DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF HOUSING POLICY DEVELOPMENT 2020 W. El Camino Avenue, Suite 500 Sacramento, CA 95833 (916) 263-2911 / FAX (916) 263-7453 www.hcd.ca.gov



December 16, 2020

Mayor Catherine Blakespear and Councilmembers City of Encinitas 505 S. Vulcan Avenue Encinitas, CA 92024

Dear Mayor and Councilmembers:

RE: Review of the City of Encinitas' Proposed Density Bonus Ordinance – Letter of Technical Assistance

The Department of Housing and Community Development (Department or HCD) understands the City of Encinitas is proposing to update its density bonus ordinance in an effort to comply with recent amendments to State Law. While the Department acknowledges the City's efforts, the ordinance appears contrary to the intent of State Density Bonus Law (SDBL) and potentially other housing laws and negatively impacts the feasibility of pending development. **HCD recommends the City pull the ordinance from its consent calendar** to facilitate a full discussion of an appropriate ordinance for adoption. HCD offers the following technical assistance that addresses some of HCD's early observations.

State Density Bonus Law: Incentivizing Affordable Housing

The SDBL was adopted in 1979 to address California's affordable housing needs. As originally enacted, the SDBL sought to increase the production of affordable housing by requiring local agencies to grant an increase to the maximum allowable residential density over the otherwise maximum eligible density. The law has been strengthened over time as early versions were not deemed to be sufficiently incentivizing. Thus, it was amended (1) to require progressively more "concessions or incentives" and "waivers" in addition to a density bonus and (2) to make it easier to get concessions, incentives, and waivers.

The current version of the law applicable during 2020 is substantially more incentivizing of affordable housing than earlier iterations. The density bonus that is authorized is set on a sliding scale based upon the percentage of affordable units in the project, ranging from 5% to 35% additional units over the number ordinarily permitted. Likewise, the law provides for a progressive approach to incentives or concessions, allowing up to four incentives or concessions in some cases. (Gov. Code, § 65915, subd. (d)(2).) It also includes incentivization in the form of waivers from development standards, which do not count as incentives or concessions, and are unlimited (Gov. Code, § 65915, subd. (e)) and limits on parking requirements (*id.* at subd. (p)). For projects located near

transit stops, additional concessions are afforded under the SDBL. (See, e.g., *id.* at subds. (f)(3)(D)(ii), (p)(2), (p)(3)(A)).

Importantly, the law has reversed the burden of proof from the applicant to the city or county for incentives and concessions, and waivers; whereas before the applicant had to prove that they would result in identifiable cost reductions, now the city or county must approve requested incentives or concessions unless the city can find no identifiable cost reduction or other specific reasons for denying it. (Gov. Code, § 65915, subd. (d).) While the applicant may have to provide a basic explanation showing why the application is eligible for an incentive or concession with reasonable documentation under subdivision (k), the city cannot require any report or study of any sort to support this. (Gov. Code, § 65915, subds. (a)(2), (j), (k).)

AB 2345: Requirements and Exemption

On September 28, 2020, the Governor signed into law Assembly Bill (AB) 2345, which made significant changes to the SDBL and housing law generally with an effective date of January 1, 2021. In key part, the bill modifies the calculations for awarding density bonuses relative to the number of units of affordable housing included in the proposal. AB 2345 includes a maximum density bonus of up to 50% for projects with 44% moderate income units, 24% lower income units, and 15% very low-income units. In addition to an increased density bonus, AB 2345 reduces the threshold required to qualify for incentives/concessions. The current threshold to qualify for two incentives/concessions is 20 percent for lower income households, and as of January 1, 2021 the threshold will be reduced to 17 percent. The current threshold to qualify for three incentives/concessions is 30 percent for lower income households, and as of January 1, 2021 the threshold will be reduced to 24 percent.

