

College Area Community Council Agenda
7:00 p.m., Wednesday, December 13, 2006
College/Rolando Branch Library, 6600 Montezuma Road

- I. Call to Order/Pledge of Allegiance/Roll Call
- II. Approval of Current Agenda and November 8, 2006 Minutes
- III. Adoption and Approval of Consent Agenda
- IV. Public Comments on non-agenda items (3 minutes per speaker – please state name and address for the minutes)
- V. Report of Governmental Liaisons (3 minutes per speaker, unless extra time needed and extended by President)
- VI. Treasurer’s Report
- VII. Committee Reports (detailed discussions of these items will occur during Committee meetings. See below for committee meeting information). These items may be approved on the Consent Agenda—Item III above.

A. Planning Committee:

- 1. **60th Street Sewer Replacement (Resubmittal)**
Project # 6883 – Site Development Permit for Environmentally Sensitive Lands for the 60th Street Accelerated Sewer Project in the canyon between Adams Avenue and Baja Drive.
- 2. **El Cerrito Enclave Action Item (Initial Comments)**
5402 Gilbert Drive. Project # 72057 – Planned Development Permit to deviate from minimum lot size and depth and tentative Map to create 5 residential parcels from one existing 0.58-acre site
- 3. **Zigner Residence (Action Item_)**
5273 Rincon Street. Project # 108312 – Site Development Permit for Environmentally Sensitive Lands for a 756 s.f. addition to an existing single-family residence on a 0.72-acre site.
- 4. **Aztec Budget Inn Redevelopment (Action Item)**
6050 El Cajon Blvd and 4620 Soria Drive. Project # 83705 (Affordable Housing Expedite Program) - Site Development Permit, Vesting Tentative Map, Sewer Easement Abandonement, and Rezone to allow for the demolition of an existing one-story 45-unit motel and two story 10-unit apartment building,, construction of a four-story mixed use structure containing 75 residential units and 3,000 sq. ft. of retail space on 0.94-acre

B. Other Committees

- VIII. Delegate Reports
- IX.. Unfinished Business
- X. New Business
 - A. Update on nuisance rental properties issues / report of City Council Land Use & Housing meeting
 - B. Resignation of Steve Laub
- XI. Announcements
- XII. Adjournment

Questions regarding this Agenda should be directed to Doug Case, CACC Chair, 619-286-5571.

College Area Community Council
P.O. Box 15723 San Diego, CA 92175-5723
E-mail: info@cacc-sd.org Web: <http://www.cacc-sd.org>

EXECUTIVE BOARD MINUTES
College-Rolando Library Community Room
November 8, 2006
7:00pm

Present:

Doug Case	Charles Maze	Harold Webber
Judy Hopps	Tom Phelps	Sandy Alter
Christina Vincent	Michael Bloom	Jan Riley
Steve Laub	Sally Roush	Martin Montesano
Rosary Nepi	Dan Cornthwaite	Jim Boggus

Absent:

Scott Moomjian (excused)	John Adamske (excused)	
Sally Ellis (excused)	Doug Knutson-Keller (excused)	Mike Matthews (excused)

I. Call to Order/Pledge of Allegiance/Roll Call

7:02pm

III. Minutes/Agenda Approval

A. Approval of current agenda with removal of planning item 2 deferred until December..
Harold Webber/Tom Phelps. All approve 14-0-0.

II. Approval of October 11, 2006 minutes

All approve with out correction 14-0-0.

V. Reports of Government Liaisons

Jay Wilson – Councilmember Madaffer’s Office: Council District 7

- November 29, 2006 2pm Land Use and Housing committee to discuss mini dorms.
- Code Compliance still receiving driveway violations and making progress towards resolution.

Shelly Olson Hill - SDPD, CAPP Coordinator

- Contact info: (619) 516-3087, email: solson@pd.sandiego.gov.
- Community Assisted Party plan now, not College Area Party Plan. Reviewed the purpose of CAPP and notified public that CAPPED houses are no longer public record and they will remain CAPPED for 1 year.

Chief John Browning –San Diego State Police Officer

- During Halloween they set up D.U.I. check point and CAPP team.

Kristin Beattie – Mid City Neighborhood Prosecutor

- Enjoyed ride along with SDSU Police Friday October 27.
- Partnership growing with Shelly Olsen-Hill with mini-dorm issues.
- Mid City Community Court (Monthly) now training 3-4 hours & 2 hour max. obligation. Looking for more volunteers.
- When witnessing a crime or suspicion: keep logs and incident numbers when you call in and want to get the best response from SDPD.

