

REVISED LEGISLATIVE DIGEST
(Amended in Committee - March 4, 2024)

[Planning Code - Density Exception on Specified Lots with Numerical Density Limits]

Ordinance amending the Planning Code to allow density exceptions on lots subject to Numerical Density Limits; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General plan and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code regulates the density of dwelling units, group housing, and senior housing by either (1) limiting the number of units per lot or per square foot of lot area – known as numerical density limits; or (2) by allowing as many units as may be constructed while complying with applicable requirements and limitations set forth elsewhere in the Code, such as height, bulk, setbacks, open space, exposure and unit mix – known as form-based density.

Most Residential-Commercial (RC), Residential Transit Oriented (RTO), and Neighborhood Commercial (NC) Districts, and certain Named Neighborhood Commercial Districts have numerical density limits.

Units constructed after 1995 are not subject to rent control.

Amendments to Current Law

This ordinance would create an exception to the numerical density limits in RC, RTO, NC and certain Named NC Districts, to allow form-based density if a project sponsor is not using a state or local law to receive additional development bonuses, and agrees to subject any additional units allowed by the exception to rent control. Lots within the Priority Equity Geographies Special Use District would not be able to use the exception.

Background

This version includes amendments made at the Land Use and Transportation Committee meeting on March 4, 2024, and amends the substitute ordinance introduced on December 12, 2023. The substitute ordinance allowed form-based density in the RC, RTO, NC, and certain named Neighborhood NC Districts, generally outside the Priority Equity Geographies Special Use District. The March 4, 2024 amendments keep numerical density in those districts, but allow form-based density in certain circumstances noted above.

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