City of
Encinitas

Office of
The Mayor

June 25, 2015

The Honorable Ed Chau
California State Assembly
10th & L Streets
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

AB 744 (CHAU) PLANNING AND ZONING: DENSITY BONUSES (AS AMENDED 6/2/15) – OPPOSE UNLESS AMENDED

Dear Assembly Member Chau:

The City of Encinitas strongly maintains its position of Oppose Unless Amended on AB 744.

First and foremost, the City of Encinitas is requesting an amendment to AB744 that clarifies that all rounding calculations, both on base density and density bonus, are determined based upon local ordinance, not on state law. While recent amendments rolled back Section 65915(f)(5) to existing law, the section of law as it is currently written is ambiguous.

As such, we request that the section in question be amended to read as follows:

"*All density calculations resulting in fractional units shall be rounded according to local ordinance*."

If you feel it necessary to prescribe the rounding of fractional units, we urge you to require that fractional units be rounded *down* to the nearest whole number. The City of Encinitas recognizes and values the need for affordable housing. But rounding up density calculations results only in additional market rate units, not in additional affordable units. Leaving the language as it is currently written perpetuates the ambiguity that has resulted in litigation. Therefore, while the best option is to clarify that rounding calculations are determined based on local ordinance, if the state legislators feel it necessary to prescribe how fractional units are rounded, the best choice is to require rounding down.

Second, we are opposed to the language in AB744 exempting senior and special needs housing developments from minimum parking requirements if they are within one-half mile of a transit center. Our city has only one transit center and the radius the bill prescribes encompasses an area that already presents a parking challenge. There appears to be an assumption that seniors aged 62 or older do not require automobiles, or do not have visitors requiring parking. We have several senior developments in our city and all of them are heavily dependent upon cars to meet the needs of residents and visitors.

The current state density bonus law already allows developers to reduce parking standards through "waivers" and "concessions". As such, there is no need to

change current law on this point. **We do not believe that current law regarding minimum parking standards should be changed.**

We also reject the idea that there should be no required minimum level of parking due to concern for the social equity effects of such a policy on the residents and the spillover impacts on adjacent homes and businesses. Most people choose where they live or open a business based upon local quality-of-life factors, which include having adequate places to park. When new commercial or residential development is proposed in a community, existing residents and business owners expect the city to ensure that the new development is properly planned to avoid negative spillover effects. Local parking ordinances arise from such individual community needs and preferences.

We appreciate your efforts to work with stakeholders to ensure that a good bill is crafted that will become state law. Your bill may benefit some cities in the state where adequate public transportation infrastructure is already in place, however, that is not the case in less dense cities such as ours.

We maintain that density rounding and parking are <u>local issues</u> and local land use decisions should be made at the local level. Because of the negative impacts of your bill on the City of Encinitas, the residents and a unanimous City Council are united in respectfully opposing AB744 unless amended.

Sincerely,

KRISTIN GASPAR,
Mayor of the City of Encinitas

cc: Senator Patricia Bates
Assembly Member Rocky Chavez
City Council
Dan Carrigg, League of California Cities
JGC Governmental Relations
Planning & Building Department