

**COUNCIL RULES COMMITTEE ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: September 15, 2016

ORIGINATING DEPARTMENT: District 9

SUBJECT: "High Occupancy Single Family Dwelling Unit (aka College Area Community Character Preservation Ordinance) and Increased Code Enforcement Administrative Civil Penalties Ordinances Applicable Citywide and Within College Area."

COUNCIL DISTRICT(S): District 9

CONTACT/PHONE NUMBER: Tim Taylor / (619) 533-4774

DESCRIPTIVE SUMMARY OF ITEM:

This matter consists of two proposed ordinances. One contains amendments to the Land Development Code (Chapter 13, Article 1, Chapter 11, Article 3, Chapter 14, Article 2, and Local Coastal Program primarily to address the impacts of high occupancy home remodels/additions that are inconsistent with the character of the RS zones in the vicinity of San Diego State University (SDSU). The amendments would place certain limits on the development of larger single family homes in RS zones citywide, as well as additional limits on the development of larger single family homes in RS zones in the areas influenced by SDSU. The proposed standards involve the number of bedrooms, the number of off-street parking spaces, and amount of interior common area. In addition, a companion ordinance would amend Municipal Code Chapter 1, Article 2 to increase the maximum allowable administrative civic penalties for enforcement actions carried out by the City of San Diego for all San Diego Municipal Code violations citywide. The primary reason for adoption of the latter ordinance is to deal with citywide enforcement actions unrelated to high occupancy residences (see discussion on pages 7-9).

Should the City Council wish to delay the implementation of the proposed high occupancy dwelling ordinance, Council President Pro Tem Emerald will respectfully ask the City Council to adopt a moratorium on developments subject to the new rules. The purpose of this moratorium is to prevent a rush of home conversions in advance of the new proposed regulations becoming effective. A moratorium ordinance has not been drafted. However, draft findings have been prepared by staff pursuant to California Government Code 65858 (see attachment 4). If directed by the City Council, the City Attorney would prepare the appropriate ordinance.

STAFF RECOMMENDATION:

Staff recommends action by the Rules Committee, as follows:

Recommend, to the City Council, **approval** of the proposed code amendments, including Chapter 13, Article 1, Chapter 11, Article 3, Chapter 14, Article 2, Municipal Code Chapter 1, Article 2, and Local Coastal Program related to high

occupancy residential dwelling units and bedroom, off-street parking, and hardscape regulation in RS zones.

Recommend, to the City Council, **approval** of amendments to the San Diego Municipal Code to increase the maximum allowable administrative civic penalties for enforcement actions carried out by the City of San Diego for all San Diego Municipal Code violations citywide.

ENVIRONMENTAL REVIEW:

The proposed amendments were reviewed for consistency with the certified Land Development Code (LDC) Environmental Impact Report (EIR) No. 96-0333 and Addendum to EIR No. 96-0333 (Project No. 129501), in accordance with Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162. The proposed amendments would not result in new impacts or changed circumstances that would require a new environmental document. The previously certified Environmental Impact Report No. 96-0333 and Addendum to EIR No. 96-0333 (Project No. 129501) adequately covers the proposed amendments to the LDC and local coastal program for the purposes of CEQA.

PREVIOUS ACTIONS

Planning Commission:

As of this writing, the high occupancy dwelling ordinance was scheduled to be heard at the October 13, 2016 Planning Commission meeting.

Community Planners Committee (CPC):

As of this writing, the high occupancy dwelling ordinance was scheduled to be heard on September 27, 2016. Staff will report on the outcome of that hearing.

Technical Advisory Committee (TAC)/Code Monitoring Team:

The TAC reviewed the proposals on July 13, 2016 and August 10, 2016. The TAC voted 3-1-7 to recommend the City Council adopt some of the regulations proposed at that time, and not adopt others. The ordinance before the Rules Committee has been modified to address many of the concerns expressed by the TAC (see attachment A for details).

City Council Rules Committee:

On April 11, 2016, the Rules Committee voted 4-1 to direct the City Attorney to draft an ordinance addressing high occupancy dwellings in the vicinity of San Diego State University. Such an ordinance has been drafted. In addition, a companion ordinance has been drafted, based on the recommendation of the Development Services Department that would increase the maximum allowable administrative civic penalties citywide. This action is to review these ordinances and make recommendations to the City Council on their potential adoption.

