

Community Planners Committee

City Planning & Community Investment • City of San Diego
202 C Street, 5th Floor • San Diego, CA 92101
CommunityPlannersCommittee@sandiego.gov

Tuesday, November 27, 2007 - 7:00 p.m.
Metropolitan Operations Center II Auditorium
9192 Topaz Way, Kearny Mesa

AGENDA

NOTE:

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the Planning Department at (619) 236-6879 at least (5) five work days prior to the meeting date to insure availability.

Times assigned for each item are approximate. The order of agenda items may be modified at the beginning of the meeting at the discretion of the Chair.

- ITEM #1 - 7:00 **CALL TO ORDER / INTRODUCTIONS**
- ITEM #2 **NON-AGENDA PUBLIC COMMENT** - Issues that are not on the agenda and within the jurisdiction of the Community Planners Committee. **Note: 3 minutes per speaker**
- ITEM #3 **MODIFICATIONS TO THE AGENDA**
- ITEM #4 **APPROVAL OF THE MINUTES OF SEPTEMBER 25, 2007**
- ITEM #5 - 7:10 **INDEMNIFICATION ORDINANCE:** Discussion Item - Alex Sachs, City Attorney's Office, Cecilia Gallardo, CPCI and John Fiske, CPC
Discussion of proposed revisions to the Community Planning Group Indemnification Ordinance.
- ITEM #6 – 7:55 **ROOMING HOUSE ORDINANCE:** Action Item – Marianne Greene, City Attorney's Office
Marianne Greene will discuss the Rooming House Ordinance.
Supporting Materials:
Rooming House Ordinance; S/O to Planning Commission
Rooming House Ordinance; Oct '07 Strikeout Version
Rooming House Ordinance; Oct '07 Clean
- ITEM #7 – 8:15 **CPC BYLAWS REVISION:** Discussion Item – Eric Germain, CPC
Eric Germain will review the CPC bylaws and revision process.
- ITEM #8 – 8:35 **CPG BYLAWS REVISION STATUS REPORT:** Discussion Item - Mary Wright, CPCI
Mary Wright will address the status of the bylaw revision process.
Questions about specific bylaws revision issues may be raised.

ITEM #9 - 8:50 **REPORTS TO CPC:**

- Staff Report
- Subcommittee Reports
- Chairperson's Report
- CPC Member Comments

FUTURE AGENDA ITEMS:

Substantial Conformance Review

Airport Authority Outreach

Community Plan Update Process

OTHER INFO:

The Mini-COW is scheduled for Thursday, November 29, 2007 from 6:00-8:00 pm at MOC II.

The Land Use and Housing Committee is scheduled to consider the General Plan on Wednesday, December 5th from 9:00 am – 12:00 pm and 2:00 pm – 5:00 pm in the City Administration Building, 12th Floor Council Chambers (202 C Street).

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
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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
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[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
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 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⁾						

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
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.]		P ⁽³⁾⁽⁹⁾												-		-							
Residential																							
Mobilehome Parks through Multiple Dwelling Units [No change in text.]																							
Rooming House																							
Single Dwelling Units		P												P		P							
Separately Regulated Residential Uses																							
Boarder & Lodger Accommodations																							
Companion Units through Watchkeeper Quarters [No change in text.]		L												L		L							

Institutional through Signs [No change in text.]	
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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		P	
<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 ⁽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 O-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 >>	1-			1-	2-	1-		1-		1-
	3rd >>	1			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 >>																		
	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 >>	1-	2-	1-	2-	3-	1-	2-	1-
	3rd >>	1	1	1	1	1	1	1	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.]					
<i>Rooming house</i>	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
<i>Boarder and Lodger Accommodations</i>	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
Deputy City Attorney

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

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 <u>or resuming</u> a <i>previously conforming use</i> , including resumption of <i>previously conforming</i> use up to 2 years after discontinuance.	<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>
Resumption of a <i>previously conforming</i> use 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 <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 <i>previously conforming</i> as a <i>rooming house</i>.</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⁾			P ⁽⁷⁾		
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]															
<u>Rooming House</u>	P		P		P			P		P			P		
<i>Single Dwelling Units</i>	P		P		P			P		P			-		
Separately Regulated Residential Uses															
<i>Boarder & Lodger Accommodations</i>	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 ⁽⁹⁾⁽⁸⁾			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⁾			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⁾	-
<i>Single Dwelling Units</i>	-	-	-	-	-	-
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>																		
<i>Single Dwelling Units</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>	L	-	L	L	L	L	L	L	L	L	L	L	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.]

