

CHAPTER 19.57

DENSITY BONUSES AND OTHER INCENTIVES FOR LOW INCOME
AND SENIOR HOUSING

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19.57.010 PURPOSE AND INTENT

The California Legislature has determined that the provision of housing for lower and very low income individuals and senior citizens is of primary importance in the State and must be encouraged at the local level. The purpose of this Chapter is to comply with the provisions of California Government Code Section 65915 requiring the City to adopt an ordinance providing incentives to developers of housing for lower and very low income individuals and senior citizens.

19.57.020 APPLICABILITY

This Chapter shall apply to all housing developments, as defined in this Title consisting of 5 or more units.

19.57.030 GRANT OF DEVELOPMENT INCENTIVE

A. *Development Incentive*

A developer shall be entitled to a development incentive as described in Section 19.57.050, if the developer enters into either a development agreement pursuant to *California Government Code* Section 65865 et. seq. or another recorded contractual agreement satisfactory to the City with respect to the housing development in which the developer covenants to do all of the following:

1. To construct the housing development with at least one of the following:
 - a. At least 20 percent of the total units of the housing development reserved for lower income households, or
 - b. At least 10 percent of the total units of the housing development reserved for very low income households, or
 - c. At least 50 percent of the total housing units of the housing

- development reserved for qualifying residents.
2. The agreement shall ensure continued affordability of all density bonus units for lower income households or very low income households for the time period established in Subsection B of this Section. Continued affordability shall be ensured as follows:
 - a. Units targeted for lower income households shall be affordable at a rent that does not exceed 30 percent of 60 percent of the area median income as determined pursuant to Section 50079.5 of the *California Health and Safety Code*.
 - b. Units targeted for very low income households shall be affordable at a rent that does not exceed 30 percent of 50 percent of the area median income, as determined pursuant to Section 50105 of the *California Health and Safety Code*.

B. Time Period

The time period to ensure continued affordability shall be at least 30 years. A longer period of time shall be required if the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program for the housing development, requires a longer period. Notwithstanding the above, this 30 year period shall be reduced to 10 years if the City does not grant at least one additional concession or incentive described in Section 19.57.050.

19.57.040 PRELIMINARY PROPOSAL

A developer may submit a written preliminary proposal for development to determine the means for complying with this Chapter. The preliminary proposal may be submitted prior to any formal requests for General Plan amendments, zoning amendments or subdivision map approvals.

Within 90 days of receipt of a complete written preliminary proposal, the City shall notify the developer in writing of the procedures which it will comply with this chapter.

19.57.050 DEVELOPMENT INCENTIVES

A. Requirement to a Grant A Development Incentive

When required by this Chapter to grant a development incentive, the City shall do one of the following:

- a. Grant a density bonus and at least one of the concessions or incentives set forth in Subsection B of this Section; or
- b. Provide other incentives of equivalent financial value based

upon the land cost per dwelling unit.

B. Definitions

For purpose of this Section, “concessions or incentives” has been defined in Chapter 19.08, DEFINITIONS. This definition shall not require the City to provide direct financial incentives or publicly owned land for the housing development, or to waive fees or dedication requirements.

C. Incentives Not Required

The City shall not be required to grant concessions or incentives as defined in Chapter 19.08 if the City Council makes a written finding that such concessions or incentives are not required in order to provide affordable housing costs as defined in Section 50052.5 of the *California Health and Safety Code* or for rents for the targeted units to be set as specified in Section 19.57.030 A, 2, a and b.

19.57.060 DENSITY BONUS PLAN

1. Plan

Prior to the recordation of a final or parcel map for a housing development for which a density bonus has been granted or the issuance of a building permit for a housing development not requiring a final or parcel map, the developer shall submit to the City for approval a plan showing the developer’s intended use of the density bonus within the housing development. The City shall review the plan for compliance with the terms of this Chapter and may approve or reject the plan, provided that the plan shall not be rejected solely on the basis that the plan would allow the use of the density bonus in geographic areas of the housing development other than the areas with units for the lower income households or the very low income households are located.

2. Waiver of Development Standards

In the event that the geography or topography of the site is such that the strict application of the City’s development and zoning standards would inhibit the utilization of the density bonus on the site, the City Council may waive or modify the development and zoning standards as applied to the housing development. No waiver shall be granted under this Subsection unless the developer has shown to the satisfaction of the City Council that the waiver or modification is necessary to make the housing units economically feasible.

19.57.070 MULTIPLE DENSITY BONUSES

A developer who agrees to construct both 20 percent of the total units within a housing development for lower income households and 10 percent of the total units for very low income households shall be entitled to only one density bonus ant at least one additional concession or incentive identified in Subsection B of Section 19.57.050.