

ORDINANCE NO. 6223

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO REDUCE CONSTRAINTS ON HOUSING BY ALLOWING A HIGHER PERCENTAGE OF RESIDENTIAL USE WITHIN MIXED USE DEVELOPMENTS, PROVIDING THAT MIXED USE DEVELOPMENTS THAT MEET AFFORDABILITY REQUIREMENTS ON-SITE ARE PERMITTED USES IN CERTAIN ZONES, REMOVING THE LIMITATION ON MAXIMUM NUMBER OF ROOMS IN SINGLE ROOM OCCUPANCY (SINGLE ROOM OCCUPANCY) PROJECTS, EXPANDING THE DENSITY BONUS PROGRAM, ALLOWING TRANSITIONAL AND SUPPORTIVE HOUSING UNITS IN ALL ZONES WHERE RESIDENTIAL USES ARE ALLOWED, AND MAKING OTHER MINOR CHANGES

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. The Board finds and declares that the adoption of this Ordinance is necessary to expand opportunities for development of additional housing in unincorporated areas of Sonoma County. The Board finds that the following facts support the adoption of this ordinance:

1. The proposed amendments to Chapter 26 (Zoning Code) are consistent with the Sonoma County General Plan and all applicable specific plans and further the goals, objectives, and policies of the General Plan; and
2. There is a continuing and demonstrated need for the County's Affordable Housing Program; and
3. Sonoma County's current rental vacancy rate is less than 1.5%, further exacerbating the difficulty of providing safe and secure housing that is affordable for lower-income families and for people who are homeless; and,
4. Sonoma County as a whole needs more than 17,144 homes that are affordable to low-income individuals and families. Median rents have increased over 16% since 2000, while median renter household incomes have decreased 6%. Sonoma County's lowest-income renters spend an average of 68% of their income on rent and utilities.

SECTION II. Section 26-88-123 (Mixed use developments) is replaced to read as set forth in the attached Exhibit B.

SECTION III. Section 26-88-125 (Single room occupancy [SRO] facilities) is replaced to read as set forth in the attached Exhibit C.

SECTION IV. Sonoma County Code Chapter 26, Article 89 (Affordable Housing Program Requirements and Incentives) is replaced as set forth in the attached Exhibit D.

SECTION V. Sonoma County Code Section 26-04-010 (LIA Land Intensive Agriculture—Permitted Uses) is amended to add the following subsections to read as follows:

- (p) Transitional housing, subject to density limitations;
- (q) Permanent supportive housing, subject to density limitations.

SECTION VI. Sonoma County Code Section 26-06-010 (LEA Land Extensive Agriculture—Permitted Uses) is amended to add the following subsections to read as follows:

- (t) Transitional housing, subject to density limitations;
- (u) Permanent supportive housing, subject to density limitations.

SECTION VII. Sonoma County Code Section 26-08-010 (DA Diverse Agriculture—Permitted Uses) is amended to add the following subsections to read as follows:

- (s) Transitional housing, subject to density limitations;
- (t) Permanent supportive housing, subject to density limitations.

SECTION VIII. Sonoma County Code Section 26-10-010 (RRD Resources and Rural Development—Permitted Uses) is amended to add the following subsections to read as follows:

- (mm) Transitional housing, subject to density limitations.
- (nn) Permanent supportive housing, subject to density limitations.

SECTION IX. Sonoma County Code Section 26-16-010 (AR Agriculture and Residential District—Permitted Uses) is amended to add the following subsections to read as follows:

- (hh) Transitional housing, subject to density limitations;
- (ii) Permanent supportive housing, subject to density limitations.

SECTION X. Sonoma County Code Section 26-38-010 (CR Commercial Rural District—Permitted Uses) is amended to add the following subsections to read as follows:

- (m) Transitional housing, subject to density limitations;
- (n) Permanent supportive housing, subject to density limitations.

SECTION XI. Sonoma County Code Section 26-40-010 (AS Agricultural Services District—Permitted Uses) is amended to add the following subsections to read as follows:

- (u) Transitional housing, subject to density limitations;
- (v) Permanent supportive housing, subject to density limitations.

SECTION XII. Sonoma County Code Section 26-28-010 (CO Administrative and Professional Office District—Permitted Uses) is amended to add the following subsections to read as follows:

- (o) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;
- (p) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit.

SECTION XIII. Sonoma County Code Section 26-30-010 (C1 Neighborhood Commercial District—Permitted Uses) is amended to add the following subsections to read as follows:

- (r) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;
- (s) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit.
- (t) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments) that provide affordable housing on-site meeting the inclusionary requirements of Article 89 (Affordable Housing).

SECTION XIV. Sonoma County Code Section 26-32-010 (C2 Retail and Business Services District—Permitted Uses) is amended to add the following subsections to read as follows:

- (t) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;
- (u) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit.

- (v) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments) that provide affordable housing on-site meeting the inclusionary requirements of Article 89 (Affordable Housing Program).

SECTION XV. Sonoma County Code Section 26-34-010 (C3 General Commercial District—Permitted Uses) is amended to add the following subsections to read as follows:

- (gg) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;
- (hh) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit.

SECTION XVI. Sonoma County Code Section 26-36-010 (LC Limited Commercial District—Permitted Uses) is amended to add the following subsections to read as follows:

- (bb) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;
- (cc) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit.
- (dd) Small Single Room Occupancy facilities subject to design review and in compliance with Section 26-88-125 (Single Room Occupancy Facilities).
- (ee) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments) that provide affordable housing on-site meeting the inclusionary requirements of Article 89 (Affordable Housing Program).

SECTION XVII. Sonoma County Code Section 26-22-010 (R2 Medium Density Residential – Permitted Uses) is amended to add the following subsection:

- (w) Small Single Room Occupancy facilities subject to design review and in compliance with Section 26-88-125 (Single Room Occupancy Facilities).

SECTION XVIII. Sonoma County Code Section 26-24-010 (R3 High Density Residential District– Permitted Uses) is amended to add the following subsection:

- (v) Small Single Room Occupancy facilities subject to design review and in compliance with Section 26-88-125 (Single Room Occupancy Facilities).

SECTION XIX. Sonoma County Code Section 26-26-040 (PC Planned Community District– Permitted Uses) is amended to add the following subsection:

- (l) Small Single Room Occupancy facilities subject to design review and in compliance with Section 26-88-125 (Single Room Occupancy Facilities).

SECTION XX. Sonoma County Code Section 26-30-020 (C1 Neighborhood Commercial District – Uses Permitted with a Use Permit) is amended to replace and add the following subsections to read as follows:

- (c) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments).
- (bb) In designated urban service areas, large single room occupancy (Single Room Occupancy) facilities in compliance with Section 26-88-125 (Single Room Occupancy Facilities).

SECTION XXI. Sonoma County Code Section 26-32-020 (C2 Retail Business and Service District – Uses Permitted with a Use Permit) is amended to replace and add the following subsections to read as follows:

- (b) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments).
- (bb) In designated urban service areas, large single room occupancy (Single Room Occupancy) facilities in compliance with Section 26-88-125 (Single Room Occupancy Facilities).

SECTION XXII. Sonoma County Code Section 26-36-020 (LC Limited Commercial District – Uses Permitted with Use Permit) is amended to replace and add the following subsection:

- (c) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments).
- (cc) In designated urban service areas, large single room occupancy (Single Room Occupancy) facilities in compliance with Section 26-88-125 (Single Room Occupancy Facilities).

