

Getting Rezoning Right: Six Guiding Principles



This document offers key tips from zoning professionals to help ensure an effective rezoning process that aligns zoning regulations with the community's vision and adopted policies. RELEASED IN JULY 2024

1 Follow State Law

Understand what state law requirements apply to the zoning project and plan for them from the start. In many cases, this will include Housing Element law and regulations pursuant to SB 330 (2019), but jurisdictions may also want to consider the effects of State Density Bonus Law and streamlining bills such as SB35 (2017) and AB 2162 (2018).

Zoning Ordinances must be consistent with General Plans.

This is required by State law—even for Charter cities—with the passage of SB 1333 (2018) ([Gov. Code Section 65860](#)). It is also good practice for internal consistency of land use policies and setting clear expectations for development applications.



PRO TIP! *Keep in mind that recent State streamlining bills allow more flexibility for applicants.*

SB 35 allows ministerial approval for eligible projects that comply with use regulations identified in the General Plan or the Zoning Ordinance (Gov. Code Section 65913.4(a)(2)(C)(i)). In other words, if the General Plan allows residential or mixed uses, projects can be eligible for SB35 streamlining, even if the zoning designation does not allow residential uses.

Rezoning may not result in downzoning.

SB 330 prohibits communities from reducing the intensity of land use that was in effect as of January 1, 2018 ([Gov. Code Section 66300\(b\)\(1\)\(a\)](#)). This includes, but is not limited to, reduction to height, density, or floor area ratios; new or increased open space or lot size requirements; new or increased setback requirements, frontage requirements, or lot coverage limits; or any other action that would individually or cumulatively reduce the site's residential development capacity. There is a limited exception that allows for reducing the intensity of use if there are concurrent changes to the development standards for other parcels to ensure there is no net loss of residential capacity.

Limits on mixed-use development.

On sites accommodating lower-income households to meet the RHNA, Housing Element law states that at least half of the lower-income units must be placed in zoning districts that are exclusively residential. Alternatively, zoning must allow for 100 percent residential development and must require that the proposed development include at least 50 percent residential floor area ([Gov. Section 65583.2\(h\)](#)).

Housing Element law dictates triggers for by-right review.

Design review based on objective standards is permitted, but any CEQA review must be completed as part of the rezoning ([Gov. Section 65583.2\(i\)](#)). If utilizing sites identified in prior planning periods toward the lower-income RHNA or if rezoning to accommodate the RHNA, State law requires rezoning and a “by right” approval process for housing developments with 20 percent affordability to lower-income households and appropriate densities (e.g., default densities). When rezoning to accommodate the RHNA, make sure those rezones meet all Housing Element requirements (by right for 20 percent, minimum densities, etc. ([Gov. Section 65583.2\(h\)](#))).

Housing Element law also specifies deadlines for rezoning to meet the RHNA.

The timing of the rezoning depends on whether the Housing Element is certified within 120 days of the Housing Element deadline or not. (For the 6th Cycle in the Bay Area, the deadline was January 31, 2023, and 120 more days was May 31, 2023.)

- **If a Housing Element was certified by May 31, 2023**, the rezoning should happen by January 31, 2026 (i.e., within three years).
- **If the Housing Element was not certified by May 31, 2023**, the rezoning should be completed by January 31, 2024.



PRO TIP! *Don't stress over State Density Bonus Law waivers and concessions. State Density Bonus Law allows modifications to development and design standards as well as density bonuses in exchange for the provision of affordable, senior or other qualifying developments. It is intended as an incentive for projects that help achieve state housing goals, but can be frustrating for jurisdictions that have spent time fine-tuning standards based on local goals. Instead of trying to guess at every permutation that might result from waivers and concessions, focus on developing design regulations based on community priorities, understanding that some projects will modify them in return for delivering affordable and senior housing.*

2 Set Clear Goals and Expectations

Look to your community's adopted policies to establish a clear, shared vision for what the rezoning is aiming to achieve. Agree on goals and expected outcomes before launching into all the details of rezoning.

The General Plan and Specific Plans articulate the community's vision and intent.

