

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 10/29/2018)

[Planning Code – Inclusionary Housing Ordinance]

Ordinance amending the Planning Code to modify the date by which projects that are eligible for the temporary inclusionary housing requirements must obtain a building or site permit; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Existing Law

Generally, residential development projects of ten units or more must comply with the inclusionary housing requirements set forth in Planning Code section 415. Projects must pay a fee, or set aside a percentage of units, either on-site or off-site, as affordable to low, moderate, or middle income households. Projects of 25 units or more that have filed environmental applications between January 1, 2013 and January 12, 2016 qualify for the inclusionary housing requirements set forth in the temporary provisions of the Inclusionary Housing Ordinance, Planning Code section 415.3(b) if they secure a site or building permit on or before December 7, 2018.

Amendments to Current Law

This ordinance would modify the date by which projects of 25 units or more that have filed environmental evaluation applications between January 1, 2013 and January 12, 2016 must be approved or must secure a site or building permit in order to qualify for the temporary provisions in Planning Code section 415.3(b). Under the ordinance, projects that have not been approved before December 7, 2018 must comply with the inclusionary requirements set forth in the ordinance. Projects that have been approved on or before December 7, 2018 must procure a site or building permit within 18 months from the date that the project is approved, or by December 7, 2018, whichever is later.

Background Information

The Inclusionary Housing Ordinance was amended in ordinance 76-16. Generally, ordinance 76-16 increased the required inclusionary housing amounts. That ordinance also included temporary provisions setting forth different inclusionary housing requirements for projects that had filed environmental evaluations applications between January 1, 2013 and January 12, 2016, but had not yet been approved.

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