

Sec. 25-21-25. Bonus incentive projects.

(a) A developer entering an agreement pursuant to Government Code Section 65915 to construct a development project with one of the following percentages for lower income residents shall be eligible for bonus incentives if the housing development consists of five or more dwelling units:

(1) At least twenty percent of the total units of a housing development for persons of lower income, as defined in Health and Safety Code Section 50079.5; or

(2) At least ten percent for very low income residents, as defined in Health and Safety Code Section 50105; or

(3) At least fifty percent of the total dwelling units for qualifying residents, as defined in Section 51.3 of the Civil Code; or

(4) At least twenty percent of the total dwelling units of a condominium project, as defined in Civil Code Section 1351(f), for residents of moderate income, as defined in Health and Safety Code Section 50093.

The same bonus incentives shall be available for projects which convert apartments to condominiums which include at least thirty-three percent low or moderate income housing units, or fifteen percent lower income units, if the housing development consists of five or more dwelling units.

(b) For purposes of this section, qualifying development projects under paragraphs (1), (2), or (3) of subsection (a), the City shall offer one of the following types of bonus incentives:

(1) A density bonus of at least twenty-five percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, unless a lesser percentage is elected by the housing developer. In addition, at least one of the concessions or incentives listed in subsection (e) shall be offered unless the City makes a written finding, based on substantial evidence, of either of the following: (1) the extra incentive is not needed in order for rents to be set at the required affordable levels; or (2) the concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate-income households.

The housing developer must show that the density bonus is necessary to make the housing units economically feasible. Where development and zoning standards exist which would otherwise inhibit the utilization of the density bonus on specific sites, the City shall waive or modify the standards.

(2) Other concessions or incentives, as listed in subsection (e), which significantly contribute to the economic feasibility of the construction of the qualifying development project.

(c) For purposes of this section, qualifying condominium development projects under paragraph (4) of subsection (a), the City shall offer one of the following types of bonus incentives:

(1) A density bonus of at least ten percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, unless a lesser percentage is elected by the housing developer. In addition, at least one of the financial concessions or incentives listed in subsection (e) shall be offered, unless the City makes a written finding, based on substantial evidence, of either of the following: (1) the extra incentive is not needed in order for prices or rents to be set at the required affordable levels; or (2) the concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate-income households.

The housing developer must show that the density bonus is necessary to make the housing units economically feasible. Where development and zoning standards exist which would otherwise inhibit the utilization of the density bonus on specific sites, the City shall waive or modify the standards.

(2) Other concessions or incentives, as listed in subsection (e), which significantly contribute to the economic feasibility of the construction of the qualifying development project.

(d) If a qualifying development project under subsection (a) includes a child care facility, as defined in Government Code Section 69515 (h), that is located on or adjacent to the development project, the following conditions apply, unless the City makes a written finding that the City has adequate childcare facilities:

(1) The City shall grant either:

(i) An additional residential density bonus equal to the amount of square feet in the child care facility; or

(ii) Other concessions or incentives, as listed in subsection (e), which significantly contribute to the economic feasibility of the construction of the child care facility.

(2) The City, as a condition of approving the housing project, shall require:

(i) The childcare facility shall remain in operation for a period of time that is as long or longer than the period of time during which the density bonus units are required to remain affordable, pursuant to subsection (e) (10) (iii); and

(ii) the percentage of children from low, lower and moderate incomes who attend the childcare facility must be equal to or greater than the percentage of housing units that are required for low, lower and moderate income households pursuant to subsection (a).

(e) Bonus incentives which the City may agree to provide include, but are not limited to, the following:

(1) Use of Federal, State, or local affordable housing funds to subsidize the cost of the qualifying project.

(2) Waiver or reduction of City building permit, plan check, and inspection fees (excluding re-inspection fees).

(3) Deferral of City development impact fees until the issuance of a Certificate of Occupancy for the qualifying project.

(4) Reduction of local zoning standards that indirectly increase housing costs, including but not limited to off-street parking requirements, minimum square footage, height limitations, or setback requirements.

(5) Construction by the City of such public improvements as streets, sewers and sidewalks, street name and traffic signs, water mains, storm drains, and street lights in association with the qualifying project.

(6) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(f) Procedures:

(i) Site Plan/Design Review. Site plan and design review by the Planning Commission shall be required for projects involving bonus incentives. Any special conditions of the City Zoning Ordinance residential and commercial land use tables pertaining to the project shall also apply.

(ii) Regulatory Agreement. As required by Chapter 6A of the City Code (Affordable Housing Ordinance), the City and Developer shall execute a Regulatory Agreement (Inclusionary Housing Agreement), ensuring compliance of the project with all applicable provisions and affordability restrictions as required under Chapter 6A of the City Code and this section, or other applicable affordable housing requirements (such as the Spring Lake Affordable Housing Plan). This agreement shall be recorded with the Yolo County Recorder's Office. Affordable units in the qualifying project shall remain affordable and available to qualified persons and families for the term required by the Affordable Housing Ordinance, but in no case less than 30 years. Moderate-income units located within a condominium project must be affordable and available to qualified persons and families for at least ten years.

(iii.) Additional Conditions. In addition, reasonable conditions may be imposed to assure continued availability of such housing as very low, low, or moderate-income housing.

(g) For purposes of this section, if a development project qualifies under both paragraphs (1) and (2) of subsection (a), the housing developer is only entitled to one density

bonus and at least one additional concession under subsection (b)(2). The City may, at its discretion, grant more than one density bonus.