

(O-88-130)

ORDINANCE NUMBER O- 17037 (NEW SERIES)

ADOPTED ON MAR 07 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 19, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.1903 AND 101.1904, 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, Division 19, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.1903 and 101.1904, to read as follows:

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 (\$276 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 (\$276 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 (\$276 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.

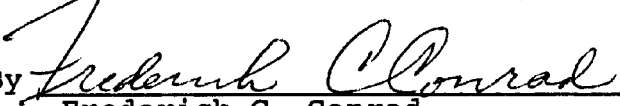
D. A residential hotel which has been determined by the Building Inspection, Health or Fire Departments to be an unsafe building and the Commission determines that there is no viable alternative to demolition. In this case, replacement restrictions as stated in Section 101.1909 apply at the time of new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

F. A residential hotel which was determined exempt from Ordinance No. O-16562 (New Series) and by Resolution Nos. 1267 and 1322 of the Redevelopment Agency of The City of San Diego.

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:ta  
01/28/88  
Or.Dept:Plan.  
O-88-130  
Form=o.code

NEW LANGUAGE: UNDERLINED  
OLD LANGUAGE: STRUCK OUT

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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~~ \$276 in 1985).



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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.

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F. A residential hotel which was determined exempt from Ordinance No. O-16562 (New Series) and by Resolution Nos. 1267 and 1322 of the Redevelopment Agency of The City of San Diego.

FCC:ta  
01/28/88

MAR 07 1988

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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.

(Seal)

By *Jena Martin*, 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

FEB 22 1988

MAR 07 1988

....., 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.

(Seal)

By *Jena M. Martin*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17037 Adopted MAR 07 1988

CERTIFICATE OF PUBLICATION

Meet 3/7/88

#51

pe

RECEIVED  
CITY CLERK'S OFFICE  
SAN DIEGO, CALIF.  
1988 MAR 24 AM 10:50

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, DIVISION 19,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS  
101.1903 AND 101.1904, RELATING TO THE SAN DIEGO  
RESIDENTIAL HOTEL REGULATIONS.

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

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This ordinance amends the San Diego Residential Hotel Regulations adding thereto a provision that exempts two identified projects from the provisions of the regulations.  
Introduced on FEB 22 1988  
Read and adopted by the Council of The City of San Diego on  
MAR 07 1988

AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, California  
CHARLES G. ABDELHOUR  
City Clerk of The City of San Diego, California  
By TENA M. MARTIN, Deputy  
Pub: March 21 1988

ORDINANCE NUMBER O-17037 (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:

MARCH 21

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

Dated at San Diego, California this 21 day of MARCH, 19 88.



(Signature)

19 lines x .98 = \$37.24

1 3/4 x 2 x 10.78 = \$37.74