



THE CITY OF SAN DIEGO
M E M O R A N D U M

DATE: June 27, 2019

TO: Lara Gates, Deputy Chief of Staff, Office of the Council President
Georgette Gomez, Council District 9

FROM: Alyssa Muto, Deputy Director, Environment & Mobility Planning,
Planning Department

SUBJECT: Environmental Support for the CEQA Exemption for the Proposed
Amendments to the City of San Diego's Inclusionary Affordable
Housing Regulations

The proposed ordinance would amend the City of San Diego's inclusionary housing regulations to require the development of on-site affordable housing units as part of new residential and mixed-use development and condominium conversions. This proposal is consistent with Assembly Bill (AB) 1505, which was passed by the State of California legislature on September 15, 2017, which allows cities to require, as a development condition, that a certain percentage of rental units be included in the development for moderate, low, very low, or extremely low income households. The proposed ordinance also includes a selection of alternative compliance measures, incentives, and other amendments to address implementation and the current state of the law. The Amendments to the City of San Diego's Inclusionary Affordable Housing Regulations would be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3), 15378, and 15183.

Under CEQA Guidelines Section 15061(b)(3), CEQA review is not required because there is no possibility that this Ordinance may have a significant effect on the environment, as these amendments would not change any zoning or allowable housing densities. The proposed amendments to the Inclusionary Affordable Housing Regulations would not change the plan densities for multifamily residential development depicted within the general plan/community plans, nor would it change any zoning or allowable housing densities. No new additional dwelling units beyond the plan densities would result with the implementation of these amendments. The required on-site affordable housing units would remain within the development envelope permitted by the zoning and adopted regulatory framework.

Under CEQA Guidelines Section 15378, the proposed amendments are not a project under CEQA because they will not cause a "direct physical change in the environment" or a "reasonably foreseeable indirect physical change in the environment" because they do not authorize any specific development activity or promote new construction or growth. Any

June 27, 2019

potential indirect physical change in the environment is speculative and not reasonably foreseeable.

Under CEQA Guidelines Section 15183, projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review. The proposed amendments would not change the plan densities for multifamily residential development depicted within the general plan/community plans, nor would it change any zoning or allowable housing densities. The requirement that a certain percentage of rental units be included in a development for moderate, low, very low, or extremely low income households would not be inconsistent with existing zoning, community plans, or the General Plan, and thus, additional environmental review is not required.

The proposed amendments would not change any zoning or allowable housing densities, and thus, no new additional dwelling units beyond the plan densities would result. Therefore, the proposed amendments would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and would be consistent with the existing zoning, community plans, and General Plan. For these reasons, the proposed amendments would be exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15378, and 15183.



Alyssa Muto
Deputy Director, Planning Department

AM/rm

cc: Mike Hansen, Director, Planning Department
Heidi Vonblum, Program Manager, Planning Department
Heather Ferbert, Deputy City Attorney, Office of the San Diego City Attorney