



August 12, 2015

Senator Lara
Senate Appropriations Committee
State Capitol
Sacramento, California 95814

**AB 744 (Chau) – OPPOSE UNLESS AMENDED
Set for Hearing on August 17th**

Dear Senator Lara:

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

The City continues to request an amendment that clarifies 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 the rounding of fractional units is necessary, the City would request 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, the City of Encinitas is 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. The City of Encinitas does not believe that current law regarding minimum parking standards should be changed.

The City of Encinitas also rejects 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 the author's efforts to work with stakeholders to ensure that a good bill is crafted through the process. AB 744 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 Encinitas.

The City of Encinitas maintains that density rounding and parking are local issues and local land use decision should be made at the local level. Please feel free to contact me at 916.441.0202 should you have any questions or concerns regarding the City of Encinitas' position of oppose unless amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Clay". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan Clay
Legislative Representative