SECTION XXIII. The Board of Supervisors hereby finds and declares that project is exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, title 14, §§ 15305 (minor alterations in land use limitations not resulting in changes in land use or density), 15303 (categorical exemption for construction of limited numbers of new, small facilities or structures), and 15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment).

SECTION XXIV. If any part of this Ordinance is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality

shall not affect the validity, lawfulness, or constitutionality of any other part of this Ordinance.

SECTION XXV. This Ordinance shall be and the same is hereby declared to be in full force and effect on and after 30 days following its passage, and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted on the 8th day of May, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: Aye Zane: Aye Hopkins: Aye Gore: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

Sec. 26-88-123. - Mixed use developments.

(a) Purpose. This section provides standards for mixed use developments and implements the general plan provisions related to mixed use.

(b) Limitations on Use.

- (1) A mixed use development may combine compatible residential units with commercial or other non-residential land uses allowed in the applicable zoning district, provided that not more than eighty percent (80%) of the total gross project floor space is in residential floor area.
 - (i) In cases where at least twenty percent (20%) of the residential floor area is provided as housing affordable to lower-income households pursuant to [Article 89](#) (Affordable Housing Program Requirements and Incentives), a fifteen percent (15%) increase in maximum lot coverage and a fifteen foot (15') increase in maximum building height shall be granted over that otherwise allowed in the underlying zone district.
- (2) Mixed use developments shall comply with the building intensity limitations of the applicable zoning district.
- (3) A mixed use shall not be established or used in conjunction with any of the following activities:
 - (i) Adult entertainment activities/businesses;
 - (ii) Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;
 - (iii) Welding, machining, or open flame work;
 - (iv) Storage or shipping of flammable liquids or hazardous materials beyond that normally associated with a residential use; or
 - (v) Any other activity or use determined by the director to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of residents within, or adjacent to, a mixed use project because of the potential for the use to create excessive dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or to be unreasonably hazardous because of materials, processes, products or wastes.

(c) Location of Residential Units. Residential units may be located on any floor, provided that the first fifty feet (50') of the ground floor area measured perpendicular to each building face adjacent to any primary street frontage shall be reserved for commercial uses. The restriction against the residential use of this fifty foot (50') area does not apply to entryways, access corridors or stairs. This restriction may be waived or reduced where the applicant can demonstrate that all of the following criteria are met:

- (1) The provision of residential uses on the ground floor is necessary in order to provide compatibility with adjacent uses;
- (2) The site has an unusual lot configuration, access, or other unique circumstance such that the provision of ground floor residential results in a superior integration of residential and commercial uses on the site; and
- (3) The ground floor residential component provides a superior integration of the commercial uses into the surrounding commercial area.

(d) Design and Development Standards.

- (1) Residential Open Space. A minimum of sixty (60) square feet of private usable open space shall be provided for each residential unit within the project. The open space requirement may be met through provision of patios, decks, or enclosed yard areas, but no private space with a dimension of less than six feet (6') shall be counted toward this requirement.
- (2) Parking. Projects shall comply with the parking standards set forth in [Section 26-86-010](#) (Parking) for each residential and nonresidential use included in the project, except that the residential parking need not be covered.
- (3) Loading and Refuse/Recycling Areas. Commercial loading areas, recycling areas, and refuse storage facilities for the commercial and other nonresidential uses shall be located away from residential units and shall be substantially screened from view from the residential portion of the project. Where appropriate, the project may provide for the shared use of recycling and refuse storage facilities.
- (4) Noise. Noise generated by mixed use projects shall be consistent with the general plan noise element.

(e) Maintenance of Common Facilities. Where there is more than one (1) property owner with shared interest in maintaining common facilities related to lighting, fencing, signs, landscaping, shared parking, etc., a joint owner's association shall be formed, a landscape assessment district shall be established, or a maintenance agreement recorded. If a joint owner's association or a landscape assessment district is established, the association or district shall be obligated and responsible for maintaining common facilities in accordance with the standards and requirements of this chapter and the conditions of any applicable use permit. If a maintenance agreement is recorded, the agreement shall clearly identify those individuals or entities obligated and responsible for maintaining the common facilities in accordance with the standards and requirements of this chapter and the conditions of any applicable use permit. Each agreement, resolution or other document establishing a joint owner's association, a landscape assessment district or a maintenance agreement shall include the county as a third party beneficiary with the right, but not the obligation, to enforce said agreement, resolution or other document. The agreement, resolution or other document shall be subject to review and approval by the county.

(f) Design Review Approval Required. All new mixed use projects, additions to existing projects, or new nonresidential uses in existing projects, shall be subject to design review approval in accordance with the standards of [Article 82](#) (Design Review). The design of mixed use projects shall demonstrate compatibility between the different uses and shall take into consideration compatibility with adjacent properties and land uses, and shall include specific design features and screening to properly mitigate any potential impacts, including light impacts, or other compatibility issues. Design review of site plan and layout shall include consideration of proximity and access to transit facilities. Project design shall ensure that privacy between residential units and other uses on the site is maximized.

(g) Criteria for Approval. A mixed use development shall meet the criteria set forth below:

- (1) The site shall be located within an existing urban service area and adequate sewer and water to serve the intended use;
- (2) The development must comply with the standards and development criteria set forth in this section, [Article 82](#) (Design Review), and the underlying base zone;
- (3) Residential and commercial uses shall be integrated in such a manner as to address noise, hazardous materials, and other land use compatibility issues on site as well as off-site;
- (4) The mixed use development shall be compatible with surrounding land uses and will not serve to inhibit commercial development on adjacent or nearby commercial parcels.

Sec. 26-88-125. - Single room occupancy (SRO) facilities.

(a) Criteria in General. The following are the minimum criteria applicable to all new single room occupancy (SRO) facilities:

- (1) All SRO facilities are subject to design review.
- (2) Transient occupancy of the SRO rooms shall not be allowed. SRO tenants shall not have an additional residential address other than the address of the SRO facility in which the residential unit is located.
- (3) SRO rooms within SRO facilities shall be provided at rents affordable to households with lower incomes.
- (4) Proximity to transit and alternative transportation modality shall be considered and encouraged in the siting of all SRO facilities.

(b) Small SRO Facilities. The following additional criteria shall apply to SRO facilities containing less than ten (10) SRO rooms:

- (1) Occupancy. SRO rooms shall be occupied by no more than two (2) persons. No transient occupancy is allowed; SRO rooms shall be occupied as the primary residence of the tenant.
- (2) Maximum Unit Size. No SRO room may exceed four hundred (400) square feet.
- (3) Common Facilities. Small SRO facilities shall provide individual or shared (common) bathing facilities, and may provide individual kitchen facilities. Any and all common facilities shall be provided as fully accessible to the satisfaction of the building official.
- (4) Laundry Facilities. Common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer per facility, in addition to a laundry sink and folding area. The requirement for common on-site laundry facilities may be waived where it can be shown that a laundry facility open to the public is located within one-eighth of a mile from the project site.
- (5) Manager's Office or Unit. An on-site management office or manager's unit shall be provided. "House rules" shall be submitted as a part of the use permit application.
- (6) Parking. Off-street parking shall be provided as set forth in [Section 26-86-010](#) (Required parking). Secure bicycle parking is required.
- (7) Storage for Residents. Private, secured storage space of not less than fifty (50) cubic feet per resident shall be provided. Storage space may be provided in private closet(s) accessible from individual SRO rooms; and/or as individually locked areas accessible from a common room; and/or within a separate on-site storage structure. Where storage space is provided within a separate structure, such structure shall provide for separate, locking storage spaces for each SRO room, and shall be of sufficient construction to protect stored items from weather.