City Council:

At a public hearing on November 2, 2015 regarding high occupancy dwellings in the vicinity of San Diego State University, the City Council heard testimony and voted 9-0 to direct this issue to the appropriate Council Committee.

BACKGROUND

The Impact of “Mini-Dorms” in the College Area

The neighborhoods around San Diego State University (SDSU) are being adversely impacted by the expansion and/or remodeling of existing single family homes to accommodate people eighteen years of age and older. In particular, many of these developments, commonly known as residential high occupancy dwelling units or “mini-dorms,” are significantly larger than the homes originally built in the College Area. This rapidly increasing housing type represents a commercialization of these single-family neighborhoods with development that is inconsistent with the bulk and scale and character of the single family homes in the community.

High occupancy housing in single family (RS zoned) neighborhoods in the College Area has been an issue for decades. The City has adopted legislation previously (see discussion under the ‘Draft Ordinances’ section). These ordinances have had some impact. The recession in 2008 and the corresponding decline in SDSU student enrollments had a greater effect in reducing mini-dorm impacts. For a few years, the number of mini-dorms remained static, and individual mini-dorms housed 5 on average.

Since SDSU increased its enrollment cap from 25,000 to 35,000 in 2007, the conversion of houses to high occupancy dwelling units has accelerated. Many of the recent conversions are for high occupancy dwelling units with 6 or more bedrooms. Homes originally built with 2 or 3 bedrooms and designed to accommodate a family are being expanded into residences intended for upwards of 12 or more persons 18 years of age and older. These high occupancy conversions are accomplished by various means, including adding square footage, converting the living room, garage, den, patio and even closets into bedrooms, and/or by subdividing existing bedrooms. These remodels typically involve paving over parts of the front, rear, and/or side yard to provide the required off-street parking. These types of conversions create a disincentive for the home to ever be converted back to traditional single family use.

Of the estimated 4,000 single family homes in the College Area RS zones, 813 have been identified as mini-dorms (not including traditional long term rentals or care facilities as permitted by State law). In the last 3 years, 135 new mini-dorms have been identified. The purpose of the RS zone is to provide for development of single dwelling units that promote neighborhood quality, character, and livability; the zone is intended to allow reasonable use of property while minimizing adverse impacts to adjacent properties. College Area neighborhoods are historically composed of three and four bedroom houses, and within San Diego County, only 4.5 percent of single-family homes have five or more bedrooms. Nationally, only four percent (4%) of all single family homes have five or more bedrooms (US Census, American Factfinder, 2010-2014 American Community Survey 5-Year Estimates, San Diego County). Of the 813 College Area mini-dorms, approximately 284 (35%) would be classified as high occupancy dwelling units, with 5 or more bedrooms, and with an average of 6 bedrooms. The number of residents can be

significantly higher than the number of bedrooms because of shared bedrooms and people sleeping in living rooms, dining rooms, family rooms, closets and garages.

While mini-dorms are concentrated in streets closest to SDSU, they are spread throughout the College Area, and beyond. The fact that up to 20% of the single family housing stock in the College Area is made up of minidorms does not adequately reflect their concentration in certain blocks. Several College Area blocks are made up of nearly 100% minidorms, and additional blocks face that outcome in the near future. The infrastructure of these neighborhoods was not built to accommodate the numbers of occupants that the larger minidorms contain and their concentration in certain areas.

Mini dorms can impair the quiet enjoyment of the surrounding homes within the RS zones by creating excessive trash, excessive noise, excessive demand for parking, and excessive paved areas for off-street parking. These problems create a drain on the resources of the City including the Police Department, Environmental Services, and the Code Enforcement Division. They may also necessitate action by SDSU, involving the campus police department, administrative disciplinary actions, and education and outreach to occupants of minidorms.