Deanneka Goodwin – Congresswoman Susan Davis’ Office

- Pleased about the election results, and Nancy Polosi as being elected as the 1st Woman Speaker of the house.
- Thanks to the Boo! Parade for Susan’s participation

Ben – Interfraternity Council

- Party Patrol creating report and comparing to police report

Christina Vincent – College Area Business District

- MAD Newsletter passed out. BID Newsletter passed out – Medians Update
- Old Highway 80 and Boo! Parade went well
- Tree Lighting/Food Drive information to come.

Melissa Devine - San Diego City Planning Department

- Draft General Plan update out on the website.
- Brown Act (All planning groups are to now be in conformance with the Brown Act).

John Ly – SDSU AS Good Neighborhood Program

- Many visitations to many streets. Don’t call them for info on CAPPed houses.
- 594-SAFE. They will return calls in 2 days.

IV. **Treasurer’s Report – Dan Cornthwaite**

\$70.00 dues income
\$.89 interest income
\$13,224.38 cash on hand
\$64.65 Newsletter expenses

Dan Cornthwaite/Steve Laub – All Approve 14-0-0

V. **Committee Reports**

A. **Planning –**

- A. Aztec Budget Inn Redevelopment. Applicant making changes per community suggestions. Defer until December’s meeting.

B. Other Committees

Projects, Finance & Beautification

- Looking into alternatives on the Montezuma median maintenance and Remington Rd. median project status.
- Tree planting for College Area
- Next Meeting Tuesday December 12 6 PM (Library Room)

VIII. Delegate Reports – None to report

IX. Unfinished Business – None

X. New Business

- i. CACC Ad-hoc Committee (SEE ATTACHED REPORT)
Committee provided responses to Councilmember Madaffer’s letter regarding mini dorm issues.

It was moved and seconded to accept responses with separation of 1.1, 3.1, 10.1 to discuss.

Sandy Alter/Sally Roush 13-0-2 (Chair abstains)

1.1 = (Moratorium) to get new laws established not forever. Other committee members don’t favor moratoriums.

Motion to accept response as stated passes 13-1-1 (Chair abstains)

3.1. = Expecting SDSU to create more housing.

Motion to accept response as stated passes 13-0-2 (Chair Abstaining)

10.1 “B” parking permit limit no. of verses.

Motion to accept response as stated passes 14-0-1 (Chair Abstaining)

ii. Recommendation of permanent committee “Nuisance Rental Housing Properties”, to join the Code Enforcement Committee, chaired by Christina Vincent.

iii. Presentation at Land Use and Housing - November 29th at 2 PM.

XII. Adjournment

There being no further business, the meeting was adjourned at 8:54 PM.

Harold Webber/Tom Phelps/All approve

Minutes respectfully submitted by Christina Vincent, CACC Secretary

Report of the CACC Ad Hoc Committee on Mini Dorms and CAPP Program

November 8, 2006

Background

At their October meeting, the CACC formed an Ad Hoc Committee with two primary purposes:

1. Prepare proposed responses for consideration by the CACC Executive Board at their November meeting to each of 12 “mini dorm” recommendations made by Councilmember Jim Madaffer in his October 11, 2006 memorandum to Mayor Jerry Sanders and City Attorney Michael Aguirre, and
2. Review proposed changes to the Community Assisted Party Plan (CAPP) program and report any recommendations back to the CACC Executive Board at their November meeting.

Committee members appointed to the Ad Hoc Committee included: Board members Dan Cornthwaite, Chair; Steve Laub; Michael Bloom; Rosary Nepi; Michael Matthews and Jan Riley, and community members Ann Cottrell; Celia Chavez (who later had to withdraw her participation for personal reasons); Andy Beauparlant, Jerry Stevenson and Marlene Fields (who did not attend any of our meetings). Doug Case also served as a valuable additional resource for the Committee.

Process

The Committee met on October 30th and again on November 2nd. The October meeting consisted of the committee dividing into 3 groups to begin the process for formulating draft responses to each of the 12 recommendations made by the Councilmember. The November meeting included comments and consultation with the following individuals:

- Sally Roush, SDSU Vice President for Business and Financial Affairs
- Sheri Carr, Deputy Director for Neighborhood Code Compliance, City of San Diego
- Shelly Olson-Hill, Mid-City CAPP Coordinator, San Diego Police Department
- Alan Pentico, Director of Public Affairs, San Diego County Apartment Association

Additionally, the Committee benefited from active participation from the following community members: Paul Hastie, College Area Renters and Landlords Association (CARLA); Mike Schaffer (local resident and landlord); Marc Silberman (local resident and landlord); Brian Hamilton (SDSU student leader) and John Ly (SDSU student leader).

