

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
REGARDING THE DETERMINATION OF BASE DENSITY IN DENSITY BONUS
PROJECTS**

WHEREAS, the State of California has adopted Government Code Sections 65915 - 65918 (State Density Bonus Law), which require cities to provide density bonuses for eligible housing development projects; and,

WHEREAS, Government Code Section 65918 provides that State Density Bonus Law applies to charter cities including Pasadena; and

WHEREAS, AB 2334 (Chapter 653, Statutes of 2022), effective January 1, 2023, substantially amends the definition of "maximum allowable residential density" contained in Government Code Section 65915(o) to read in pertinent part as follows:

" 'Maximum allowable residential density' or 'base density' means the maximum number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, 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."

and

WHEREAS, to comply with this change to state law effective January 1, 2023 and to provide clarity to the staff and to the public, the City desires to adopt a policy regarding the determination of base density in projects for which a density bonus is requested; and

WHEREAS, on December 5, 2022, the City Council held a duly and properly noticed public meeting to consider this Resolution, at which it reviewed and considered the recommendations as set forth in the Staff Report of the same date, all written materials submitted to the City Council, and all public comments regarding this Resolution; and

WHEREAS, the City Council has found that this Resolution is exempt from environmental review pursuant to State Guidelines for Implementation of the California Environmental Quality Act (CEQA) Section 15060(c)(1), which provides that City actions which do not involve the exercise of a discretion are not subject to CEQA. The City has no choice but to comply with State Density Bonus Law, is required to implement the

policies contained in this Resolution, and is therefore not exercising any discretion in this regard. Adoption of this Resolution merely memorializes actions that the City is otherwise required to take.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA RESOLVES AS FOLLOWS:

1. The above recitations are true and correct and are incorporated by reference into this action.
2. The base density of projects requesting a density bonus under State Density Bonus Law shall be the maximum density designated for the site in the Land Use Element of the General Plan, any applicable Specific Plan, or the Zoning Code, whichever is the greatest.
3. This Resolution shall become effective on January 1, 2023.

Adopted at the regular meeting of the City Council on the 5th day of December, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MARK JOMSKY, City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

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