Use those as the starting point. General Plan goals and policies (including the Housing Element) set forth the community's vision and intent for future development. Specific Plans provide an opportunity to focus more intensively on a particular area, especially when the community's vision is to transform the character or uses in an area and more detailed guidance is needed, including the coordination of infrastructure improvements and other investments. These adopted plans and their policies provide the foundation for defining goals for a rezoning project.



Zoning, design guidelines and development standards work together to implement the vision, consistent with adopted plans.

Design guidelines help to express the community's preferences for how the built environment is shaped, from the character of specific streetscapes and areas to the design of individual buildings and how they relate to public spaces. Zoning, development standards and related regulations codify requirements for new development to meet the community's expectations and implement the adopted vision. Ensure they work together as a consistent set of tools, taking care to identify related and intersecting guidelines and code sections that will need to be updated to achieve project goals and maintain internal consistency.



PRO TIP! *Include rezoning as part of Specific Plan or General Plan RFPs. Include a zoning update when writing the scope for a General Plan update or Specific Plan process. This will ensure that consultants include a zoning expert on their team, think about options for implementation early on in the planning process, evaluate likely zoning implementation as part of CEQA review, and enable zoning regulations that can be adopted at the same time (or soon after) plan adoption.*

Objective standards provide clear guidance and greater certainty while supporting affordability.

Recent state legislation has focused on the importance of objective standards as a tool for supporting housing outcomes. When standards or guidelines are subjective (for example, “be compatible with existing neighborhood character”), developers are left to guess at what they mean, and design review boards, planning commissions, staff and city council are left to interpret them on a case by case basis. By stating community expectations in clear, objective terms, developers are better able to design projects that meet those expectations and review processes can go more quickly, giving greater certainty to project approval.



PRO TIP! Be objective, streamlined, and focused on affordability. Consider pairing the adoption of objective standards with adoption of streamlined review procedures so that desired housing has a clear, understandable path to approval. This can help create more certainty for developers while still allowing for public review based on objective and established criteria. Make sure that objective standards take into account potential impacts on housing affordability. The RHTA Program has excellent resources for developing [objective standards](#) while weighing impacts on financial feasibility.

3 Align for Outcomes

Audit the code to determine whether existing regulations support the adopted vision, goals and policies for housing (see Principle 2). The rezoning effort should ensure the alignment of zoning standards with these goals.

Is your community’s zoning incentivizing or disincentivizing the desired outcome?

One way to think of zoning is as a set of incentives and disincentives. Housing Element law requires cities to remove “constraints” (disincentives) to housing and add programs (incentives) that support housing production and affordability. However, communities’ zoning regulations are often not aligned with the vision and goals set forth in higher level policy documents.

Ensure that the types of housing desired are the easiest to build.

Make desired outcomes the easiest to build by ensuring:

- Uses are allowed by right
- Standards are objective
- Streamlined review is available
- No special conditions or requirements apply

For example, many communities have adopted goals related to “missing middle” housing, but in reality, those very housing types are the most challenging to get approved and built, or are not even feasible when various requirements are layered together. When large single-family homes have an easier path to approval, and strong market interest, that is what most developers will opt to build.

Support physical and financial feasibility for desired housing.

Make sure that development standards permit the type of development identified in adopted plan goals and policies. Relax or remove standards that undermine feasibility.



PRO TIP! Test drive the standards. Review recently built projects to see how developed projects compare to written standards. If your community does not have a lot of examples, look at successful projects in comparable communities to determine whether those projects are achievable under existing regulations. Conduct a forum with local architects and developers to test draft standards. If budgets allow, consider hiring an architect and/or economist to test existing and proposed standards to ensure that desired housing types are physically possible and financially viable.

Incentivize the desired housing outcome.

Increase the probability of housing your community wants to see:

- Limit or constrain competing uses (e.g., offices or single-family homes) by making them conditional, prohibited or limited in size
- Increase density for residential and mixed-use vs. commercial-only projects
- Incentivize lot consolidations to enable larger, more feasible housing sites
- Consider public hearings and the level of design review, including whether it is discretionary or based on compliance with objective standards
- Where ground-floor commercial uses are required, provide incentives to encourage viability (e.g., allow more FAR as an incentive and/or building height to accommodate taller ceiling heights)
- Talk with property owners at key sites that could serve as catalyst projects

Conduct a zoning audit.