These developments and associated nuisance activities impact the quality of life in the neighborhood and the scale of the housing is incompatible with the character of the community. The residents of the College Area community are not at all opposed to having single family homes within the RS zones occupied by multiple persons 18 years of age and older. What they seek is assurance that home remodels are compatible with the existing single family character of their neighborhood. They want homes that are sized and configured so as to limit adverse aesthetic, noise, parking, and other impacts. Councilmember Emerald and the vested members of the community believe that the community is stronger with a mix of residents; with older adults, families, and college students all sharing a diverse community. They also believe that student residents will profit from living in a neighborhood that shares the character of the one they grew up in and the one they may end up in after graduating.

Authority to Regulate High Occupancy Units

The issue of student housing impacts on communities is not unique to the College Area of San Diego. Cities and universities in California and around the country have been challenged for decades by changes to residential neighborhood character generated by the redevelopment of such neighborhoods for student housing. When cities and/or universities manage the issue effectively, the result is attractive neighborhoods that benefit from, and enhance, the university (e.g., Harvard, University of Wisconsin-Madison). But when not managed, the result can be unsightly development, overcrowding, and a lack of diversity. Indeed, one of the classic studies in the subject of community development has been the recurring blight, revitalization, and resurgent blight around the University of Chicago dating back to the 1920's. In the short run, property values rise when investors purchase houses and modify them for high occupancy use, often paying cash and offering above-market prices. In the long run, however, as blight sets in and families move out, property values (and corresponding property tax revenues)

decline. In such circumstances, cities must spend far more public funds revitalizing these neighborhoods than they would have by managing the growth.

The California Attorney General has recognized a city's need to regulate residential uses to preserve the residential character of a neighborhood: "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" (Official Reports, No. 01-402, March 19, 2003).

Various California cities have adopted their own approaches for regulating the commercialization of residential zones. These cities include Berkeley, Davis, Riverside, San Luis Obispo, Santa Barbara, and Santa Cruz. Council District 9 and the College Area community have taken a look at the legislation utilized by other jurisdictions and have based this draft ordinance on ones that similarly address the problem.

DRAFT ORDINANCES

In 2007, after a period of rapid growth in the number of mini-dorms, the City adopted two ordinances, one to restrict the number of boarders permitted in a single family residence, and the second to regulate the number of automobiles per residence. Unfortunately, these regulations have not addressed the continued proliferation of minidorm construction, and the impacts of oversized minidorms. A consequence of former regulations has been the resulting large parking lots on the larger mini dorm properties. These parking lots not only create aesthetic impacts, they are out of character with the neighborhood, and they create opportunities for additional noise intrusion immediately adjacent to the homes and backyards of neighboring properties.

The purpose of the oversized housing ordinance that has been drafted by the City Attorney's Office, as directed by the Rules Committee and working with Council District 9, is to help ensure that houses built or remodeled in the College Area in the future are compatible with the area's neighborhood character, that they provide residential parking that does not adversely impact the surrounding neighborhood, and that they otherwise limit impacts to neighbors and the community.

Councilmember Emerald believes that this matter can be resolved without making significant changes to the Land Development Code. And, neither the Councilmember nor the permanent residents of the community desire to eliminate or markedly reduce housing opportunities for students attending SDSU. Therefore, the proposed ordinance is modest in scope, focusing on the large remodels that are substantially out of character with the types of residential development that have traditionally existed in the College Area. In order to avoid shifting the problem to other neighborhoods, the ordinance makes some changes citywide and applies others only to the College Area.

It should be noted that a new ordinances are just the first, albeit critical, step in preserving the single family neighborhoods near SDSU. The neighborhoods and SDSU are inextricably linked. Given the growth in SDSU and the changes in the area, the City

should consider options for adding sufficient residential units to accommodate the demand for student housing, especially near major transportation corridors. Additional attention should be paid to the regulation of traditional dormitories and minidorms as a land use. These actions require updating the community plan. The College Area Community Plan was last updated in 1987. Since then, much has changed. For example, SDSU has adopted a new master plan and the College Area Redevelopment Plan was made moot by the end of redevelopment agencies.

The following is a summary of the proposed ordinance addressing out of scale development in the College Area, with rationale.

Proposal #1: Reduce allowable off-street parking outside a garage.