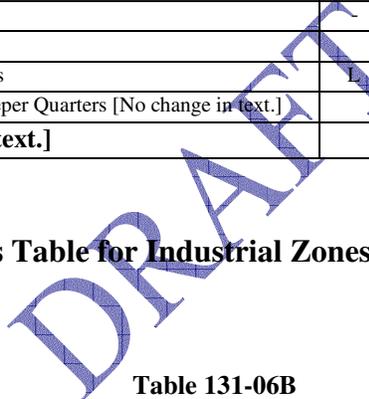


Table 131-06B

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-	1-	2-	3-	1-	2-	1-	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>									
<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.]										

[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

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 y 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

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

WHEREAS, between July 24, 2007 and October 16, 2007, twelve 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. __#__ of those recommended adoption of the ordinance and none recommended denial. On October 23, 2007, the Community Planners Committee considered and deliberated the draft rooming house ordinance, and _____.

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

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 <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(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.]

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 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.]

Section 5. That Chapter 13, Article 1, Division 2 of the Municipal Code 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 Municipal Code 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	
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
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				
<i>Mobilehome Parks through Multiple Dwelling Units [No change in text.]</i>				
<i>Rooming House</i>	-	-	-	-
<i>Single Dwelling Units</i>	P	P	P	P
Separately Regulated Residential Uses				
<i>Boarder & Lodger Accommodations</i>	L	L	L	L
<i>Companion Units through Watchkeeper Quarters [No change in text.]</i>	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																
<i>Mobilehome Parks through Multiple Dwelling Units [No change in text.]</i>																
<i>Rooming House</i>			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	
<i>Companion Units through Watchkeeper Quarters [No change in text.]</i>																
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.]																

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-
	1st & 2nd >>	1-			1-	2-	1-		1-		1-
	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.]											

[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

Community Planners Committee

Planning Department • City of San Diego • 202 C Street, 5th Floor, San Diego, CA 92101
SDPlanningGroups@sandiego.gov • (619) 235-5200

DRAFT

CPC MINUTES OF THE MEETING OF SEPTEMBER 25, 2007

MEMBERS PRESENT:

Jim Haughey, Carmel Mountain Ranch
John Fiske, Carmel Valley
Brooke Peterson, Clairemont Mesa
Doug Case, College Area
Laura Riebeau, Eastern Area
Bruce Williams, Encanto Neighborhoods
Chris Blatt, Greater Golden Hill
Vicki Granowitz, Greater North Park
Buzz Gibbs, Kearny Mesa
Tom Hebring, Kensington/Talmadge
Tim Golba, La Jolla
Rick Bussell, Linda Vista
William Kenton, Midway
Tracy Reed, Miramar Ranch North
Jeff Stevens, Mira Mesa
Rick Miller, Mission Beach
Jim Baross, Normal Heights

Landry Watson, Ocean Beach
Mel Ingalls, Otay Mesa
Rocky Sgro, Otay Mesa/Nestor
Kathy Mateer, Pacific Beach
Dee Wylie, Peninsula
Ellen Willis, Rancho Bernardo
Mike Freedman, San Ysidro
Tamara Silverstein, Scripps Ranch
Doug Wescott, Serra Mesa
Guy Preuss, Skyline/Paradise Hills
Reynaldo Pisano, Southeastern San Diego
Eric Germain, Tierrasanta
Dash Meeks, Torrey Hills
Morton Prinz, Torrey Pines
Linda Colley, University
Leo Wilson, Uptown

VOTING ELIGIBILITY/RECUSALS: None.

