 2003 and amended in 2006 (O-19482).

- It is unlawful for any person to knowingly host a gathering and allow a minor to consume alcohol on the premises. A social host shall take all reasonable steps to prevent consumption of alcoholic beverages by a minor (SDMC Chapter 5, Article 6).

- Criminal violations shall be punishable, on a first offense, by a mandatory minimum fine of $100.00, plus statutory penalty assessments, and, on second and subsequent offenses, by a fine of $200.00, plus statutory penalty assessments.

Chapter 17.93: High-Occupancy Residential Use Regulations

Sections:

17.93.010 Purpose.
17.93.020 Definitions.
17.93.030 General requirements.
17.93.040 Performance standards.
17.93.050 Administration.
17.93.060 Periodic review, violations and enforcement.

17.93.010 Purpose.

This chapter is intended to promote the quality of life in low-density and medium-density residential neighborhoods by ensuring that dwellings provide adequate support facilities. (Ord. 1154 § 1 (part), 1990)

17.93.020 Definitions.

A. "Adult" means a person eighteen years of age and older.

B. "High-occupancy residential use" means any dwelling, other than a "residential care facility" as defined in Section 17.100.180, in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults.

C. "Tandem parking" means the arrangement of parking where no more than two cars are arranged in tandem, one in front of the other. (Ord. 1154 § 1 (part), 1990)

17.93.030 General requirements.

A. Applicability. A high-occupancy residential use is allowed in the R-1 and R-2 zones subject to the performance standards set forth in Section 17.93.040.

B. Relation to Zone Standards. Where this chapter does not contain a particular type of standard or procedure, conventional zoning standards shall apply.

C. Exceptions or Variances. Nothing in this section prohibits applicants from requesting exceptions or variances from the strict interpretation of zoning regulations to the extent allowed by said regulations for any use. (Ord. 1154 § 1 (part), 1990)

17.93.040 Performance standards.

A. Upon approval of an administrative use permit, as defined by Chapter 17.58, a high-occupancy residential use may be established with occupancy of six or more adults. The purpose of the use permit is to ensure compliance with the performance standards described in this section, and to ensure the compatibility of the use at particular locations.

1. The dwelling must contain a minimum three hundred square feet of gross floor area, less garage area, per adult.

2. The parking requirement shall be the greater of:

   a. The number of spaces required for dwellings as described in Section 17.16.060; or

   b. One off-street parking space per adult occupant, less one.

3. The parking of one vehicle within a required street yard or setback is allowed. Parking in other yards is prohibited.

4. Each required parking space shall be of an all-weather surface.

5. Upon approval of the community development director, parking may be provided in tandem.

6. There shall be a minimum of one bathroom provided for every three adult occupants.

7. The dwelling must meet all current building, health, safety and fire codes and have been built with all required permits. (Ord. 1154 § 1 (part), 1990)

17.93.050 Administration.

A. Permit Requirement. For high-occupancy residential uses with six or more adult occupants, the applicant shall apply for and obtain an administrative use permit as defined by zoning regulations. The applicant shall submit and certify the following information as part of the application for an administrative use permit:

   1. Address of dwelling;

   2. A site plan which shows:

      a. The entire boundary of the site as well as adjacent structures within twenty feet;

      b. The number and location of off-street parking spaces;

      c. The gross floor area of the dwelling in square feet;

      d. The floor plan for the dwelling with the rooms clearly labeled;

   3. The number of proposed adult occupants;

   4. Owner's signature;

   5. Any other information deemed necessary by the community development director. (Ord. 1154 § 1 (part), 1990)

17.93.060 Periodic review, violations and enforcement.

A. Period Review. High-occupancy residential uses shall be reviewed annually to ensure compliance with the provisions of this chapter. The use permit shall be reviewed annually for compliance with this chapter. It shall be the responsibility of the property owner to initiate the review and pay applicable fees.

B. **Violations.** Violation of any of the provisions of this chapter shall be the basis for enforcement action by the city which may include revocation of a previously approved use permit. (Ord. 1154 § 1 (part), 1990)