(c) Large SRO Facilities. The following additional criteria apply to all SRO facilities containing ten (10) or more SRO rooms:

- (1) Occupancy. SRO rooms shall be occupied by no more than two (2) persons. No transient occupancy is allowed; SRO rooms shall be occupied as the primary residence of the tenant.
- (2) Maximum Unit Size. No SRO room may exceed three hundred (300) square feet.
- (3) Common Facilities.
 - (i) Kitchen. Within a large single room occupancy (SRO) facility, no more than fifty percent (50%) of individual rooms may be provided with kitchens or kitchenettes. At least one (1) common (shared) kitchen/dining area shall be provided within a large SRO facility.
 - (ii) Bathrooms. Private bathroom facilities shall be provided within each unit to include, at a minimum, a toilet and wash basin. Bathtubs and/or shower facilities may be provided within individual rooms, or may be shared.
 - (iii) Accessibility. Any and all common facilities shall be provided as fully accessible, to the satisfaction of the building official.

(4) Laundry Facilities. Common laundry areas shall be provided at a rate of not less than one (1) washer and one (1) dryer for the first ten (10) rooms, with one (1) additional washer and one (1) additional dryer provided for every five (5) additional rooms or fraction thereof.

(5) Manager's Unit. An on-site, live-in manager's unit shall be provided. A management plan, including the proposed "house rules," shall be submitted as a part of the use permit application.

(6) Parking. Parking for SRO facilities shall be provided as set forth in Section 26.86.010, Required parking. Secure bicycle parking is required.

(7) Storage for Residents. Private, secured storage space of not less than fifty (50) cubic feet per resident shall be provided. Storage space may be provided in private closet(s) accessible from individual SRO rooms; and/or as individually locked areas accessible from a common room; and/or within a separate on-site storage structure. Where storage space is provided within a separate structure, such structure shall provide for separate, locking storage spaces for each SRO room, and shall be of sufficient construction to protect stored items from weather.

Article 89 –Affordable Housing Program

Sec. 26-89-040 Affordable Housing Requirements for Residential Development

A. Applicability and requirements. Unless otherwise exempt under Subsection 26-89-040.B., any person who constructs or develops one or more residential units, whether a single-family home, units in multi-family dwellings, or by condominium conversions or otherwise, shall provide affordable housing through one or more of the following three methods:

1. **On-site construction of the required affordable units.** Provide the required affordable unit(s) on-site, in compliance with the Section 26-89-040.C.;
2. **Payment of affordable housing fee.** Pay an affordable housing fee in compliance with Subsection 26-89-040.F.; or
3. **Alternative equivalent actions.** Perform an alternative equivalent action in compliance with Subsection 26-89-040.G.; which may be allowed to fulfill the affordable housing requirements of this Section if approved by the Director, at his or her sole discretion.

B. Exempt projects. The affordable housing requirements of this Section shall not apply to the following exempt projects and unit types:

1. **Project with vested rights.** A project that demonstrates a vested right to proceed without complying with this Section.
2. **Affordable units.** Affordable units which are subject to an Affordable Housing Agreement.
3. **Accessory dwellings.** Accessory dwelling units and junior accessory dwelling units. .
4. **Agricultural related housing.** Farm family units of up to 1,200 square feet, agricultural employee units of up to 1,200 square feet, and seasonal, year-round, and extended seasonal farmworker housing.
5. **Alternative housing.** Homeless shelters, transitional housing, supportive housing, single room occupancy facilities, community care facilities, group homes, and similar State licensed care facilities.
6. **Dwelling unit destroyed by fire or natural catastrophe.** Repair, reconstruction, or replacement of a legal dwelling unit that is destroyed by fire or natural catastrophe, provided that a Building Permit for repair, reconstruction, or replacement has been issued and construction begun within 10 years of destruction.
7. **Residential remodels and minor additions that add no more than 1,000 square feet.** Remodels and additions that add no more than 1,000 square feet to existing, legal dwelling units that do not result in the creation of an additional unit.
8. **Replacements.** Replacement of an existing, legal dwelling unit where the total living area within the replacement unit is no more than 1,000 square feet greater than the living area within the unit being replaced.
9. **Parcels with existing affordable units.** The construction or establishment of one new home on one single parcel, when the subject parcel contains an existing second dwelling unit, or a farm family unit or an employee unit of 1,000 square feet or less.
10. **General exemption.** Residential projects that can demonstrate that they will not contribute to the demand for affordable housing in the County or adversely impact the County's ability to meet its affordable housing needs.

C. Minimum Requirements for Construction of Affordable Units On-Site. To satisfy the requirements of this Article through the construction of affordable units on-site, the following minimum standards must be met:

1. **Number of Units: Ownership projects.** To meet the requirements of this Article through construction of affordable units on-site within an ownership housing project, at least 20 percent of all new dwelling units shall be affordable, and shall be constructed and completed at the same time as the market rate units in the same project.

a. Level of affordability required. At least one-half of the total number of required affordable units shall be provided as affordable to low-income households.

b. Remaining affordable units. The remaining affordable units may be provided as affordable to households with moderate or low incomes.

c. When number of units is an odd number. If the number of required affordable units is an odd number, the number of units affordable to moderate income households may be one greater than the number affordable to low-income households, so long as at least one low-income unit is provided.

2. Number of Units: Condominium or timeshare conversion projects. To meet the requirements of this Article through the provision of affordable units on-site within a project converting existing rental units or airspace parcels to condominium ownership, including common interest or timeshare projects, at least 30 percent of the converted units shall be offered for sale as affordable to low and very-low income households, as required by Housing Element Policy HE-1e or its subsequent equivalent.

3. Number of Units: Rental projects. To meet the requirements of this Article through construction of affordable units on-site within a rental housing project at least 15 percent of all new rental units shall be affordable to low- and very low-income households; or, at least 10 percent of all new rental units shall be affordable to very low- and extremely low-income households, as follows:

a. Allocation of Units - 15 percent option. If the person constructing or developing a rental housing project proposes to satisfy the requirements of this Article by providing 15% of the units as affordable rental units, at least one-half of the total number of required affordable units shall be provided as affordable to very low-income households. The remaining affordable units may be provided as affordable to low- or very low-income households. If the number of required affordable units is an odd number, the number of units affordable to low-income households may be one greater than the number affordable to very low-income households.

b. Allocation of Units - 10 percent option. If the person constructing or developing a rental housing project proposes to satisfy the requirements of this Article by providing 10% of the units as affordable rental units, at least one-half of the total number of affordable units shall be provided as affordable to extremely low-income households. The remaining affordable units may be provided as affordable to very low-income or extremely low-income households. If the number of required affordable units is an odd number, the number of units affordable to very low-income households may be one greater than the number affordable to extremely low-income households.

c. Timing. All affordable units provided pursuant to this subsection shall be constructed and made available for rent at the same time as the market-rate units within the remainder of the residential development.

