

ATTACHMENT 3

(O-2003-142)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 9, SECTIONS 143.0910, 143.0915 AND 143.0920 RELATING TO THE SAN DIEGO AFFORDABLE HOUSING/IN-FILL HOUSING PROJECTS.

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

Section 1. That Chapter 14, Article 3, of the San Diego Municipal Code is hereby amended by adding a new Division 9, Sections 143.0910, 143.0915 and 143.0920, to read as follows:

Article 3: Supplemental Development Regulations

Division 9: Affordable/In-Fill Housing

Development Regulations

143.0910 Purpose of Affordable/In-Fill Housing Development Regulations

The purpose of these regulations is to provide flexibility in the application of development regulations for projects providing affordable shelter and a balance of housing opportunities for all economic segments of the community. The intent is to provide an additional incentive to facilitate the development of affordable/in-fill housing while assuring that the development achieves the purpose and intent of the applicable land use plan.

§143.0915 When Affordable/In-Fill Housing Regulations Apply

These regulations apply to the following types of residential *development*:

- (a) Residential *development* in accordance with Section 142.1304(a).
- (b) Residential *development* sponsored by or receiving funding from the Comprehensive Affordable Housing Collaborative (The Redevelopment Division of the Community and Economic Development Department, Centre City Development Corporation, Southeastern Economic Development Corporation, and the San Diego Housing Commission) and at least 15 percent of the total units are affordable to households with an income at or below 120 percent average median income, as determined by the San Diego Housing Commission.
- (c) Residential *development* subject to a federal, state or local governmental agreement that restricts tenancy and rents at or below 60 percent average median income.
- (d) Residential *development* of 10 or more *dwelling units* within the urbanized areas of the City as shown in the Progress Guide and General Plan provided that all of the *dwelling units* are affordable to households earning no more than 150 percent average median income and where applicable, the *development* does not reduce the number of affordable units previously existing.
- (e) Military housing constructed by the Federal Government or through a contract with the Federal Government, for use by active military personnel and their families.

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- (f) New residential, commercial, or industrial *development* that meet the “sustainable buildings” definition under City Council Policy 900-14.
- (g) Mixed-use *development* or *development* that otherwise combines residential with other land uses where at least 50 percent of the gross floor area of the total *development* is the type of project described in Section 143.0915(a) through (d).

§143.0920 Deviation Requirements for Affordable/In-Fill Housing

An applicant may request a deviation from the applicable development regulations for affordable/in-fill housing in accordance with Section 143.0915 pursuant to a Site Development Permit decided in accordance with Process Four provided that the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504 (m) are made.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By _____
Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
4/14/03
Or.Dept:SDHC

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Existing Section 126.0504(a) - Findings for all Site Development Permits

- (1) The proposed development will not adversely affect the applicable land use plan;
- (2) The proposed development will not be detrimental to the public health, safety, and welfare;
- (3) The proposed development will comply with the applicable regulations of the Land Development Code.

New Section 126.0504(m): Supplemental Findings (to be added into the existing section entitled “Findings for Site Development Permit Approval”):

(m) Supplemental Findings - Deviations for Affordable/In-Fill Housing Projects

A *development* that requires a Site Development Permit in accordance with Section 143.0920 because the *applicant* has requested a deviation from the applicable development regulations as an additional incentive for affordable/in-fill housing projects may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0504(a):

- (1) The proposed *development* will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City;
- (2) The *development* will not be inconsistent with the purpose of the underlying zone;
- (3) Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.