The Chair wishes to acknowledge the dedicated hard work and commitment of each of the Committee members and consultants many of whom gave generously of their time and contributed outside research and information for the benefit of our deliberations and development of our final proposed responses.

Proposed Responses to Councilmember Madaffer’s Mini Dorm Recommendations

Specific proposed responses to each of Councilmember Madaffer’s October 11th recommendations are listed below, accompanied by the text for each recommendation. In the course of its research and subsequent discussions, the Committee finds that the term “mini dorm” is not a legal or otherwise recognized term.

Accordingly, we recommend that the City develop a more appropriate term to describe nuisance rental housing properties, which is the term we prefer to use in all references contained in our responses below.

Madaffer Recommendation 1: Please outline the appropriate steps to impose a temporary building/conversion moratorium in the College Area until a reasonable solution can be crafted to stop the destruction of a single family neighborhood. This would be similar to the Interim Development Ordinance that was adopted by the City Council in the late 1980’s.

Response 1.1: We do not favor the imposition of temporary building/conversion moratoriums. We believe the City should work to improve their ability to enforce existing codes. With strict code enforcement, increased funding from fines could potentially be available for hiring more enforcement officers. We recognize that there are conversions occurring in our local neighborhoods. In the event a temporary moratorium is imposed on

residential conversions designed for multiple-occupancy, we urge the City to avoid any restrictions that might unintentionally affect owner-occupied residential property upgrades.

Madaffer Recommendation 2: Virtually every mini dorm is operated by an off-site owner. The rental of these properties constitutes a business. This requires a rental unit business tax be paid. Mini dorms are effectively a multi-family dwelling unit business. Why aren't these businesses subject to the same rules/regulations that apply to operating a home business? Home occupation permits require lengthy zoning reviews and scrutiny. How is it that a mini dorm operator can escape these requirements when in fact they are operating as a business? This one issue alone would make great strides toward solving the parking dilemma. Businesses are also required to maintain their landscaping. The same should apply to rental housing units. Please explain how these businesses have been escaping these requirements. Please provide suggested modification to the municipal code so we can pursue these ideas.

Response 2.1: We recommend that all rentals be required to have a business permit or license specifying that they must adhere to an established set of criteria in order to maintain the permit or license. Such an approach has been successfully implemented in the City of San Luis Obispo. This would include being in compliance with all zoning regulations and would require the landlord to be responsible for tenants' code violations (noise, trash etc). Owners and occupants would be notified of first violation and warned that their license or permit will be revoked if the violation is not addressed (within specified time or number of warnings). The ultimate penalty for non-compliance would be revocation of the license or permit and a monetary fine.

Madaffer Recommendation 3: How can SDSU be required to provide a larger percentage of on-campus housing? We are painfully aware the Paseo project has been delayed indefinitely. This project must be reactivated as it provides housing for over 1,000 students. There are other dormitories pending at SDSU but nothing is happening. The Sorority Row project, which would have provided even more housing in the area, was recently canceled by SDSU. We are moving backward here, not forward. The City must be more aggressive in making the University do its part to provide housing. No work or action on any Master Plan for SDSU should be considered unless these basic and fundamental issues are addressed. Perhaps the City might seek a moratorium on student population growth at SDSU until the student housing matter is better addressed.

Response 3.1: We encourage the City and SDSU to work together to continue to provide increased on-campus housing for students. We do not agree with any type of moratorium on student population growth at the University however we would encourage the University to voluntarily limit future enrollment growth to a manageable number until a plan for addressing local student housing issues can be fully implemented.

Response 3.2: We support the development of public/private housing partnerships in appropriate areas in the local area, such as the Grantville Trolley Station.

Response 3.3: SDSU should be encouraged to consider feasibility of programs for subsidizing faculty and staff housing purchases in local neighborhoods to create a more academic environment.

Response 3.4: It is suggested that the community work with state legislators regarding a possible change in the CSU mission to increase the amount of on-campus housing. We recommend that, if feasible, SDSU should consider limiting the number of new freshmen admitted to SDSU to a number that ensures that they have on-campus housing available to all those requesting it.

