

2008 OCT -6 PM 4:22

# Memo

**To:** Board of Supervisors  
**From:** Supervisor Sweeney  
**Date:** 10/6/2008  
**Re:** Planned Developments and Density Bonus – Item #13 on October 7, 2008 BOS Meeting

---

Following our meeting of September 23, 2008, I was told that staff immediately took our decision on the Farren Project as new policy direction. That should not have happened!

I have reviewed the General Plan policies pertaining to Planned Developments in detail. Although those policies, (in particular 2.2.3.1, 2.2.3.2 and 2.2.4.1) are complex, they are clear and unambiguous. The policy concerning Density Bonus calculations (2.2.4.1) includes an example to assist in application of the policy, and clearly provides density bonus credit for all open space lands, except for bodies of water.

Accordingly, I recommend that the Board direct staff that:

1. Planned Developments are to comply with the provisions of General Plan Policies 2.2.3.1, 2.2.3.2 and 2.2.4.1, where applicable.
2. Policy 2.2.4.1 C. shall be interpreted to recognize that public benefit is derived from commonly owned or publicly dedicated lands that are set aside for open space areas, parks and wildlife habitat areas, whether or not those lands are directly accessible to the general public.

Open space areas may be used to provide physical and visual separation between adjacent land uses, to buffer adjacent agricultural operations or be incorporated as greenbelt areas in fire safe plans. Preservation of land as wildlife habitat supports resident and migratory bird and animal populations, and may also provide opportunities for corridors or connections between existing protected lands. Both open space and wildlife habitat lands benefit regional water quality by reducing soil erosion and sedimentation, increasing infiltration rates and reducing the volume of nutrients leaching into rivers and streams.

These benefits are "made available" to the public, within the meaning of this Policy, when the lands are protected from further development, which in and of itself, constitutes a bona fide public benefit.

However I do believe that the Resolution of Intention is still appropriate as to the 30% requirement in Policy 2.2.3.1 A.1 as that may be an onerous requirement that could defeat the planning purpose of a Planned Development. Also, requiring all developments that create more than 50 parcels to set aside 30% open space per policy 2.2.5.4 could similarly defeat good planning practices.