

ORDINANCE NO. 0-15471
(New Series)

0.81-179
REV.

MAR 23 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY
ADDING SECTIONS 101.0307, 101.0307.1, 101.0307.2,
101.0307.3, 101.0307.4 AND 101.0307.5 RELATING TO
AFFORDABLE HOUSING DENSITY BONUS.

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

Section 1. That Chapter X, Article 1, Division 3 of the
San Diego Municipal Code be and it is hereby amended by adding
Sections 101.0307, 101.0307.1, 101.0307.2, 101.0307.3,
101.0307.4, and 101.0307.5 to read as follows:

SEC. 101.0307 AFFORDABLE HOUSING DENSITY BONUS

There is hereby established the Affordable Housing
Density Bonus.

SEC. 101.0307.1 PURPOSE AND INTENT

The purpose of the Affordable Housing Density Bonus
is to provide increased residential densities to developers
who guarantee that a portion of their housing development
will be affordable by persons of low or moderate income.

The Affordable Housing Density Bonus is intended to
materially assist the housing industry in providing
adequate and affordable shelter for all economic segments
of the community and to provide a balance of housing
opportunities for low and moderate income persons
throughout the City. It is intended that the Affordable
Housing Density Bonus be available for all residential

development projects, using criteria and standards provided in the Progress Guide and General Plan as defined by the City Housing Commission.

It is intended that the Affordable Housing Density Bonus implement the provisions of Chapter 4.3 of Division 1 of Title 7 of the California Governmental Code.

SEC. 101.0307.2 AFFORDABLE HOUSING DENSITY BONUS AGREEMENT

A. The Affordable Housing Density Bonus shall be extended to all projects for which an agreement has been entered into by the applicant and the Executive Director of the Housing Commission.

B. The Affordable Housing Density Bonus agreement shall include the following provisions:

1. At least 20 percent of the total units will be affordable by persons and families of low or moderate incomes.

2. That the affordable units will remain available and affordable by persons and families of low or moderate income for a period of not less than 20 years.

3. The units affordable by persons and families of low or moderate income shall be identified and described.

SEC. 101.0307.3 DENSITY BONUS PROVISIONS

A. The Density Bonus shall permit a total project containing 125 percent of the units permitted by the density regulations of the underlying zone or planned district.

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B. Where the underlying zone or planned district requires that each lot shall be occupied by no more than one dwelling unit, the project shall be developed pursuant to the provisions of Division 9 of this Article (Planned Developments).

C. If the property involved is composed of land falling in two or more zones or districts, the number of dwelling units permitted in the development shall be the sum of the dwelling units permitted in each of the zones or districts. Within the project, the permitted number of dwelling units may be distributed without regard to the underlying density regulations.

D. Where the project consists of two or more noncontiguous properties, the maximum number of dwelling units permitted on each separate property shall be calculated as if the project consisted of contiguous property lying within two or more zones or districts. Within the project, the permitted number of dwelling units may be distributed without regard to the underlying density regulations, subject to the requirements of Section 101.0307.4 below.

SEC. 101.0307.4 PROVISION OF AFFORDABLE HOUSING

A. The number of dwelling units reserved for purchase or rent at prices affordable by persons and families of low or moderate incomes shall not be less than 20 percent of the total number of dwelling units constructed within the project.

B. Where the project consists of two or more noncontiguous properties lying within two or more community planning areas, the dwelling units reserved at prices affordable by persons and families of low or moderate income shall be distributed among community planning areas in the same proportion as the total number of dwelling units constructed within the project.

SEC. 101.0307.5 DEVIATION FROM DENSITY BONUS AND AFFORDABLE HOUSING PROVISIONS

A. The Planning Director shall have the authority under the conditions herein provided to permit deviations from the Density Bonus provisions of Section 101.0307.3, and the Affordable Housing provisions of Section 101.0307.4. Deviations shall only be permitted pursuant to the provisions of Division 9 of this Article (Planned Residential Developments).

B. Deviations from the requirements of Section 101.0307.3 and Section 101.0307.4 may be granted by the Planning Director as follows:

1. An increase in the Density Bonus provisions of Section 101.0307.3, and/or decrease in the Affordable Housing provisions of Section 101.0307.4, may be granted where the project provides for the inclusion of dwelling units affordable by persons of very low income. The total Density Bonus shall not provide for a total project containing more than 150 percent of the units permitted by the density

regulations of the underlying zone or district, nor shall the Affordable Housing requirement provide that less than ten percent of the total project be affordable by persons and families of low or moderate income.

2. An increase in the Density Bonus provisions of Section 101.0307.3, and/or decrease in the Affordable Housing provisions of Section 101.0307.4, may be granted where the project is located within a census tract, the median household income of which exceeds 120 percent of the City-wide median household income as measured by the most recent U. S. Bureau of Census survey, and the project provides for the inclusion of dwelling units affordable by persons of low income. The total Density Bonus shall not provide for a total project containing more than 150 percent of the units permitted by the density regulations of the underlying zone or district, nor shall the Affordable Housing requirement provide that less than 10 percent of the total project be affordable by persons and families of low income.

C. The Planning Director, Planning Commission, or the City Council on appeal may grant a deviation only when it shall appear from the evidence presented that all of the following facts exist:

1. That the project as proposed will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

2. That the project would not lead to over concentration of persons and families of low or moderate income within any given community.

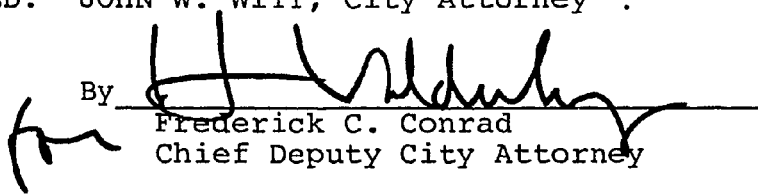
3. Because of special circumstances applicable to the project, including property characteristics, economic constraints, location or surroundings, the strict application of the provisions of Section 101.0307.3 and Section 101.0307.4 would cause failure of the project.

4. That granting the deviations will not adversely affect the Progress Guide and General Plan for The City of San Diego, the community plan for the area in which the project is located, cause significant adverse effects upon the environment, adversely affect solar access to neighboring property, or violate the relevant regulations of the Municipal Code.

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:clh
2/18/81
Or.Dept.:Planning
630
REV. 2/23/81

0-15471

Passed and adopted by the Council of The City of San Diego on MAR 23 1981,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<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"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

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

(Seal)

By Ellen Board, 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

MAR 10 1981, and on MAR 23 1981.

~~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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15471 Adopted MAR 23 1981

RECEIVED
CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION

1981 APR 16 PM 1:10
SAN DIEGO, CALIF. *nyc*

SAN DIEGO CITY OF
202 C St., 12th floor
San Diego, CA 92101
ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0307, 101.0307.1, 101.0307.2, ETC.

15 471

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2. That the affordable units will remain available and affordable by persons and families of low or moderate income for a period of not less than 20 years.
3. The units affordable by persons and families of low or moderate income shall be identified and preserved.

I, Camille Simpson, 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 NO. 0-15471 (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:

April 6, 1981

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

Dated at San Diego, California this 6th day of Apr., 1981.

Camille Simpson

(Signature)

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$14 \frac{5}{8} \times 2 \times 7.33 = 214.40$

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Introduced on March 10, 1981.
Passed and adopted by the Council of The City of San Diego on March 23, 1981.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.

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

(SEAL)

By **ELLEN BOVARD,** Deputy.

Published April 6, 1981

60-4069