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SAN DIEGO, CALIF.

(R-2008-57 Rev. Version A)

RESOLUTION NUMBER R- 303318

DATE OF FINAL PASSAGE JAN 29 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING A FEE WAIVER FOR ECONOMIC HARDSHIP PERTAINING TO RESIDENTIAL HIGH OCCUPANCY PERMITS.

WHEREAS, on November 19, 2007, the City Council of the City of San Diego voted to introduce a Residential High Occupancy Permit ordinance (O-2008-57); and

WHEREAS, the purpose for the ordinance is to ensure that high occupancy single dwelling units, with six or more adult occupants (age 18 and older) residing for a period of 30 or more consecutive days, provide adequate parking and minimize impacts to adjacent properties; and

WHEREAS, the ordinance establishes a requirement for high occupancy single dwelling units to obtain an annual permit that may be revoked where there have been two or more administrative enforcement actions within a twelve month period; and

WHEREAS, the ordinance establishes a \$1000 annual permit fee to cover administrative, plan check, and inspection costs; and

WHEREAS, the City of San Diego is undergoing a chronic affordable housing crisis as substantiated by the City's Housing Element, which includes policies to ensure housing opportunities for all income groups, with an emphasis on affordable workforce housing; and

WHEREAS, high occupancy single dwelling units provide a necessary housing opportunity for some groups that live together out of economic need; and

WHEREAS, a waiver of the \$1000 annual permit fee in cases of economic hardship may be necessary to avoid displacement of such households; and

WHEREAS, the fee waiver criteria specified in the Residential High Occupancy Permit Ordinance shall be based on the property owner's income in relationship to the Area Median Income, an objective standard published by the United States Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area that accounts for family size; and

WHEREAS, the fee waiver criteria shall be based on property owner income so that the City may reasonably accommodate property owners earning less than the Area Median Income to avoid foreclosures and other unintended consequences, without authorizing expenditure of public funds to subsidize private, rental businesses (that may have otherwise qualified if the fee waiver criteria were based on tenant income); and

WHEREAS, granting a fee waiver for economic hardship will not result in a waiver of any of the underlying requirements of the ordinance; and

WHEREAS, in accordance with Government Code section 66005 this fee waiver for economic hardship will not require an increase in fees for other permits, if the Development Services Department is fully reimbursed from the General Fund or other source;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. The above recitals are true, correct, and incorporated by reference herein.
2. That the City Council hereby waives the annual permit fee for a Residential High Occupancy Permit for applicants who qualify under the economic hardship criteria established in the Residential High Occupancy Permit ordinance (O-2008-57 Rev.).
3. That the City Manager is hereby authorized to grant a fee waiver with individual permit applications as established in the Residential High Occupancy Permit ordinance (O-2008-57 Rev.).
4. That the City Manager shall, as necessary, seek Council authorization for the City auditor and Comptroller to encumber the General Fund, to reimburse the Development Services Enterprise Fund, for administering the Residential High Occupancy Permit ordinance until alternative funding sources are identified.

BE IT FURTHER RESOLVED, that the City Council found on January 14, 2008, that the above activity is adequately addressed by three previous environmental documents which include: "Amendments to Address Mini Dorms and Preserve the Character of RS Zones Project No. 129501, Addendum to EIR No. 96-0333"; "Revisions to Land Development Code Project //

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No. 96-7897, Addendum to EIR No. 96-0333"; and "Land Development Code EIR No. 96-0333".

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene

Marianne Greene  
Deputy City Attorney

MG:als  
01/11/08  
Or.Dept:DSD  
O-2008-57 Rev.

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 14 2008.

ELIZABETH S. MALAND  
City Clerk

By Ara Richards  
Deputy City Clerk

Approved: 1-29-08  
(date)

JSL  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor