



Planning and Community Development Department

Applicable Density for Density Bonus Projects AB 2334

December 5, 2022

City Council





Background

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- **State Law continues to change dramatically**
 - > Dictating how Cities create policy and process projects
 - Over 65 bills since 2018
 - SB 330 (2019) states that Cities cannot reduce density in the Zoning Code, Specific Plans, or General Plan
 - An increasing number of bills limit Cities' review to *objective standards* for residential projects
 - AB 2334 (effective January 1) amends definition of base density for density bonus projects



AB 2334

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- **Existing State Density Bonus Law (SDBL) states:**
“maximum allowable residential density” (or base density) includes both the maximum density shown in the general plan and zoning code, but that general plan density applies if the zoning code density is “inconsistent with” general plan density”
- **AB 2334 substantially amends definition to state:**
“if a range of density is permitted, then base density means, the maximum number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project.”



AB 2334

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Current Law Example:

- GP Land Use Element = 0-87 du/ac
- Specific Plan = Max 64 du/ac*
- Project base density = 64 du/ac

*64 du/ac is consistent with 0-87 du/ac range

AB 2334 Example:

- GP Land Use Element = 0-87 du/ac
- Specific Plan = Max 64 du/ac
- Project base density = 87 du/ac*

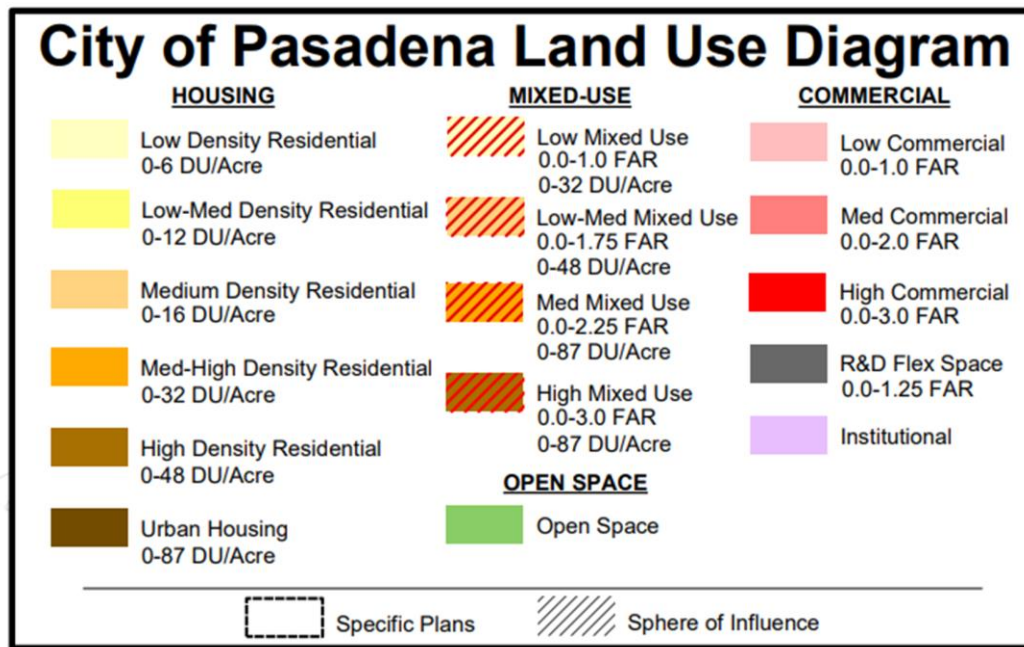
*87 du/ac is the highest number and the maximum density



2015 Adopted General Plan

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- 2015 General Plan Update – includes ranges of density and FAR
 - > Specific density intended to be determined through the Specific Plan or Zoning





Next Steps

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- Acknowledge that AB 2334 clarifies base density is the maximum number in the General Plan ranges;
- Continue Specific Plan Update Process that prioritizes building form and the pedestrian environment;
- Immediately develop objective design standards that can be folded into the specific plans and Zoning Code



Staff Recommendation

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- **Find** that the action proposed herein is exempt from environmental review pursuant to the California Environmental Quality Act (“CEQA”), State CEQA Guidelines Section 15060(c)(1); and
- **Adopt** a Resolution Regarding the Determination of Base Density in Density Bonus Projects, acknowledging that, as of January 1, 2023, State Law will require that the greatest maximum density allowed for a site in the Land Use Element, Zoning Code, or applicable Specific Plan must be considered as the base density for housing development projects requesting a density bonus; and
- **Direct** staff to immediately develop objective design standards.



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Specific Plan Standards

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