4. Affordable Housing Agreement. Upon approval of any project proposing to provide affordable units on-site in compliance with this Section, and before any further action by the County concerning the project, including the recording of a final map, or the issuance of a Building Permit, the property owner shall execute an affordable housing agreement in compliance with [Section 26-89-100](#) (Affordable Housing Agreements). The affordable housing agreement shall be recorded concurrently with the final map, or before the issuance of a Building Permit, whichever occurs first.

5. Fractional calculations. If calculating the number of units required by Subsection C. results in a fractional unit requirement, the applicant may satisfy that fractional requirement by:

a. Construction of an additional affordable unit;

b. On qualifying agricultural parcels, construction or conversion of a unit to a farm family or agricultural employee unit containing not more than 1,000 square feet of living area, or a farmworker bunkhouse containing at least two bunks for unaccompanied workers in compliance with Subparagraphs [26-88-010](#) (I) (Seasonal

Farmworker Housing) or (o) Year-Round or Extended Farmworker Housing . Farm family and agricultural employee units may be constructed to satisfy a fractional requirement under this Subparagraph only, and shall not otherwise be considered an affordable unit for the purposes of meeting the affordable unit requirements of this article; or,

c. On parcels eligible for an accessory dwelling unit, construction or conversion of an existing unit to an accessory dwelling unit pursuant to [26-88-060 \(Accessory Dwelling Units\)](#). Accessory dwelling units may be constructed to defer payment of the affordable housing fee that would otherwise be due for the construction of one new single-family home on one single parcel only, provided that an Affordable Housing Fee Deferral Agreement, in a form acceptable to County Counsel, is signed by the property owner and recorded to ensure that the unit will remain available for rent to a qualified low-income household at an affordable rent. The fee will be automatically deferred in each year that the second dwelling unit continues to be made available for rent under the terms of the Affordable Housing Fee Deferral Agreement. Should the property owner cease renting the unit, or otherwise fail to comply with the terms of the Fee Deferral Agreement, then the affordable housing fee in effect at the time will be immediately due and payable to County and a Notice of Cancellation of the Affordable Housing Fee Deferral Agreement shall be recorded. In this case, credit shall be given for each year that the unit has been rented to a low income household at an affordable rent in compliance with the Agreement, with the term for being 30 years. Any remaining portion of the term may be met through payment of the remaining prorated affordable housing fee, using the fee amount in effect at the time that the owner ceases renting the unit. Provision of an accessory dwelling unit shall not otherwise be considered as meeting the affordable unit requirements of this Article. In cases involving the subdivision of property, provision of a separate accessory dwelling unit on each parcel may meet the affordable unit requirement of this article only for each parcel upon which an accessory dwelling unit is placed and a covenant recorded to ensure that the unit will remain available for rent.

D. Affordable housing fee. When the requirements of this Article are met through the payment of an affordable housing fee, payment shall be made in accordance with the following:

1. Determination of fee. The amount and calculation of affordable housing fees shall be established by resolution of the Board. Thereafter, the affordable housing fees shall be increased or decreased annually by the percentage change in the Construction Cost Index for the San Francisco Bay Area for the prior year, as reflected in the third quarter Engineering News Record. The affordable housing fee shall be automatically adjusted, and a new schedule published by the Director effective on January 1st of each year. This adjustment will offset the effects of inflation related to construction cost increases or deflation-related cost decreases. If the Construction Cost index is discontinued, the Director shall use a comparable index for determining the changes in the median home costs for the County. The fee shall be periodically reviewed and updated at least every five years.

2. Timing of payment. The affordable housing fees shall be calculated at the time of Building Permit application. The fee shall be paid at the time of the wallboard inspection for each non-exempt residential unit, unless proof is provided that the required affordable housing units will be constructed on site; that an alternative equivalent action was previously approved in compliance with Subsection 26-89-040.G; or that a fee deferral agreement in compliance with Section 26-89-040 (C) (5) has been granted.

3. Affordable Housing Fee Trust Fund Guidelines. There shall be established a separate account for affordable housing fees within the County Fund for Housing (CFH) as may be necessary to avoid commingling as required by law, or as deemed appropriate to further the purposes of the affordable housing fees. The County's use of the affordable housing fees, along with any interest earnings, shall comply with all of the following requirements.

a. Affordable housing fees deposited in the CFH, along with any interest earnings, shall be allocated for uses that increase and improve the supply of housing affordable to households of extremely low-, very low-, low-, and moderate incomes, including:

- (1) The acquisition of property and property rights; and
- (2) The cost of construction including costs associated with planning, administration, and design, building or installation, development fees, on- and off-site improvements, and any other costs associated with the planning, predevelopment, permitting, construction and financing of affordable housing.

b. Monies may also be used to cover administrative expenses incurred by the Department or the CDC in connection with affordable housing and not otherwise reimbursed through processing and other fees, including:

- (1) Reasonable consultant and legal expenses related to the establishment and/or administration of the affordable housing fee account;
- (2) Reasonable expenses for administering the process of calculating, collecting, and accounting for affordable housing fees authorized by this Section; and
- (3) County and CDC administrative costs for project development, permitting, post Development Code compliance, and the ongoing monitoring of affordable housing projects constructed with affordable housing fee trust funds.

c. Adequate cost accounting procedures shall be utilized and documented for all of the expenditures.

d. No portion of the collected affordable housing fees shall be diverted to other purposes by way of loan or otherwise.

G. Alternative equivalent actions. The Director may, at his or her sole discretion, approve an alternative equivalent action to the provision of the affordable units on-site or payment of the affordable housing fee, as follows.

1. Scope of alternative proposals. Proposals for an alternative equivalent action may include:

- a. The dedication of vacant land (see Subparagraph G.5., below, Standards for land dedications);
- b. The construction of affordable rental or ownership units on another site within the unincorporated area of the County; or
- c. The acquisition and enforcement of rental or sales price restrictions on existing market rate dwelling units in compliance with this Article.

2. Content of proposal. A proposal for an equivalent alternative action shall show how the requested alternative action will further affordable housing opportunities in the County to an equal or greater extent than the provision of the affordable housing units on-site in compliance with Subsection C. (Number of affordable units required), or payment of the affordable housing fee in compliance with Subsection F. (Affordable housing fee).

3. Review and approval. Only the Director can approve an alternative equivalent action under this Section. A proposal for an alternative equivalent action may be approved by the Director only if the Director finds that the alternative action will further affordable housing opportunities in the County to an equal or greater extent than the construction of the required affordable units as part of the project or payment of the affordable housing fee, as applicable.

4. Performance of alternative action. After approval by the Director of a proposal for an alternative action, entitlements for that alternative action shall be processed concurrent with the market-rate project. If the alternative action includes construction of affordable units on another site or the acquisition and enforcement of rental/sales price restrictions on existing market rate units, an Affordable Housing Agreement in compliance with Section 26.89.100 shall be recorded for each of those units before recordation of any final map for, or issuance

of any Building Permit within, the market-rate project, and the affordable units shall be constructed or acquired concurrent with, or before, the construction of the market rate units.

