



DATE: December 10, 2008
TO: Honorable Mayor and City Councilmembers
FROM: Development Services Department/Planning Division
SUBJECT: **REPORT ON REGULATING RESIDENTIAL HIGH OCCUPANCY/ MINI-DORMS THROUGHOUT THE CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends that the City Council direct staff to initiate a Zone Amendment to modify the Zoning Ordinance in a manner that clarifies that "Mini-Dorms" are prohibited in single-family neighborhoods and bring the item back within 60 days.

BACKGROUND

On August 13, 2008, the City Council directed staff to research and provide a report on potential avenues to consider when implementing regulatory oversight on High Density Residential Occupancies more commonly referred to as "Mini-Dorms" within Single-Family Residential Neighborhoods.

"Mini-Dorms" are single-family dwelling units occupied by multiple adults, which through unconventional development patterns and a variety of disturbance issues are adversely affecting local single-family dwelling unit neighborhoods.

Staff has reviewed the current Zoning Ordinance and has determined that provisions contained within Article 10 and Article 30 already provide adequate regulation of higher occupancies typically associated with "Mini-Dorms". However, these provisions could be slightly modified to provide better clarity on occupancy restrictions.

The Oceanside Zoning Ordinance Article 10 Residential Districts currently establishes land use regulations for the RE (Residential Estate), RS (Single-Family Residential), RM (Medium Density Residential), RH (High Density Residential), and RT (Residential Tourist) zone districts, and identifies the specific purposes of residential districts as follows:

- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.

Single-family residential uses are permitted within all Residential Zone Districts noted in Article 10 as follows:

(C) "Rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit."

The Oceanside Zoning Ordinance (Article 30 Section 3012 Maximum Dwelling Unit Occupancy) also establishes the following land use regulation dealing with occupancies:

3012 Maximum Dwelling Unit Occupancy

To ensure consistency with the density policies of the General Plan and with the rights of individuals living as a household but not related by blood or marriage, occupancy by persons living as a single household in a dwelling unit shall be limited as follows:

A. A dwelling unit shall have 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant to a maximum of 20. In no case shall a dwelling unit be occupied by more than 20 persons.

B. a Use Permit, approved by the City Planner, shall be required for occupancy of a dwelling unit by more than 10 persons 18 years or older. The City Planner shall not issue a Use Permit unless evidence is presented that all vehicles used by occupants will be stored on the site in conformance with the provisions of this ordinance.

ANALYSIS

"Mini-Dorms" are single-family dwelling units occupied by multiple adults, which through unconventional development patterns and a variety of disturbance issues are adversely affecting local single-family dwelling unit neighborhoods. In order to address the ever increasing use of single-family dwelling units for high-density residential occupancies, staff has determined that regulation through implementation of a Use Permit and adding a definition of "Rooming House" to the Zoning Ordinance would provide adequate oversight of single-family dwelling units while not outright prohibiting property owners from renting out their properties. Enforcement of violations of the existing and proposed zone amendments would be conducted through the Neighborhood Services Department Code Enforcement Division upon receipt of a complaint, and on a case-by-case basis.

Staff has researched four jurisdictions that implement regulations to ensure that the characteristics and context of the single-family dwelling unit are not eroded through the creation of higher density occupancies. Compiled below is information from four jurisdictions researched, along with the details of the various methods implemented to regulate high residential occupancies.

(1) The City of Orange:

Currently the City of Orange regulates high residential occupancy by simply defining “boarding house” as: three or more rooms rented under three or more separate rental agreements. “Boarding House” uses are permitted within all but two residential zone districts. The two districts that allow “Boarding House” uses are for multifamily neighborhoods and require the approval of a conditional use permit. If a code enforcement case is activated based upon a complaint that a given residential structure is being utilized as a “Boarding House”, an investigation and site visit is conducted to obtain evidence and apply appropriate corrective measures if determined that a “Boarding House” exists. Enforcement based upon the public records for the City of Orange concludes that enforcing occupancy restrictions in a single dwelling unit is difficult at best. It should be noted that there have been no legal challenges to this code requirement which was last updated in 1995.

(2) The City of Lompoc:

The City of Lompoc follows a similar regulatory framework as the City of Orange by simply redefining “Rooming House”. Lompoc’s Zoning Ordinance defines this as follows:

“Rooming House — Rooming house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Rooming house includes boarding house and lodging house.”

The State Attorney General’s office has found this provision to be sound. On March 19, 2003, Attorney General Bill Lockyer concluded that a city may prohibit, limit, or regulate the operation of a boarding house or rooming house business in a single-family home located in a low-density residential (R-1) zone in order to preserve the residential character of the neighborhood. It was further concluded that constitutional issues of the right to privacy or right of association could not be raised by any member of the public because the ordinance would be directed at the commercial use of the property that is inconsistent with the residential character of the neighborhood and which is unrelated to the identity of the users.

(3) The City of San Diego:

The City of San Diego, on the other hand, has amended their Land Development Code through Ordinance and created a specific “Rooming House Ordinance”, as well as a “Residential High Occupancy Permit Ordinance”. Both ordinances together were developed to ensure that commercial overuse of dwelling units in single-family residential zone districts does not occur. The amended code also calls for aggressive enforcement and regulatory oversight of high occupancies in an overlay area referred to as the College Impact Area. Both ordinances combined provide for cost-recovery for

implementation through annual permit requirements and allows for fee waivers for certain financial hardships. Both Ordinances have been attached for review.

