

14-1519

MOTION

The City's SB 1818 Density Bonus Ordinance (No. 179681), was enacted into law on April 15, 2008 (Council File No. 05-1345). The intent of SB 1818 was to increase the availability of housing for the city's lower and middle income residents.

SB 1818 has enabled developers to benefit from density bonuses and incentives, in exchange for setting aside affordable units in proposed development projects.

On September 27, 2014, the Governor signed into law AB 2222 (Nazarian), which makes several changes to the State Density Bonus Act, and would require (a) affordability for 55 years or longer, for all low and low income units required under the density bonus law; (b) require a net increase of affordable units; (c) require an applicant for density bonus to replace existing affordable units with the same number of affordable units to be made available for rent to, and occupied by, person and families in the same or lower income category; and (d) require the housing development to include an additional set aside of affordable units at the percentage set forth in the density bonus law.

On September 27, 2008, the Governor signed into law AB 2280 (Saldana), which removed a requirement in the State Density Bonus Act that an applicant for a waiver or reduction of development standards show that the waiver or modification is necessary to make proposed housing units economically feasible.

Given the changes to the State Density Bonus Act which will go into effect on January 1, 2015 with the enactment into law of AB 2222, and changes in 2008 with the enactment into law of AB 2280 (Saldana), the city needs to resolve any and all inconsistencies between the city's Density Bonus Ordinance and State law.

I THEREFORE MOVE that the Council request the City Attorney, with the assistance of the Planning Department and the Housing and Community Investment Department, to prepare and present an ordinance that provides consistency between the city's Density Bonus Ordinance and amendments that have been made to the State Density Bonus Act with the enactment into law of AB 2222 effective January 1, 2015, and prior amendments in 2008 with the enactment into law of AB 2280.



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ORIGINAL