To ensure that your community's regulations are creating the outcomes desired, consider doing a zoning audit. If the existing zoning regulations are already well-aligned with the policy objectives, the rezoning effort may be more discrete and non-controversial. If the existing regulations are not aligned with the policy objectives, the rezoning process may require more effort. However, this non-alignment between goals and current regulations can provide a powerful story to share with community members and decision-makers and justify zoning changes. The table below provides a framework for evaluating whether existing zoning regulations (namely use regulations, development standards, and approval processes) support desired outcomes:

- Is the desired outcome possible, feasible and probable? Consider the questions outlined in the table to evaluate the alignment of existing regulations with adopted policy objectives.
- What are developers building in your community? Do these projects reflect the community's planning objectives? If not, talk to developers or economists to understand what is driving the outcomes communities are seeing.

ZONING AUDIT FRAMEWORK

KEY QUESTIONS	INCENTIVES <i>What regulations encourage desired outcomes?</i>	DISINCENTIVES <i>What regulations discourage desired outcomes?</i>
1 Is the desired outcome possible?	<ul style="list-style-type: none"> + Desired use is permitted by right + Undesirable uses require conditional permits + Clear, efficient, expedited review process + Limitations on the number of hearings/review bodies + Clear, objective standards to inform building design, evaluation and approval. 	<ul style="list-style-type: none"> – Desired use requires conditional use permit – Undesirable uses allowed by right – Requires a discretionary design review process – Multiple review bodies (design review, planning commission, city council, etc.) – No limits on # of hearings – Special requirements (e.g., owner-occupancy) for approval
2 Is the desired outcome feasible?	<ul style="list-style-type: none"> + Development standards (setbacks, height, lot coverage, parking, etc.) allow desired housing types + Standards are calibrated to support the financial feasibility of desired outcomes (e.g., factoring in land and construction costs and market rents or home prices) + Exceptions are specified for small or constrained sites 	<ul style="list-style-type: none"> – Layering of development standards (height, parking, open space, etc.) make desired outcomes/housing types impractical or infeasible – No process (or onerous process) for exemptions or alternative design
3 Is the desired outcome probable?	<ul style="list-style-type: none"> + New housing provides higher return than existing use – enough to entice owners to sell or redevelop + Economic return of desired housing outcome is same or higher than other uses + Property size and configurations make development possible + Market demand exists for desired outcome 	<ul style="list-style-type: none"> – Other potential uses will create a higher return (e.g., single family homes, offices, or what is currently on the site) – Small or unusual lot sizes may prevent redevelopment – Unmotivated property owners, who are unlikely to redevelop sites

4 Hone the Rezoning Strategy

Explore rezoning options and consider the benefits and drawbacks before selecting a rezoning strategy. Then ensure shared clarity among the project team and city leadership on the selected strategy and scope of the work effort.

How big of a change will this rezoning be?

Will the rezoning project be focused on modifying existing standards to improve housing feasibility? Facilitating infill housing and new housing choices in established neighborhoods and contexts? Introducing housing where there has not been housing before? Or part of a planned transformation of a district or area? These are fundamental questions that will inform the scope and complexity of the zoning effort.

- **Incremental infill.** For more gentle infill within existing neighborhoods, planning staff can likely use the existing code structure and zoning districts. However, planning staff will need to consider the nuance of development standards, design standards and even performance standards. Pay particular attention to transitions between properties, such as side and rear setbacks, roof lines, balconies, fences, landscaping and other privacy factors. Consider other aspects of site planning where the zoning can be more generous, such as front setbacks, parking, building height, lot coverage and open space.
- **Major land use changes.** More significant changes, such as introducing housing where it currently does not exist, will require more extensive efforts. This may require creating a new zoning district with new zoning standards. To effectuate major land use transitions, planning staff may want to consider longer-term amortization to retire undesirable land uses. These practices should be coordinated with the City Attorney.
- **Value capture.** Community members might have concerns that rezoning changes will create a windfall for developers. Consider who is capturing the value of these rezonings. Do inclusionary housing policies and impact fees correlate with the zoning changes? Communicate to community members and decision-makers the potential benefits that will accrue to the jurisdiction and community.