5. Standards for land dedications.

a. Offers of dedication. An applicant who proposes to dedicate land located within the unincorporated area of the County as a means of satisfying the requirements of this Article shall offer the land dedication as a part of the initial application for project approval. The applicant's offer shall describe the site, shall offer it for dedication at no cost to the County, and shall include a site plan illustrating the feasibility of locating and constructing the number of affordable units for which the applicant is requesting credit.

b. Site suitability and appraisal.

(1) The applicant shall provide a site suitability analysis which demonstrates that the land proposed for dedication is suitable for the development of affordable housing in terms of size, location, General Plan land use designation, availability of services, proximity to public transit, adjacent land uses, access, physical characteristics and configuration, and other relevant planning criteria. Department staff shall evaluate the site suitability analysis, identify the site's projected unit capacity, and recommend to the review authority whether the site should be accepted or conditionally accepted. An environmental evaluation may be required as a part of the site suitability analysis.

(2) The applicant shall provide an appraisal of the land proposed for dedication. The appraisal shall be prepared by a qualified land appraiser and shall conform to the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board of the Appraisal Foundation.

(3) All County staff costs associated with the determination of site suitability, and all expenses incurred to determine legal status of the site, to perform environmental assessments and to obtain an appraisal, shall be borne by the applicant.

c. Calculation of credit for dedication of land. Following review of the appraisal and site suitability analysis, the County shall determine the extent to which the dedication shall satisfy the requirements of this Article as follows:

(1) The County shall offer to credit the applicant for the land dedication only to the extent that the appraised value of the land to be dedicated equals the full development cost of providing the required affordable units under Subsection 26-89-040.C.1 (Ownership projects) or Subsection 26-89-040.C.2 (Rental projects) , including both land costs and construction costs.

(2) If the appraised value of the land is less than the total projected development cost for the number of affordable units required under Subsection 26-89-040.C.1 (Ownership projects) or Subsection 26-89-040.C.2 (Rental projects), the applicant will be credited with only the number of affordable units for which development costs are covered by the value of the land.

(3) The applicant shall agree to satisfy any remaining obligations under this Article by providing additional affordable units on the project site, or paying applicable affordable housing fees.

d. Procedure for acceptance of site. The County shall not accept an offer of dedication nor approve the proposed residential project until all of the conditions of acceptance of the land, if any, have been completed by the applicant. The County's formal acceptance of the offer of dedication shall take place concurrently with its approval of the residential project. The grant deed dedicating the site to the County, or to a developer of affordable housing approved by the County, shall be recorded before issuance of any Building Permit within the market rate project.

Sec. 26-89-045 - Workforce Housing Program Requirements

A. Applicability and requirements. Unless otherwise exempt under Subsection 26-89-045.B., any person who constructs new or expanded nonresidential development, shall contribute to the County's affordable housing program through one or more of the following three methods:

1. **On-site construction of the required affordable units.** Provide the required affordable unit(s) on-site, in compliance with Subsection 26-89-045.C. as allowed by the underlying zone district (i.e., mixed use, work/live);
2. **Payment of workforce housing fee.** Pay the workforce housing fee in compliance with Subsection 26-89-045.E; or
3. **Alternative equivalent actions.** Perform an alternative equivalent action in compliance with Subsection 26-89-045.F; which may be allowed to fulfill the affordable housing requirements of this Section if approved by the Director, at its sole discretion.

B. Exempt projects. The affordable housing requirements of this Section shall not apply to the following exempt projects:

1. **Project with vested rights.** A project that demonstrates a vested right to proceed without complying with this Section.
2. **Public and nonprofit projects.** Public projects and nonprofit projects which provide a public benefit to the community.
3. **Small projects and additions.** Projects and additions of less than 2,000 square feet in total gross floor area.
4. **Floor area discount.** The requirements of this Section shall not apply to the first 2,000 square feet of nonresidential floor area in all new developments.
5. **Structures destroyed by fire or natural catastrophe.** Repair, reconstruction, or replacement of a legal nonresidential structure that is destroyed by fire or natural catastrophe, provided that a Building Permit for repair, reconstruction, or replacement has been issued and construction begun within 10 years of destruction.
6. **Nonresidential replacements or remodels.** Remodels or replacements to existing, legal structures that do not result in the creation of additional floor area.
7. **Do not contribute to the demand for affordable housing.** Projects that clearly do not contribute to the demand for affordable housing (e.g., unmanned utility structures, parking garages, and agricultural exempt structures).

C. On-Site Construction of Units. To satisfy the requirements of this Section through the construction of affordable units on-site, the following minimum standards must be met:

1. **Number of affordable units required.** To satisfy the requirements of this Section through on-site construction, affordable housing units must be constructed on-site in compliance with the Table 1 (Number of affordable units required), below:
2. **Level of affordability required.** At least one-half of the total number of required affordable units shall be provided as affordable to very low-income households. The remaining affordable units may be provided as affordable to households with low incomes. If the number of required affordable units is an odd number, the number of units affordable to low-income households may be one greater than the number affordable to very low-income households, so long as at least one very low-income unit is provided.

TABLE 1
NUMBER OF AFFORDABLE UNITS REQUIRED

Type of Nonresidential Development	Number of New Units to be provided for extremely Low-, Very Low-, and Low-income Households (per 1,000 square feet of floor area) ^{1,2}
Commercial, Office, Medical, and Hotels	.05
Light Industry, Warehousing, Manufacturing, Research and Development, Food and Agricultural Processing	.06
Retail, restaurants and commercial services	.09

Notes:

1. For purposes of this table, the floor area excludes all garage areas permanently allocated for employee or customer vehicle parking.
2. All fractional units shall be rounded up to the nearest whole number.
3. **Affordable Housing Agreement.** Upon approval of any nonresidential project proposing to provide affordable units on-site in compliance with this Section, and before any further action by the County concerning the project, including the recording of a final map, or the issuance of a Building Permit, the property owner shall execute an affordable housing agreement in compliance with Section 26-89-100 (Affordable Housing Agreements). The affordable housing agreement shall be recorded concurrently with the final map, or before the issuance of a Building Permit within the project, whichever occurs first.
4. **Timing of Construction of Units.** Proposed affordable units shall be constructed on site concurrent with, or before, the construction of the nonresidential project. No occupancy of any portion of the nonresidential project shall be granted until occupancy of the affordable residential units is granted.
5. **Fractional units.** If calculating the number of units required by this Section results in a fractional unit requirement, the applicant may satisfy that fractional unit requirement by:
 - a. Constructing an additional affordable unit;
 - b. Paying an fee in compliance with Subsection E. (Workforce Housing Fee); or,
 - c. Performing an alternative equivalent action approved by the Director in compliance with Subsection G. (Alternative Equivalent Actions).
- E. **Workforce housing fee.** To satisfy the requirements of this Section through the payment of a fee, payment shall be made in accordance with the following:
 1. **Determination of fee.** The amount of the workforce housing fee shall be established by resolution of the Board. Thereafter, the workforce housing fee shall be increased or decreased annually by the percentage change in the Construction Cost Index for the San Francisco Bay Area for the prior year, as reflected in the third quarter Engineering News Record. The workforce housing fee shall be automatically adjusted, and a new schedule published by the Director, effective on January 1st of each year. This adjustment will offset the effects of inflation related to construction cost increases or deflation-related cost decreases. If the Construction Cost index is discontinued, the Director shall use a comparable index for determining the changes in the median home costs for the County. The fee shall be periodically reviewed and updated at least every five years to reflect any changes in the need for affordable housing resulting from new nonresidential development.
 2. **Timing of payment.** The workforce housing fee shall be calculated at the time of Building Permit application. The fee shall be paid at the time of issuance of the Building Permit for each nonresidential project, unless proof is provided that the required affordable housing

units will be constructed on-site or that an alternative equivalent action was previously approved in compliance with Subsection 26-89-040(G).

