

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

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

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 14, ARTICLE 3, DIVISION 3, BY AMENDING TABLE 143-03A UNDER SECTION 143.0302 RELATING TO SUPPLEMENTAL NEIGHBORHOOD DEVELOPMENT PERMIT OR SITE DEVELOPMENT PERMIT REGULATIONS APPLICABILITY; AND 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, Division 3, of the San Diego Municipal Code is hereby amended by amending Table 143-03A under Section 143.-3-2, by adding to the end of the table to read as follows:

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Sections</b>	<b>Required <i>Development</i> Permit/Decision Process</b>
Affordable/In-Fill Housing Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four

Section 2. 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) of which 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%

average median income and where applicable, the *development* does not reduce the number of affordable units previously existing.

- (e) Residential *development* for use by active military personnel and their families which is to be constructed by the federal government or through a contract with the federal government.
- (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 3. 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 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. However, this ordinance will not apply within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance

as a local coastal program amendment. If this ordinance is certified with suggested modifications, this ordinance shall be void within the Coastal Zone.

APPROVED: CASEY GWINN, City Attorney

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

MJL:cbs:pev  
5/7/03  
Or.Dept:Plan  
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ORDINANCE NUMBER O-\_\_\_\_ \_ (NEW SERIES)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 126.0504, PERTAINING TO SITE DEVELOPMENT PERMITS.

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

Section 1. That Chapter 12, Article 6, Division 5, of the San Diego Municipal Code is amended by amending Section 126.0504, to read as follows:

**§126.0504 Findings for Site Development Permit Approval**

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the findings in Section 126.0504(a) and the supplemental findings in Section 126.0504(b) through (m) that are applicable to the proposed development as specified in this section.

(a) through (l) [No changes.]

(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 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.

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. However, this ordinance will not apply within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is certified with suggested modifications, this ordinance shall be void within the Coastal Zone.

APPROVED: CASEY GWINN, City Attorney

By\_  
Mary Jo Lanzafame  
Deputy City Attorney

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