Will amendments work within the existing zoning code structure?

Consider whether zoning changes will be small and discrete or broad and encompassing. Does the jurisdiction want to make more comprehensive changes to the Zoning Ordinance? Or can the jurisdiction achieve stated objectives by making strategic edits to the existing code or adding a new chapter or subsection? The level of effort will likely be proportional to how radical the vision is.

- **Code structure.** If the jurisdiction has a form-based code, planning staff will likely want to retain that structure for any new districts. If the jurisdiction has or wants to move toward a hybrid code (with a combination of form-based standards that define building form and intensity with use tables, performance-based standards and other more traditional zoning controls), planning staff will need to decide how to structure the rezoning, depending on whether changes are driven by use, design or performance requirements.
- **Related regulations.** Developments are often reviewed against standards and requirements from multiple sections of city code as well as design guidelines and relevant policy documents. Ensure that the rezoning work comprehensively considers these related regulations and maintains consistency across the code.
- **Effects on existing uses and new non-conforming uses.** Consider the effects of the proposed zoning changes on existing uses. Upzonings may render certain uses and buildings “non-conforming” with respect to use or certain development standards. Review the non-conforming ordinance and discuss potential implications and amendments with the City Attorney.

Will changes be implemented through a map amendment, text amendment, or both?

Does your community have a zoning district that meets the goals of the proposed rezoning? In other words, is there a district that already has appropriate purposes, use regulations, density limits, and development standards, or will planning staff create a new zoning district? If an appropriate district already exists, planning staff may be able to accomplish the rezoning through a map amendment, changing the zoning designation on a specific set of sites or neighborhood. Creating new districts or new regulations within existing districts will require text amendments.

Are goals best achieved through a zoning overlay?

Consider *where* rezonings will apply, such as to certain geographic locations, only to housing development projects subject to the Housing Accountability Act, to residential-only vs. mixed use development, to specific districts or area plans, etc. If the jurisdiction only wants to modify standards for certain locations, consider a zoning overlay: a text or map amendment that modifies base district regulations to allow for alternate standards (e.g., additional height in a core area, or specific design standards to achieve a certain character).

Will the City Council adopt by ordinance or resolution?

For objective design standards, specifically, does the jurisdiction want to adopt them by ordinance so that they are codified with the rest of the zoning regulations? Or by resolution, as a separate compendium document that incorporates graphics and images? Objective design standards may be more easily modified by resolution, but may be overlooked if they appear in a separate document from the Zoning Ordinance. If adopting by resolution in a separate stand-alone document, consider adding a cross-reference to the standards in the Zoning Ordinance, so that the standards do not get missed. *Note that some regulations are required to be adopted by ordinance; see Gov. Code Section 65850 for details.*

Select Zoning Strategy.

Based on input from community outreach efforts, interdepartmental coordination, and decision-maker input on the rezoning options, identify a recommended rezoning strategy. Determine chapters/sections that need to be updated and who needs to contribute to those changes. Conduct any necessary site testing or GIS analysis.

★ PRO TIP! Online Code Provider. Talk to the online code provider to find out if they support image files and, if so, to get details on the image file types and resolutions needed. Too often images can appear fuzzy or out of place in the online version of the code if not properly coordinated or supported.

★ PRO TIP! Annotate Zoning Changes for Public Review. Targeted updates to zoning ordinances can be difficult for community members and decision-makers to follow, especially when there are extensive changes, with multiple, overlapping underlines and strikeouts. Consider annotating the draft zoning changes with notes in the margin explaining why sections are being added or removed to guide the readers' review. Alternatively, consider preparing a short user's guide—separately or as a part of a staff report—to accompany the public hearing review drafts to highlight the purpose of the rezonings and synthesize the key zoning changes.

FOOD FOR THOUGHT: Regulating Density (or Not). Many communities use residential density, measured as dwelling units per acre (DUA), to regulate development intensity. However, DUA can be an imperfect metric to predict a project's massing and unit count. The same massing can have vastly different densities as shown in the example below and explained in more detail in the RHTA Program's [Housing, Design and Density resources](#). As a result, more and more communities are shifting away from "DUA" toward a combination of other standards, such as Floor Area Ratios (FAR) and form-based codes.

