

### Article 3: Supplemental Development Regulations

#### Division 9: Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations

*(Added 6-3-2003 by O-19186 N.S.)*

*(Retitled from “Affordable/In-Fill Housing Development Regulations” to “Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations” on 9-15-2017 by O-20856 N.S.; effective 10-20-2017.)*

#### **§143.0910 Purpose of Affordable Housing, In-Fill Projects, and Sustainable Buildings 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 housing, in-fill projects, and sustainable buildings while assuring that the *development* achieves the purpose and intent of the applicable *land use plan*.

*(Added 6-3-2003 by O-19186 N.S.)*

*(Amended 3-1-2006 by O-19466 N.S.; effective 4-1-2006.)*

*(Retitled from “Purpose of Affordable/In-Fill Housing and Sustainable Buildings Development Regulations” to “Purpose of Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations” and amended 9-15-2017 by O-20856 N.S.; effective 10-20-2017.)*

#### **§143.0915 When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings**

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

- (a) Affordable housing, which is any of the following:
  - (1) Residential *development* (including both for-sale and for-rent inclusionary *dwelling units*) in accordance with Chapter 14, Article 2, Division 13.
  - (2) Residential *development* sponsored by or receiving funding from 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 of area median income, as determined by the San Diego Housing Commission.

- (3) Residential *development* subject to a federal, state, or local governmental agreement that restricts tenancy and rents at or below 80 percent of area median income, as determined by the San Diego Housing Commission, for a period of at least 55 years.
  - (4) Residential *development* where at least 10 percent of the *dwelling units* are affordable to households earning no more than 150 percent of area median income, as determined by the U.S. Department of Housing and Urban Development and published by the San Diego Housing Commission, for a period of at least 15 years
  - (5) Residential *development* for use by active military personnel and their families that is to be constructed by the federal government or through a contract with the federal government.
  - (6) 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)(1) through (5).
- (b) In-fill projects, which is any of the following:
- (1) Residential, commercial, or industrial *development* located within the *San Diego Promise Zone*.
  - (2) Residential or mixed-use *development* within a *Sustainable Development Area*.
- (c) Sustainable buildings

Residential and non-residential *development* projects that incorporate the Voluntary Tier 2 Measures of Title 24, Part 11 California Green Building Standards Code in effect at the time the building permit application is *deemed complete*.

(Added 6-3-2003 by O-19186 N.S.)

(Amended 3-1-2006 by O-19466 N.S.; effective 4-1-2006.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

(Amended 11-13-08 by O-19805 N.S.; effective 12-13-2008.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

(“Retitled from “When Affordable/In-Fill Housing and Sustainable Buildings Regulations Apply” to “When Supplemental Neighborhood Development Permit Regulations Apply for Affordable Housing, In-Fill Projects, and Sustainable Buildings” and amended 9-15-2017 by O-20856 N.S.; effective 10-20-2017.)

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)  
(Amended 1-28-2020 by O-21167 N.S.; effective 7-1-2020.)  
(Amended 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)  
(Amended 3-7-2023 by O-21618 N.S.; effective 5-6-2023.)

**§143.0920 Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations**

*Development* identified in Section 143.0915 may be permitted with a Neighborhood Development Permit decided in accordance with Process Two, except as provided in Section 143.0920(e), for the following:

- (a) *Development* that proposes deviations from applicable Land Development Code regulations in accordance with Section 126.0602(b)(1), provided that the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.
- (b) *Development* located within *environmentally sensitive lands* in accordance with Section 143.0110, Table 143-01A, including *development* which may potentially impact *steep hillsides* where alternative compliance is requested in accordance with Section 143.0515, provided that the *findings* in Sections 126.0404(a) and (b), are made. In the event an *environmentally sensitive lands* deviation is requested, the supplemental *findings* in Section 126.0404(c) shall also be made.
- (c) *Multiple dwelling unit development* requesting increased *density* where the *land use plan* expressly provides for increased *density* with the approval of a Planned Development Permit, provided that the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.
- (d) Residential *development* in the Community Plan Implementation Overlay Zone designated “Type A” that does not comply with the *development* standards and residential *development* in the Community Plan Implementation Overlay Zone designated “Type B,” as described in Section 132.1402, provided that the *findings* in Section 126.0404(a) are made. In the event that a deviation is requested, the supplemental *findings* in Section 126.0404(f) shall also be made.
- (e) A deviation pursuant to Section 143.0920 may not be requested for the following:

- (1) Within the Coastal Overlay Zone, a deviation from the requirements of the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1).
- (2) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5).
- (3) Within the Coastal Overlay Zone, a deviation from the requirements of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8).
- (4) A deviation from the requirements of the Historical Resources Regulations (Chapter 14, Article 3, Division 2).

*(Added 6-3-2003 by O-19186 N.S.)*

*(Amended 3-1-2006 by O-19466 N.S.; effective 4-1-2006.)*

*(Amended 7-22-2009 by O-19877 N.S; effective 8-21-2009.)*

*(Retitled from "Deviation Requirements for Affordable/In-Fill Housing and Sustainable Buildings" to Affordable Housing, In-Fill Projects, and Sustainable Buildings Deviations" and amended 9-15-2017 by O-20856 N.S.; effective 10-20-2017.)*

*(Amended 3-22-2018 by O-20916 N.S.; effective 4-21-2018.)*

*(Amended 3-22-2018 by O-20917 N.S.; effective 4-21-2018.)*

*(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)*

*(Amended 10-30-2020 by O-21254 N.S.; effective 11-29-2020.)*