(4) The City of San Marcos:

The City of San Marcos enacted a Rooming House Ordinance and Rooming House Permit similar to the City of San Diego, which mirrored Lompoc's Rooming House definition. The San Marcos Municipal Code was amended in a manner that defined what a Rooming House is, established professional property management requirements for such, and added the use to a list of uses requiring a major use permit.

Based upon the review of the above four jurisdictions that implement some form of regulatory oversight of high density residential occupancies within single-family dwelling units, staff recommends that the current zoning ordinance be modified as follows:

1. A current Zoning Ordinance section exists (OZO 1040(C)) which allows a maximum of two rooms that can be rented in a "housekeeping unit."

Staff recommends that the language of this section be edited to remove the reference to a housekeeping unit and replace that term with "dwelling unit." This will remove ambiguity for enforcement purposes and create consistent terminology in this section of the Code.

2. A current Zoning Ordinance section exists (OZO 3012.B) which requires a Use Permit for dwellings with more than 10 adults, and which limits the total number of occupants to 20.

Staff recommends that the threshold requirement for the Use Permit be modified to require a Use Permit when more than 6 adults reside in a single dwelling unit, and that a specific off-street parking requirement of one space per adult be added. The reduction to 6 adults corresponds to the group home allowance in single-family residential zones. The Use Permit will be referenced as a *Residential High Occupancy Permit* to be renewed on an annual basis.

3. In order to establish clarity among differing types of group housing arrangements, staff recommends that definitions for boarding houses, rooming houses, dormitories, fraternities, and sororities be added to the Zoning Ordinance. In particular, it is recommended that "rooming houses" be defined as: *A dwelling unit that is rented, leased, let or hired under three or more separate oral or written leases, subleases, or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.*

4. Staff also recommends the following addition to Zoning Ordinance section 420 which will provide more clarity for overall enforcement purposes: *Any new use, or any use that cannot be clearly determined to be in an existing use classification is prohibited. Provided, however, that any new use may be incorporated into the zoning regulations by a Zoning Ordinance text amendment, as provided in Article 45.*

FISCAL IMPACT

The implementation of revisions to current Oceanside Zoning Ordinance regulations would have minor staffing impacts with respect to potential increases in code enforcement activity to investigate each complaint, but in time should draw down as the general public learns of the code requirements.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The City Attorney's office has participated in the discussions regarding regulation of residential high occupancies referred to as "Mini Dorms", and will continue to provide legal support for any Zone Amendments or other direction given by Council.

RECOMMENDATION

Staff recommends that the City Council direct staff to initiate a Zone Amendment and Local Coastal Program Amendment to modify the Zoning Ordinance in a manner that regulates "Mini-Dorms" within single-family neighborhoods.

PREPARED BY:



Richard Greenbauer
Senior Planner

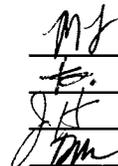
SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner
David Manley, Neighborhood Services Division Manager



ATTACHMENTS:

1. City of Lompoc Ordinance No. 1483(03)
2. Attorney General Opinion on Regulating Rooming Houses
3. City of San Diego Ordinances 19739, 19704

ORDINANCE NO. 1483 (03)

AN ORDINANCE OF THE CITY OF LOMPOC AMENDING
SECTION 7020 OF THE ZONING ORDINANCE TO
REDEFINE "ROOMING HOUSE" (TA 03-01)

THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. That Section 7020 of the Lompoc City Code defining "Rooming House" is hereby amended to read as follows:

"Rooming House -- Rooming house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Rooming house includes boarding house and lodging house."

SECTION 2. This Ordinance is effective on the thirty-first day after its adoption.

PASSED AND ADOPTED on June 24, 2003, by the following electronic vote:

AYES: Councilmember: DeWayne Holmdahl, Janice Keller, Will Schuyler,
Michael Siminski, and Mayor Dick DeWees.

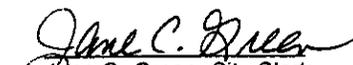
NOES: Councilmember: None.

ABSENT: Councilmember: None.



Dick DeWees, Mayor
City of Lompoc

ATTEST:


Jane C. Green, City Clerk
City of Lompoc

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

BILL LOCKYER
Attorney General

OPINION	:	No. 01-402
	:	
of	:	March 19, 2003
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
ANTHONY S. Da VIGO	:	
Deputy Attorney General	:	
	:	

THE HONORABLE SHARON D. STUART, CITY PROSECUTING ATTORNEY, CITY OF LOMPOC, has requested an opinion on the following question:

May a city prohibit, limit or regulate the operation of a boarding house or rooming house business in a single family home located in a low density residential (R-1) zone, where boarding house or rooming house is defined as a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence?

CONCLUSION

A city may prohibit, limit or regulate the operation of a boarding house or rooming house business in a single family home located in a low density residential (R-1) zone, where boarding house or rooming house is defined as a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence, in order to preserve the residential character of the neighborhood.

