

Office of
The City Attorney
City of San Diego

MEMORANDUM

(619) 236-6220

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COUNCILMEMBER
DONNA FRYE

DATE: February 23, 2007
TO: Honorable Mayor and City Council
FROM: City Attorney
SUBJECT: City Council Docket Item 335 for February 27, 2007: Proposed Alternative State Mandated Density Bonus Ordinance

On February 27, 2007, the City Council will consider Item 335, a proposal to amend the Land Development Code to address changes in California affordable housing density bonus laws. *See* California Government Code Section 65915 – 65918. This Item was continued from the January 30, 2007 City Council meeting [Item 331; Amendments Related to Affordable Density Bonus].

Consistent with our Memorandum of February 20, 2007, we remain of the opinion that a continuance is warranted for a full and complete analysis of the important issues raised by Councilmember Donna Frye's Memorandum of February 20, 2007.

In light of these issues and other concerns recently identified, the City Attorney proposes an alternative Ordinance that more closely models State Density Bonus Law [Government Code Sections 65915-65918] should the City Council deny the requested continuance and feel compelled to take action on February 27th. The alternative Ordinance is enclosed herein with this Memorandum. Also enclosed herein is additional written guidance provided originally to the County Counsel's Association of California relative to the recently enacted State Density Bonus Laws.

MICHAEL J. AGUIRRE, City Attorney

By



Karen Heumann
Assistant City Attorney

Honorable Mayor and City Council

February 23, 2007

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Attachment: Alternative State Mandated Density Bonus Ordinance (O-2007-40); and,

A Public Agency Guide to California Density Bonus Law by Barbara E. Kautz,
Adapted from a Presentation for the County Counsels' Association of California
(Fall 2005).

cc: Jim Waring, Deputy Chief, Land Use and Economic Development
Bill Anderson, Director, City Planning and Community Investment
Elizabeth Maland, City Clerk