

**Board Meeting Date:** August 4, 2020  
**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Community Development Director

**Subject:** EXECUTIVE SUMMARY: An ordinance repealing Sections 7900 - 7911 of the County Ordinance Code (*Zoning Regulations*), and adopting a new Chapter 22.6 of the Zoning Regulations to update the density bonus program, as required by State law, and a resolution directing staff to submit the ordinance to the California Coastal Commission for review and certification.

County File Number: PLN 2019-00363

**RECOMMENDATION:**

Adopt an ordinance a repealing Sections 7900 – 7911 of the County Ordinance Code and adopting a new Chapter 22.6 of the Zoning Regulations to update the density bonus program, as required by State law, and adopt a resolution directing staff to submit the ordinance to the California Coastal Commission for review and certification, and waive the reading of the ordinance in its entirety.

**BACKGROUND:**

San Mateo County's Density Bonus Ordinance implements California Density Bonus Law, Government Code Sections 65915 *et seq.* The purpose of State law and the County's ordinance is to incentivize the provision of affordable housing and housing for other specifically-targeted populations, by allowing greater residential density and other exceptions from development standards in exchange for such housing.

The County's Ordinance was adopted in 1993, and has not been substantially amended since adoption. Since that time, however, State law has been amended several times, most significantly in 2018, and the County's ordinance is no longer consistent. By law, the County's ordinance must be amended for consistency.

The County's prior ordinance also exceeded State law by providing greater incentives in exchange for additional housing units. However, the State's updated regulations are significantly more generous than the County's ordinance, and the proposed updates directly implement State law, without additional discretionary local provisions.

**DISCUSSION:**

The basic density bonus is an allowance of additional units beyond maximum permitted residential density, in exchange for dedicated housing units. Per State law, the density bonus is not discretionary on the part of the County: if the required units are provided,

the County must allow the additional density, and in general must also allow certain exceptions from development standards.

**Density Bonus.** The basic density bonus is calculated on a sliding scale, based on the type and amount of units or other dedications provided. Units provided in order to receive the density bonus are known as “qualifying units.” The types of qualifying units and associated bonuses are shown in the table below (with some rows omitted for concision). All units must be in only one of the very low, low, or moderate-income categories; within these categories, additional bonuses are available for units dedicated to foster youth, disabled veterans, the homeless, and low-income college students. There is also a bonus for land donation, for 100% senior projects, and an additional bonus for projects providing childcare space. Greater bonuses are available for 100% affordable housing.

<b>Qualifying Unit %</b>	<b>Very Low Income Bonus</b>	<b>Low Income Bonus</b>	<b>Moderate Income Bonus</b>	<b>Land Donation</b>	<b>Foster Youth/ Disabled Vets/ Homeless Bonus</b>	<b>Low-Income College Student Bonus</b>	<b>Senior Bonus (100% senior projects)</b>
5	20	--	--	--	--	--	20
6	22.5	--	--	--	--	--	20
7	25	--	--	--	--	--	20
8	27.5	--	--	--	--	--	20
9	30	--	--	--	--	--	20
10	32.5	20	5	15	20	--	20
11	35	21.5	6	16	20	--	20
<i>[Rows 11 through 18 omitted]</i>							
19	35	33.5	14	24	20	--	20
20	35	35	15	25	20	35	20
21	35	35	16	26	20	35	20
<i>[Rows 22 through 28 omitted]</i>							
29	35	35	24	34	20	35	20
30	35	35	25	35	20	35	20
<i>[Rows 31 through 37 omitted]</i>							
38	35	35	33	35	20	35	20
39	35	35	34	35	20	35	20
40	35	35	35	35	20	35	20

**Incentives and Concessions, Parking Modifications and Waivers.** Exceptions beyond the bonus, called incentives and concessions, are broadly defined to include exceptions to: building height; side and rear setbacks; floor area limits; required parking; architectural standards related to bulk or mass, minimum building separations, and others. A specified number of incentives and concessions are available, also on a

sliding scale related to the qualifying units provided. In addition to incentives and concessions, density bonus projects are subject to reduced parking requirements.

Waivers are similar to concessions and incentives, but the procedure and rationale is distinct. For any density bonus project, the applicant may request a waiver of any development standard that would physically preclude construction of the project, including the density bonus, and the County must generally grant the waiver.

Standards for Qualifying Units. In general, qualifying units provided for the density bonus must be of the same basic quality and type as other units in the project, and must be distributed equally throughout the project. The units must be rented or sold to households meeting the criteria of the qualifying unit category, for the term required by law. These requirements are guaranteed by a development agreement and deed restriction, under the authority of the County Housing Department.

Planning Commission Action. The County Planning Commission reviewed the proposed ordinance on June 10, 2020, and recommended that the Board of Supervisors adopt the proposed updates to the density bonus program.

Coastal Commission Approval. The density bonus ordinance must be certified by the California Coastal Commission prior to taking effect in the County's Coastal Zone. The proposed resolution directs staff to submit the ordinance to the Coastal Commission for review and certification.

Environmental Review. Approval of the ordinance is exempt from environmental review under the general rule in California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

**FISCAL IMPACT:**

There is no fiscal impact to the County from adoption of the proposed amendments to the density bonus program.