That said, the law allows flexibility for cities and counties that have already or are interested in adopting creative programs or ordinances to incentivize the development of affordable housing. Where those programs or ordinances "*incentivizes* the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the Density Bonus Law effective through December 31, 2020" the city or county with such a program is not required to amend or otherwise update its ordinance or housing program to comply with the amendments made in AB 2345 and is exempt from complying with the incentive and concession calculation amended by AB 2345. (Gov. Code, § 65915, subd. (s), emphasis added, effective date January 1, 2021.) Thus, in 2021, Government Code section 65915, subdivision (s), will provide:

(s) Notwithstanding any other law, if a city, including a charter city, county, or city and county has adopted an ordinance or a housing program, or both an ordinance and a housing program, that *incentivizes* the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version of this section effective through December 31, 2020, that city, county, or city and county is not required to amend or otherwise update its ordinance or corresponding affordable housing incentive program to comply with the amendments made to this section by the act adding this subdivision, and is exempt

from complying with the incentive and concession calculation amendments made to this section by the act adding this subdivision as set forth in subdivision (d), particularly subparagraphs (C) and (D) of paragraph (2) of that subdivision, and the amendments made to the density tables under subdivision (f).

What does it mean to incentivize in the context of the State Density Bonus Law?

The City asserts that its ordinance would "incentivize" affordable housing consistent if it "allows a housing development to request a density bonus that is higher than the current 35 percent maximum" set out in SDBL now, and accordingly "the City would not be required to implement the amendments contained in AB 2345 with respect to the increase in density bonus (50 percent maximum) or incentive/concessions." (Nick Zornes, City of Encinitas, Agenda Report Item #10A, December 9, 2020, p. 5.) In the context of SDBL, "incentivize" means more than allowing someone to request a bonus higher than 35 percent.

Incentivize means "to provide with an incentive" (Merriam-Webster, online). It is something that boosts, encourages, incites, or goads or similar. It is more than "allow," which means to "permit" or "to fail to restrain or prevent." An expansive reading of this term is consistent with the directives of statute that SDBL "shall be interpreted liberally in favor of producing the maximum number of total housing units." (Gov. Code, § 65915, subd. (r).) The meaning of "incentivize" in this context takes meaning from the history of density bonus law noted above. The history shows that the Legislature over time has realized that substantial incentives beyond density bonus are needed to induce the development of affordable housing. As noted above, SDBL includes several provisions beyond density bonus—such as incentives and concessions, waivers, and parking incentives—that have been deemed necessary already to incentivize affordable housing.

The subdivision (s) exemption to AB 2345 clearly contemplates something more than "allowing" or permitting an applicant to request more units. HCD recommends the City revisit its proposal to evaluate ways in which the City could incentivize affordable housing.

Subdivision (s) does not excuse cities and counties from compliance with SDBL.

Even if a city or county qualifies for the exemption set out in Government Code section 65915, subdivision (s), it is important to remember that the remainder of SDBL still applies to the jurisdiction in 2021. *If* a jurisdiction has a program or ordinance that *actually* incentivizes affordable housing beyond what is authorized in 2020, then the city or county can utilize that program or ordinance in lieu of modifying its Density Bonus Ordinance to comply with the AB 2345 provisions. Nothing in AB 2345 frees the city from complying with SDBL as it is written in 2020.

The City's draft ordinance as currently written does not appear to incentivize affordable housing.

Government Code section 65915, subdivision (s), does not authorize a city or county to replace its SDBL mandates with a wholesale new ordinance that supplants the established mandates of SDBL. Those provisions still apply. To the extent that the City's proposed ordinance is impermissibly inconsistent with SBDL to increase the costs and burdens on applicants, the ordinance *disincentivizes* affordable housing.

(1) Report and Burden of Proof: In order to obtain requested incentives or concessions, the ordinance would mandate that the applicant provide a financial analysis or report. Proposed revisions to Municipal Code Section 30.16.020(C) would include the following new requirement:

Except where mixed-use zoning is proposed as an incentive, reasonable documentation to show that any requested incentive <u>or</u> <u>concession</u> will result in identifiable and actual cost reductions to provide for affordable housing costs or rents, including submittal of a financial analysis or report providing reasonable documentation that the requested concessions and incentives will: 1) result in identifiable and actual cost reductions; and 2) are required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the affordable units to be set as specified in Government Code Section 65915(c). The cost of reviewing any required financial information, including, but not limited to, the actual cost to the City for hiring a consultant to review the financial data, shall be borne by the applicant.