- 3. Workforce Housing Fee Trust Fund Guidelines.** There shall be established a separate account for workforce housing fees within the County Fund for Housing (CFH) as may be necessary to avoid commingling as required by law, or as deemed appropriate to further the purposes of the workforce housing fees. The County's use of the workforce housing fees, along with any interest earnings, shall comply with all of the following requirements.
- a. Workforce housing fees deposited in the CFH, along with any interest earnings, shall be allocated for uses that increase and improve the supply of housing affordable to households of extremely low-, very low-, low-, and moderate incomes, including:
 - (1) The acquisition of property and property rights for the construction of affordable housing; and
 - (2) The cost of construction including costs associated with planning, administration, and design, building or installation, development fees, on- and off-site improvements, and any other costs associated with the planning, predevelopment, permitting, construction and financing of affordable housing.
 - b. Monies may also be used to cover administrative expenses incurred by the Department or the CDC in connection with affordable housing and not otherwise reimbursed through processing and other fees, including:
 - (1) Reasonable consultant and legal expenses related to the establishment and/or administration of the workforce housing fee account;
 - (2) Reasonable expenses for administering the process of calculating, collecting, and accounting for workforce housing fees authorized by this Section; and
 - (3) County and CDC administrative costs for project development, permitting, post-development code compliance, and the ongoing monitoring of affordable housing projects constructed with workforce housing fee trust funds.
 - c. Adequate cost accounting procedures shall be utilized and documented for all of the expenditures.
 - d. No portion of the collected workforce housing fees shall be diverted to other purposes by way of loan or otherwise.

F. Alternative equivalent actions. The Director may, in his or her sole discretion, approve an alternative equivalent action to the provision of the affordable units on site or payment of the workforce housing fee, as follows.

- 1. Scope of alternative proposals.** Proposals for an alternative equivalent action may include:
 - a. The dedication of vacant land (see Subparagraph G. 5, Standards for land dedications); or,
 - b. The construction of affordable rental or ownership units on another site within the unincorporated area of the County;
 - c. The acquisition and enforcement of rental/sales price restrictions on existing market rate dwelling units in compliance with this Article; or
 - d. Employer based programs providing direct subsidy to qualified employees, including mortgage buy-downs or rental assistance that provides long-term affordability.
- 2. Content of proposal.** A proposal for an equivalent alternative action shall show how the requested alternative action will further affordable housing opportunities in the County to an equal or greater extent than the provision of the affordable housing units on site in compliance with Subsection C. (Number of affordable units required), or payment of the workforce housing fee in compliance with Subsection E. (Workforce housing fee).

3. **Review and approval.** Only the Director can approve an equivalent alternative action under this Section. A proposal for an alternative equivalent action may be approved by the Director only if the Director finds that the alternative action will further affordable housing opportunities in the County to an equal or greater extent than the construction of the required affordable units as part of the project or payment of the workforce housing fee.
4. **Performance of alternative action.** After approval by the Director of a proposal for an alternative action, entitlements for that alternative action shall be processed concurrent with the nonresidential projects. If the alternative action includes construction of affordable units on another site or the acquisition and enforcement of rental/sales price restrictions on existing market rate units, an Affordable Housing Agreement in compliance with Subsection 26.89.100 shall be recorded for each of those units before recordation of any final map for, or issuance of any Building Permit within, the nonresidential project, and the affordable units shall be constructed or acquired concurrent with, or before, the construction of the nonresidential project.
5. **Standards for land dedications.**
 - a. **Offers of dedication.** An applicant who proposes to dedicate land located within the unincorporated area of the County in lieu of constructing the affordable units required by this Section shall offer the land dedication as a part of the initial application for project approval. The applicant's offer shall describe the site, shall offer it for dedication at no cost to the County, and shall include a site plan illustrating the feasibility of locating and constructing the number of required affordable units for which the applicant is requesting housing fee credit.
 - b. **Site suitability and appraisal.**
 - (1) The applicant shall provide a site suitability analysis which demonstrates that the land proposed for dedication is suitable for the development of affordable housing in terms of size, location, General Plan land use designation, availability of services, proximity to public transit, adjacent land uses, access to streets and walkways, physical characteristics and configuration, and other relevant planning criteria. Department staff shall evaluate the site suitability analysis, identify the site's projected unit capacity, and recommend to the review authority whether the site should be accepted or conditionally accepted. An environmental evaluation may be required as a part of the site suitability analysis.
 - (2) The applicant shall provide an appraisal of the land proposed for dedication. The appraisal shall be prepared by a qualified land appraiser and shall conform to the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board of the Appraisal Foundation.
 - (3) All County staff costs associated with the determination of site suitability, and all expenses incurred to determine legal status of site, to perform environmental assessments and to obtain an appraisal, shall be borne by the applicant.
 - c. **Number of units credited to dedication of land.** Following review of the appraisal and site suitability analysis, the County shall determine the number of required affordable housing units for which the applicant will receive credit upon dedication of the site.
 - (1) The County will offer to credit the applicant for the land dedication only to the extent that the appraised value of the land to be dedicated equals the full development cost of providing the required affordable units including both land costs and construction costs.
 - (2) If the appraised value of the land is less than the total projected development cost for the number of affordable units required, the applicant will be credited with only the number of affordable units for which development costs are covered by the value of the land.

(3) The applicant shall agree to provide any remaining affordable units required by this Section on the project site, or to pay the applicable workforce housing fee for the remaining number of required units.

d. Procedure for acceptance of site. The County shall not accept an offer of dedication or approve the proposed nonresidential project until all of the conditions of acceptance of the land, if any, have been completed by the applicant. The County's formal acceptance of the offer of dedication shall take place concurrently with its approval of the nonresidential project. The grant deed dedicating the site to the County, or to a developer of affordable housing approved by the County, shall be recorded before issuance of any Building Permit within the nonresidential project.

Sec. 26-89-050 Density Bonus Program

A. Applicability.

1. A project that is proposed to provide affordable housing units or to provide land for the affordable housing units, and which meets or exceeds the minimum thresholds of affordability specified below, may request a density bonus in compliance with one of the applicable density bonus programs provided by this Section.

2. Only one density bonus program may be applied to each project.

3. Density bonus programs shall not be applied to General Plan and Zoning Database amendments, but rather may be approved only in conjunction with a development permit (i.e., tentative map, parcel map, Conditional Use Permit, or Design Review).

B. Application requirements. The density bonuses provided by this Section shall be granted by the County only after the filing and approval of an application, as follows.

1. Application filing. The applicant shall file with the Department an application for a density bonus and other incentives in compliance with this Section either before, or concurrent with, the submittal of an application for discretionary project approval (for example, a tentative map, parcel map, conditional use permit or design review). Modifications to an existing application for a density bonus shall be considered a new application.