ANALYSIS

A city proposes to enact an ordinance prohibiting the operation of a boarding house or rooming house business in a single family home located in a low density residential (R-1) zone. A boarding or rooming house business would be defined under the ordinance “as a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence.”¹ We are asked whether the ordinance would be valid. We conclude that a city may prohibit the operation of boarding house businesses in a low density residential zone in order to preserve the residential character of the neighborhood.

It is now well settled that a city has broad authority to adopt zoning ordinances to protect the public health and general welfare of its residents. (See Cal. Const., art. XI, § 7; Gov. Code, §§ 65800-65912; *Euclid v. Ambler Co.* (1926) 272 U.S. 365, 386-395; *Miller v. Board of Public Works* (1925) 195 Cal. 477, 484-488.) Municipalities may establish strictly private residential districts as part of a general comprehensive zoning plan. (*Wilkins v. City of San Bernardino* (1946) 29 Cal.2d 332, 337-338; *Fourcade v. City and County of San Francisco* (1925) 196 Cal. 655, 662; *Sutter v. City of Lafayette* (1997) 57 Cal.App.4th 1109, 1131.)² “[M]aintenance of the character of residential neighborhoods is

¹ A rooming house typically does not provide meals or cooking facilities. For our purposes, however, a rooming house business would be subject to the same analysis as a boarding house business and will thus be included in the term “boarding house” throughout this opinion.

² We may assume for purposes of this opinion that the proposed ordinance would be consistent with the city’s general plan. (Gov. Code, § 65860; cf. *Ewing v. City of Carmel-by-the-Sea* (1991) 234 Cal.App.3d 1579, 1589; see also 81 Ops.Cal.Atty.Gen. 57, 57-61 (1998).) We may also assume that the ordinance would be consistent with state law prohibiting certain group homes from being considered “boarding houses.” (See Health & Saf. Code, §§ 1500-1567.9; *Hall v. Butte Home Health, Inc.* (1997) 60 Cal.App.4th 308, 318-322;

a proper purpose of zoning.” (*Ewing v. City of Carmel-by-the-Sea, supra*, 234 Cal.App.3d at p. 1590.)

More specifically, the courts of this state have stated that the operation of boarding house businesses may be excluded from a residential zone. (*City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, 133 [“To illustrate, ‘residential character’ can be and is preserved by restrictions on transient and institutional uses (hotels, motels, boarding houses, clubs, etc.”)]; *City of Chula Vista v. Pagard* (1981) 115 Cal.App.3d 785, 792; see also *Seaton v. Clifford* (1972) 24 Cal.App.3d 46, 51 [“the maintenance of a commercial ‘boarding house,’ . . . which in essence is providing ‘residence’ to paying customers, is not synonymous with ‘residential purposes’ as that latter phrase is commonly interpreted in reference to property use”].) With respect to zoning matters, “[t]he term ‘residential’ is normally used in contradistinction to ‘commercial’ or ‘business.’” (*Sechrist v. Municipal Court* (1976) 64 Cal.App.3d 737, 746.)

“There is no question but that municipalities are entitled to confine commercial activities to certain districts [citations], and that they may further limit activities within those districts by requiring use permits.” (*Sutter v. City of Lafayette, supra*, 57 Cal.App.4th at p. 1131.) “Many zoning ordinances place limits on the property owner’s right to make profitable use of some segments of his property.” (*Keystone Bituminous Coal Assn. v. DeBenedictis* (1987) 480 U.S. 470, 498.) Here, the proposed ordinance would allow property owners to rent to boarders under one or two separate rental agreements. The owners would not be denied all commercial use of their properties. (See *Ewing v. City of Carmel-by-the-Sea, supra*, 234 Cal.App.3d at pp. 1592-1593.)³

In short, preserving the residential character of a neighborhood is a legitimate government purpose that may be reasonably achieved by prohibiting commercial enterprises such as operating a boarding house business. (See *Euclid v. Ambler Co., supra*, 272 U.S. at pp. 394-395; *City of Santa Barbara v. Adamson, supra*, 27 Cal.3d at p. 133; *Miller v. Board of Public Works, supra*, 195 Cal. at p. 493; *College Area Renters & Landlord Assn. v. City of San Diego* (1996) 43 Cal.App.4th 677, 687; *Ewing v. City of Carmel-by-the-Sea, supra*, 234 Cal.App.3d at pp. 1590-1592; *City of Chula Vista v. Pagard, supra*, 115 Cal.App.3d at pp. 792, 799-800.)

City of Los Angeles v. Department of Health (1976) 63 Cal.App.3d 473, 477-481; 76 Ops.Cal.Atty.Gen. 173, 175 (1993.)

³ Of course, the proposed ordinance would apply only to the city’s low density residential (R-1) zone and not to multiple dwelling zones or other zoning districts of the city.

