

ORDINANCE NUMBER O- 16979 (NEW SERIES)

ADOPTED ON NOV 16 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 19, SECTIONS 101.1900 THROUGH
101.1910 RELATING TO THE SAN DIEGO RESIDENTIAL
HOTEL REGULATIONS.

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

Section 1. That Chapter X, Article 1, of the San Diego
Municipal Code be and the same is hereby amended by adding
Division 19, Sections 101.1900 through 101.1910, to read as
follows:

DIVISION 19

SAN DIEGO RESIDENTIAL HOTEL REGULATIONS

SEC. 101.1900 TITLE

Sections 101.1900 through 101.1910 shall be known as the San
Diego Residential Hotel Preservation Regulations.

SEC. 101.1901 FINDINGS

The Council of The City of San Diego finds and declares that:

The City of San Diego's housing market is not meeting the
need for affordable housing especially for lower income
households.

Rooms in residential hotels traditionally house the City's
lowest income households.

The City of San Diego documented the loss of at least 1,247 (in residential hotels) since 1976 in the downtown area alone.

A Housing Commission sponsored study has anticipated a decrease of as many as 950 additional residential hotel rooms in the downtown area alone over the next three (3) years, a decrease equivalent to a loss of approximately one-third (1/3) of the City's present total of rooms in downtown residential hotels.

The San Diego Association of Governments has forecast for the City of San Diego an increase of 7,264 very low income households by 1990.

The Regional Task Force on the Homeless, established by joint action of the Board of Supervisors, the City Council, and the United Way, has recommended housing preservation regulations to preserve existing residential hotel rooms.

The City's Housing Element 1985 has called for consideration of a one-year moratorium on the demolition or conversion of residential hotel rooms.

Further loss of residential hotel rooms could impair the ability of The City of San Diego to implement housing programs which are in the interest of the public health, safety and general welfare.

Municipal Code Section 91.01 empowers the City to regulate the conversion and/or demolition of buildings in the City of San Diego.

An Interim Residential Hotel Room Preservation Ordinance was adopted on December 16, 1985, as an emergency measure to address this situation and has been extended on two separate occasions.

SEC. 101.1902 PURPOSE

It is the purpose of the San Diego Residential Hotel Preservation Regulations to benefit the general public by minimizing the adverse impact on the housing supply resulting from the loss of residential hotel rooms through their conversion and demolition.

SEC. 101.1903 DEFINITIONS

A. "APPLICANT" is any owner who undertakes the conversion or demolition of any residential hotel.

B. "COMMISSION" shall refer to the San Diego Housing Commission or successor agency which is the agency primarily responsible for development and implementation of a program to preserve and create residential hotel rooms.

C. "CONVERSION" means to change any residential hotel structure or part thereof utilized for residential or transient hotel rooms to any other use by physical means.

D. "DEMOLITION" means to disassemble or destroy any residential hotel structure, or part thereof, used for residential hotel room purposes so as to render it unfit for such use.

E. "HOUSING REPLACEMENT AGREEMENT" is an agreement between the Commission and the applicant specifying the manner in which replacement housing requirements of the San Diego Residential Hotel Preservation Regulations will be met.

F. "LOW INCOME" means any household whose income exceeds fifty percent (50%) but does not exceed eighty percent (80%) of

the median income as adjusted for household size as defined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

G. "LOW INCOME HOUSING PROJECT" reserves at least fifty percent (50%) of its units for low income residents.

H. "OWNER" is any person, partnership, association, joint venture, corporation or other entity or combination of entities who owns any residential hotel. Owner shall also include agents and any other person acting on the owner's behalf.

I. "REPLACEMENT PLAN" is a specific plan to replace residential hotel rooms prepared by the owner and approved by the Commission and incorporated into a Housing Replacement Agreement.

