

## Baumb, Nelly

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**From:** Rice, Danille  
**Sent:** Monday, May 17, 2021 1:30 PM  
**To:** Council, City; Council Agenda Email  
**Cc:** Executive Leadership Team; Yang, Albert; ORG - Clerk's Office  
**Subject:** Council Agenda Consent Questions for TUESDAY May 18, Item 3

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### Council Question Response

Dear Mayor and Council Members:

On behalf of City Manager Ed Shikada, please find below the staff responses to inquiries made by Mayor DuBois in regard to the ***Special Tuesday, May 18 Council Meeting***.

#### **Item 3: Ordinance to Update Density Bonus Code PAMC 18.15**

- 1. Packet page 57, 18.15.050 b) - the definition that says that rail is NOT an impediment to reach transit - is that state law or our local change? The others make sense, but if a development is across a secure rail line and not near a station does that qualify for a transit oriented project?**

The language included in the ordinance is lifted directly from state law. As to the particular issue about whether a secured rail line could be considered an impediment, absent guidance about how to apply this new language, the City will need to evaluate the circumstances of any specific application that comes in.

- 2. Is there anything in our code that says other incentives are in lieu of the state density bonuses? That is correct right - you have to choose one or the other - either something like PHZ or density bonus but not both. Should that be clarified in these changes?**

Some of our local incentive programs are set up to be mutually exclusive with state density bonus law. This is clearly stated in the sections for each of those local incentives, including for example the Housing Incentive Program and the Affordable & Workforce Housing Combining Districts. We have the language in those sections to offer an alternative to the state density bonus law. If a developer finds the local alternative superior to the state density bonus law, the latter would not be used. Alternatively, if the state density bonus law were preferred, a developer would apply that regulation to the City's base district zoning standards and not in addition to other zoning incentives offered by the City. The planned home zoning (PHZ) application process requires a legislative change by Council and therefore the Council has broad discretion on whether to

approve or deny a project seeking approval through the PHZ. It is not necessary to seek a state density bonus in conjunction with a PHZ application and the City Council is not compelled to grant any state density bonus in conjunction with a PHZ application.

Thank you.



**Danille Rice**

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