The requirement to include an additional "financial analysis or report" is specifically prohibited under the current density bonus law. (Gov. Code, § 65915, subd. (a)(2).) Further, the ordinance substantially heightens the demonstration required to obtain a concession or incentive in the city, contrary to SDBL. Under the city's proposed law, an applicant would have to show that an incentive or concession would (1) result in identifiable and actual cost reductions *and* (2) that such reductions "*are required* in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the affordable units to be set as specified in Government Code Section 65915(c)." SDBL merely requires that such cost reductions help free up funds for affordable housing, not that they are essential to the provision of affordable housing. (Gov. Code, § 65915, subd. (k).) These requirements are contrary to SDBL and *disincentivize* affordable housing.

(2) *Change in Base Density Calculation:* The proposed ordinance would modify key definitions which would have the actual effect of reducing the number of affordable units. In particular, the City proposes to include the following definitions:

"Maximum Allowable Residential Density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. In Encinitas, maximum allowable residential density allowed in the General Plan is based on net acreage.

<u>"Maximum Allowable Gross Residential Density" means the maximum number of dwelling units allowed under the General Plan per net acre of land.</u>

The current version of the City's ordinance calculates density based on gross acres, rather than net acres. The City adopted gross acres on the advice of its counsel that this was mandated by SDBL. Indeed, SDBL refers to gross density, not net density. (Gov. Code, § 65915, subd. (f).) Accordingly, "the City has since 2017 consistently used gross acreage to calculate base density for density bonus purposes." (Nick Zornes, City of Encinitas, Agenda Report Item #10A, December 9, 2020, p. 10.) The City cites no legal basis for changing its ordinance in this manner, and indeed the City's own attorney advises against the change. For these reasons, HCD advises that this change is contrary to SDBL (Gov. Code, § 65915, subds. (f) and (r)) and *disincentivizes* affordable housing.

The ordinance as currently adopted appears to lack grandfathering provisions for developments currently in the entitlement process, including developments that are proposed on sites recently rezoned as a result of housing element requirements. The lack of grandfathering provisions impacts the feasibility of development and adds additional timing delays. The lack of grandfathering provision is especially troublesome when considered in combination with significant constraints such as the City's density-related definitions.

In other respects, the proposed ordinance includes new requirements which shifts mandates, increase the time to prepare an application, cause regulatory confusion, and increase costs on the applicant. For instance, the new ordinance dictates that affordable units must be at least 75% of the average square footage of market rate units. While HCD has not reviewed these provisions in every respect against SDBL, the Department notes that an ordinance that nominally allows greater densities but that has the primary effect of increasing the costs and burdens of applying for a density bonus cannot be reasonably be construed as one that *incentivizes* affordable housing.

HCD recommends that the City reevaluate the proposed ordinance to eliminate these new barriers to affordable housing so that the overall effect of the ordinance would be, as required by subdivision (s), one that clearly incentivizes affordable housing.

The Department is committed to assist the City in addressing all statutory requirements of State Density Bonus Law. If you have any questions or need additional technical assistance, please contact Robin Huntley, of our staff, at (916) 263-7422 or robin.huntley@hcd.ca.gov.

Sincerely,

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Shannan West Land Use & Planning Unit Chief

Section 4 DISTRICT-WIDE LAND USE CONCEPT Residential Distribution

- Housing is limited to work-live within the Fair Oaks Employment Village Precinct. New employment activities are emphasized, especially those that encourage arts, technology, and knowledgebased enterprise, and/or embody an entrepreneurial spirit.
- Housing may not occupy the ground floor, nor occupy more than 50% of the floor area along Lake Avenue from Green Street south to California Boulevard. Priority is given to maintaining the commercial retail and service character of the South Lake Shopping Area, while recognizing that the introduction of housing on upper floors and especially on adjacent parcels will stimulate and activate the area.
- Housing is not permitted on the ground floor along Colorado Boulevard, and within much of the Old Pasadena Historic Core and parts of the Pasadena Playhouse Sub-district. The intent is to maintain retail continuity within principal shopping areas. Nonetheless, mixed-use developments that feature residential above commercial uses are encouraged to promote vitality in these areas.