In RS zones citywide, no more than four parking spaces are permitted outside a garage of on lots less than 10,000 square feet. The ordinance would require that the lot size calculation not include non-developable land (i.e. RS-1-1 zoned portions of lots with more than one zoning designation). There is no reason that more parking spaces should be allowed on a lot based on a lot's additional unbuildable area. This regulation would apply citywide.

The ordinance would limit the maximum number of parking spaces outside a garage on lots 10,000 square feet or greater to six. This would extend the existing regulation to larger lots with a corresponding larger limit on the maximum number of parking spaces. Large parking lots of more than six parking spaces are out of character with RS zoned parcels. Additional desired parking spaces may be located within a garage. This regulation would also apply citywide.

Proposal #2: Clarifies the definition of bedroom.

This citywide revision is intended to make it harder for persons who want to evade bedroom regulations by designing a room like a den or study with the intent to illegally convert the room to a bedroom.

Proposal #3: Reduce the maximum number of allowable bedrooms within College Area Community Plan area.

Currently, lots less than 10,000 square feet in RS zones citywide are limited to 6 bedrooms maximum. The ordinance would, within College Area Community Plan area, limit the number of bedrooms to five on lots less than 10,000 square feet and to six on lots 10,000 square feet or greater. In addition, it is proposed that the lot size calculations for the existing and proposed regulations not include RS-1-1 zoned portions of lots with more than one zoning designation. There is no reason that more bedrooms should be allowed on a lot based on additional unbuildable area.

The purpose of the proposed regulations is to limit the impact of oversized home conversions on the single family character of the neighborhoods in the College Area.

However, it is felt that lots with more buildable area can accommodate a sixth bedroom while still remaining within the community character.

Because minidorms have the greatest impact on the area around SDSU, Councilmember Emerald believes it is not necessary or desirable to have all of the proposed restrictions apply city-wide. The original proposal was to create a new overlay zone that also included the areas immediately south of El Cajon Boulevard. The Technical Advisory Committee (TAC) and City staff recommended that the defined area be the College Area Community Plan area (see attachment 1 for more discussion).

Proposal #4: Prohibit required parking spaces from being located within the first 30 feet of the front lot line within College Area Community Plan area.

The purpose is to eliminate the parking of vehicles in front of the home, which is unsightly and out of character with the existing single family community in the College Area. Such placement can block the front door or picture window of the home, which is atypical of the community, and can limit the safety afforded by having “eyes on the street.”

Proposal #5: Limit the combined gross floor area of all bedrooms to 60% of the gross square footage of the home within College Area Community Plan area.

High occupancy homes in the College Area are often created by converting dens, studies, living rooms, to bedrooms, thus reducing the amount of common area. The purpose of this proposal is to ensure that home are not remodeled such the potential for future ownership by those not needing a high occupancy configuration is precluded. This keeps open the potential for a variety of housing in the College Area, and avoids locking in a particular housing type that doesn't contribute to single family character. The 60% standard is very conservative. A 2013 survey of their single-family builder membership, by the National Association of Home Builders found that the average new home has less than 20% of its space devoted to bedrooms.

Proposal #6: Minor cleanup language

The ordinance contains some minor language modifications of a few existing related Land Development Code sections that apply both Citywide and within specific areas; these changes would add clarity and/or consistency but not change the existing requirements. The purpose of these changes is to clarify the code language and make it conform to the entire Land Development Code.

Proposal #7: Increased penalties and citations for code violations citywide

The drafted companion ordinance increases the maximum allowable civil penalties for enforcement actions carried out by the City for all San Diego Municipal Code violations citywide. The maximum administrative civil penalties would go from \$2,500 to \$10,000 per violation per day. The total maximum penalty per parcel or structure for related violations would go from \$250,000 to \$400,000.

The City of San Diego enacted the Administrative Remedies ordinance in 1993 to provide a wider range of enforcement tools and flexibility to code enforcement officials. At that time, penalty amounts were set with a graduating scale of \$100, \$250, \$500, \$750 and \$1000 per Administrative Citation, or a variable Administrative Civil Penalties that could be assessed up to \$1000 per day, per violation, but not to exceed a maximum of \$100,000. The ordinance enabled code enforcement officials to quickly address both large and small code violations without having to resort to prosecution via the City Attorney's Office. First-time or lower level offenses could be rectified quickly with warnings or smaller penalties, while higher fines were available for more significant violations or recalcitrant violators.