2. Application requirements. An application shall include all of the following information:

a. A detailed development plan and description of the proposed project, including a Housing Proposal in compliance with Subsection 26-89-030.G. (Housing Proposal Required) outlining the number, type, size, tenure, number of bedrooms and proposed affordability level for each and every unit within the development;

b. The density bonus program under which the application is filed (e.g., State density bonus program, Supplemental density bonus program, Mixed use project density bonus, Rental Housing Opportunity Area Program, or Ownership Housing Opportunity Program);

c. The type of density bonus incentive requested, of those listed in Section 26-89-060 (Affordable Housing Incentives);

d. If more than one incentive is requested in compliance with Subsection 26-89-060.B. (Affordable Housing Incentives: Additional Incentives), a statement of why the project is eligible for the additional incentives. Eligibility for the additional incentive may be shown by establishing that the project will provide affordable housing in the percentages specified in Subsection 26-89-060.B.1., that the project meets

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other Housing Element goals (e.g., provision of housing for seniors, special housing needs individuals, and/or other goals), and/or that the additional incentive is necessary to improve the financial feasibility of the development and to allow the applicant to provide additional affordability or affordability for a longer term;

e. Any alternative incentive being requested in compliance with Subsection 26-89-060.D. (Request for Alternative Incentive), together with a statement as to why, due to the particular characteristics of the project site, the alternative incentive is necessary to provide for affordable housing costs; and

f. Any other information deemed necessary by the Director to allow a complete evaluation of the application.

3. Consideration of application. An application for a density bonus shall be considered and approved only as an integral part of the County's approval of a discretionary development permit for the project (i.e., at the time of approval of a subdivision, Conditional Use Permit, Design Review, or other required land use permit). The project approval shall identify the density bonus and other incentive(s) that the County has granted the applicant, and any waiver or modification of standards that may have been approved for the project.

C. State density bonus program. In addition to the incentives provided by Section 26-89-060 (Affordable Housing Incentives), a residential project of five or more base units that provides affordable or senior housing, or that provides land for construction of affordable housing, or that provides affordable housing along with child care facilities, or that provides ten percent (10%) of total housing units for transitional foster youth as defined in Section 66025.9 of the Education Code, disabled veterans as defined in Government Code Section 18542, or homeless persons as defined in the federal McKinney-Vento Homeless Assistance Act all as specified below, shall be eligible for a density bonus to allow more dwelling units than otherwise allowed on the site by the applicable General Plan Land Use Map and zone district, in compliance with the following:

1. Density bonus for on-site construction of very low-income housing.

a. A 20 percent density bonus shall be granted to any housing project of five or more base units that is constructed to provide at least five percent of the base units for very low-income households.

b. For each one percent increase in the number of base units provided as affordable to very low-income households above the five percent specified in Subparagraph C.1.a., above, the density bonus shall be increased by two and one-half percent, up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district, as shown in Table 2.

2. Density bonus for on-site construction of low-income housing.

a. A 20 percent density bonus shall be granted to any housing project of five or more base units that is constructed to provide at least ten percent (10%) of the base units for low-income households.

STATE DENSITY BONUS PROGRAM
AFFORDABILITY AND INCENTIVE SCHEDULE

Table 2: Density Bonus Calculations
Single- and Multi-Family Developments

% Affordable*	% DB**	# Incentives
Low-Income Units		
10	20.0	1
11	21.5	1
12	23.0	1
13	24.5	1
14	26.0	1
15	27.5	1
16	29.0	1
17	30.5	1
18	32.0	1
19	33.5	1
20	35.0	2
30	35.0	3
Very Low-Income Units		
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	.25	2
11	35	2
15	35	3

Table 3: Density Bonus Calculations
 Condos and Planned Developments

% Affordable*	% DB**	# Incentives
Moderate-Income		
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2
27	22	2
28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3
35	30	3

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% Affordable*	% DB**	# Incentives
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3

* The density bonus units shall not be included when determining the number of affordable units required.

** All density calculations resulting in fractional units shall be rounded up to the next whole number.

b. For each one percent increase in the number of base units provided as affordable for low-income households above the 10 percent specified in Subparagraph C.2.a., above, the density bonus shall be increased by one and one-half percent, up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district, as shown in Table 2, above.

3. Density bonus for on-site construction of senior housing. A 20 percent density bonus shall be granted to any housing project that is constructed to provide at least 35 dwelling units for senior households.

4. Density bonus for construction of moderate income housing in condominium and planned development construction projects.

a. A five percent density bonus shall be granted to any condominium project or planned development of five or more base units that is constructed to provide at least 10 percent of the base units for moderate-income households.

b. For each one percent increase in the number of base units provided as affordable to moderate income households above the 10 percent specified in Subparagraph C. 4. a., above, the density bonus shall be increased by one percent up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district, as shown in Table 3, above.

c. Modifications or waivers of development standards that are approved as part of the condominium or planned development project shall be considered additional incentives in compliance with Subsection 26-89-060.B.

5. Density bonus for provision of affordable housing in condominium conversion projects.

a. In the case of a condominium conversion, a 25 percent density bonus shall be granted, or other incentives of equivalent financial value shall be offered, if the project is constructed to provide at least: (1) 33 percent of the base units to low- or moderate-income households; or

(2) 15 percent of the base units to lower-income households.

b. An applicant shall be ineligible for a density bonus or other incentives in compliance with this Subparagraph if the apartments proposed for conversion constitute a housing development for which a density bonus or other financial incentives were previously provided.

6. Density bonus for donation of land for affordable housing.

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a. A 15 percent density bonus shall be granted to a residential project of five or more base units if the project applicant donates land to the County for development of affordable housing in compliance with all of the following:

- (1) The applicant shall donate and transfer the land no later than the date of approval of the final map, parcel map, or other residential project application, whichever comes first;
- (2) The developable acreage and zoning classification of the land shall be sufficient to allow construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed project;
- (3) The transferred land shall:
 - (a) Be at least one acre in size or of sufficient size to allow development of at least 40 units;
 - (b) Have appropriate General Plan and zone district designation for development of affordable housing;
 - (c) Be served by adequate public facilities and infrastructure; and
 - (d) Have appropriate zoning and development standards to make the development of the affordable units feasible.
- (4) Before transfer of the land, the applicant shall obtain all permits and approvals, except Building Permits, necessary for development of very low-income housing units in compliance with this Subparagraph. At the County's discretion, Design Review may be delayed until after transfer of the land;
- (5) The transferred land and the affordable units constructed upon it shall be subject to a deed restriction ensuring continued affordability in compliance with Section 26-89-090;
- (6) The land shall be transferred to the County or to a developer of affordable housing approved by the County. The County may, at its discretion, require the applicant to identify and transfer the land to an approved developer; and
- (7) The transferred land shall be within the boundary of the proposed project or, with the approval of the County, within one-quarter mile of the boundary of the proposed development.
- (8) A proposed source of funding for the very-low income units shall be identified no later than the date of approval of final subdivision map, parcel map or residential development application.

b. For each one percent increase above the 10 percent land donation described in Subparagraph C.6.a., above, the density bonus shall be increased by one percent up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district.

