

ORDINANCE NUMBER O- 20461 (NEW SERIES)

Mon. 1/26/15
Item 201
Subitem D

DATE OF FINAL PASSAGE FEB 10 2015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO ALLOWING 14 ADDITIONAL RESIDENTIAL
UNITS ABOVE THE 35 PERCENT MAXIMUM
AFFORDABLE HOUSING DENSITY BONUS ON A 0.56
ACRE SITE LOCATED AT 4212 TEXAS STREET (LOT 2).

WHEREAS, CHW Arizona Street Development, LP, Applicant, filed an application with the City of San Diego to demolish an existing building and surface parking lots and construct a 6-story, market rate, multi-family residential building and a 5-story senior housing building located at 4220 Arizona Street (Lot 1) and 4212 Texas Street (Lot 2), respectively and legally described as Lots 1 and 2 of Hillside Square, in the City of San Diego, County of San Diego, according to Map No. 6200, dated September 27, 1968, in the Greater North Park Community Plan area, in the MCCPD-MR-800B zone (Project); and

WHEREAS, in accordance with state law, the Applicant requested a 35 percent density bonus in exchange for setting aside at least 15 percent (20 units) of the Project's pre-density bonus units as affordable to very-low income households; and

WHEREAS, the Applicant has included three additional units with rents restricted to very-low income households for a total of 23 affordable units; and

WHEREAS, California Government Code section 65915(n) allows the City to grant a greater density bonus than that mandated by California Government Code section 65915 if permitted by local ordinance; and

WHEREAS, San Diego Municipal Code section 143.0725(b), allows for an affordable housing density bonus up to 35 percent; and

WHEREAS, the Applicant has requested approval for additional density beyond the 35 percent density bonus to allow for an additional 14 units within Lot 2, for a total Project density bonus of 45.8 percent; and

WHEREAS, on December 18, 2014, the Planning Commission of the City of San Diego considered approval of the Project, including an ordinance to allow for additional density over the 35 percent affordable housing density bonus, and pursuant to Resolution No. 4641-PC voted to recommend City Council approval; and

WHEREAS, under Charter section 280(a)(2), this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on January 26, 2015, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

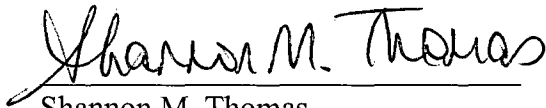
Section 1. That notwithstanding San Diego Municipal Code section 143.0725(b) which allows for an affordable housing density bonus up to 35 percent, 14 additional residential units above the units allowed by the 35 percent affordable housing density bonus, to be constructed within Lot 2 of the proposed Project, are granted. These additional 14 residential units constitute in an overall affordable housing density bonus of 45.8 percent and are consistent with the California Government Code Sections 65915-65918.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Shannon M. Thomas
Deputy City Attorney

SMT:dkr
12/22/2014
Or.Dept:DSD
Doc. No.: 897571_2

Passed by the Council of The City of San Diego on FEB 10 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<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"/>
Todd Gloria	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 10 2015

AUTHENTICATED BY:

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

(Seal)

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

By Sty Brady, 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

JAN 26 2015, and on FEB 10 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By Sty Brady, Deputy

Office of the City Clerk, San Diego, California

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