The ordinance was successful in resolving low level violations. However, the City recognized that a larger penalty was necessary to be effective against more significant violations. Early use of the larger penalties showed that the higher penalty rates were not a deterrent in all cases and that some accepted even the largest fines as a "cost of doing business." In 2003, the City raised the limit of Administrative Civil Penalties to \$2500 per day up to a maximum of \$250,000 in order to reinforce the deterrent effect against more significant violations.

In 2010, code enforcement officials once again found themselves in a situation where the upper end of civil penalties failed to adequately address certain violations. Illegal marijuana dispensaries began appearing in all areas of the City. The dispensaries were so profitable that even a threat of a \$250,000 fine was not a deterrent to their operation. In lieu of any other effective remedy, all of these cases needed to be submitted to the City Attorney's Office for prosecution. The number of cases given to the City Attorney soon taxed their resources and limited their ability to respond to other types of code enforcement cases. These cases continue to be a problem in the City and more options are needed to enforce against their illegal operation. Raising the maximum penalty amounts to \$10,000 with a maximum total of \$400,000 for Administrative Civil Penalties will provide another avenue of enforcement and relieve some of the pressure placed on City Attorney prosecutors.

Illegal marijuana dispensaries are not the only violation types that could result in the need for a higher level of penalties. The City needs an additional deterrent related to storm water violations, illegal grading, and the demolition of potential historical resources. The nature of these violations limits the City's ability to significantly penalize those found in violation. Administrative Civil Penalties and Administrative Citations are based upon a limited daily rate. In most cases, the violations above consist of a single day violation that may be fined no more than \$2500 under the present administrative process. This amount is not a significant deterrent if it allows the violator to avoid an expensive higher level permit process. For example, an owner of a potential historic resource could choose to demolish the structure without permits. Under the present ordinance they would be subject to a maximum \$2500 administrative penalty while avoiding a potential discretionary permit costing upwards of \$10,000. Similarly, in the case of storm water violations, a violator could pay a \$2500 administrative penalty as an alternative to spending potentially thousands of dollars in resources necessary to ensure continuing compliance with storm water regulations.

This ordinance change is not intended to raise penalty rates across the board for all violation types. It is intended to provide code enforcement officials with better administrative options to quickly and efficiently penalize significant violations and deter the expansion of those violations. The increased penalty amounts are reasonable given their intended application and not dissimilar to those enacted by the City of Los Angeles who authorized administrative penalties of between \$100 and \$256,000 per day dependent upon the severity and frequency of the violation. It should be noted that when determining the appropriate amount of Administrative Civil Penalties, code enforcement officials must still follow the significance factors listed in the Municipal Code. Raising the penalty amounts as requested provides an increased deterrent that is necessary but presently unavailable. In addition, it also assists in rebalancing the workload between City Attorney and Code Enforcement staff and enables the City to accomplish more with its existing code enforcement resources.

Conclusion:

Council President Pro Tem Emerald and her constituents in the College Area believe that the proposed legislation is needed to prevent the College Area from reaching a tipping point with regard to single family residential character. Passing this tipping point may mean that the single family residential character in this vital community has been lost forever.

Therefore, it is recommended that the Rules Committee forward the Regulations attached to the City Council with a recommendation that they be adopted.

ALTERNATIVES

The Rules Committee may recommend to the City Council that it not adopt the ordinances or that it adopt ordinances with modifications.

Respectfully submitted,

**Marti Emerald
Council President Pro Tem
Councilmember 9th District**

**Tim Taylor
Chief Policy Advisor
Council District 9**

ME/TPT

Attachments:

1. Technical Advisory Committee Recommendations
2. Draft Strikeout/underline of the Regulations
3. Map of College Area Community Plan area
4. Draft Moratorium Findings

TECHNICAL ADVISORY COMMITTEE (TAC)

The Technical Advisory Committee and Code Monitoring Team reviewed the proposal on July 13, 2016 and August 10, 2016. The TAC voted 3-1-7 to recommend the City Council adopt some of the regulations. The following details how the ordinance before the Rules Committee has been modified to address most of the concerns expressed by the TAC.

