

## **Amendments to Affordability Unlocked**

McGraw, 4/23/19

- 1. Increase affordability period to 55 years for rental units created under this program.**
- 2. Strengthen and clarify penalties for non-compliance.**
  - (a) Require owner to record a Land Use Restriction Agreement and lien with the City for all developments created under this program granting the City foreclosure rights on the property if the project violates program requirements, as is currently required for affordable housing projects receiving City support.
  - (b) Correct apparent error in Lines 126-128 to clearly state that all affordability requirements will remain with the property if it is sold during the affordability period.
  - (c) Clearly define process and penalties for one-to-one replacement requirement for redeveloped MF properties.
  - (d) Clarify meaning of "each day" in penalty section Lines 148-152.
- 3. Address insufficiencies in ADA parking provisions to ensure housing access for people with disabilities, a protected class under the federal Fair Housing Act.** The simplest and best approach would be to require on-site ADA compliant parking for all projects built under this ordinance. Failing that, the following changes are essential:
  - (a) Correct apparent error in Lines 296-298 to replace "off-site" with "on-site."
  - (b) Require off-site ADA spaces to be within 100' of the unit/project as measured on a fully accessible route containing ADA compliant loading aisles, sidewalks and curb cuts.
  - (c) Define "vicinity of use" in fee in-lieu provision for ADA compliant spaces per (b) above.
  - (d) Define "off-site or on-street parking space designated for persons with disabilities" per (b) above.
  - (e) Remove proposed waiver that could render participating projects inaccessible to people with disabilities.
  - (f) Ensure that such parking meets state TAS regulations regarding technical issues and relationship to public space.
- 4. Consider California model for more realistic parking reductions** (page 6 at <https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law.pdf>)
- 5. Advance ordinance for larger projects, but delay application for smaller projects until sound processes for eligibility, monitoring and modified site plan review are finalized and fully vetted.**
- 6. Prohibit Short Term Rentals in participating projects.**
- 7. Correct Lines 185-187 to retain side setbacks and any health, safety or environmental setbacks per Council's initiating resolution.**
- 8. Where Compatibility would normally apply, allow this tool only with a zoning change (ie such as MF3-AF) and proper notification and petition rights to surrounding property owners. This makes this tool an overlay.**
- 9. Maintain front and rear setbacks that respect adjacent property.**
- 10. Do not allow a building on stilts over parking or paving to cover front yards.**
- 11. Clearly delineate how waived fees are accounted for in the city budget.**