The proposed ordinance would not raise constitutional issues of the right of privacy or right of association since it would allow any owner of property to rent to any member of the public and any member of the public to apply for lodging. The proposed ordinance would be directed at a commercial use of property that is inconsistent with the residential character of the neighborhood and which is unrelated to the identity of the users. The courts have approved a distinction drawn that is based upon the commercial use of property by owners in a restricted residential zone. (See *City of Santa Barbara v. Adamson*, *supra*, 27 Cal.3d at pp. 129-134; *Coalition Advocating Legal Housing Options v. City of Santa Monica* (2001) 88 Cal.App.4th 451, 460-464; *College Area Renters & Landlord Assn. v. City of San Diego* (1996) 43 Cal.App.4th 677, 686-687; *Ewing v. City of Carmel-by-the-Sea*, *supra*, 234 Cal.App.3d at pp. 1595-1598; *City of Chula Vista v. Pagard*, *supra*, 115 Cal.App.3d at pp. 791-793, 798.)

We reject the suggestion that the relatively few number of boarders prohibited under the proposed ordinance would prevent the ordinance from being upheld by a court. In *City of Santa Barbara v. Adamson*, *supra*, 27 Cal.3d 123, the Supreme Court indicated that operating boarding house businesses could be prohibited to preserve the residential character of a neighborhood without specifying that the businesses had to be of a particular size. (*Id.* at p. 133.) Of course, the greater the number of boarders who would occupy a single family dwelling, the more likely the residential character of the neighborhood would be threatened. (See *Ewing v. City of Carmel-by-the-Sea*, *supra*, 234 Cal.App.3d at p. 1591.) Without question, operating a boarding house for 20 or 30 boarders would undermine a neighborhood's residential character. Here, the proposed ordinance would prohibit a boarding house business operated for only three boarders. And, as previously observed, the proposed ordinance would allow commercial use of a property if only one or two boarders were renting rooms from the owner. What is the standard of review for evaluating such a legislative determination as to the allowable size of a boarding house business in a restricted residential zone?

“ “[A]s is customary in reviewing economic and social regulation, . . . courts properly defer to legislative judgment as to the necessity and reasonableness of a particular measure.” [Citation.]” (*Hall v. Butte Home Health, Inc.*, *supra*, 60 Cal.App.4th at p. 322.) “[C]ourts ordinarily do not consider the motives behind legislation, including local legislation [citations], nor do they second-guess the wisdom of the legislation [citations].” (*Sutter v. City of Lafayette*, *supra*, 57 Cal.App.4th at p. 1128.) “In enacting zoning ordinances, the municipality performs a legislative function, and every intendment is in favor of the validity of such ordinances. [Citations.]” (*Lockard v. City of Los Angeles* (1949) 33 Cal.2d 453, 460.) The ordinance will be upheld so long as the issue is “ ‘at least debatable.’ ” (*Minnesota v. Clover Leaf Creamery Co.* (1981) 449 U.S. 456, 464; see *Sutter v. City of Lafayette*, *supra*, 57 Cal.App.4th at p. 1133; *Ewing v. City of Carmel-by-the-Sea*,

supra, 234 Cal.App.3d at pp. 1587-1588; *Cotati Alliance for Better Housing v. City of Cotati* (1983) 148 Cal.App.3d 280, 291-292.) In *Ewing v. City of Carmel-by-the-Sea*, *supra*, 234 Cal.App.3d 1579, the court summarized the applicable principles with respect to drawing lines of distinction in adopting zoning regulations:

“. . . Line drawing is the essence of zoning. Sometimes the line is pencil-point thin—allowing, for example, plots of one-third acre but not one-fourth; buildings of three floors but not four; beauty shops but not beauty schools. In *Euclid*, the Supreme Court recognized that ‘in some fields, the bad fades into the good by such insensible degrees that the two are not capable of being readily distinguished and separated in terms of legislation.’ (*Euclid v. Ambler Co.*, *supra*, 272 U.S. at p. 389.) Nonetheless, the line must be drawn, and the legislature must do it. Absent an arbitrary or unreasonable delineation, it is not the prerogative of the courts to second-guess the legislative decision. [Citations.]” (*Id.* at p. 1593.)

It is “at least debatable” that prohibiting boarding house businesses operated for as few as three boarders in a low density residential zone is a reasonable exercise of legislative power. Given that boarding house businesses may be prohibited in low density residential zones, we cannot say, in the abstract, that the proposed ordinance would be “clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals or general welfare.” (*Euclid v. Ambler Co.*, *supra*, 272 U.S. at p. 395; cf. *Ewing v. City of Carmel-by-the-Sea*, *supra*, 234 Cal.App.3d at pp. 1591-1592.) The line as to the number of allowable boarders must be drawn somewhere, and here the city council may prohibit the operation of boarding house businesses with three or more boarders in order to preserve the residential character of the neighborhood.

We conclude that a city may prohibit, limit or regulate the operation of a boarding house or rooming house business in a single family home located in a low density residential (R-1) zone, where boarding house or rooming house is defined as a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence, in order to preserve the residential character of the neighborhood.

ATTACHMENT

3

(O-2008-61 Rev.)