Non-Traditional Housing: The provision of non-traditional housing types at urban densities is important to the accommodation of a variety of income levels and lifestyles Downtown. Vertical mixed-use (residential above commercial), loft and work-live accommodations are permitted forms of housing, except within the In-town Housing Sub-district. Reference Title 17 of the Pasadena Municipal Code (The Zoning Code) for development standards applicable to urban housing, mixed-use, and worklive project types.

Affordable Housing: The City has adopted an Inclusionary Housing Ordinance that requires residential and mixed-use projects to include a share of housing that is affordable to low and moderate income households. The ordinance applies to projects of ten (10) or more units, and requires that 15 percent of newly constructed units are affordable. Alternatives are provided for constructing the required units on-site, including constructing the units on another site, donating another site, or pay a fee in-lieu of building the units. These provisions ensure development of a range of housing affordable to households with varying income levels in proportion with the overall increase in new housing units. *Reference Title 17* of the Pasadena Municipal Code (The Zoning Code) for the requirements of the Inclusionary Housing Ordinance. Reference the following Chapters of the Pasadena Municipal Code. 48

1. Chapter 17.42. Affordable **Housing Incentives and Requirements.** "This Chapter establishes standards and procedures to encourage the development of housing that is affordable to a range of households with varying income levels. The purpose of this Chapter is to encourage the development and availability of affordable housing by ensuring that the addition of affordable housing units to the City's housing stock is in proportion with the overall increase in new housing units."

2. Chapter 17.50. Standards for Specific Land Uses.

A. Section 17.50.160. Mixeduse Projects. "The purpose of this Section is to ensure the compatibility between the different land use (e.g., residential and commercial) operating within a mixed-use project."

B. Section 17.30.350. Urban Housing. "The development standards of this Section shall apply to development projects within the CD zoning district."

C. Section 17.50.370. Work / Live Units. "This Section provides standards for work / live and artists lofts / studios, including the reuse of existing non-residential structures to accommodate work / live opportunities."



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8	SUPERIOR COURT OF CALIFORNIA								
9	COUNTY OF SANTA CLARA								
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11	40 MAIN STREET OFFICES, LLC,	Case No. 19CV349845 (Lead case, consol, with Case No. 19CV350422)	1						
12	Petitioner,	······································							
13	VS.								
14	CITY OF LOS ALTOS, et al.,								
15		ORDER GRANTING CONSOLIDATED PETITIONS FOR WRIT OF MANDATE							
16	Respondents.								
17 18	CALIFORNIA RENTERS LEGAL ADVOCACY & EDUCATION FUND, et al.,								
19	Petitioners,	OBDER ON SHEMITTED MATTER							
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20 26	I nese consolidated petitions for writ of mandate came on for hearing before the Honorable Helen F. Williams on January 15, 2020, at 0:00 are in Department 10 of the								
27	Daniel R. Golub and Genna Yarkin of Holland & Knight appeared for patitioner 40 Main Street								
28	Offices, LLC (Developer): Emily L. Brough of Zacks Freedman & Patterson appeared for								

1 petitioners California Renters Legal Advocacy & Education Fund, San Francisco Bay Area 2 Renters Federation, Victoria Fierce, and Sonja Trauss (collectively, Renters); Arthur J. Friedman 3 of Sheppard Mullin Richter & Hampton LLP appeared for respondents the City of Los Altos, the 4 City of Los Altos City Council, and the City of Los Altos Community Development Department 5 (collectively, the City). The matter having been argued and submitted after the filing of posthearing supplemental briefing, no party having requested a statement of decision under Code of 6 7 Civil Procedure section 632 and rule 3,1590 of the California Rules of Court in this hearing 8 lasting less than eight hours, and the Court having carefully considered the pleadings, the papers 9 filed by the parties, the matters of which the Court takes judicial notice, the record received into 10 evidence, the arguments of counsel, and the applicable law, Court finds and orders as follows:

Statement of the Case

I.

