



City of Encinitas

Office of
The Mayor

May 3, 2016

Honorable Richard Bloom
Member, California State Assembly
State Capitol Building, Room 2003
Sacramento, CA 95814
Via FAX: (916) 319-2150

Kristin Gaspar
Mayor

**RE: AB 2501 (Bloom) Housing: density bonuses. (as amended 4/14/2016)
Notice of Opposition**

Dear Assembly Member Bloom:

Lisa Shaffer
Deputy Mayor

The City of Encinitas is strongly opposed to AB 2501 (Bloom), which states that each component of a density bonus calculation, resulting in a fractional number, shall be rounded up, and that this statement is declaratory of existing law. However, this is not existing law.

Catherine S. Blakespear
Council Member

Government Code Section 65915(f) defines "density bonus" as "a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county." This is known as "base density." We maintain that existing density bonus law is not clear in addressing the rounding of base density, therefore, base density rounding is dependent upon local ordinance. Exhibit A is a survey of the municipalities in San Diego County, and shows how differently each handles base density.

Tony Kranz
Council Member

AB 2501 also prohibits a local jurisdiction from requesting special studies or reports from a developer, to assist in the project analysis of a density bonus project. Local governments process many permits for development projects, and routinely request special studies if the project necessitates more analysis. Because density bonus projects do not conform with local planning and zoning, the exceptions requested have not been studied, and disallowing full project analysis may be detrimental to the welfare of the local community.

Mark Muir
Council Member

In addition, AB 2501 states that the burden of proof to deny any requested incentive is on the local government denying the incentive, yet does not allow any request for information to justify the incentive. The Legislature has stated that the purpose of these incentives is to "contribute significantly to the economic viability of lower income housing," yet AB 2501 removes any requirement for a developer to demonstrate that.

Karen P. Brust
City Manager

For the reasons stated above, the City of Encinitas is strongly opposed to AB 2501.

Sincerely,

Lisa Shaffer
Deputy Mayor

cc: **Senator Patricia Bates**
Assembly Member Rocky Chavez
Members, Assembly Committee on Local Government
Kendra Harris, League of California Cities
Catherine Hill, League of California Cities
JGC Intergovernmental Relations
City Council
Planning and Building Department

Attachment.

ROUNDING OF BASE DENSITY UNITS

HOW LOCAL JURISDICTIONS ADDRESS DENSITY BONUS LAW ¹

JURISDICTION	ROUNDING METHOD ²
City of Oceanside	Up, irrespective of fractional unit
City of National City	Up, irrespective of fractional unit
City of Escondido	Up for Density Bonus, Down for standard project
City of San Marcos	Up for Density Bonus, Down for standard project, if less than .5
City of Del Mar	.5 or more round up; less than .5 round down
City of Chula Vista	.5 or more round up; less than .5 round down
County of San Diego	.5 or less round down; .5 or more round up
City of Carlsbad	Varies, but generally .5 or less round down; .5 or more round up
City of Solana Beach	Less than .7 rounded down; .7 or more may be rounded up provided the project incorporates superior design and site planning
City of Imperial Beach	Down, irrespective of fractional unit; by Dept. Policy
City of Lemon Grove	Down, irrespective of fractional unit
City of La Mesa	Up, irrespective of fractional unit
City of Encinitas	Down, irrespective of fractional unit
City of San Diego	SFR - round down; Multi- .5 or more round up; less than .5 round down
City of Coronado	No clear answer - no real opportunity for further subdivision
City of Vista	Do not use a formula; consider site characteristics when determining density. If you generalize their process, they round down.
City of Poway	
City of Santee	
City of El Cajon	

¹ There are roughly 1,300 cities in California

² Current practice may deviate from written code.