1. Increases in the maximum allowable amount of fines for penalties associated with enforcement actions citywide (see summary on page 7 for details).

The TAC supported this proposal.

2. Creating a new College Area Impact Overlay zone.

The TAC and City staff recommended that any focused regulatory area should be based on an existing defined boundaries. There was discussion of using the existing Parking Overlay Zone around SDSU (Attachment 3). The TAC indicated that using the College Area Community Plan area (Attachment 2) would be superior because the Parking Impact Overlay Zone is only for the purpose of controlling on-street parking and there are other Parking Impact Zones, and also the College Area Community Plan area has undergone environmental analysis specific to its boundaries.

The Ordinance has been revised to incorporate this recommendation.

3. Bedroom Limits

The TAC supported applying 6 bedroom maximum to all RS lots in College Area, in addition to the existing 6 bedroom limit on lots less than 10,000 square feet citywide.

The ordinance applies a five bedrooms limit to lots of less than 10,000 square feet in RS zones within College Area Community Plan. It incorporates the TAC recommendation with regard to lots of 10,000 square feet or more.

- Excluding RS-1-1_zoned portions (i.e. environmentally sensitive lands) of RS lots with more than one zoning designation when applying the above lot size calculations.

To address the TAC's concerns with this language creating confusion with rules that only apply in a single area, this has been changed to from the College Area to Citywide.

- Limiting the combined gross floor area of all bedrooms to 60% of the gross square footage of the home.

The TAC did not support. This has been retained.

- Creating a new definition for bedrooms.

The TAC did not support due to need for additional clarification. This definition has been modified in response to TAC concerns.

4. Off-street parking

The TAC recommended that the proposed maximum number of parking spaces outside a garage on RS lots 10,000 square feet or greater should be applied citywide.

The Ordinance has been revised to incorporate this recommendation.

The TAC did not support and these have been retained/modified:

- Excluding RS-1-1_zoned portions (i.e. environmentally sensitive lands) of RS lots with more than one zoning designation when applying the above lot size calculations.

To address the TAC's concerns with this language creating confusion with rules that only apply in a single area, this has been changed to from the College Area to Citywide.

- Excluding RS-1-1_zoned portions (i.e. environmentally sensitive lands) of RS lots with more than one zoning designation when applying the existing restriction for maximum parking spaces outside a garage of on lots less than 10,000 square feet (which is 4).

To address concerns with this language creating confusion with rules that only apply in a single area, this has been changed to from the College Area to Citywide.

- Prohibiting surface required parking spaces within 30 feet of the front lot line.

The reason given for non-support was that it conflicted with Sec. 142.0531(f). The language has been modified to address this conflict.

- Requiring that half of the required off-street parking spaces must be in the rear of the lot.

The TAC did not support and it has been removed

- Requiring that half of the required off-street parking spaces not be visible from the street.

The TAC did not support and it has been removed

5. Changing the Residential High Occupancy Permit to a registry.

The TAC did not support and it has been removed.