ORDINANCE NUMBER O- 19739 (NEW SERIES)

DATE OF FINAL PASSAGE APR 23 2008

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 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; DIVISION 5, BY AMENDING SECTION 131.0522; DIVISION 6, BY AMENDING SECTION 131.0622; AND, 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 particularly in residential-single (RS) unit zones, has been a chronic and growing problem adversely impacting neighborhood quality, character, and livability incompatible with the purposes of both the RS unit zones and with the lower density RM-1 and RM-2 unit zones; and

WHEREAS, the commercial overuse of dwelling units particularly in RS unit zones, is more compatible with the dwelling types and developments with similar characteristics in higher density residential-multiple RM-3 and RM-4 unit zones; and

WHEREAS, commercial overuse generally refers to a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements, or where rooms are rented individually or separately, resulting in multiple, independent living units where

tenants do not share common access or financial responsibility for use of the dwelling unit as a whole. The former is commonly referred to as a rooming house; the latter as a defacto rooming house; and

WHEREAS, a variety of public outreach tools including media coverage, email blasts, mailed public notices, published public notices, a dedicated web page, and public announcements have been used to encourage community participation in the development of strategies to address "rooming houses" and to widely distribute information related to proposed strategies; and

WHEREAS, a variety of public meetings and hearings have been held to allow for community input and participation in the development of strategies to address "rooming houses" including two public discussion forums (September 2006 and May 2007), nearly twenty presentations at community planning group meetings, three Land Use and Housing Committee meetings (November 2006, March 2007, October 2007), one Code Monitoring Team meeting (August 2007), two City Council hearings (July and November 2007), one Planning Commission meeting (September 2007), and two Community Planners Committee meetings (September and November 2007), which resulted in participation by hundreds of local residents and community leaders; and

WHEREAS, on July 9, 2007, the City Attorney briefed City Council on rooming house ordinance law in California, centering on a 2003 California Attorney General opinion that validated a City of Lompoc rooming house ordinance because its intent was to preserve the residential character of single dwelling unit zoned neighborhoods and to prohibit commercialized overuse of dwelling units in those zones. City Council then voted unanimously to direct the City Attorney to draft a rooming house ordinance for the City of San Diego.

WHEREAS, on September 6, 2007, Planning Commission considered and deliberated a draft rooming house ordinance and voted unanimously to recommend that City Council adopt the ordinance with certain amendments suggested through public testimony; and

WHEREAS, on November 19, 2007, City Council considered and deliberated a draft rooming house ordinance that reflected amendments suggested by the Planning Commission, and then voted for additional amendments; and

WHEREAS, the City wishes to establish a rooming house ordinance to address the chronic and growing problem of commercial overuse of dwelling units particularly in RS unit zones, to preserve neighborhood quality, character, and livability, compatible with the purposes of RS unit zones and with lower density RM-1 and RM-2 zones, and to more appropriately locate rooming houses in neighborhoods with similar densities and characteristics compatible the use of a dwelling unit as a rooming house; NOW, THEREFORE,

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 Roof Sign [No change in text.]

Rooming house means a *dwelling unit* where three or more rooms are rented individually or separately, to tenants under separate rental agreements. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 USC section 3604 (f)) and the California Fair Housing Act (California Government Code section 12920 et seq.), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a *rooming house*.

School through Yard [No change in text.]

Section 2. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code [SDMC] is amended by amending section 113.0112 to read as follows:

§ 131.0112 Descriptions of Use Categories and Subcategories

- (a) [No change in text.]
 - (1) through (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 houses.* Dwellings where rooms are rented, individually or separately, resulting in multiple, independent living units where tenants do not share common access or financial responsibility for use of the *dwelling unit* as a whole. Pursuant to Section 127.0102(d), all *previously conforming rooming houses* shall be unlawful three years from the effective date of Ordinance O-2008-61.
 - (B) through (D) [No change in text.]
 - (4) through (11) [No change in text.]

- (b) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code [SDMC] is amended by amending section 131.0222 to read 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	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> [See Section 131.0112(a)(3)(A)]			-	-	-	-	-	-
<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 4. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code [SDMC] is amended by amending section 131.0322 to read 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> [See Section 131.0112(a)(3)(A)]	-	-
<i>Single Dwelling Units</i>	P ⁽¹⁾	P
Separately Regulated Residential Uses		
<i>Boarder & Lodger Accommodations</i>	-	L
Companion Units through Watchkeeper Quarters [No change in text.]		
Institutional through Signs [No change in text.]		

[No change in footnotes.]

Section 5. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code [SDMC] is amended by amending section 131.0422 to read 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.]																							
Residential																							
<i>Mobilehome Parks through Multiple Dwelling Units</i> [No change in text.]																							
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]																							
<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.]																							

Use Categories/ Subcategories	Zone Designator	Zones
-------------------------------	-----------------	-------

[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	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> [See Section 131.0112(a)(3)(A)]	-			-			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														
<i>Building Supplies & Equipment</i> [No change in text.]														
<i>Food, Beverages and Groceries</i>	-			-			P ⁽⁸⁾			P ⁽⁸⁾		P ⁽⁸⁾		
<i>Consumer Goods, Furniture, Appliances, Equipment through Pets and Pet Supplies</i> [No change in text.]														
<i>Sundries, Pharmaceuticals, & Convenience Sales</i>	-			-			P ⁽⁸⁾			P ⁽⁸⁾		P ⁽⁸⁾		
<i>Wearing Apparel & Accessories</i> [No change in text.]														
Commercial														
<i>Building Services through Off-site Services</i> [No change in text.]														
<i>Personal Services</i>							P ⁽⁸⁾			P ⁽⁸⁾		P ⁽⁸⁾		
<i>Assembly & Entertainment through Separately Regulated Commercial Services Uses</i> [No change in text.]														
Offices														
<i>Business & Professional through Government</i> [No change in text.]														
<i>Medical, Dental, & Health Practitioner</i>	-			-			P ⁽⁷⁾			P ⁽⁷⁾		-		
<i>Regional & Corporate Headquarters</i> [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.

