

Mayor Rolls Out Long-Awaited Height Limit Elimination (Sorta) Plan

Mayor Kevin Faulconer, it turns out, is not actually proposing a citywide elimination of height limits near transit stations.

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Mayor Kevin Faulconer delivers his 2019 State of the City address. / Photo by Adriana Heldiz

Mayor Kevin Faulconer unveiled his proposal to eliminate height limits on new development near transit, a headline-grabbing idea he first announced at this year's State of the City address.

In practice, his idea is not as straightforward – or, likely, as controversial—as what he proposed in a speech during which he declared himself a “YIMBY,” for yes in my backyard, generating a raft of national attention for his pro-development stance.

It also kickstarted a fierce debate over city development that has come to define the race to replace Faulconer. Attorney Cory Briggs was so opposed to the speech that he jumped into the mayor's race, before deciding to run for city attorney instead. Councilwoman Barbara Bry has since issued ominous warnings that "they" are coming for the city's single-family homes and pledged to protect neighborhoods while deriding YIMBY groups as Wall Street tools. Her chief rival, Assemblyman Todd Gloria, sought and won a YIMBY group's endorsement on the day he launched his campaign.

But Faulconer, it turns out, is not actually proposing a citywide elimination of height limits near transit stations.

In turning his applause line into a policy proposal, he's tempered it enough that it might not be so controversial after all.

For instance, there would be no changes in single-family home neighborhoods. The policy would be limited to properties that already allow developers to build multi-family housing that are also within a half-mile of rail stations or bus stops where two lines with decent frequency operate.

Faulconer's proposal would create an optional new program for developers that would let them exceed local height limits and other regulations in exchange for specified community benefits. It's an attempt to capture for the public some of the value that developers would receive from seeing certain development restrictions lifted.

Namely, developers would need to build low-income homes as part of their project, and build neighborhood perks – like plazas or pedestrianized streetscapes – in exchange for lifting development restrictions.

City planners outlined the proposal to the City Council's land use and housing committee on Thursday. It is still light on details and the Council could push for changes, but everyone on the committee praised the concept. City staff could release an environmental review as early as next week, and hopes to begin public hearings leading to eventual Council adoption next year.

“This kind of incentive package could make a big difference for developers deciding whether to construct in areas that are in need of housing, and in areas we as a city want to encourage construction, like (transit priority areas),” said Councilwoman Vivian Moreno, who chairs the city's land use committee.

Councilwoman Jen Campbell, who represents the beach communities and Bay Park area that have been home to some of the most fervent opposition to the city's attempt to goose housing construction, said she was excited about the concept but needed to hear more details. Councilman Scott Sherman, who is now running for mayor and promises to make housing the central issue of his campaign, likewise praised the idea.

The city's general plan for future growth already calls for new development to occur in dense areas near jobs and transit, and its plan to halve its carbon footprint by 2035 doubled down on the commitment, promising half of residents living near transit stations would get to work by walking, biking or taking transit by 2035. Mike Hansen, head of the city's planning department,

said his staff structured the plan as it did because the Council had already formally committed to those priorities.

The mayor's proposal is part of an initiative the mayor's office is calling "Complete Communities," which includes sets of changes for transportation, parks and recreation and infrastructure.

The housing portion is for now focused on the new program allowing an option for developers to evade local height and density restrictions if they provide other benefits.

"If an applicant provides additional neighborhood amenities and community benefits beyond citywide requirements, the city will provide additional incentives to spur housing construction," a city staff memo on the item reads.

For now, here's what developers would be obligated to do to take advantage of relaxed regulations:

- **Affordable housing:** Developers would need to reserve 10 percent of the homes in their project for people with low incomes and would not be allowed to pay a fee to get out of putting low-income homes in their projects. They'd then need to reserve another 10 percent of the homes in their project for people with mid-level incomes. And they'd be required to replace any existing homes reserved for low-income residents that would be demolished as part of the project.
- **Neighborhood amenities:** Developers would have to build neighborhood perks like small parks, plazas or pedestrianized streetscapes as part of their

project, or pay a fee into a newly created fund that the city would use for similar projects citywide. City staff said they aim to set the fee at a level that would encourage developers to just build the outdoor space.

- **Design requirements:** Any buildings over 90 feet tall would need to obey an additional set of design standards, like how far the building is set back from the street. City planners said it's an attempt to make taller buildings better blend into their neighborhoods.

And here are the benefits they'd receive:

- **Faster process:** Developers in the program for the most part would not need special approvals from groups like the Planning Commission or City Council.
- **No height and density regulations:** Through zoning and community plans, the city imposes strict limitations on how many homes you can build, based on homes per acre, and how tall buildings can be. Those restrictions would no longer apply.
- **New regulation instead:** Rather than height or density, developments would be limited by a different regulation called floor-area ratio, or FAR. Basically, it would restrict developments to a total square footage, relative to the size of the lot they're on. They would be able to build as tall as they want, or as many homes as they could fit, into however many square feet are prescribed by that ratio. The hope from city planners, which Campbell, Moreno and Sherman all echoed, is that the change would incentivize developers to build more smaller (and therefore cheaper) homes, instead of bigger more expensive ones. Projects downtown would have no FAR limit. Projects in non-urban areas would have a moderate restriction, and those in urban areas like North Park and City Heights would have one slightly higher than that.

- **Lower fees:** Developers could also get a decrease in the fees they pay to offset the impacts of their projects, if they opt to build smaller units, because fees would be calculated by an apartment's square footage.

Projects covered by the city's coastal height limit – those north of downtown and west of I-5 – would still be eligible for the program, but they couldn't exceed the 30-foot height limit, since it was imposed by a 1972 voter initiative, and can only be overturned by a popular vote.

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