

By Right, Right

Principles for Crafting Successful By-Right Housing Rules

By-right zoning and regulatory review processes can help address California's housing crisis by streamlining development process, creating greater certainty for housing developers, and reducing transaction costs. The context for each development project matters given California's diverse urban, suburban, and rural communities. A by-right approach developed through thoughtful planning creates value and can sustain public support. Cities and towns will be much more likely to accept by-right regulations when given the opportunity to create and tailor them. If proscribed levels of density are required near transit without consideration of context, public support for both infill development and transit in their neighborhoods may diminish.

Start with a Plan

Give jurisdictions a period of time to adopt neighborhood or area plans that allow by-right residential development within specified areas. This will provide the opportunity for jurisdictions to consider the local context, receive public input, and allow housing by right in areas where:

- Transit service or frequent bus service is or will be available within a reasonable distance
- Infrastructure is already available or a financing mechanism will be in place to fund new infrastructure
- Surrounding uses—such as heavy industrial businesses—do not pose health risks

If a local plan is not adopted by the allowed timeframe, State regulations would apply (similar to the legislative approach for Accessory Dwelling Units).

These six key principles can guide plans and legislation.

Base the Form and Density on the Community Type

Avoid the one-size-fits-all approach. Allow different minimum development thresholds for differing contexts: suburban versus downtown/urban versus rural. Require design guidance for building form and site design that fits the context.

Reduce Barriers to Feasible Development

Reduce barriers that unnecessarily increase costs for development complying with adopted plans, such as low or no minimum parking ratio requirements (letting the market determine how much parking is needed), streamlined CEQA clearance, and ministerial zoning review and permitting. Allow an alternative compliance process for creative design proposals to be considered.

Require Inclusive Communities

Include provisions that require a diversity of integrated housing types and price ranges, including workforce, middle-income, lower-income, and special needs housing.

Promote Sustainable Development

Require plans to incorporate strategies that embrace environmental, economic, and equitable sustainability.

Allow Creative Ways for Jurisdictions to Improve Public Services and Facilities

Enable and facilitate the formation of neighborhood public facility financing mechanisms and the use of other local incentives as tools to fund additional infrastructure improvements, community facilities, public services, and other community benefits.

Include Strong Anti-Displacement Regulations

Require that housing units removed be replaced at a minimum one-to-one ratio by income category within the same neighborhood. Displacement plans should be prepared with relocation assistance and opportunities for displaced households to occupy new housing units.



The California Planning Roundtable advances planning practice and influences policy through innovation and leadership to create healthy, prosperous, and equitable communities.