

## AGENDA



Thursday, November 8, 2007

**Public Hearings and Possible Actions**  
**RECOMMENDATION FOR COUNCIL ACTION**

Item No. 83

**Subject:** Conduct a public hearing to adopt an ordinance providing incentives for developers of S.M.A.R.T. (safe, mixed-income, accessible, reasonably-priced, transit-oriented) Housing and compliant with the City's green building standards; waiving fees; amending Section 25-9-347 of the code (Exemption for Certain Affordable Housing); and adding new Article 15 to Chapter 25-1 of the Land Development Code implementing recommendations of the Affordable Housing Incentive Task Force.

**Boards and Commission Action:** Recommended by the Mayor's Committee for People with Disabilities; the Codes and Ordinances subcommittee of the Planning Commission; the Water and Wastewater Commission; and, the Planning Commission. Reviewed by the Community Development Commission.

On May 16, 2007, the Affordable Housing Incentives Task Force (AHITF) presented its report to the City Council in which several recommendations suggested enhancing the City's S.M.A.R.T. Housing program. On June 7, 2007, upon staff recommendation, some of the AHITF's recommendations were adopted in Resolution No. 20070607-013 through an enhancement to the City's prior S.M.A.R.T. Housing Resolution No. 040115-44. At the Council's urging, several AHITF recommendations were not adopted on June 7th but were left for staff consideration with the request that they be brought back to Council with staff recommendations within 120 days.

City staff recommends that the City Council conduct a public hearing to consider adopting an ordinance codifying the S.M.A.R.T. Housing program incentives, incentives for developers of housing that is safe, mixed-income, accessible, reasonably-priced, transit-oriented, and compliant with the City's green building standards. The City's Land Use Code will incorporate the fee waivers for S.M.A.R.T. Housing compliant developments by adding new Article 15 to Chapter 25-1 of the Land Development Code. The new code provisions will include the Council's prior enhancements to the S.M.A.R.T. Housing program made by incorporating AHITF recommendations into Resolution No. 20070607-013 and will codify the following additional AHITF recommendations:

1. Modify accessibility requirements for multi-family development from ten percent to five percent and delete the requirement that 25 percent of the multifamily units be located on the ground floor in order to qualify.
2. Allow certification and fee waivers for multifamily rehabilitation, condominium conversions, and changes of use for other residential uses that meet S.M.A.R.T. Housing™ standards.
3. Allow contractual enforcement, including collection of damages for developers that receive S.M.A.R.T. Housing™ incentives but fail to meet minimum S.M.A.R.T. Housing standards, compensating the City for affordable housing lost when an applicant fails to meet minimum S.M.A.R.T. standards.

Further, the proposed action recommended by staff also amends Section 25-9-347 (Exemption for Certain Affordable Housing) by extending the benefits of the impact fee exemption under that section to all S.M.A.R.T. Housing developments to conform to the enhancements made by Council Resolution No. 20070607-013. An additional change to existing code clarifies that fee waivers for eligible

dwelling units in the Robert Mueller Municipal Airport development do not count against the 1,500 Service Unit cap limitation within Section 25-9-347.

NHCD met with the Mayor's Committee for People with Disabilities and ADAPT as part of the review process. The Mayor's Committee for People with Disabilities recommended the change to the accessibility requirements with the request that NHCD provide regular updates to the Commission on its effect at increasing participation.

The following Boards and Commissions have reviewed these recommendations, and their recommendations are included as attachments:

1. Mayor's Committee for People with Disabilities
2. Community Development Commission
3. Water and Wastewater Commission
4. Planning Commission