Madaffer Recommendation 4: How can the City ensure that as soon as a building permit is signed off, that beds are not added to rooms not designed as a bedroom? Routinely, houses are being expanded and the plans say the additional rooms are for a den or family room when in fact they are used as rental bedrooms. Currently the construction must be approved as submitted. Contacting the property owner in advance and arranging for a site visit gives them ample time to move the beds out of the room or to cut walls to create simple partitions that do not qualify as bedrooms. Increasing fines for non-compliance of permitted construction is another area that should be explored.

Response 4.1: We feel that the new City regulation stating that all rooms with a door (excluding bathrooms) are to be counted as bedrooms eliminates much of the problem addressed here. We have not seen all the

regulations, but assume that a certain amount of common space (e.g. living room) is required. We are concerned for the potential that unscrupulous landlords could violate this by putting beds in the living room; this should be enforced through a stronger code enforcement effort. *[Note: Jerry Stevenson is providing an additional comment for this section.]*

Madaffer Recommendation 5: Please explain the process and changes we need to make to the municipal code that would require any rentals in an R-1 zone to have a Conditional Use Permit.

Response 5.1: The Committee recommends against requiring rentals in an R-1 zone to have a conditional use permit. Factors related to definitions of “family” cited in *Adamson vs. City of Santa Barbara* should be considered in any proposed changes to the municipal code. The Committee recommends that owners of rentals be required to obtain a permit or other readily obtainable approval (recorded by address) that creates a public record and easily identifies them by name, address, telephone number, etc. and which includes enforceable conditions for issuance.

Madaffer Recommendation 6: Please explain the process where we could establish an overlay zone for the College Area that would spell out specific guidelines for maintaining residences as single family homes.

Response 6.1: The City Attorney should be asked to investigate the legality and pros/cons of establishing a Campus Impact Overlay Zone. We believe the idea may have merit. We would like to see more information on this topic.

Madaffer Recommendation 7: Please detail how we can impose a moratorium on garage conversions in the College Area.

Response 7.1: The City should examine and implement what steps are required to enforce existing regulations. We believe that the issuance of permits for garage conversions should be conditioned upon requiring a replacement enclosed garage on the subject property similar to the program successfully implemented in the City of Los Angeles. We would support a temporary moratorium on garage conversions for only as long as it takes to put new regulations to this effect in place.

Madaffer Recommendation 8: Since the residents of our City are rightfully complaining and expect us to provide them the peaceful enjoyment of their single family homes in their single family neighborhoods, and because the overwhelming majority of problems are caused by SDSU students occupying these single family homes, what liability can the City of San Diego assess against SDSU?

Response 8.1: The University should be encouraged to provide more programs that educate students regarding the relationship between behavior and the quality of life in the local neighborhoods, and include information regarding local codes and standards of conduct when living off-campus. We acknowledge that some of the behavior and other nuisance rental housing property problems are attributable to tenants who are not SDSU students and who may or may not be students at local community colleges.

Madaffer Recommendation 9: Mini dorms are basically apartments. How can the City regulate mini dorms using apartment guidelines?

Response 9.1: Using apartment guidelines to regulate nuisance rental housing properties does not appear to us to be appropriate. Nuisance rental housing properties typically do not have separate units with separate bath and kitchens. Regulating these properties as businesses would accomplish the same goal, assuming the criteria for maintaining a license or permit are appropriate. We believe that using apartment guidelines to regulate nuisance rental housing properties is not a good approach.

Madaffer Recommendation 10: Can the “B” Permit Parking Program include wording that if a residence is classified as a mini dorm, only two permits can be issued?

Response 10.1: There is no proof or legal classification for “mini dorm” (we prefer using the term “nuisance rental housing properties”) that we are aware of and therefore, would not be supportive of any measures to limit

the number of parking permits to any particular category of residences over another. There should be no difference between the numbers of permits issued to owners as opposed to the number of permits issued to tenants. Nevertheless, we recommend that the City and the CACC investigate and consider revisions to the B-Permit parking program in particular where limits on the number of parking permits issued for all households might have the effect of reducing the number of nuisance rental housing properties.

Madaffer Recommendation 11: How can the City stop front yards from being cemented over to accommodate more off street parking? Currently only 30% of a portion of the front yard needs to be landscaped. The percentage needs to be greatly increased.