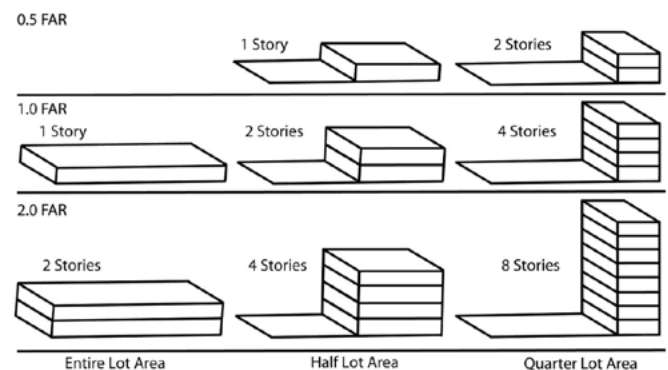
RESIDENTIAL DENSITY

Hypothetical 1-acre project

SENIOR HOUSING	STUDENT HOUSING
50 units	10 units
Studios/1-bedroom	5-bed suites
50 bedrooms	50 bedrooms
= 50 units/acre	= 10 units/acre

Residential density values vary based on the number of units and do not reflect the unit size or number of bedrooms in each unit.

FLOOR AREA RATIO (FAR)



Source: City of Seattle Land Use Code

Equal FAR values can appear as very different massing and height configurations, but are independent of unit count and bedroom sizes.

5 Develop a Realistic Work Plan, Timeline and Budget

With clarity on project goals and strategy, create a detailed roadmap for the project, including analyses, public engagement, code writing, environmental review and adoption.

ROADMAP FOR REZONING



Write down the project's goals, objectives and expected outcomes.

Based on the preceding steps and considerations, write down a clear, concise summary of what the project is seeking to achieve, the zoning strategies it will use or consider, the code issues it will resolve and the outcomes that are expected. If there is work to do in clarifying the vision for the area being rezoned, be sure to include that in the goals and objectives. If there are critical dates that must be met, or other policy efforts that the project must coordinate with, make sure those are articulated too.

Outline the project scope.

Think through the steps that will need to be taken to achieve the project's goals and outcomes. If possible, look at the scopes and RFPs from similar projects done previously in the jurisdiction or from jurisdictions that have recently undertaken rezoning projects with similar goals. The [Zoning Project Profiles](#) can be a good place to start.

- **Steps.** Be sure to factor in analysis needs; code drafting, review and revision; public engagement activities, including property owner notification when needed; CEQA review; and required processes for formal review and adoption.
- **Timing.** Identify constraints, such as Housing Element program implementation timelines or statutory deadlines.
- **Budget.** Identify budget needs and resources for each step, including staff time needed from different departments, including the city attorney's office.

Determine consultant needs.

For each part of the scope, consider whether jurisdiction staff will complete the work relying on in-house capabilities and resources or if staff will need an outside consultant. Some potential consultant resources may include:

- **Architects/Designers.** Modeling and testing the relationship between various development standards (e.g., height, density, setbacks, parking) to determine whether existing or proposed standards result in desired housing typologies and densities, consistent with project goals.
- **Economists/Developers.** Proforma modeling to determine whether desired housing outcomes are feasible under the proposed standards and if they are likely to occur given market conditions and competing development outcomes.
- **Zoning Professionals.** Planners with experience in organizing and writing code, integrating within the existing Zoning Ordinance, and recommending approaches for codifying changes.
- **GIS.** Parcel and zoning district analysis as well as map production.
- **Engagement Professionals.** Facilitators with experience in designing and implementing outreach and engagement strategies, especially if aspects of the project will be contentious or will need to engage hard-to-reach communities.

Develop the project management plan and outreach strategy.

Once any needed consultants are on board, identify stakeholders (within the jurisdiction and outside), the outreach process, interdepartmental coordination needs, decision-maker review, scope of developing options and recommendations for code updates and CEQA strategy. Consider any related updates to handouts and checklists that are regularly provided to applicants and community members.

Conduct analyses, informed by community, staff and decision-maker input.