Section 6. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code

[SDMC] is amended by amending section 131.0423 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.]

Section 7. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code

[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	2	3	1	1	1	2	1	2	1
	4th >>										
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> [See Section 131.0112(a)(3)(A)]		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																	
	1st & 2nd >>	CC-																	
	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>																			
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]		P	-	-	P	-	-	P	-	-	P	-	-	P	-	-	P	-	-
<i>Single Dwelling Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>		L	-	-	L	-	-	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.]																			

Section 8. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code

[SDMC] is amended by amending section 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 [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones								
	1st & 2nd >>	IP-			IL-			IH-		IS-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-
	4th >>	1	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> [See Section 131.0112(a)(3)(A)]		-	-	-	-	-	-	-	-	-
<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 9. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code

[SDMC] is amended by amending section 142.0525 to read as follows:

§ 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.]					
<i>Rooming house</i>	1.0 per tenant	0.75 per tenant	1.0 per tenant	0.05 per tenant	0.30 per tenant
<i>Boarder & Lodger Accommodations</i>	1.0 per two boarders or lodgers	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.]

(b) through (d) [No change in text.]

Section 10. 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 11. 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 12. 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
Marianne Greene
Deputy City Attorney

MG:mg
04/11/08
Or.Dept: City Attorney
O-2008-61 Rev.

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 15 2008

ELIZABETH S. MALAND
City Clerk

By Debbie Swanson-Cruz
Deputy City Clerk

Approved: 4-23-08
(date)

JSA
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

201 A
1/14

RECEIVED
CITY CLERK'S OFFICE
08 JAN 11 PM 12:51
SAN DIEGO, CALIF.

(O-2008-57 Rev. Version A)

ORDINANCE NUMBER O- 19704 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 29 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE LAND DEVELOPMENT CODE BY ADDING CHAPTER 12, ARTICLE 3, DIVISION 5, BY ADDING SECTIONS 123.0501, 123.0502, 123.0503, 123.0504, 123.0505 AND 123.0506; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTION 131.0422 TABLE 131-04B BY ADDING FOOTNOTE 11; AND BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 142.0520 TABLE 142-05B, ALL PERTAINING TO RESIDENTIAL HIGH OCCUPANCY PERMITS.

WHEREAS, single dwelling units occupied by multiple adult tenants, also commonly referred to as "mini dorms", have been identified as a threat to local communities due to a variety of negative impacts including, but not limited to, loud parties, noise, trash, parking impacts, and inconsistent physical development impacts; and

WHEREAS, a variety of public outreach tools including media coverage, email blasts, mailed public notices, published public notices, a dedicated web page, and public announcements have been used to encourage community participation in the development of strategies to address "mini dorms" and to widely distribute information related to proposed strategies; and

WHEREAS, a variety of public meetings and hearings have been held to allow for community input and participation in the development of strategies to address "mini dorms" including two public discussion forums (September 2006 and May 2007), individual community

planning group meetings, three Land Use and Housing Committee meetings (November 2006, March 2007, October 2007), two Code Monitoring Team meetings (April and August 2007), two City Council hearings (July 2007), one Planning Commission meeting (September 2007), and one Community Planners Committee meetings (September 2007), which resulted in participation by hundreds of local residents and community leaders; and

WHEREAS, the City Council adopted the Administrative Enforcement Remedies Ordinance (O-19579) in February 2007, to update the City's penalty fine amounts, grant authority for broader use of administrative citations, and clarify language to allow for greater cost recovery in enforcement cases; and

WHEREAS, on March 7, 2007, the City Council Committee on Land Use and Housing supported a pilot program for issuance of \$1000 administrative citations by the Mid City Division of the San Diego Police Department for noise violations related to loud parties and loud music violations of San Diego Municipal Code Sections 59.5.0501 and 59.5.0502, which has proven to be a critical component of the City's strategy for a more aggressive code compliance program by helping to reduce the number of noise violations, and therefore is planned for expansion to address noise violations citywide; and

WHEREAS, on July 9, 2007, the City Council introduced an ordinance regulating physical development of single dwelling units and requested that staff draft an ordinance to regulate high occupancy single dwelling units as part of a multi faceted strategy to address mini dorms including a more aggressive enforcement program, greater cost recovery, code amendments to address inconsistent physical development, and other ordinance options such as a rooming house ordinance and/or residential high occupancy permit; and

WHEREAS, on July 24, 2007, the City Council adopted ordinance (O-19650) regulating the physical development of single dwelling units to prevent inconsistent physical development commonly associated with mini dorms such as a large number of bedrooms per dwelling unit, excessive hardscape, inadequate parking, and development out of scale with the existing lot size and the surrounding neighborhood; and

WHEREAS, the parking requirement for a single dwelling unit is two parking spaces citywide, except for single dwelling units with five or more bedrooms located in the campus impact area of the parking impact overlay zone where the requirement is one parking space per bedroom, which does not account for the associated occupancy or number of vehicles per dwelling unit; and

