

#65C
12/8/2020

(O-2021-54)
COR. COPY 2

ORDINANCE NUMBER O- 21276 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 09 2020

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 (3) [No change in text.]
- (4) 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.

- (5) 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 /s/ Corrine L. Neuffer
Corrine L. Neuffer
Deputy City Attorney

CLN:als
10/19/2020
01/07/2021 Cor. Copy 2
Or.Dept: Planning
Doc. No.: 2383737_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of DEC 08 2020.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(See attached memo and signature page.)

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: January 7, 2021

TO: Elizabeth Maland, City Clerk

FROM: Corrine Neuffer

SUBJECT: Complete Communities – Development Impact Fees, Municipal Code Section 142.0640 (San Diego Ordinance No. O-21276)

This Memorandum is presented, pursuant to San Diego Charter (Charter) section 275(a) and Section 5 of Ordinance No. O-202176, to notify the Office of the City Clerk that this Office is requesting to reconcile the numbering with Section 142.0640 and placement of text within this section with the language in Ordinance No. O-21254 (O-2021-43). This Office approves of the requested correction/reconciliation, as permitted under the provisions of Charter section 275(a)¹ and Section 5 of Ordinance No. O-202176².

The correction is to San Diego Municipal Code section number 142.0640 and shown in ~~strikeout~~/underline below:

- 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

¹ Charter section 275 addresses modifications to ordinances as follows:

An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.

San Diego Charter § 275(a).

² “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.”

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 (3) [No change in text.]

(4) 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.

(5) 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.

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551 - 600	68%
501 - 550	66%

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

Section 142.0640(b)(3) was added by Ordinance No. O-21254 (O-2021-43). Therefore, the new subsections, which were (3) and (4) added by Ordinance No. O-202176 require renumbering to subsections (4) and (5).

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

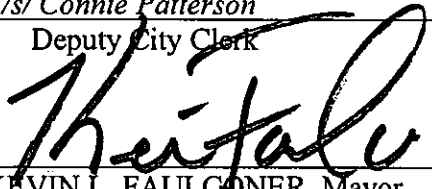
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Deputy City Attorney

CLN:als
10/19/2020
11/09/2020 Cor. Copy
Or.Dept: Planning
Doc. No.: 2383737_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of 12/08/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Connie Patterson
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 12/9/20
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

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<u>701</u> = <u>750</u>	<u>76%</u>
<u>651</u> = <u>700</u>	<u>73%</u>
<u>601</u> = <u>650</u>	<u>71%</u>
<u>551</u> = <u>600</u>	<u>68%</u>
<u>501</u> = <u>550</u>	<u>66%</u>

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

CLN:als
10/19/2020
01/07/2021 Cor. Copy 2
Or.Dept: Planning
Doc. No.: 2383708_4

Passed by the Council of The City of San Diego on DEC 08 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 09 2020.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 09 2020, and on DEC 09 2020.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21276