

ATTACHMENT H DENSITY BONUS CONCESSION PERMITS

Density Bonus Projects with Concessions

An issue that has been raised by the community concerns projects with housing (including mixed-use projects) that utilize density bonus and have concessions, or deviations, from development standards. This concern has resulted in the recommendation of a new policy in the North Lake section of the Community Places section of the Land Use Element.

Under State Law mixed-use and multi-family residential projects may exceed the maximum allowable residential density by providing a number of affordable units. The number of 'bonus' units vary by the number and affordability level (very low, low, and moderate) of the units designated as affordable. An additional component of density bonus, commonly referred to as 'SB 1818', requires municipalities to approve concessions, where any applicable development standard such as height, size, setbacks, etc. may be modified where it can be shown that without the concession the provision of the affordable units would be financially infeasible. SB 1818 came into effect in January 2005.

It is this open-ended potential for taller, larger projects with housing that has led to the concern amongst many who live adjacent to the North Lake Specific Plan. A developer could potentially add additional floors above the otherwise maximum allowable height, where such developments would be adjacent to the rear yards of single-family houses, which would in turn lead to loss of privacy and enjoyment of one's rear yard.

Research into the City's history of such concessions (processed as an Affordable Housing Concession Permit) shows that few concessions in height have been granted since the inception of SB 1818. As shown in the table below, since 2005 eight Affordable Housing Concession Permits have been approved with two applications in process. The types of concessions granted include increased height, increased Floor Area Ratio, and reduced setbacks. Three projects were granted additional height: 1) an increase of 4'-6" from 36'-0" to 40'-6"; 2) an increase of 4'-0" at the rear 40 percent of the building from 32'-0" to 36'-0"; and 3) an increase of 7'-0" of the area permitted to have height averaging from 50'-0" to 57'-0". The two projects in process are seeking: 1) an increase the percentage of the building that can exceed 60 feet in height from 30 percent to 53 percent; and 2) additional height from 60 feet to 97 feet, 69 feet, and 80 feet over three buildings. At this time it unknown whether either project will be approved.

Of the three approved concessions for height, none have been sufficient to add an additional floor to a building. While it is possible for a developer to request such a concession, no project granting the addition of an entire floor has been approved to date, while the latter project is process could potentially do so.

ATTACHMENT H
AFFORDABLE HOUSING CONCESSION PERMITS APPROVED OR IN PROCESS
JANUARY 1, 2005 TO JULY 1, 2015

	Approved	Address	Project Description	Density Bonus (units)	Concession #1	Concession #2	Concession #3
1	1/17/2007 (superseded by #5)	496 S. Arroyo Pkwy.	Five story, 38,500 square foot, mixed-use building with 21 residential condominiums, 4,000 square feet of commercial space on the ground floor, 3,500 square feet of office space on the second floor, and one level of subterranean parking.	Increase: 19 to 21	FAR Increase: 1.5 to 2.2	n/a	n/a
2	6/20/2007	123 S. Los Robles Ave.	Six-story, 39,580 square foot, mixed-use building with 34 residential condominiums, 2,018 square feet of commercial space plus parking on the ground floor and two levels of subterranean parking.	Increase: 31 to 34	FAR Increase: 2.25 to 2.59	n/a	n/a
3	5/20/2009	877 N. Orange Grove Blvd.	Three-story mixed-use building with seven residential dwelling units above a ground floor office measuring 1,380 square feet.	Increase: 6 to 7	Commercial Depth Decrease: 50'-0" to 30'-2"	Commercial Depth Decrease (corner): 50'-0" to 30'-2"	Parking Reduction: 14 to 7
4	Withdrawn	175 E. Del Mar Blvd.	Five story, 13,181 square foot, mixed-use building with 17 residential condominiums, 613 square feet of commercial space on the ground floor and one level of at grade parking.	Increase: 15 to 17	Tandem Parking: Assigned to different tenants	n/a	n/a
5	10/17/2012	496 S. Arroyo Pkwy.	Five-story, 40,246 square foot, mixed-use building with 26 residential units, 3,173 square feet of ground floor retail space, and 7,150 square feet of second level of commercial office space.	Increase: 19 to 26	Height Averaging Increase: 50'-0" to 57'-0"	FAR Increase: 1.5 to 2.3	n/a
6	10/17/2012	105 S. Los Robles Ave.	Five-story, 50,580 square foot, mixed-use building with 50 residential units, and 2,368 square feet of ground floor commercial space.	Increase: 37 to 50	FAR Increase: 2.25 to 2.70	n/a	n/a
7	12/19/2012	196-200 S. Oakland Ave.	Three-story multi-family housing project with 21 units.	Increase: 20 to 21	Front Setback Decrease: 26'-0" to 16'-0"	Corner Setback Decrease: 15 feet to 8 feet	n/a

	Approved	Address	Project Description	Density Bonus (units)	Concession #1	Concession #2	Concession #3
8	5/21/2014	60-80 S. Vinedo Ave.	Three-story multi-family housing project with 26 units.	Increase: 22 to 26	Height Increase (rear 40%): 32'-0" to 36'-0"	n/a	n/a
9	7/1/2015	104-112 E. Orange Grove Blvd.	Three-story multi-family housing project with 21 units.	Increase: 16 to 21	Height Increase: 36'-0" to 40'-6"	Corner Setback Decrease: 15'-0" to 5'-0"	n/a
10	In Process	277 N. El Molino Ave.	Six-story multi-family housing project with 102 units.	Increase: 85 to 105	Height Averaging Increase: 35% to 53%	FAR Increase: 2.25 to 2.87	n/a
11	In Process	262, 282 N. Los Robles Ave. & 251, 265, 275, 285, 303 N. Oakland Ave.	One seven-story building and three five-story multi-family buildings with a total of 496 units.	Increase: 331 to 496	Height Increase: 60 feet to 97 feet, 69 feet, and 80 feet	FAR Increase: 2.25 to 3.29	Open Space Reduction: 30% to 18%