WHEREAS, the purpose of the Residential High Occupancy Permit ordinance is to ensure that high occupancy single dwelling units with six or more adult occupants (age 18 and older) residing for a period of 30 or more consecutive days provide adequate parking, including one parking space per adult occupant less one parking space; and

WHEREAS, the intent of this ordinance is to preserve community character in single dwelling units zones consistent with the RS (Residential-Single Unit) zones which are intended to “accommodate a variety of lot sizes and residential dwelling types” and “promote neighborhood quality, character, and livability”; and

WHEREAS, the proposed ordinance would regulate similarly situated properties the same, provide equal protection for rental and owner occupied single dwelling units, and accommodate housing needs of non-family groups in single dwelling units in accordance with state and federal law;

WHEREAS, the proposed ordinance has been reviewed and considered by various interest groups and organizations as well as by the Code Monitoring Team, Community Planners Committee, and Planning Commission; and

WHEREAS, on September 6, 2007, the Planning Commission recommended approval of the Residential High Occupancy Permit ordinance to the City Council; and

WHEREAS, on November 19, 2007, the City Council conducted a first reading of the proposed ordinance and a majority adopted a motion directing that the ordinance be revised prior to the second reading to incorporate a permit fee waiver for economic hardship in order to accommodate groups that live in high occupancy units out of economic need; and

WHEREAS, adoption of the Residential High Occupancy Permit Ordinance as so revised, would establish an annual permit, with an annual fee and inspections, that would allow for revocation of the permit in case of administrative enforcement actions, and that would allow for a fee waiver for economic hardship based on the Area Median Income; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 12, Article 3, Division 5, is added by adding Sections 123.0501, 123.0502, 123.0503, 123.0504, 123.0505, and 123.0506 to read as follows:

Article 3: Zoning
Division 5: Residential High Occupancy Permit

§123.0501 Purpose of Residential High Occupancy Permit

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

§123.0502 When a Residential High Occupancy Permit Is Required

- (a) A Residential High Occupancy Permit is required for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.
- (1) Prior to the rental or sale of a *single dwelling unit*, the property owner shall disclose the requirement for a Residential High Occupancy Permit to prospective tenants or buyers.
- (2) The Residential High Occupancy Permit requirement shall apply to a *single dwelling unit* described in Section 123.0502(a) regardless of whether six or more persons eighteen years of age and older resided in the *dwelling unit* prior to the effective date of this ordinance.
- (b) Housing for senior citizens, residential care facilities, and transitional housing facilities are exempt from the requirement for a Residential High Occupancy Permit, but are otherwise subject to the use regulations in Chapter 14, Article 1.

§123.0503 How to Apply for a Residential High Occupancy Permit

- (a) Within 30 days of an increase in *single dwelling unit* occupancy that results in six or more persons eighteen years of age and older residing in a *single dwelling unit* for a period of 30 or more consecutive days, a property owner shall apply for a Residential High Occupancy Permit in accordance with Section 112.0102.
- (b) The Residential High Occupancy Permit application and applicable fees shall be resubmitted annually by the property owner to ensure compliance with the provisions of this division.
- (c) A fee waiver for economic hardship may be requested with the permit application and shall be granted in accordance with Process One where a property owner demonstrates to the satisfaction of the City Manager that their annual income is less than the Area Median Income.
- (d) It is unlawful for any Responsible Person to violate any requirement of this Division.

§123.0504 Decision on a Residential High Occupancy Permit

- (a) A decision on an application for a Residential High Occupancy Permit shall be approved in accordance with Process One.
- (b) The applicant shall demonstrate on submitted plans that one off-street parking space per occupant eighteen years of age and older, less one will be accommodated on the *premises*. In cases where an occupant eighteen years of age and older does not have a vehicle or a valid driver's license, the *applicant* shall provide evidence to the satisfaction of the City

Manager to demonstrate the need for a lower parking requirement, which shall be documented in the permit record.

- (c) In case of conflict between the requirements of this section and the Parking Impact Overlay Zone, the higher of the applicable parking requirements shall apply.
- (d) Parking spaces shall conform to regulations in Chapter 14, Article 2.

§123.0505 Issuance of a Residential High Occupancy Permit

- (a) The City Manager shall issue the Residential High Occupancy Permit when the required fees have been paid (or a fee waiver is granted), a copy of the lease agreement(s) has been provided where applicable, and the permit has been approved.
- (b) A Residential High Occupancy Permit shall not be issued to a property with a pending code violation case.
- (c) The permit shall be valid for a 12 month period, except that an increase in occupancy or the number of vehicles in excess of that authorized under the permit shall require a new permit application and fees.

§123.0506 Enforcement and Administrative Remedies

- (a) Violations of this Division are subject to the judicial and administrative enforcement remedies identified in Section 121.0311 of this Code.
- (b) Violations of this Division may also result in the revocation of a previously approved Residential High Occupancy Permit, in the event of two or more code violations, within the last twelve months, have been

determined to exist either prior to or pursuant to the final adjudication of any of the enforcement remedies available under Section 123.0311 of this Code.

