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ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING ARTICLE 32 SUPPLEMENTAL PROVISIONS OF THE REDWOOD CITY ZONING CODE RELATED TO DENSITY BONUSES**

The City Council of Redwood City does ordain as follows:

**Section 1.** That Article 32.19 (Affordable Housing Density Bonuses) of the Redwood City Zoning Code is hereby amended in its entirety to read as follows:

**"32.19 Affordable Housing Density Bonuses**

**A. Applicability/Purpose**

1. Government Code Sections 65915 and 65915.5 require that the City provide developer incentives for the production of lower income housing units if the developer meets the requirements set forth in said sections.

2. It is the State Legislature's intent that these incentives shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments.

3. The provisions of this section shall also implement the Housing Element of the General Plan of the City of Redwood City by providing increased residential densities for projects that guarantee that a portion of housing units therein shall be affordable for persons with low or very low income.

4. The provisions of this section shall apply to all housing developments consisting of five (5) or more dwelling units as hereinafter set forth.

**B. Criteria for Density Bonus for Housing Developments Other than Condominium Conversions.**

1. Applicability. The City shall either grant a density bonus and at least one (1) of the incentives referenced in Government Code Section 65915 ~~(h)~~ (i), or provide other incentives of equivalent financial value based upon the land cost per dwelling unit, when a developer of housing (with a minimum of five (5) dwelling units) agrees or proposes to construct at least:

(a) Twenty percent (20%) of the total dwelling units of a housing development for lower income households as defined in Health and Safety Code Section 50079.5; or

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(b) Ten percent (10%) of the total dwelling units of a housing development for very low income households as defined in Health and Safety Code Section 50105; or

(c) Fifty percent (50%) of the total dwelling units of a housing development for senior citizens as defined in Civil Code Section 51.3; or

(d) Twenty percent (20%) of the total dwelling units in a condominium project as defined in subdivision (f) of Section 1351 of the Civil Code, for persons and families of moderate income as defined in Section 50093 of the Health and Safety Code.

2. Duration of Affordability. If one incentive is granted, then affordable dwelling units shall be restricted to use as affordable dwelling units for a minimum period of thirty (30) years. ~~If no incentives are granted, If the housing is a condominium project as defined in subdivision (f) of section 1351 of the Civil Code,~~ then the affordable dwelling units shall be restricted to use as affordable dwelling units for a minimum period of ten (10) years. "Affordable Dwelling Units" as used in this section means dwelling units which conform to the criteria established in subsection (B)(1) above.

### C. Density Bonus/Incentives.

1. Except as provided in paragraph (2) and other than condominium conversion projects, housing developments which provide affordable dwelling units pursuant to the provisions of this section shall be granted a Density Bonus. "Density Bonus" as applied to housing developments, ~~other than condominium conversion projects,~~ means a density increase of at least twenty-five percent (25%), unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning district regulations and Land Use element of the General Plan of Redwood City as of the date the development application by the ~~developer~~ applicant is accepted by the City. The density bonus shall not be included when determining the density increase number of housing units which is equal to ten, (10%) twenty, (20%) or fifty percent (50%) of the total dwelling units.

2. ~~At least one (1) of the incentives referenced in Government Code Section 65915(h) shall be provided for housing developments which include affordable dwelling units under this section except that the City Council need not grant an incentive other than the density bonus if it adopts written findings that an additional incentive is not required to provide affordable dwelling units as specified in Government Code Section 65915.~~ If development does not meet requirements of (a), (b), or (c) of subdivision (B)(1), but the applicant proposes to construct a condominium project in which at least twenty percent (20%) of the total dwelling units are reserved for moderate income households as defined in Health and Safety Code Section 50093, a density bonus of at least ten percent (10%) shall be granted, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the

applicable zoning district regulations and Land Use element of the General Plan of Redwood City as of the date the applicant's development application is accepted by the City. The density bonus shall not be included when determining the number of housing units which is equal to twenty percent (20%) of the total.

