

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 142.1302, 142.1303, 142.1310 AND 142.1311 AND ADDING SECTION 142.1320 RELATING TO INCLUSIONARY AFFORDABLE HOUSING REGULATIONS.

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

Section 1. That Chapter 14, Article 2, Division 13, of the San Diego Municipal Code is amended by amending Section 142.1302, to read as follows:

**§ 142.1302 When Inclusionary Affordable Housing Regulations Apply**

This Division applies to all residential ~~development~~ uses except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those units are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the length of the restriction, ~~or~~ the level of affordability, or the level of in-lieu fee, the ~~more~~ most restrictive ~~of the two~~ shall apply.

Section 2. That Chapter 14, Article 2, Division 13, of the San Diego Municipal Code is amended by amending Section 142.1303, to read as follows:

**§142.1303 Exemptions From the Affordable Housing Inclusionary Regulations**

This Division is not applicable to the following:

(a)-(d) [No change]

(e) On site building bonus units constructed in accordance with Section 143.0735.

(f) Residential *development* subject to a Vesting Tentative Map deemed complete prior to June 3, 2003

(g) Residential *development* subject to or Development Agreement approved prior to June 3, 2003

Section 3. That Chapter 14, Article 2, Division 13, of the San Diego Municipal Code is amended by amending Section 142.1310, to read as follows:

**§142.1310 In Lieu Fee Regulations**

In accordance with Section 142.1306(b)(4), an *applicant* may pay an in lieu fee subject to the following regulations and the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual:

(a) [No change]

(b) The amount of the in lieu fee shall be the sum of the applicable per square foot charge multiplied by the aggregate *gross floor area* of all of ~~the units~~ *within* the residential *development*.

(c) through (e) [No change]

Section 4. That Chapter 14, Article 2, Division 13, of the San Diego Municipal Code is amended by amending Section 142.1311, to read as follows:

**§142.1311 Declaration of Covenants, Conditions and Restrictions**

All *development* in accordance with Section ~~142.1309~~ 142.1306, except Section ~~142.1309(b)(4)~~ 142.1306(b)(4), shall be subject to the following regulations and the Inclusionary Affordable Housing implementation and Monitoring Procedures Manual.

(a) through (c) [No change]

Section 5. That Chapter 14, Article 2, Division 13, of the San Diego Municipal Code is amended by adding Section 142.1320, to read as follows:

**§142.1320 Affordable Housing Density Bonus**

Residential *development* in accordance with Section 142.1306(b)(1), shall be permitted an on site building bonus subject to Sections 143.0718 and 143.0735

Section 6. 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 7. This ordinance shall take effect and be in force on the thirtieth day after it is effectively certified by the California Coastal Commission as a local coastal program amendment.

Section 8. That the City Manager be directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Mary Jo Lanzafame  
Deputy City Attorney

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DRAFT: 1/18/05

Or.Dept:Plan.

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