Section 2. That Chapter 13, Article 1, Division 4, is amended by amending Section 131.0422 Table 131-04B to read as follows:

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

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

**Table 131-04B
Use Regulations Table of Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																					
	1st & 2nd >>		RE-			RS-										RX-		RT-						
	3rd >>		1-			1-										1-		1-						
	4th >>		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Residential																								
Group Living Accommodations	-																		-		-			
Mobilehome Parks	-																		p ⁽¹⁾		p ⁽¹⁾			-
Multiple Dwelling Units	-																		-		-			
Single Dwelling Units	P																		p ⁽¹¹⁾		p ⁽¹¹⁾			p ⁽¹¹⁾
Separately Regulated Residential Uses																								
Boarder & Lodger Accommodations		L																	L		L			L
Companion Units		L																	L		L			L

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 >>	I-												I-		I-							
		4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Employee Housing:																								
6 or Fewer Employees		L	L												L	L								
12 or Fewer Employees		-	-												-	-								
Greater than 12 Employees		-	-												-	-								
Fraternities, Sororities and Student Dormitories		-	-												-	-								
Garage, Yard, & Estate Sales		L	L												L	L								
Guest Quarters		N	N												N	-								
Home Occupations		L	L												L	L								
Housing for Senior Citizens		C	C												C	C								
Live/Work Quarters		-	-												-	-								
Residential Care Facilities:																								
6 or Fewer Persons		P	P												P	P								
7 or More Persons		C	C												C	C								
Transitional Housing:																								
6 or Fewer Persons		P	P												P	P								
7 or More Persons		C	C												C	C								
Watchkeeper Quarters		-	-												-	-								

Footnotes for Table 131-04B

- 1 Development of a mobilehome park in any RS or RX zone is subject to Section 143.0302.
- 2 Development of a mobilehome park in the RM zones is subject to Section 143.0302.
- 3 This use is permitted only if as an accessory use, but shall not be subject to the accessory use regulations in Section 131.0125.
- 4 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- 5 Non-owner occupants must reside on the premises for at least 7 consecutive calendar days.
- 6 Two guest rooms are permitted for visitor accommodations per the specified square footage of lot area required per dwelling unit (maximum permitted density), as indicated on Table 131-04G.
- 7 See Section 131.0423(c).
- 8 See Section 131.0423(a).
- 9 See Section 131.0423(b).
- 10 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a premises of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.

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

Section 3. That Chapter 14, Article 2, Division 5, is amended by amending Section 142.0520 Table 142-05B to read as follows:

§142.0520 Single Dwelling Unit Residential Uses — Required Parking Ratios

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

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

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

Footnotes for Table 142-05B

- ¹ *Single dwelling units* that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall conform to Section 142.0525(c)(4).
- ² In campus impact areas, new *single dwelling unit development* with 5 or more *bedrooms* shall provide a minimum of 2 parking spaces in a garage. Where an existing garage is

proposed for conversion to habitable area, garage parking shall be replaced with an equivalent number of garage parking spaces on the *premises*.

Section 4. That a \$1000 application fee shall be adopted as part of this ordinance to cover administrative, plan check, and inspection costs associated with the Residential High Occupancy Permit.

Section 5. That this activity is adequately addressed by three previous environmental documents which include: "Amendments to Address Mini Dorms and Preserve the Character of RS Zones Project No. 129501, Addendum to EIR No. 96-0333"; "Revisions to Land Development Code Project No. 96-7897, Addendum to EIR No. 96-0333"; and "Land Development Code EIR No. 96-0333". There is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for the purposes of CEQA review pursuant to State CEQA Guidelines Section §15060(c)(3).

Section 6. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 7. That this ordinance shall take effect and be in force thirty days from and after its passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

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Section 8. That existing single dwelling units occupied by six or more adults age eighteen and older shall not be issued penalties for failure to submit application within the first six months from the effective date of the ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene

Marianne Greene

Deputy City Attorney

MG:als

01/11/08

Or.Dept:DSD

O-2008-57 Rev.

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 14 2008.

ELIZABETH S. MALAND
City Clerk

By Sara Richard
Deputy City Clerk

Approved: 1-29-08
(date)

JSA
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

ORDINANCE NO. 1483 (03)

AN ORDINANCE OF THE CITY OF LOMPOC AMENDING
SECTION 7020 OF THE ZONING ORDINANCE TO
REDEFINE "ROOMING HOUSE" (TA 03-01)

THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. That Section 7020 of the Lompoc City Code defining "Rooming House" is hereby amended to read as follows:

"Rooming House -- Rooming house means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Rooming house includes boarding house and lodging house."

SECTION 2. This Ordinance is effective on the thirty-first day after its adoption.

PASSED AND ADOPTED on June 24, 2003, by the following electronic vote:

AYES: Councilmember: DeWayne Holmdahl, Janice Keller, Will Schuyler, Michael Siminski, and Mayor Dick DeWees.

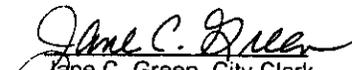
NOES: Councilmember: None.

ABSENT: Councilmember: None.



Dick DeWees, Mayor
City of Lompoc

ATTEST:



Jane C. Green, City Clerk
City of Lompoc