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12 The lead case of these two consolidated actions is one for relief in mandate brought under Code of Civil Procedure sections 1085 and 1094.5 (first-third causes of action), as well as for 13 14 declaratory relief (fourth cause of action). It is brought by Developer against the City. Developer 15 has been trying to develop a mixed-use building in downtown Los Altos for many years, having 16 previously submitted multiple proposals all subject to discretionary review by the City. 17 Developer primarily alleges in its petition that the City unlawfully rejected its latest proposal 18 submitted under new, streamlined procedures established by Senate Bill 35 (Govt. Code, 19 § 65913.4, hereafter section 65913.4 or SB 35; further unspecified statutory references are to the 20 Govt. Code), remedial legislation enacted to promote the construction of housing within 21 California. Developer further alleges that in rejecting the proposal, the City also violated the state 22 Density Bonus Law (§ 65915) and the Housing Accountability Act (§ 65589.5), the provisions of 23 both of which may be invoked, as they were here, in a development application submitted under 24 SB 35.

Renters separately filed their petition challenging the City's course of conduct with
respect to Developers' proposed project (Case No. 19CV350422). They allege their own direct
and beneficial interests having been harmed in the City's denial of Developer's application for
streamlined approval. This separate action against the City, commenced one day before

because the City did not adequately identify objective standards and provide an explanation of inconsistencies supported by substantial evidence in its SB 35 denial letter.

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First, the City did not adequately identify applicable objective standards with which the project did not comply. The City conceded its initial error in asserting that a higher percentage of affordable units was required; it had relied on an outdated and incorrect HCD determination. (AR000169.) Thus, it is undisputed that the first bullet point in the City's denial letter was based on an incorrect and inapplicable standard.

8 As for the other two bullet points, the City did not adequately identify the standards or 9 code provisions it was referring to or relying on. It concluded the project lacked "the required 10 number of off-street residential and visitor parking spaces" and "adequate access/egress to the 11 proposed off-street parking." (AR000127.) But it is not apparent from this vague statement just what those purported standards are or where they can be located. Thus, the City did not 12 13 adequately identify the parking standards it was relying on. And notwithstanding the opacity and ambiguity of the City's statement, it is apparent that it was not relying on permissible, objective 14 15 standards for parking. First, section 65913.4, subdivision (d)(2) states that "the local government shall not impose automobile parking requirements for streamlined developments approved 16 pursuant to this section that exceed one parking space per unit." (§ 65913.4, subd. (d)(2).) And 17 for projects meeting certain criteria—such as projects within one-half mile of transit—no parking 18 19 requirements may be imposed. (§ 65913.4, subd. (d)(1).) Consequently, the City not only failed 20 to identify the purported parking requirement but also failed to account for the prohibitions in 21 section 65913.4, subdivision (d) as well. Moreover, the City has yet to identify any evidence in 22 the record to support the conclusion that it could require more parking based on the location and 23 characteristics of the project here.

As for ingress and egress, "adequacy" is not an objective standard that may be applied to streamlined projects. Objective standards are those "that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal." (§ 65913.4, subd. (a)(5).) What qualifies as adequate—in the absence of an identifiable standard or definition—is simply a matter of personal or subjective judgment. To date, the City has not identified a uniformly verifiable, knowable standard for adequate ingress and egress. Accordingly, it impermissibly relied on a subjective standard in its denial letter.

What's more, there is no explanation in the denial letter about how the proposal was inconsistent with the unspecified standards applied by the City. For example, the City did not explain that the project provided only X number of parking spaces when the required number was Y. So, the City's denial letter was not code-compliant in this regard as well.

The City does not present a convincing argument to support a contrary conclusion. In the City's papers, it does not clearly and directly counter petitioners' supporting points. For example, the City does not argue that it adequately identified all of the objective standards set forth in its denial letter or that all of the standards it identified qualified as objective standards permissibly applied in the course of streamlined review. And the City does not explain how its cursory reference to such standards qualified as "an explanation for the reason or reasons the development conflicts with that standard or standards." (§ 65913.4, subd. (b)(1).)¹⁷ Instead, the City argues the denial letter, when read in conjunction with the incomplete notice, put Developer on sufficient notice so as to somehow satisfy section 65913.4. This argument lacks merit.

