City of
Encinitas

Office of
The Mayor

April 28, 2015

The Honorable Brian Maienschein
Chair, Assembly Committee on Local Government
State Capitol, Room 4139
Sacramento, CA 95814

Kristin Gaspar
Mayor

Catherine S. Blakespear
Deputy Mayor

Tony Kranz
Council Member

Mark Muir
Council Member

Lisa Shaffer
Council Member

Larry Watt
Interim City Manager

Re: AB 744 (Chau) – Parking and Density Bonus Law
Notice of Opposition

Dear Assembly Member Maienschein:

The City of Encinitas is opposed to the density bonus law changes proposed in AB 744; specifically, the rounding-up of fractional units and the parking standards for density bonus development projects.

The intent of density bonus law is to increase the otherwise allowed housing density in exchange for the provision of affordable housing. In other words, a property owner receives a bonus in density above what they would normally be allowed under the jurisdiction's current General Plan when at least one of the units is reserved for affordable housing. Many cities, such as Encinitas, include provisions under their respective codes requiring that fractional units are rounded down to the nearest whole round number when determining density. This calculation is often referred to as the "base density," and represents the density that would normally be allowed under the jurisdiction's current General Plan.

The proposed amendments in AB 744 change the intent of the law whereby property owners who apply the state law would effectively receive a bonus in density BEFORE the actual density bonus calculation is applied. By rounding up the base density calculation, applicants receive upwards of two to three additional units than what they would normally receive under the local land use controls. The density is further inflated when the density bonus calculation is applied to the artificially high base density number.

Considering the adverse impacts higher density projects have in lower density neighborhoods, this change would have a profound impact on existing community character in our city. Existing density bonus law already increases otherwise allowed base density in exchange for affordable units. Further involvement from the state interpreting allowed base density is unnecessary and usurps local land-use authority.

Regarding parking, as with most local issues, parking requirements vary across the state and reflect local realities and community preferences. In some communities, like San Francisco, parking is difficult to find but that is balanced with an excellent transportation system, so residents move there knowing this and many may decide to forgo car ownership.

Tel 760/633-2600 FAX 760/633-2627, 505 South Vulcan Avenue, Encinitas, CA 92024 TDD 760/633-2700

However, in many other places in California communities are not as dense, with transit networks less developed, safe or reliable, making car ownership a necessity for commuting to work, shopping, taking children to school and other daily activities. This is the reality in Encinitas. Yet this bill in effect says the state knows local land-use better than the local community.

For these reasons, the City of Encinitas opposes AB 744 (Chau), and we urge the Committee on Local Government to vote no on this bill.

Sincerely,

Kristin Gaspar
Mayor

cc: Assembly Member Ed Chau
Assembly Member Rocky Chavez
Senator Patricia Bates
Catherine Hill, League of California Cities
City Council
Planning & Building Department
JGC Consulting