

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 5/4/2020)

[Planning Code - Conditional Use Authorizations for Demonstrably Unaffordable Housing]

Ordinance amending the Planning Code to require Conditional Use authorization for applications to demolish a Single-Family Residential Building on a site zoned as RH-1 or RH-1(D), when the building is demonstrably not affordable or financially accessible housing; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 317 currently requires a Conditional Use authorization for any building permit application that proposes elimination of one or more Residential Units or Unauthorized Units through Conversion, Demolition or Merger of Residential Units. Existing law provides limited exceptions, including an exception for permits to demolish single family homes in an RH-1 or RH-1(D) district that are not demonstrably affordable or financially accessible housing.

Amendments to Current Law

The proposed legislation was introduced on February 11, 2020. Prior to the Planning Commission hearing on April 23, 2020, the sponsor submitted language to the Commission making clerical corrections, and proposed to amend the ordinance to exempt from the Conditional Use authorization requirement of Subsection 317(c)(1) certain applications submitted prior to February 11, 2020.

The proposed legislation would amend Planning Code Section 317 to eliminate the prior exception, and require Conditional Use authorization, for permits to demolish single family homes in an RH-1 or RH-1(D) district that are not demonstrably affordable or financially accessible housing. The legislation would except projects from the Conditional Use authorization requirement of Subsection 317(c)(1) where a complete Development Application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D) District that is demonstrably not affordable or financially accessible housing was submitted prior to February 11, 2020. The proposed legislation also amends the definition of “Residential Demolition.”