

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 4/25/2022)

[Planning Code – Single, Two and Three-Family Home Bonus Program]

Ordinance amending the Planning Code to create a density bonus program in RH-1 (Residential, House, One-Family), RH-2 (Residential, House, Two-Family), and RH-3 (Residential, House, Three-Family) zoning districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Currently, residential buildings in single-family, two-family, and three-family residential districts (RH-1, RH-2, and RH-3) are limited to one, two, or three units, respectively. Residential buildings must comply with Planning Code provisions including the Residential Design Guidelines, and are generally limited to a height of 35 or 40 feet. Planning Code section 317 requires conditional use approval for projects that demolish or remove residential units; section 311 requires neighborhood notice of building permits in residential neighborhoods.

Amendments to Current Law

This ordinance would create a density bonus program to allow up to four units on interior lots in RH-1, RH-2 and RH-3 districts, and six units on corner lots, if the project sponsor enters into a regulatory agreement requiring that at least one unit is affordable to households earning up to 110% of area median income if the units are rental units, and 140% if the units are owned units. Project sponsors may also elect to pay an inclusionary housing fee based on the average size of the total number of units, up to 740 square feet. Eligible projects would be allowed additional density, zoning modifications to rear yard, dwelling unit exposure and open space, and would be limited by the heights as set forth in the Planning Code's Zoning Maps (generally 40 feet), as well as other minor modifications granted by the Planning Director. Projects would be reviewed and approved by the Planning Department under a new approval process. Projects would not be required to obtain a conditional use approval to demolish an existing residential building, unless the building was an historic resource, and would not need to provide notification to neighbors under Planning Code section 311. Projects would be required to comply with the Residential Design Guidelines (RDGs), except for Section IV of the RDGs that address Building Scale and Form, and Building Scale at the Mid Block Open Space.

The ordinance would be adopted pursuant to Senate Bill 10 (2021).

Background Information

This ordinance would allow additional density and other Planning Code modifications if units are affordable to middle-income households. Senate Bill 10, effective January 1, 2022, allows cities to adopt ordinances rezoning parcels for up to 10 units without review under CEQA.

This version of the ordinance includes amendments made at the Land Use and Transportation Committee meeting on April 25, 2022, to allow eligible projects to construct six units on corner lots, pay an inclusionary fee or provide a below market rate units, and bypass the conditional use requirement for demolition of existing housing, unless the existing building is an historic resource.

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