The first problem with the City's contention is that it relies on an unspecified standard for the sufficiency of notice in lieu of the standard spelled out by the Legislature in section 65913.4, subdivision (b)(1). Although not clearly articulated by the City, it seems to invoke the concept of notice in the context of the constitutional minimum for procedural due process. (See generally *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1275–1280.) But the issue here is not whether the City met the constitutional minimum. The issue is whether it complied with the applicable statutory requirements.

¹⁷ Section 65913.4 does not merely require a statement of reasons for denying an application for streamlined review. Rather, it imposes the more specific requirement of an explanation of how the proposed development conflicts with the objective standards that the municipality identifies.

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and proposed writ within 20 days from service of this Order, with courtesy copy to the Court at
 the same email address and copy to counsel for petitioners.

IT IS SO ORDERID.

Date: April 2020

HELEN E. WILLIAMS Judge of the Superior Court

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ORDER GRANTING PETITIONS FOR WRIT OF MANDATE



Density Bonus Scenarios February 10, 2021





- Establishes provisions for the grant of concessions.
- and affordability level. A Concession is reduction in site development standards or a The number of concessions is based on the percentage of affordable units provided modification of zoning code requirements and requires an Affordable Housing Concession Permit in Pasadena. ٨
- One Concession
- > 5% Very Low Income Units.
- > 10% Lower Income Units
- > 10% Moderate Income Units
- Two Concessions
- > 10% Very Low Income Units.
- 17% Lower Income Units (AB 2345)
- > 20% Moderate Income Units

- Three Concessions
- > 15% Very Low Income Units.
- > 24% Lower Income Units (AB 2345)
- > 30% Moderate Income Units



- Establishes provisions for the production of affordable housing. •
- > Applies to residential projects of 10 or more units.
- 2019 Update
- > 15% increased to 20%
- 5% Very Low, 5% Low, 10% Moderate (Rental)
- 20% Moderate, Low, Very Low (For-Sale)
- No trade-downs
- In-lieu fees increased

ng Concession	ht	vo local concessions at the lousing Concession Permit.			nits built on-site;			> 50% reduction in parking	t > Waiver of loading	requirements
Repuis Affordable Housir	Planning & Community Development Departmen	 Establishes provisions for the grant of up to tw local level without the need of an Affordable H 	> For projects that:	 Provide Density Bonus 	 Comply with the Inclusionary requirements and ur 	 Does not request concessions through the State 	 Local Concession Menu: 	> Additional 0.5 FAR	> Additional 12 ft of height over 60% of building footprint	

50% reduction in side and rear setbacks ٨

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- Planned Developments (PD):
- > Applies to sites of 2 acres or larger
- > Requires a Change of Zone to a PD
- > Requires adoption of a PD Plan that specifies allowed uses and development standards

PD Plan:

- project site unless approved by the City Council, but only as high as 3.0, and only when it > The FAR of a PD shall not exceed the FAR allowed on the Land Use Diagram for the can be shown the architectural design of the PD is contextual and of a high-quality.
- high as 87 dwelling units per acre, and only when it can be shown the architectural design of the PD is contextual and of a high-quality. The residential density may also exceed that Land Use Diagram for the project site unless approved by the City Council, but only as of the Land Use Diagram if the project is complying with the Density Bonus provisions. The residential density of a PD shall not exceed the residential density allowed on the ٨



The specific purpose of a PD are to:

- Establish a procedure for the development of large parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of land use regulations and administrative procedures designed primarily for small parcels; a)
- Ensure orderly and thorough planning and review procedures that will result in quality urban design q
- Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity; ΰ
- Allow certain types of development consistent with the general plan that can be acceptable at a specific location only under standards significantly more restrictive than those of a base district in which the use is permitted; ð
- Provide a mechanism whereby the city may authorize desirable developments in conformity with the general plan without inviting speculative rezoning applications that if granted, often could deprive subsequent owners of development opportunities that do not necessarily result in construction of the proposed facilities; Ð
- Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it; Ĵ
- Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended; and б б
- Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods ĥ











Density Bonus Scenarios February 10, 2021