J. "RESIDENTIAL HOTEL" means a building, structure, or property which as of December 16, 1985 contained five (5) or more rooms of which at least twenty percent (20%) of the rooms were residential hotel rooms. Notwithstanding the above, a residential hotel does not include any building, structure, or property in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care.

K. "RESIDENTIAL HOTEL ROOM" means a guest room as defined by Municipal Code Section 101.0101.29 which was occupied by the same person from November 16, 1985 to December 16, 1985, and is located in a residential hotel as defined in paragraph J. above and was rented at or below 30% of 50% of the monthly median income adjusted for a household size of one as defined by the U. S. Department of Housing and Urban Development (HUD) for the

Standard Metropolitan Statistical Area of San Diego, California
(\$250 in 1985).

L. "SRO HOTEL" is a residential hotel as defined in paragraph J. above or a hotel which includes five or more SRO hotel rooms which were brought into service after December 16, 1985.

M. "SRO HOTEL ROOM" is a residential hotel room, a transient hotel room, a living unit (as described in Section 17958.1 of the California Health & Safety Code, adopted in 1987), or a guest room as defined in Municipal Code Section 101.0101.29 which was brought into service after December 16, 1985, rents at or below 30% of 50% of the monthly median income adjusted for a household size of one as defined by the U. S. Department of Housing and Urban Development (HUD) for the Standard Metropolitan Statistical Area of San Diego, California (\$250 in 1985), and is located in an SRO Hotel.

N. "TENANT" is any residential occupant of a residential hotel.

O. "TRANSIENT HOTEL ROOM" means a room within a residential hotel which is not a residential hotel room as defined in paragraph K. above rented at or below 30% of 50% of the monthly median income adjusted for a household size of one as defined by HUD for the Standard Metropolitan Statistical Area of San Diego, California (\$250 in 1985), and is not an office, lobby, hallway, stairway, storage or equipment room or other area within the structure which may not be legally let or rented for sleeping purposes.

P. "VERY LOW INCOME" means any household whose income does not exceed fifty percent (50%) of median income as adjusted for household size as defined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

Q. "VERY LOW INCOME HOUSING PROJECT" reserves at least twenty percent (20%) of its units for very low income residents.

SEC. 101.1904 APPLICATION OF REGULATIONS

The San Diego Residential Hotel Preservation Regulations shall apply to the demolition, conversion or change of use of all residential and transient rooms in residential hotels in the City of San Diego except those listed below.

A. A residential or transient hotel room located in a residential hotel for which a building permit for conversion or demolition had been issued prior to December 16, 1985.

B. A residential or transient hotel room located in a residential hotel which is proposed to be converted into a low or very low income housing project or demolished to allow for new construction of a low or very low income housing project on the same site within two (2) years of demolition pursuant to an agreement with the Commission.

C. Demolition or conversion of a residential or transient hotel room located in a residential hotel necessary to implement a redevelopment project or a project which is to be developed under a planned development permit or other discretionary permit. An exemption under this section shall be considered by the City

Council and granted only if the City Council finds that the project will contribute to the health, safety and general welfare and such contribution will exceed the negative impact on the supply of residential hotels which will result from the demolition or conversion.

D. A residential hotel which has been determined by the Building Inspection, Health or Fire Departments to be an unsafe building and the Commission determines that there is no viable alternative to demolition. In this case, replacement restrictions as stated in Section 101.1909 apply at the time of new construction if the supply is below the threshold.

E. The demolition or conversion results in the development of a project for housing low income senior citizens operated by a nonprofit corporation.

SEC. 101.1905 ADMINISTRATION

The Commission, or successor agencies, as the agency responsible for administering the San Diego Residential Hotel Preservation Regulations shall:

A. Review all applications for permits to demolish or convert hotels to identify any building that is a residential hotel not exempt from the provisions of the San Diego Residential Hotel Preservation Regulations.

B. Prepare a Replacement Plan format describing the options available to the applicant and requiring the applicant to prepare a specific plan.