NON ELIGIBLE REPRESENTATIVE PRESENT: None.

OTHERS PRESENT: None.

City Staff: Mary Wright, Jackie Dominguez, Wanda Bursey, Alex Sachs, Marianne Greene, Cecilia Gallardo, Anna McPherson.

Guests: None.

NOTE: *The sign-in sheets that are provided at the entrance to the meeting are used to list CPC Representatives, guest speakers and staff present at the meeting.*

- 1. CALL TO ORDER:** Chair Leo Wilson called the meeting to order at 7:00 p.m. and proceeded with roll call.
- 2. NON-AGENDA PUBLIC COMMENT:** Guy Pruess commented on the Urban Forestry Board stating there is a need to fill seats on the Board. He urged members to get involved to be appointed by contacting the City Council office in their district. Board meetings are held on the 2nd Wednesday of each month on the 12th Floor from 11:45 – 1:15 PM.



The City of San Diego

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 533-3650 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD'S) are available for the meeting upon request.

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Linda Colley, Chair of University City, made an announcement about the brand new park in that community and invited all to come out to visit.

Eric Germain asked about CPC's review of the new General Plan posted on the website. A mark-up was requested regarding how the City has responded to CPC's suggested changes and it still has not been forthcoming. It has been recommended that a schedule be put in place for CPC's review of the General Plan. Leo Wilson stated CPC will review the General Plan in October.

Rick Bussell mentioned that the Mission Bay Park Committee approved the Fiesta Island Precise Plan. He encouraged everyone to log on to the website, review the plan and provided feedback as the plan moves through the hearing process.

3. **MODIFICATIONS TO AGENDA:** The agenda was modified to remove Item #6, the Rooming House Ordinance at the request of Marianne Greene.
4. **APPROVAL OF THE MINUTES OF JULY 24, 2007:** Rick Bussell requested that in Item #5, sentence 3, the word "either" be changed to "any." Motion to approve with modification by Guy Pruess, Yays 29; Nays 0; Abstention 0.
5. **INDEMNIFICATION ORDINANCE:** In Paul Robinson's absence, Lee Wilson introduced the item and turned the discussion over to Deputy City Attorney Alex Sachs. Mr. Sachs reviewed changes made to "Corrected Copy #3." Several informal suggestions were made for various wording changes in addition to the following formal actions:

5.1a. Motion by Bill Kenton and 2nd by Eric Germain to change Section 1.D from: "The member or group has made a request in writing to the City for defense and indemnification not later than five (5) working days of having been served such legal papers" to "Notification in writing shall be made to the Office of the City Attorney within 10 working days of having been served such legal papers." Yays: 29; Nays 1 (North Park); Abstentions: 1 (Uptown).

5.2. Motion by John Fiske, and 2nd by Bill Kenton to change Sections 3A, 3B and 3C to clarify that the obligation to represent is there through the case, however, the City Attorney, should he find that any of those facts exist, could seek reimbursement for the cost of representation from the individuals who are at fault: Yays: 30; Nays: 0; Abstentions: 1 (Uptown).

5.3. Motion by Michael Freedman, 2nd by Tim Golba to substitute what's in the Administrative guidelines regarding "direct economic interest" for conflict of interest language in the indemnification ordinance Yays: 26; Nays: 4 (University, Torrey Pines, Eastern Area, Rancho Bernardo); Abstentions: 1 (Uptown).

The Indemnification Ordinance will be scheduled for further discussion at the CPC meeting in November.

6. **ROOMING HOUSE ORDINANCE:** At the request of Deputy City Attorney Marianne Green, this item was removed from the agenda.

7. **RESIDENTIAL HIGH OCCUPANCY PERMIT:** Anna McPherson, Senior Planner with the Development Service Department presented the Residential High Occupancy Permit which provides annual review of high occupancy single dwelling units to ensure they provide adequate parking and minimize impacts.

The next CPC meeting will be a Special Meeting on the Draft General Plan to be held on October 23, 2007 at 7:00 PM at the Metropolitan Operations Center II Auditorium located at 9192 Topaz Way in Kearny Mesa.