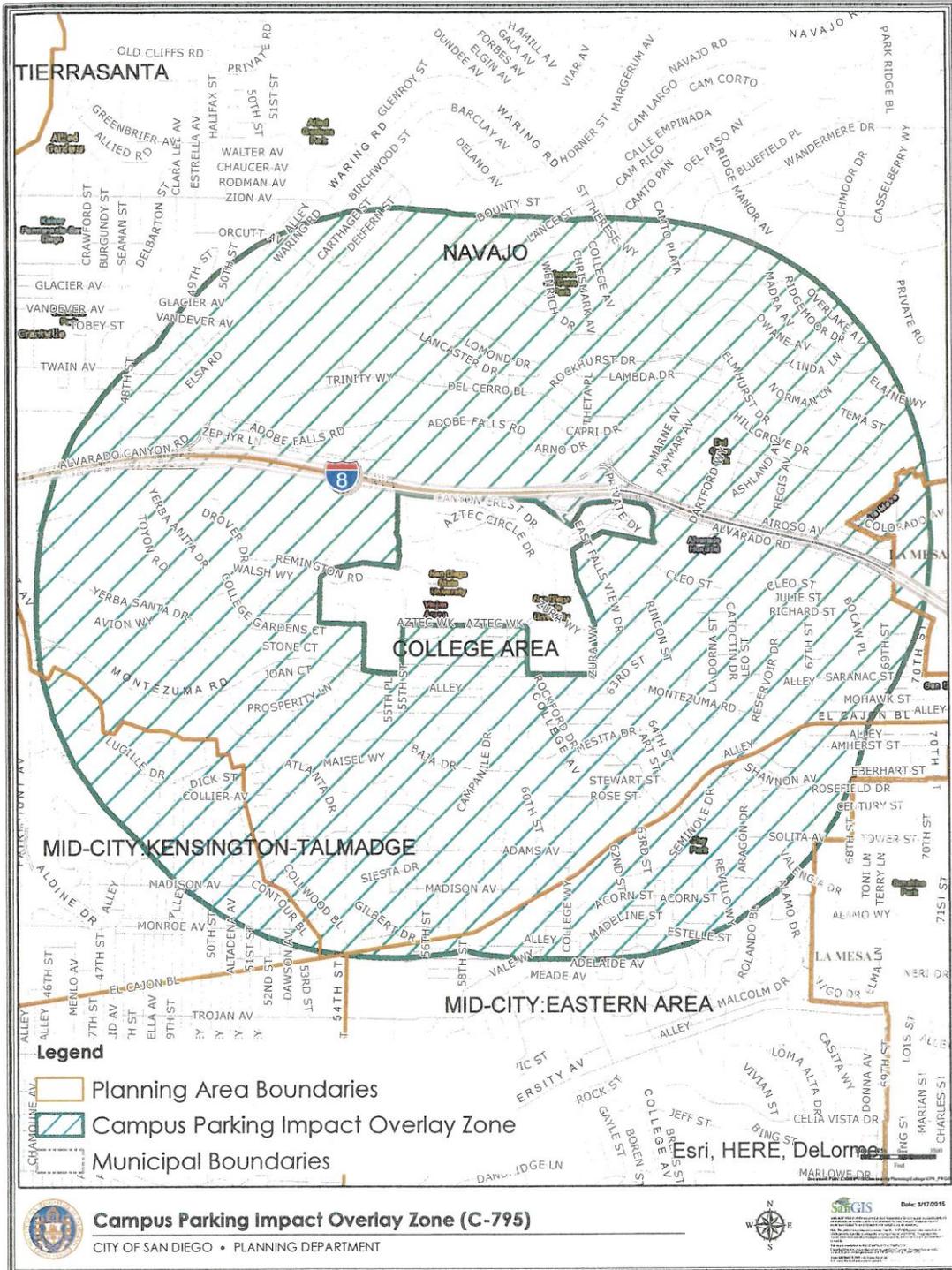
6. Requiring RS zoned lots that are previously conforming to bring remodeled home into compliance by creating 3 time the parking normally required by the remodel.

TAC did not support and it has been removed.

7. Minor language modifications for clarity without change to existing requirements.

TAC supported proposals.

CAMPUS PARKING IMPACT OVERLAY ZONE - SDSU



DRAFT FINDINGS FOR MORITORIUM

WHEREAS, there has been a proliferation of room additions in some of the RS (Residential Single Unit) zoned neighborhoods in proximity to San Diego State University ("SDSU Neighborhoods") as depicted on Exhibit "A" attached hereto and incorporated herein by reference and

WHEREAS, these room additions have resulted in housing with characteristics of housing in RM (Residential Multi Unit) zones which are incompatible with these neighborhoods and have caused overcrowding of these neighborhoods; and

WHEREAS, the addition of rooms and incompatible housing has caused a negative effect on the health, safety and welfare to the neighboring residences by the creation of excessive noise, traffic, speeding, lack of parking, excessive use of on-street parking, conversion of back, side and front yards for parking, obstruction of public streets, menacing conduct, fights, harassment, disorderly conduct, littering, public drunkenness, underage drinking, indecent exposure, public urination, loud and unruly gatherings, vandalism and criminal mischief; and