#### **D. Approval of Density Bonus.**

~~1. The procedure for applying for a density bonus shall be the same as that for a Planned Development Permit pursuant to Article 46, except that following the determination of the Planning Commission, the City Council shall make the final determination after public hearing on the question of granting a density bonus.~~

~~2. An application for a density bonus pursuant to this section shall be made concurrently with other applicable related planning action requests for the project as specified in this ordinance.~~

~~3. The applicant shall provide clear, sufficient and accurate information to demonstrate convincingly that the requested incentive(s) is/are needed to make the proposed affordable dwelling units economically feasible.~~

~~4. Approval of a density bonus and (if applicable) incentive(s) shall be based upon the findings that:~~

~~a. The project as proposed will not cause significant adverse affects on the public health, welfare and safety.~~

~~b. Enforceable recorded agreements shall restrict the use of targeted affordable dwelling units as affordable dwelling units for the period required by the planned development permit.~~

~~c. The project, as proposed, complies with state law and with this ordinance.~~

~~d. The applicant has shown that any requested waiver of modification of development and zoning standards which would otherwise inhibit the utilization of the density bonus on specific sites is necessary to make the affordable dwelling units economically feasible (if applicable).~~

~~e. The project as proposed will comply with the requirements of this section.~~

~~5. In approving the application for a density bonus or incentive(s), the Council may select any incentive or combination of incentives or bonuses authorized by state law.~~

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1. An applicant may submit to the City a proposal for specific incentives that the applicant requests pursuant to this section, and may request a meeting with the City.

2.- A density bonus or incentive requested by the applicant shall be granted unless the City makes a written finding, based on substantial evidence, of either of the following:

(a) That the incentive or concession is not required in order to provide for affordable dwelling units as specified in Government Code Section 65915 or for rents to be set as specified in Health and Safety Code Sections 50079.5 and 50105.

(b) The incentive or concession would have a specific adverse impact as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-and moderate-income households.

3. At least one (1) of the additional incentives referenced in Government Code Section 65915(j) shall be provided for housing developments which include affordable dwelling units under this section except that the City Council need not grant an additional incentive other than the density bonus if it adopts written findings, based on substantial evidence, that an additional incentive is not required to provide affordable dwelling units as specified in Government Code Section 65915.

4. The City may impose certain development standards on the development. These standards include, but are not limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements. The City may not apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of Section 32.19(B) or with the incentives permitted by this section. The City shall establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites.

5. Nothing in this section shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources or a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

6. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

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7. The granting of a density bonus, a concession or an incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

**E. Judicial Review.**

An applicant subject to a denial of a requested density bonus, incentive or concession may obtain review of the decision in the appropriate court pursuant to the provisions of California Government Code Section 65915 as that section may be amended from time to time.

**F. Fees.**

Every proposal shall be accompanied by a reasonable filing fee in an amount as may be established by resolution of the Council."

**Section 2.** This Ordinance shall be effective thirty (30) days from the date of its adoption.

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ATTACHMENT 4

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING ARTICLE 37 (ACCESSORY DWELLINGS) OF  
THE REDWOOD CITY ZONING CODE**

The City Council of Redwood City does ordain as follows:

**Section 1.** That Article 37 (Accessory Dwellings) of the Redwood City Zoning Code is hereby amended in its entirety to read as follows:

**ARTICLE 37. ACCESSORY DWELLINGS**

**"37.1 Purpose, Scope.**

The purpose of this section is to allow secondary units in single-family residential areas while respecting the character of the residential neighbors. (Policy 3 of the Housing Element of the Redwood City General Plan.) (Ord. 1130.277, eff. 9-26-91)

**37.2 Requirements/Conditions.**

~~The following requirements/conditions must be met to fall within the criteria of an accessory dwelling:~~ An accessory dwelling meeting the criteria described below shall be permitted by the Planning Director.

- (a) The accessory dwelling shall not be intended or offered for sale, nor sold, but may be rented.
- (b) The lot upon which the accessory dwelling is proposed to be located is zoned for single-family or multi-family use (RH, R-1, R-2, R-3, R-4, or R-5).
- (c) Such lot contains an existing single-family dwelling.
- (d) The accessory dwelling shall conform to all applicable Building Code requirements and to height, setback, lot coverage and parking requirements, and the application therefor shall be subject to ~~architectural review~~, site plan review, payment of fees and charges, and other non-discretionary zoning requirements generally applicable to residential construction in the zone in which the property is located.
- (e) The main or principal unit shall be owner-occupied.
- (f) The accessory unit may either be attached to the existing dwelling structure and located within the living area thereof or detached from the existing dwelling but located on the same lot as the existing dwelling structure.

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(g) The total gross floor area for the accessory dwelling shall not exceed six hundred forty (640) square feet.

(h) The accessory dwelling shall not contain more than one (1) bedroom.

(i) No more than one (1) entrance to the existing single-family dwelling shall be located on the street side of the building thereof (other than a garage entrance), and the entrance to the accessory dwelling shall not be directly visible from the street.

(j) There be a total of not less than three (3) off-street parking spaces provided for the main dwelling structure and accessory dwelling, combined, all of which shall comply with the design, setback, and other non-discretionary requirements of Article 30.

(k) The application shall be subject to architectural review by the Planning Director or his/her designee to ensure compliance with those non-discretionary design standards set forth by the in the City's "Standards for Architectural Review of Accessory Dwellings."

### 37.3 Appeals.

(a) Any person aggrieved by the action of the Planning Director may appeal such action to the City Council by the procedures set forth in Article 48.

(b) The City Council, hearing any appeal may affirm or reverse the decision or determination being appealed by reviewing whether the accessory dwelling meets the requirements provided for in Section 37.2."

**Section 2.** This Ordinance shall be effective thirty (30) days from the date of its adoption.

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ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING ARTICLE 41 (AMENDMENTS) OF THE  
REDWOOD CITY ZONING CODE**

The City Council of Redwood City does ordain as follows:

**Section 1.** That Article 41 (Amendments) of the Redwood City Zoning Code is hereby amended in its entirety to read as follows:

**"41.1 Purpose and Procedures.**

A. The purpose of every amendment to this ordinance shall be to increase the quality of the provisions of this ordinance in guiding and regulating the future development, growth, and evolution of Redwood City.

B. Every amendment to this ordinance, including changes of district boundaries, shall be initiated and adopted in accordance with the provisions of this article.

**41.2 Initiation of Amendments.**

A. Amendments may be initiated by resolution of intention of the Council, resolution of intention of the Commission, City staff, or application of one (1) or more owners of record of property affected by the proposed amendment.

B. Every such application, staff initiation or resolution shall set forth the proposed boundary change of any zoning district and the designation of the district to which any parcel is proposed to be zoned or, in the event the application or resolution is for the amendment of any regulation contained in this ordinance, the text of the proposed amendment.

**41.3 Hearing on Resolution.**

A. Upon adoption of a resolution of intention by the Council, the City Clerk shall transmit a copy of the resolution to the Planning Department, and the Commission shall hold a public hearing thereon within fifty (50) days.

B. Upon adoption of a resolution of intention by the Commission, a public hearing shall be held thereon within forty-five (45) days.

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#### **41.4 Owner's Application.**

A. An application for an amendment to this ordinance shall require a comprehensive review of this ordinance to determine the effect of such amendment on the future development, growth, and evolution of Redwood City. To facilitate such review, amendments shall be considered biannually by the Commission.

B. An application by a property owner shall be filed with the Planning Department on forms provided by the Department. An application for a proposed change in the zoning district designation for any parcel or for a proposed amendment of any regulation contained in this ordinance shall be accompanied by a reasonable filing fee in an amount as may be established by resolution of the Council. One-half (1/2) of said fee shall be refunded to the applicant in the event that no public hearing is held in connection therewith. Such refund shall not be made unless all proceedings and appeal periods have terminated without the holding of a public hearing. The application shall also be accompanied by such legal descriptions, maps or plats, drawings, and other reasonable, pertinent information as may be required by the Planning Department.

C. The Commission shall hold a public hearing on the application within fifty (50) days of the date of filing thereof unless such time is waived by the applicant.

D. A property owner's application may be withdrawn at any stage of the proceedings if all persons signing such application request such withdrawal in writing.

#### **41.5 Staff Initiation.**

A. City staff shall refer an amendment to this ordinance to the Commission with a report or recommendation.

B. The Commission shall hold a public hearing on the staff initiated amendment within fifty (50) days of the date of filing.

#### **41.5 41.6 Commission Action.**

A. If, at the conclusion of the public hearing, the Commission finds that the proposed amendment is not in the public interest, the Commission shall, by motion, either deny the application, terminate the proceedings if initiated by staff or by resolution of the Commission, or, in the case of a Council resolution of intention, recommend to the Council that the proposed amendment not be adopted.

B. If the Commission finds the proposed amendment to be in the public interest, the Commission shall, by motion, recommend to the Council the adoption of the

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proposed amendment or recommend the adoption of the proposed amendment subject to such modifications as the Commission finds proper.

C. The Commission's action in either terminating proceedings on a Commission resolution of intention or in recommending that an amendment proposed by Council resolution be, or not be adopted shall not be appealable.

**41.6 41.7 Filing with Clerk.**

The Commission's recommendations shall be filed with the City Clerk. The Planning Department shall transmit therewith such records, maps, and reports as the Commission or Council directs.

**41.7 41.8 Council Hearing.**

The Council shall hold a public hearing on the proposed amendment within forty-five (45) days after the Commission's recommendation is filed with the City Clerk or within forty-five (45) days of the filing of an appeal if the Commission's action has been to deny a property owner's application. The time and place of public hearing shall be set by the City Clerk.

**41.8 41.9 Council Action.**

A. The Council shall take action on each proposed amendment as follows:

1. Terminate proceedings or deny the property owner's application if it finds that the proposed amendment is not in the public interest.
2. Adopt the proposed amendment, subject to such modifications as the Council finds proper, by ordinance if it finds that it is in the public interest.
3. Refer the proposed amendment or a proposed modification back to the Commission for further review.

B. In the event the Council refers back an amendment or modification to the Commission, the Commission shall, by motion, make its recommendations on the proposed amendment and modification to the Council. No public hearing need be held on the proposed modification by the Commission. Failure to make a recommendation within forty-five (45) days shall be deemed to be approval of the modification. Upon receipt of the Commission's recommendation, the Council shall hold a final public hearing as provided by Section 41.7 41.8, at the conclusion of which the Council may adopt the proposed amendment in such form as it finds best serves the public interest. In lieu of holding a final hearing, the Council may continue the hearing set under Section 41.7 41.8 pending receipt of the Commission's recommendation.

**41.9 4.10 Adoption of Amendment.**

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The adoption of any amendment to this ordinance by the Council shall be done in the same manner as prescribed for other ordinances.

**41.10 4.11 Modifications Permitted.**

A. No modification shall be made to a proposed amendment to any regulation in this ordinance unless the modification relates to the same subject matter as the text set forth in the original resolution or application.

B. No modification shall be made to a proposed amendment involving the change of a zoning district boundary or a change of zoning district for any parcel which would either include any parcel not included in the original resolution or application, or would be a substantial change from the original proposal upon which public notice was given. The following modifications shall not be deemed to be substantial in nature:

1. The addition, deletion, or change of lot size requirements established pursuant to the provisions of Sections 4.6, 5.6, or 18.6.
2. The addition, deletion, or change of a combining district specified in Article 24.
3. A change of all or any portion of an area proposed for a change of zoning from one R District to another R District to any other R District than that which was originally proposed.
4. A reduction in the area included in the original resolution or application.

**41.11 4.12 Reapplication.**

No property owner's application for an amendment to change the boundaries of any district shall be considered within one (1) year after final action taken in denying a previous such application relating to the same subject matter.

Applications shall be deemed to relate to the same subject matter if both of the following factors exist:

- A. The same parcel of land affected by the former application is the subject of the later application;
- B. The nature of the change applied for is substantially similar to the change applied for in former application.

Determination of what constitutes the same subject matter and of what date is the date of final action shall be made by the Planning Director and shall be reviewed by the Planning Commission if written request is made by the applicant within five (5) days

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of the Planning Director's determination. On review, all decisions of the Planning Commission shall be final.

**Section 2.** This Ordinance shall be effective thirty (30) days from the date of its adoption.

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