

ORDINANCE NUMBER O- 21432 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 23 2022

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 142.1302, 142.1305, AND 142.1307, RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S INCLUSIONARY AFFORDABLE HOUSING REGULATIONS.

WHEREAS, on January 14, 2020, the Council of the City of San Diego (Council) adopted amendments to the Land Development Code to update the City's Inclusionary Affordable Housing Regulations pursuant to Ordinance O-21167 (Inclusionary Ordinance); and

WHEREAS, the Inclusionary Ordinance contained changes to the Land Development Code, which serves as the Implementation Plan to the City's certified Local Coastal Program (LCP); and

WHEREAS, as an amendment to the City's certified LCP, the Inclusionary Ordinance must be certified by the California Coastal Commission (Commission) as consistent with Coastal Act policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on August 13, 2021, the Commission considered certification of the Inclusionary Ordinance; and

WHEREAS, the Commission, concerned with promoting balanced communities within the City's Coastal Overlay Zone and protecting lower cost visitor-serving accommodations, approved the Inclusionary Ordinance with modifications relating to the threshold for applying the regulations in the Coastal Overlay Zone, addressing the criteria for siting the required affordable dwelling units off-site from the primary market-rate development, and prohibiting the conversion of guest rooms to dwelling units in the Coastal Overlay Zone; and

WHEREAS, the City desires to accept the Commission's modifications; NOW,
THEREFORE,

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

Section 1. That Chapter 14, Article 2, Division 13 of the San Diego Municipal Code is amended by amending sections 142.1302, 142.1305, and 142.1307 to read as follows:

§142.1302 When Inclusionary Affordable Housing Regulations Apply

This Division applies to all residential *development* of 10 or more *dwelling units* outside of the Coastal Overlay Zone, five or more *dwelling units* within the Coastal Overlay Zone, and to all *condominium conversion development* of two or more *dwelling units*, except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those *dwelling units* are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the amount of the fee, length of the restriction, or the level of affordability, the more restrictive shall apply.

§142.1305 Methods of Compliance

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

- (1) through (2) [No change in text.]
- (3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the receiver site is within a *transit priority area* and in an

area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

(4) [No change in text.]

(5) By rehabilitation of existing *dwelling units* or *SRO hotel rooms*, or by the conversion of *guest rooms* in a *motel* or *hotel* located outside the Coastal Overlay Zone to inclusionary *dwelling units* in accordance with Section 142.1307; or

(6) [No change in text.]

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

§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms

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

(d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

(1) through (5) [No change in text.]

(e) 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 this Ordinance shall not take effect until the date the Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

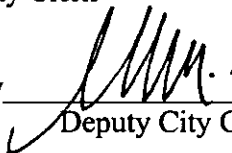
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert
Heather M. Ferbert
Chief Deputy City Attorney

HMF:sc
12/16/2021
Or.Dept:Planning
Doc. No.: 2840850

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of February 8, 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/23/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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§142.1302 When Inclusionary Affordable Housing Regulations Apply

This Division applies to all residential *development* of 10 or more *dwelling units* outside of the Coastal Overlay Zone, five or more *dwelling units* within the Coastal Overlay Zone, and to all *condominium conversion development* of two or more *dwelling units*, except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those *dwelling units* are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the amount of the fee, length of the restriction, or the level of affordability, the more restrictive shall apply.

§142.1305 Methods of Compliance

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

(1) through (2) [No change in text.]

(3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the ~~*applicant*~~ provides ~~five percent more inclusionary *dwelling units*~~ than required for ~~the *development*~~ pursuant to Section 142.1304(a) or Section 142.1304(b) receiver site is within a *transit priority area* and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

(4) [No change in text.]

(5) By rehabilitation of existing *dwelling units* or *SRO hotel rooms*, or by the conversion of *guest rooms* in a *motel* or *hotel* located outside the Coastal Overlay Zone to inclusionary *dwelling units* in accordance with Section 142.1307; or

(6) [No change in text.]

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

§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms

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

(d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

(1) through (5) [No change in text.]

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

HMF:sc
12/16/2021
Or.Dept: Planning
Doc. No.: 2840857

Passed by the Council of The City of San Diego on FEB 08 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

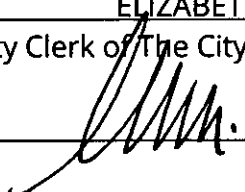
Date of final passage FEB 23 2022

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , 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

JAN 24 2022, and on FEB 23 2022.

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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21432