

REVISED LEGISLATIVE DIGEST
(Amended in Board, 4/2/2019)

[Planning Code - Inclusionary Housing Fee]

Ordinance amending the Planning Code to require all projects using the State Density Bonus law, regardless of environmental evaluation application date, to pay the inclusionary fee on any additional units or square footage allowed by the state law; 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 making findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

Currently, residential projects of 10 or more units must comply with the Inclusionary Housing Ordinance. Projects may pay a fee, or provide units on-site or off-site. Projects must pay the fee on the entire project, including any additional units or square footage provided under the State Density Bonus Law if the project's environmental evaluation application was filed on or after January 12, 2016.

Amendments to Current Law

This Ordinance would require all projects, regardless of environmental evaluation application date, to pay the fee on the entire project, including additional units or square footage provided under the State Density Bonus Law.

Background Information

Projects that comply with the Inclusionary Housing Ordinance by providing affordable units on-site may also elect to proceed under the State Density Bonus Law, Government Code section 65915. That law requires cities to allow additional density (up to 35%) and other development bonuses if the project includes on-site affordable housing.

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