

RESOLUTION NUMBER R- 311730

DATE OF FINAL PASSAGE MAY 10 2018

#213B  
4/30/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO WAIVING THE GENERAL PLAN MAINTENANCE FEES FOR COMPANION AND JUNIOR UNITS, WAIVING WATER AND SEWER CAPACITY FEES FOR COMPANION UNITS, AND REQUESTING AN EXEMPTION BE ADDED TO THE REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM EXEMPTION LIST FOR COMPANION AND JUNIOR UNITS.

WHEREAS, on July 24, 2017, the City Council approved amendments to the companion unit regulations to comply with the State mandate regarding accessory dwelling units set forth in Sections 65852.1 and 65852.2 of the Government Code; and

WHEREAS, the City Council also approved amendments to include regulations concerning junior accessory dwelling units to conform with Section 65852.22 of the Government Code; and

WHEREAS, the amendments and the State mandate were in response to the State's severe housing crisis and were intended to have the effect of providing the creation of companion units; and

WHEREAS, companion and junior units are intended to provide additional rental housing stock, are an essential component of the housing supply, and provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods; and

WHEREAS, the regulatory fees for the construction of a companion unit can be up to \$30,000, which is a financial hindrance and deters property owners from constructing companion units; and

WHEREAS, it is the intent of the City Council to further encourage the construction of such units by waiving the General Plan Maintenance Fee for companion and junior units and Water and Sewer Capacity Fees for companion units; and

WHEREAS, it is the City Council's goal that 6,000 companion units be constructed throughout the City in the next 10 years; and

WHEREAS, in accordance with Government Code Section 66013(a), these fee waivers will not require an increase in water and sewer capacity fees for other users, if the Water Utility AB1600 and the Sewer Utility AB1600 Funds are fully reimbursed from the General Fund or other source;

WHEREAS, in November 2004, voters approved Proposition A, also known as the TransNet Extension Ordinance, which extended the TransNet half-cent sales tax for transportation projects through 2048, and also included a requirement that each affected city and county collect a fee for newly constructed residential housing units in that jurisdiction (the Regional Transportation Congestion Improvement Program or RTCIP); and

WHEREAS, the RTCIP provides for the collection of a development impact fee per new dwelling unit to ensure future development contributes its proportional share of the funding needed to pay for Regional Arterial Systems (RAS) and related transportation facility improvements; and

WHEREAS, the RTCIP includes a list of developments that are exempt from the RTCIP Impact Fee; NOW, THEREFORE,


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

1. That the Council hereby waives the General Plan Maintenance Fee for all companion units and junior units.

2. That the Council hereby waives Water and Sewer Capacity Fees for all companion units until June 30, 2018.
3. That the Council hereby authorizes the Comptroller to encumber the General Fund - Citywide Program Expenditures Department in an amount not to exceed \$100,000 for FY2018, to reimburse the Water Utility AB1600 and the Sewer Utility AB1600 Funds, Numbers 700012 and 700002, for the waiver of Water and Sewer Capacity Fees, as authorized herein.
4. That the Council hereby directs the City of San Diego's San Diego Association of Government (SANDAG) representative to request the SANDAG Board consider adding a Companion Unit and Junior Unit exemption to the existing RCTIP exemption list.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

CLN:als  
03/26/2018  
03/19/2019 Cor. Copy  
Or.Dept: Council District 7  
Doc. No.:1618305\_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

(See attached Memo and Signature page)

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM**

**DATE:** March 19, 2019

**TO:** Elizabeth Maland, City Clerk

**FROM:** Corrine L. Neuffer, Deputy City Attorney

**SUBJECT:** Item 213 (Subitem B) – Exempt Companion Units from Development Impact Fees (DIF) and Facility Benefit Assessment (FBA) Fees, Waiver of General Plan Maintenance Fees and Water and Sewer Capacity Fees for Companion Units and Junior Units – Council Meeting of April 30, 2018.

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We are submitting a corrected copy of Resolution No. R-2018-448 which was heard and adopted by City Council on April 30, 2018 per Resolution No. R-311730.

We were notified by staff that the resolution uploaded to the Council docket says the authorization to waive capacity fees expires on June 30, 2018, which is consistent with the action taken by the City Council. But the resolution signed by our office does not include an expiration date.

CLN:als  
Doc. No.: 1960693

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 30 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5/10/18  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 30 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 10 2018.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

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

(Seal)

By *Hy Reed*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311730