

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2,  
DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 142.0640, RELATING TO  
DEVELOPMENT IMPACT FEES.

WHEREAS, the City of San Diego's approved Development Impact Fee (Fee) schedules use a per unit fee for residential uses based on the type of dwelling unit (single family or multi-family dwelling unit); and

WHEREAS, the City has developed the Complete Communities: Housing Solutions Regulations to increase affordable and market rate housing citywide, implement the General Plan City of Villages strategy and the Climate Action Plan (CAP), and improve quality of life; and

WHEREAS, the Housing Solutions Regulations is an opt-in incentive program that will help the City meet its Regional Housing Needs Allocation targets for affordable housing and the City's CAP goals by incentivizing the construction of housing in multi-family and mixed-use commercial areas served by transit, while investing in neighborhood amenities, such as recreational opportunities, linear parks, urban plazas, cultural amenities, and promenades; and

WHEREAS, as part of the incentives in the Housing Solutions Regulations, the City is scaling the amount of the Fee based on unit type and unit size (measured in square feet), exempting all covenant-restricted dwelling units, and exempting all dwelling units that do not exceed 500 square feet; and

WHEREAS, the scaling allows smaller units to pay reduced Fees based on fewer persons per household; and

WHEREAS, the scaling of Fees and exempting of dwelling units that do not exceed 500 square feet allows applicants to provide a range of unit types and sizes and furthers the City's goal of increasing housing production in Transit Priority Areas; NOW, THEREFORE,

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

Section 1. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 142.0640, to read as follows:

**§142.0640     Impact Fees for Financing Public Facilities**

- (a)     [No change in text.]
- (b)     The payment of DIFs (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where DIFs have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of DIFs prior to issuance of any *Construction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. The DIFs due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *Construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

Exemptions:

- (1) through (2) [No change in text.]
- (3)     For *development* utilizing the Complete Communities: Housing Solutions Regulations in Chapter 14, Article 3, Division 10, all

covenant-restricted affordable *dwelling units* and *dwelling units* that do not exceed 500 square feet are exempt from DIFs.

- (4) For *development* utilizing the Complete Communities: Housing Solutions Regulations in Chapter 14, Article 3, Division 10, the DIF for the residential *development* shall be scaled in accordance with Table 142-06A based upon the *dwelling unit* size.

**Table 142-06A**

**Scaled Development Impact Fee Rate for Residential Development Utilizing the Housing Solutions Program**

Unit Size (SF)	Scaled Fee Rate
1,251 <	Full Fee
1,201 - 1,250	99%
1,151 - 1,200	97%
1,101 - 1,150	95%
1,051 - 1,100	92%
1,001 - 1,050	90%
951 - 1,000	87%
901 - 950	85%
851 - 900	83%
801 - 850	80%
751 - 800	78%
701 - 750	76%
651 - 700	73%
601 - 650	71%
551 - 600	68%
501 - 550	66%

(c) through (g) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance 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.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended 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.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance 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.

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance, unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 5. That Ordinance O-2021-43 has been recently considered by the City Council and amends the San Diego Municipal Code section also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within this section upon the final

passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By \_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

CLN:als  
10/19/2020  
Or.Dept: Planning  
Doc. No.: 2383737\_2

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

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor