
Public Hearing: Zoning Ordinance Amendments

Demolition and Dwelling Unit Controls (BMC 23.326)

Justin Horner • Planning Commission • December 6, 2023

Overview

1. Background & timeline
 2. Brief review of existing ordinance
 3. Proposed changes
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Background

- SB 330 (Housing Crisis Act of 2019)
 - 4x4 Joint Task Force Committee on Housing
 - Text edits
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Timelines

October 2022

Planning Commission

December 2022

4x4 Committee

February 2023

Planning Commission

September & October 2023

4x4 Committee

Existing Ordinance

Use Permit Required

- ZAB must make finding;
- No demolition of units removed through Ellis Act (5 years) or subject of harassment or illegal eviction (3 years).

Unit Replacement

- Unit must be a BMR unit;
- Mitigation fee option.

Sitting Tenants' Rights

- Relocation benefits, differential rent payments;
 - Right of first refusal.
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Proposed Changes: Clarifications

		Current Ordinance	Proposed Ordinance
1	Applicable Unit	Dwelling unit or units.	Dwelling unit, GLA, residential hotel rooms, ADU, JADU and units built without permit.
2	Comparable Unit	No definition.	Similar size, amenities and location.
3	Demolition/combination Prohibition	Ellis Act within last 5 years.	Any no-fault eviction within last 5 years.
4	Landmarks and Structures of Merit	No mention.	References to Landmarks Preservation Commission process.
5	Demolition of Accessory Buildings	Can be demolished by right.	Clarifies that accessory buildings used as residences are dwelling units.

Proposed Changes: State Law Conformance

		Current Ordinance	Proposed Ordinance
1	Mitigation Fee	Includes mitigation fee option.	Removes mitigation fee option; demolished units must be replaced.
2	Replacement Units	<ul style="list-style-type: none">• BMR in perpetuity;• Affordability levels set by City Council resolution;• Regulatory agreements with the City required.	<ul style="list-style-type: none">• Replacement units must comply with BMC 23.328 (Affordability Requirements) and 23.330 (Density Bonus);
3	Sitting Tenants' Rights	<ul style="list-style-type: none">• Right of first refusal to move into <i>new building</i>• Right of first refusal for BMR units• Income restrictions do not apply	<ul style="list-style-type: none">• Right of first refusal for <i>comparable unit</i>;• Rent is controlled for duration of tenancy;• Households ineligible for BMR units return at prior rent.

Proposed Changes: 4x4 Policy Committee

		Current Ordinance	Proposed Ordinance
1	Tenant Harassment Determination	Zoning Adjustments Board (ZAB)	Rent Board
2	Demolition of ADUs	ZC for ADUs that are not rent controlled	Use Permit required.
3	Replacement Units	Affordability set by Council	Demolished units with household at 50% AMI or below, unit must be offered at 30% AMI.
4	Combination of Units	Use Permit required	AUP, if returning building to original density.

Things that are not changing

Use Permit still required for any demolition.

By-right demolition will be considered as part of Middle Housing next year.

Tenant relocation services and payments (BMC 13.84).

Local requirements still exceed Statemandated minimums.

Questions