7. Childcare facilities.

a. If a residential project that meets the minimum State density bonus requirements specified in Subparagraphs C.1 through C.4., above, includes a child care facility on the premises of or adjacent to the project, then the County shall grant either of the following:

- (1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
- (2) An additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

b. If a density bonus or additional incentive is granted in compliance with this Subparagraph, the child care facility shall be required:

(1) To remain in operation for a period of time that is equal to or longer than the period of time during which the density bonus units are required to remain affordable under this Section; and

(2) To ensure that, of the children who attend the child care facility, the percentage of children of very low-income households, low-income households, or moderate-income households equals the percentage of dwelling units required for each of those income categories in compliance with Subparagraphs C.1, C.2, or C.4., above, as applicable.

c. For purposes of this Subparagraph, a "child care facility" means a child care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

8. Combining density bonuses. The density bonuses specified in Subparagraphs C.1 through C.7., above, may be combined, but shall in no case, except as otherwise provided in this Section, result in an increase in density for the residential project above 35 percent above the maximum density allowed by the General Plan and zone district.

D. County supplemental density bonus program.

1. In addition to the incentives provided by Section 26-89-060 (Affordable Housing Incentives), a residential project of five or more base units shall be eligible for a density bonus of up to 50 percent above the maximum density allowed by the General Plan and zone district, if the project provides a total of:

- a. 10 percent or more of the base units for extremely low-income households;
- b. 20 percent or more of the base units for very low-income households;
- c. 30 percent or more of the base units for low-income senior households;
- d. 30 percent or more of the base units for low-income households, with 10 percent or more of those base units provided as fully accessible units for low-income disabled households;
- e. 30 percent or more of the base units for low-income households, with 10 percent or more of those base units provided as large rental units with three or more bedrooms for low-income large family (5 or more persons) households; or
- f. 40 percent or more of the base units for low-income households, or
- g. A state density bonus program-qualifying project for very-low or low-income households that also provides 33 percent or more of the total project units as powered by on-site renewable energy systems capable of generating at least 70 percent of the projected electrical energy demand of the units or results in an equivalent reduction in utility costs; or
- h. 30 percent or more of the base units for low-income households, with 100 percent of the total project units providing at least the 3 basic tenants of universal design (stepless entry and thresholds, complete single floor living area with 32-inch doorways, and environmental controls at accessible heights).

E. Housing Opportunity Program bonuses.

1. Rental Housing Opportunity Program requirements (formerly Type A). Rental housing projects consisting of two or more base dwelling units may qualify for the Rental Housing Opportunity program.

a. Rental Housing Opportunity areas established. Housing opportunity areas for rental housing may be established in locations designated by the General Plan Land Use Maps as:

(1) Urban Residential, six to 12 dwelling units per acre, that are zoned R-2 (Medium Density Residential); and,

(2) Urban Residential 12 to 20 dwelling units per acre, that are zoned R-3 (High Density Residential).

b. Rental housing project density increase. A rental project that is allowed two or more dwelling units by the applicable zone district may be constructed at up to twice the base density, provided that a minimum of forty percent (40%) of the total units within the project will be provided as affordable for rent to very low- or low-income households, and further provided that in no case may the total density exceed that shown in Table 4, below.

c. Rental Housing Opportunity development standards. A rental housing opportunity development shall comply with all of the development standards established by this Development Code for the R3 (High Density Residential) zone district.

Table 4
MAXIMUM ALLOWABLE DENSITY

Density as Shown on Zoning Database Map	Maximum Allowable Density (Rental Housing Opportunity)
6 units per acre	12 units per acre
7 units per acre	14 units per acre
8 units per acre	16 units per acre
9 units per acre	18 units per acre
10 units per acre	20 units per acre
11 units per acre	22 units per acre
12 units per acre	24 units per acre
13 units per acre	26 units per acre
14 units per acre	28 units per acre
15 units per acre	30 units per acre
16 units per acre	32 units per acre
17 units per acre	34 units per acre
18 units per acre	36 units per acre
19 units per acre	38 units per acre
20 units per acre	40 units per acre

2. Ownership Housing Opportunity Area Program requirements (formerly Type C). Only residential projects consisting of four or more base dwelling units may qualify for the Ownership Housing Opportunity program.

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a. Ownership Housing Opportunity areas established. Ownership Housing Opportunity areas may be established in locations identified by the General Plan as Urban Residential with a density of two to six dwelling units per acre, and that are zoned R-1 or R-2.

b. Ownership housing project density increase. An Ownership Housing Opportunity project that is allowed four or more dwelling units by the applicable zone district may be approved for development as a small-lot subdivision at a density of up to eleven (11) dwelling units per acre if:

(1) The site is designated by the General Plan Land Use Map with a density of two (2) to six (6) dwelling units per acre;

(2) A minimum of twenty percent (20%) of the units are reserved for sale to very low- or low-income households; and

(3) The remainder of the units are reserved for sale to low- and moderate-income households.

c. Ownership housing development standards. An ownership housing development shall comply with all of the following standards.

(1) Parcel configurations and sizes. The parcel configurations within an Ownership Housing Opportunity development may include zero lot-line parcels, angled Z lots, zipper lots, flag lots, alternate width parcels, quad lots, and motor court lots. Parcel sizes may range from 2,000 to 6,000 square feet or more. A variety of parcel configurations and parcel sizes shall be provided in a development on any site larger than three acres.

(2) Allowable floor area ratio. Allowable dwelling size shall be based on parcel area. Actual house sizes, as well as parcel sizes, in a proposed development plan may vary so long as the averages shown in Table 5, below, are maintained. "Dwelling size" refers to the gross living area of the primary dwelling only; storage sheds, garages, carports, covered patios, and decks are not included in the gross living area.

Table 5
DWELLING SIZE

Average Parcel Size	2,000	2,500	3,000	3,500	4,000	4,500	5,000	5,500	6,000
Average House Size	1,000	1,100	1,200	1,300	1,400	1,500	1,600	1,700	1,800

Note: All quantities are in square feet of floor area (can be interpolated).

How to Use the Table. First, determine the average parcel size of the single-family parcels in the proposed development. Next, determine the allowable average dwelling size of the single-family dwellings in the proposed development. The average dwelling size shall not be greater than shown in the table.

(3) Subsequent expansions or additions. Subsequent expansions or additions to dwelling units, if not shown on the development plan, may be allowed in the future only where the proposed expansion is within a designated building envelope shown on the development plan.

(4) Setback/yard requirements. Setbacks and yards shall be provided in compliance with the standards of the R-3 zone district.

(a) Setbacks for all proposed and possible future structures or additions shall be designated on the development plan.

(b) Front yard setbacks shall be varied.

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(c) A garage or carport with a vehicle entrance facing the street shall be set back a minimum of 20 feet from the rear of the public sidewalk, or 20 feet from the property or adopted street plan line, whichever is greater.

(5) Private open space requirement. Each dwelling unit or parcel shall be designed to provide a minimum of 400 square feet of usable private open space.

(6) Maximum structure height. The maximum height of structures is 35 feet.

(7) Maximum coverage. Maximum allowable structure coverage is 65 percent. The use of alternative permeable surfaces is strongly encouraged for driveways, walkways, and patios wherever feasible in order to maintain or enhance groundwater absorption and recharge.

d. Alternatives to development standards. An applicant for an Ownership Housing Opportunity project may propose alternatives to the development standards in Subparagraph F.2., above, provided that in no case shall the residential density exceed eleven (11) units per acre. Conditional use permit approval shall be required to authorize alternative development standards. A conditional use permit application for alternative standards shall be processed concurrently with the required design review and subdivision applications. (Ord. No. 6085, § IV(Exh. C), 10-7-2014)