C. Review the Replacement Plan prepared by the applicant to determine whether or not it meets the intent of the San Diego Residential Hotel Preservation Regulations.

D. Accept or reject the Replacement Plan and identify its terms in a Housing Replacement Agreement which upon approval shall be recorded.

E. Prepare and implement a system to monitor compliance of the Housing Replacement Agreements with the San Diego Residential Hotel Preservation Regulations.

F. Manage The City of San Diego Residential Hotel Replacement Fund and cause replacement units to be acquired, constructed or rehabilitated.

SEC. 101.1906 DETERMINATION AND REGISTRATION OF RESIDENTIAL HOTEL ROOMS AND TRANSIENT HOTEL ROOMS

A. INITIAL STATUS REPORT REQUIREMENTS

Beginning January 1, 1988, the Commission shall attempt to contact each residential hotel owner and operator, through mailings and public service announcements, informing them of the requirement that within forty-five (45) days the owner or operator of each hotel shall file with the Commission either a statement of exclusion pursuant to Section 101.1904, or a report with the following information as of December 16, 1985:

1. The total number of rooms in the residential hotel.
2. The total number of residential hotel rooms.
3. The total number of transient hotel rooms.

4. A rent schedule for all residential and transient hotel rooms.

5. The hotel log or other documentation acceptable to the Commission to substantiate these responses.

B. EXTENSION

Upon application of the owner/operator and based on a showing of good cause, the Commission may grant an extension of fifteen (15) days in which to comply with the above reporting requirements.

C. POSTING REQUIREMENTS

At the time the report is filed with the Commission, a copy shall be posted, along with a copy of these regulations, for thirty (30) days at the central location in the residential hotel accessible to all tenants. Any tenants wishing to comment may contact the Commission within the 30-day period.

D. ROOM DESIGNATION

After the 30-day comment period has elapsed, the status of each room shall be determined by the Commission. The Commission shall consider all available relevant information in making its determination, including, but not limited to, the report and evidence submitted in support thereof, tenant comments, transient occupancy tax payment records, and exclusion claims. If no report is received, or if the information received is inadequate to substantiate the claim of transient hotel room status, the Commission shall presume the hotel to be a residential hotel and all rooms to be residential hotel rooms affordable to a residential low income single person household.

**SEC. 101.1907 DETERMINATION OF THE SUPPLY OF RESIDENTIAL
ROOMS, TRANSIENT ROOMS AND SRO HOTEL ROOMS**

A. A threshold shall be established by determining the number of residential and transient hotel rooms within residential hotels as of December 16, 1985.

B. The SRO Hotel Room Supply shall be calculated at 6-month intervals by identifying the number of SRO hotel rooms available for service on June 16 and December 16 of each year. Initially, the SRO hotel room supply shall indicate the number of SRO hotel rooms available for service on December 16, 1987.

SEC. 101.1908 DEMOLITION OR CONVERSION PERMIT REQUIREMENT

Prior to the issuance of a demolition permit or a building permit to convert the building, structure, or portion thereof, used as residential or transient hotel rooms, the applicant shall execute a Housing Replacement Agreement with the Commission pursuant to Section 101.1909.

SEC. 101.1909 HOUSING REPLACEMENT REQUIREMENT

Replacement residential hotel rooms shall be provided within the Community Plan area in which the residential and transient hotel rooms have been demolished or converted and shall be completed by applicant and ready for occupancy within three (3) years of the date that the demolition or conversion permit is issued. Alternate sites on public transportation corridors outside the Community Plan area may be approved by the Commission. Replacement residential hotel rooms shall be

provided at rents affordable to very low income and low income single person households as most recently established by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area in the same proportions as documented in the rent schedule provided pursuant to Section 101.1906. Residential hotel rooms shall be provided at a ratio of one (1) replacement room for each existing residential hotel room (1:1) for a period of ten (10) years. Furthermore, transient rooms must also be provided on a 1:1 basis and remain available for occupancy as transient or residential rooms for a period of ten years; however, these rooms shall not be subject to affordability restrictions. Both residential and transient rooms shall be provided by one of the following methods:

A. Construction of new residential and/or transient hotel rooms.

B. Rehabilitation or conversion of hotel rooms for use as residential and/or transient hotel rooms which have been continuously vacant for more than one year prior to the permit application.