Response 11.1: The City needs to enforce codes and laws currently on the books in regard to landscaping improvements. Any actions by the City should be viewed in the context of aesthetics with a distinction between landscaping and standards for non-vehicle use areas. We recommend that Municipal Code §131.0447¹ be modified to reduce the amount of paving and hardscape permitted as a percentage of the total required yard.

Madaffer Recommendation 12: We need a more stringent program for enforcing illegal room conversions and more serious repercussions for landlords and tenants for excessive trash and noise, failure to maintain landscaping, and continued unruly behavior of tenants. This includes a review of the current fines for non-compliance – they may be too low and increasing fines could be a better deterrent.

Response 12.1: A program is needed for enforcing illegal room conversions and excessive trash and noise. These are code enforcement issues; they are important and we agree with the need to have better enforcement. We are concerned with the potential for abuse of the system to the extent that code violation inspectors are required to provide advance notice of an inspection that could enable the landlord to make temporary changes to appear to be in compliance. We recommend that the process required for city code compliance officers to expeditiously obtain inspection warrants where there is reasonable cause to believe code violations are evident, be simplified to the extent permitted by law.

Additional Ideas and Recommendations

Related Issue: The Boarding House Regulation Approach

Response 13.1: Defining a Boarding House. The opinion of California Attorney General Lockyer and Deputy Attorney General DaVigo (No.01-402, 3/19/2003) defines boarding house as a unit in which there are at least two separate leases. This opinion states that it is permissible for the City of Lompoc to regulate, limit, or even prohibit boarding houses, as the city has defined them. Rodney Lilyquist, Chief of the Opinion Unit of the California AG's Office said this definition was in response to a specific legal question from a specific city (Lompoc) and that this definition therefore does not exclude other definitions adopted by other cities. The City should consider expanding the definition of "boarding house" to the extent permitted by law to include occupancy limitations and the number and distribution of boarding houses, using the City of Lompoc's ordinances as a guideline.

Response 13.2: The Attorney General's 2003 opinion supports regulating or prohibiting boarding houses in R-1 neighborhoods. We recommend that boarding houses be prohibited in R-1 zoned areas. Obviously a San Diego definition of boarding house would have to be adopted before any regulation could take place. This would not entirely prohibit rentals in R-1 zones, just rental houses of a given number of individuals each of whom pays rent separately.

Response 13.3: If the existence of boarding houses in R-1 neighborhoods is permitted, we recommend the City consider restricting the number or distribution of boarding houses in R-1 neighborhoods. This would be similar to a draft code in the City of Murietta which sets a separation limit between boarding/sober living or similar types of houses.

¹ §131.0447 – **Maximum Paving and Hardscape in Residential Zones** – Within the required front yard of the RE and RS zones, the amount of paving and hardscape, including architectural projections, is limited to 70 percent of the total required yard. (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Recommendation to Establish a Permanent CACC Committee on Nuisance Rental Housing Properties

The Committee believes that local residents would benefit by the formation of a permanent working committee of the College Area Community Council to address issues related to nuisance rental housing properties in the College Area. A permanent committee could facilitate communications between local residents and the City Council; provide research, information and resources of interest to the local community; serve as the CACC's liaison to the Community Assisted Party Plan (CAPP) program and other needs as needed.

We recommend that the CACC establish a permanent committee to address issues related to nuisance rental housing properties.

CAPP Program Report

The Committee met with Shelly Olson-Hill, Mid-City CAPP Coordinator for the San Diego Police Department. Here is a summary of our findings, based upon our consultation with Officer Olson-Hill:

1. Although the name of the CAPP program has been changed from "College Area Party Plan" to "Community Assisted Party Plan," the program itself has not changed.
2. The procedures have been clarified such that the petition signers to initiate a CAPPED house must live within "reasonable proximity" of the problem house as opposed to "adjacent" to the problem house.
3. Any one of three conditions can result in CAPPING a house:
 - a. Five signers of a petition to CAPP a house, subject to follow-up investigation by the SDPD, or
 - b. Two police responses to a problem house within a 30-day period, or
 - c. Police response resulting in immediate citations or arrests at a problem house.
4. Problem houses remain CAPPED for a period of one year.
5. SDSU and SDPD are working exceptionally well together in response to calls in service.
6. Mid-City SDPD and Officer Olson-Hill are collaborating with District 7 Council staff to provide landlord orientation and training sessions.
7. Mid-City SDPD and Officer Olson-Hill are considering ways to require property owners to notify new tenants that the house they are renting has been CAPPED.