



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 15, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** TOM BARTLETT, AICP, CITY PLANNER

**SUBJECT:** ADOPTION OF ORDINANCE NO. 2021-392, AMENDING SECTION 17.22.020 OF THE CALABASAS MUNICIPAL CODE (DENSITY BONUS PROVISIONS), AS REQUIRED TO COMPLY WITH CALIFORNIA ASSEMBLY BILL 2345 (AB 2345)

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 2021-392 (Attachment A), revising CMC section 17.22.020 as necessary to comply with the provisions of AB 2345.

**BACKGROUND:**

Under California law (Section 65915 of the California Gov. Code), every city and county in California must adopt and implement for all residential zoning districts a series of density bonuses and attendant development standard concessions and incentives for the purpose of promoting affordable housing development. Assembly Bill 2345 (AB 2345), which took effect on January 1, 2021 requires that the City amend its provisions for the granting of density bonuses.

On March 10, 2021, the City Council conducted a public hearing on draft Ordinance No. 2021-392, after which the City Council asked that the draft ordinance be amended to include a provision stating that in the event the State of California would at some future date either modify the statutes to reduce the density bonus

requirements for local jurisdictions, or to repeal the density bonus requirements for local jurisdictions altogether, that the City's density bonus regulations under the ordinance would automatically reflect such change(s) in the State law.

Accordingly, Section 5 of Ordinance No. 2021-392 has been revised to read as follows:

Section 5: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance. If Government Code section 65915 is ever repealed or held unconstitutional or unenforceable by a final, non-appealable judgment of a court of competent jurisdiction, then Calabasas Municipal Code section 17.22.030 shall be repealed. If Government Code section 65915 is ever amended, or portions of that law are ever held unconstitutional or unenforceable by a final, non-appealable judgment of a court of competent jurisdiction, then Calabasas Municipal Code section 17.22.030 shall be modified as needed to only allow as much of a density bonus as is required by state law.

Based on the inclusion of this amendment, the City Council voted to introduce, and waive further reading of, Ordinance No. 2021-392. The ordinance may now be adopted.

**ENVIRONMENTAL IMPACT REVIEW:**

No environmental impact review under the California Environmental Quality Act is required because the proposed ordinance will merely promulgate a newly enacted California housing law, and that state housing law already applies preemptively to all qualifying housing development projects to be considered by the City.

**RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 2021-392, revising CMC section 17.22.020 as necessary to comply with the provisions of AB 2345.

**ATTACHMENTS:**

Attachment A: Ordinance No. 2021-392 amending CMC Chapter 17.22 as necessary to comply with the provisions of AB 2345