C. Conversion of nonresidential structures into residential and/or transient hotel rooms.

D. In lieu of providing units, applicants may contribute to a Residential Hotel Replacement Fund in an amount equal to fifty percent (50%) of the replacement cost of the residential and/or transient hotel rooms to be demolished or converted. That cost shall be calculated by multiplying one-half of the hotel area

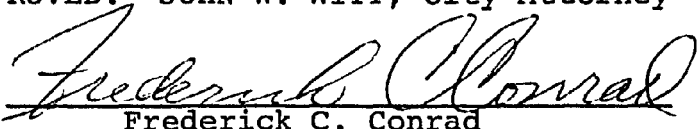
demolished or converted by the estimated development cost per square foot of newly constructed, average quality, SRO hotels in the City (currently \$7,500 per room). Monies deposited in this fund shall be used solely to assist the production or rehabilitation of SRO residential hotel rooms.

SEC. 101.1910 LIMITATIONS

The City's Building Inspection Department shall be authorized to issue permit(s) for the demolition or conversion of residential and/or transient hotel rooms without a replacement requirement until the most recent SRO Hotel Room Supply, as defined by Section 101.1907.B., decreases to an amount equal to or below the threshold, as defined in Section 101.1907.A. The Building Inspection Department shall issue no permits pursuant to this Section until the threshold and the SRO Hotel Room Supply have been established.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600
06/25/87
10/08/87 Rev. 1
10/23/87 Rev. 2
11/02/87 Rev. 3
11/09/87 Rev. 4
Or.Dept:Plan.
O-87-256
Form=o.code

NOV 16 1987

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Jana M. Martin*, Deputy.

(Seal)

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 02 1987

NOV 16 1987

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Jana M. Martin*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Ordinance Number *0-16979* Adopted NOV 16 1987

CERTIFICATE OF PUBLICATION

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CITY CLERK'S OFFICE

1987 DEC 28 AM 10: 48

SAN DIEGO, CALIF. *le*

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: TENA MARTIN

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN
DIEGO MUNICIPAL CODE BY ADDING DIVISION 19, SECTIONS
101. 1900 THROUGH 101.1910 RELATING TO THE SAN DIEGO
RESIDENTIAL HOTEL REGULATIONS.

ORDINANCE NUMBER O-16979 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION
19, SECTIONS 101.1900 THROUGH 101.1910 RELATING TO
THE SAN DIEGO RESIDENTIAL HOTEL REGULATIONS.

The ordinance establishes a regulatory program to provide for the replacement of residential hotels which are demolished or converted to another use. The program is administered by the San Diego Housing Commission. Prior to the issuance of a permit to demolish or convert a residential hotel, a Housing Replacement Agreement must be executed. Replacement housing must be provided on a one-for-one basis or in-lieu fees may be paid. In-lieu fees shall be used solely to assist the production or rehabilitation of residential hotels. The replacement provisions of the ordinance are not applicable so long as the supply of specified rooms in residential hotels is above the supply threshold prescribed in the ordinance.

Introduced on November 2, 1987

Passed and adopted by the Council of The City of San Diego on
November 16, 1987

ALTHEMATICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California

CHARLES B. ABDELNOUR
City Clerk of The City of San Diego, California

By TENA M. MARTIN, Deputy

Pub. December 23

97110

THOMAS D. KELLEHER

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16979 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

DEC. 23

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 23 day of DEC., 1987.

Thomas D. Kelleher

(Signature)

28 Lines x .98 x 2 = 754.88

2.5 x 10.78 x 2 = 753.50