Based on input from community outreach, interdepartmental coordination and discussions with decision makers, define and evaluate rezoning alternatives and their efficacy in achieving project goals. This will likely take multiple iterations, with analysis outcomes informing community, staff and decision-maker deliberations.

Draft the proposed code changes.

Prepare a “redline/strikeout” version of proposed changes to the existing zoning ordinance, annotated with text that explains what the changes help achieve. Prepare graphics that illustrate key concepts as well as zoning map amendments, as appropriate. Consider inset maps or existing/proposed maps to highlight map changes.

Conduct environmental review.

Determine whether the foundation for the rezoning effort (i.e., the General Plan or Specific Plan) adequately evaluated potential impacts of the rezoning effort or whether additional analysis is required. If a previous CEQA document adequately addressed environmental impacts for the rezoning effort, prepare CEQA findings in the adopting ordinance. If additional CEQA review is required, determine the level of CEQA review needed, whether an exemption, Addendum, or other type of documentation.

Finalize the proposed rezoning and take through the formal public review and adoption process.

Prepare required noticing and take the draft ordinance through public review with necessary boards and commissions, followed by first and second readings with the City Council.



PRO TIP! Interim Ordinance. *If more time is needed to develop the zoning following adoption of a General Plan or Specific Plan, but project applications are anticipated in the near term, consider adopting an interim zoning ordinance. This interim set of regulations can identify key development standards and address land use designation/zoning district compatibility while preparation of the formal ordinance is underway.*

6 Ensure Consensus At Every Step

Sometimes rezoning is the final step in a long process of planning that has built consensus about the proposed changes. But sometimes it is where the hard decisions get made. Be sure to build in adequate outreach, education and engagement to ensure understanding and support.

Interdepartmental collaboration.

Within the government entity, determine who else needs to contribute to and review the proposed zoning changes. In particular, consider consultation with other city departments to address issues with the public realm, stormwater, utilities, EV parking, refuse, etc. Determine when these departments need to be involved and what their roles and responsibilities will be with respect to specific code sections.

Stakeholders.

Consider community members, decision-makers, property owners and developers (market rate and affordable), advocates and neighborhood groups. Who participated in the policies that served as the basis for rezoning (i.e., Housing Element, Specific Plan). What were those stakeholders’ comments, concerns and questions? Are there different stakeholders who will be involved in the rezoning? Which voices are not being

represented in the conversation? Consider targeted outreach to underrepresented groups including people of color, youth, lower income households and people with disabilities. For more information, read the [RHTA primer on best practices for engaging equity priority communities](#).

Affected property owners.

Notify property owners who will be affected by the rezoning, clearly communicating what changes are being considered or proposed, how that will affect their property, and how they can be involved in the review and adoption process.

Decision-Maker Input.

Consider how to include Planning Commission and Design Review Board feedback. Plan on final legislative action by the City Council. Anticipate the sequence and number of study sessions vs. action hearings. Some communities set up subcommittees of the Planning Commission to help guide the proposed code changes.



PRO TIP! Users' Guides and Handouts. *Zoning can be dry and wonky. To make it more accessible, some communities prepare complementary resources that are more understandable to community members and speak specifically to the concerns of key stakeholder groups. Handouts and checklists can distill complicated information into accessible formats that can support more meaningful engagement.*



PRO TIP! Anticipate Council and Community Questions. *Work with the project team to brainstorm questions and concerns that are likely to arise at public hearings and proactively incorporate information that speaks to those concerns in the staff report. Some examples might include:*

- *How will State Density Bonus Law affect the rezoning? Clarify whether zoning changes will create a new "base" density and what this could mean for how projects could build out in terms of building height and bulk, compared to what development standards allow now.*
- *Parking and traffic! How will these changes affect parking demand and supply, or traffic impacts in the area? Consider on- and off-site impacts, including street parking.*
- *Have the effects on schools, public safety services, water and other infrastructure been evaluated? Even if additional CEQA analysis was not triggered by the rezoning project, consider how housing yields could affect community services.*
- *Will development be incremental or will there be a flood of applications? This may require looking at your community's previous experience with rezoning projects, talking to developers, and evaluating the strength of the housing market in the region.*