WHEREAS, in addition to the above, there has also been a lack of property maintenance, unsightly lawns, parking on lawns, weeds, and trash cans left on streets for days, which negatively impacts the health, safety and welfare of these SDSU neighborhoods; and

WHEREAS, due to the above described unlawful activities, there has been a decline in the quality of life in the SDSU Neighborhoods, an abundance of complaints by neighbors about the unlawful activity, excessive calls for police service for unruly gatherings, and over 400 active code violation cases since November 2012;ⁱ and

WHEREAS, due to the proliferation of room additions resulting in overcrowding, the character of the single family residential zone in the SDSU Neighborhoods has diminished; and

WHEREAS, the cumulative effect of changes to the housing types in these neighborhoods is reaching a saturation point, with over 20% of the 4,000 RS zoned houses in the College Area currently in use as so-called "minidorms"ⁱⁱ and with the potential to reach a tipping point which could permanently change the overall community character in a manner contradictory to the intent of the College Area Community Plan and the Community Plan of other adjacent areas; and

WHEREAS, the pace of room additions has recently accelerated due to SDSU's 2007 adoption of a new Campus Master Plan, which raised the enrollment cap from 25,000 to 35,000 Full Time Equivalent (FTE) students, resulting thus far in an enrollment increase of approximately 3,000 FTE between 2005 and 2015ⁱⁱⁱ, and creating increased business opportunities for investors interested in the highly profitable market for student housing; and

WHEREAS, the 2008 recession dampened the pace of room additions due to a temporary decrease in student enrollment and lack of financing for housing modifications and new housing construction, but that temporary slowdown has now reversed itself, resulting in the addition of at least 137 new minidorms between November 2013 and November 2015, or more than one per week for the past two years; ^{iv}and

WHEREAS, nearly a quarter (23%) of those 137 houses for which data is available have 5 to 9 bedrooms, well above the norm for the College Area;^v and

WHEREAS, there has recently been an increased number of individuals and limited liability corporations buying and owning multiple^{vi} RS zoned homes dedicated to RM uses in the area surrounding SDSU, as said properties are increasingly recognized as highly profitable, so that ownership of such properties has become a growing business for investors; and

WHEREAS, the 2008 enactment of the Residential High Occupancy Permit Ordinance has created a new business model whereby owners of these expanded properties pave over front, side and rear yards in order to satisfy the RHOP parking requirements, thereby causing further deterioration in the aesthetics of the neighborhood; and^{vii}

WHEREAS, the prospect of legislation to control further expansion of these properties is likely to result in a rush of applications for permits to expand such properties before such legislation is implemented; and

WHEREAS, the City is currently in the process of creating new development standards applying to a focused area, and other zoning amendments and, as a result, it is anticipated that development consistent with what has been occurring within the proposed overlay zone is likely to be inconsistent with the proposed ordinance; and

WHEREAS, in order to preserve the current single family residential zone and because developers may choose to apply for developments that would be illegal under the contemplated ordinance before it can be adopted, an interim prohibition should be adopted on any room additions, garage conversions, creation of multiple rooms out of individual rooms, paving over of front yards for parking, or comparable requests within the proposed focused area and;

WHEREAS, California Government Code section 65858 authorizes the City Council to adopt, by a four-fifths vote, without following the procedures otherwise required for the adoption of a zoning ordinance, an interim urgency ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or any City department is considering or studying or intends to study within a reasonable time;

ⁱ Source: OpenDSD and SDPD Eastern Division report of calls October 2014 – September 2015

ⁱⁱ Source: Data collected by College Area Community Council Code Violations Committee. This figure (806 of approximately 4,000 RS zoned units in College Area, or 20%) reflects only those minidorms that have been identified by neighbors or advertisements, or observed visually; it is therefore likely to be understated. See map, Attachment 1.

ⁱⁱⁱ Source: San Diego State University website. 2015 actual student headcount was 33,230.

^{iv} Source: Data collected by the College Area Community Council Code Violations Committee, and likely to be understated. See Support Data for examples of recent room additions

^v Source: Data collected by College Area Community Council Code Violations Committee

^{vi} Source: Data collected by College Area Community Council Code Violations Committee

^{vii} See Support Data for examples of this practice.