

**2014 UPDATED
YOLO COUNTY CODE**

Title 8 LAND DEVELOPMENT

CHAPTER 12: HOUSING DENSITY BONUSES

Sec. 8-12.101 Purpose

The purpose of this Section is to provide housing density bonus incentives as required by State law (Sections 65915 and 65917 of the California Government Code) for the production of housing for very low, low, and moderate income households, and senior households. In enacting this section, it is the intent of the County to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element.

Sec. 8-12.102 Definitions

Nonrestricted unit

"Nonrestricted unit" means all units within a housing development excluding the target units.

Senior citizen housing development

"Senior citizen housing development" means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least five dwelling units and complies with the requirements in Civil Code Section 51.3.

Target unit

"Target unit" means a dwelling unit within a housing development which will be reserved for sale or rent to very low, low, or moderate income households, as defined in the County's Inclusionary Housing Requirements Ordinance, or to senior citizens.

Sec. 8-12.103 Approval of Density Bonus

- (a) The County shall grant a density bonus to an applicant or developer of a housing development consisting of five or more dwelling units, who agrees to provide the following:
 - (1) At least another ten percent of the total units of a housing development for low income households; or
 - (2) At least another five percent of the total units of a housing development for very low income households; or
 - (3) A senior citizen housing development.
- (b) All density calculations resulting in fractional units shall be rounded up to the next whole number.

- (c) In determining the number of target units to be provided pursuant to this section, the maximum residential density shall be multiplied by .05 where very low income households are targeted, or by .10 where low income households are targeted. The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the required number of target units, any fractions of units shall be rounded to the next larger number.

Sec. 8-12.104 Amount of Density Bonus

- (a) **General Density Bonus.** The density bonus shall be a density increase of at least twenty percent, unless a lesser percentage is elected by the applicant/developer over the otherwise maximum allowable residential density. The amount of density bonus to which the applicant/developer is entitled shall vary according to the amount by which the percentage of affordable units exceeds the percentage set forth in Section 8-12.103(a). For each percent increase above ten percent in the percentage of units affordable to low income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty-five percent. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty-five percent. For senior citizen housing developments, the density bonus shall be a flat twenty percent.
- (b) **Density Bonus for Condominium Projects.** If a development does not meet the requirements set forth above, but the applicant/developer agrees or proposes to construct a condominium project as defined in subdivision (f) or a planned development as defined in subdivision (k) of Section 1351 of the Civil Code, in which at least another ten percent of the total dwelling units are reserved for persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, a density bonus of at least five percent shall be granted, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density. For each one percent increase above ten percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by one percent up to a maximum of thirty-five percent.
- (c) **Density Bonus for Land Dedication.** When an applicant for a tentative subdivision map, parcel map, or other residential approval donates land to the County and otherwise satisfies the requirements of Government Code Section 65915(g), the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum ten percent land donation, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent. The land donation density bonus and general density bonus can be used together, up to a combined maximum of thirty-five percent.
- (d) Upon request by the applicant, the County shall not require that a housing development meeting the requirements of this section provide a vehicular parking ratio, inclusive of handicapped parking that exceeds:
 - (1) For studio and one bedroom projects: one on-site parking space per unit;

- (2) For two to three bedroom projects: two on-site parking spaces per unit; and
 - (3) For four and more bedroom projects: two and one-half parking spaces per unit.
- (e) If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.

Sec. 8-12.105 Incentives or Concessions

- (a) The County shall grant an incentive or concession unless the County makes one of the following findings:
- (1) The incentive or concession is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for affordable rents for the targeted units.
 - (2) The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, 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 low- and moderate-income households.
 - (3) The concession or incentive would be contrary to State or federal law.
- (b) In addition to the eligible density bonus percentage described in this section, and in accordance with Government Code Section 65915(d)(2), the applicant shall receive the following number of incentive(s) or concession(s):
- (1) One incentive or concession for projects that include at least ten percent of the total units for low income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a condominium or planned development.
 - (2) Two incentives or concessions for projects that include at least twenty percent of the total units for low income households, at least ten percent for very low income households, or at least twenty percent for persons and families of moderate income in a condominium or planned development.
 - (3) Three incentives or concessions for projects that include at least thirty percent of the total units for low income households, at least fifteen percent for very low income households, or at least thirty percent for persons and families of moderate income in a condominium or planned development.

Sec. 8-12.106 Development standards

- (a) The site shall be connected to public services, including a public water and wastewater system.

- (b) Target units shall be constructed concurrently with nonrestricted units unless both the County and the applicant/developer agree, in writing, to an alternative schedule for development.
- (c) If the applicant/developer is entitled to a density bonus pursuant to this chapter and the County grants at least one additional incentive, the applicant/developer shall agree to and ensure the continued affordability of all low income and very low income target units for a minimum of thirty years or such longer period of time as required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. The target units for low income households shall be affordable at a rent that does not exceed thirty percent of eighty percent of area median income. The target units for very low income households shall be affordable at a rent that does not exceed thirty percent of fifty percent of area median income.
- (d) In determining the maximum affordable rent or affordable sales price of target units, the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:
 - (1) Studio: 1 person;
 - (2) 1 bedroom: 2 person;
 - (3) 2 bedroom: 3 person;
 - (4) 3 bedroom: 4 person;
 - (5) 4 bedroom: 5 person.
- (e) Target units shall be dispersed within the housing development wherever possible. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the nontarget units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development and design standards, except those which may be modified as provided by this section.
- (f) Compliance with all of the provisions of this section shall be made a condition of the discretionary planning permits (e.g., tentative subdivision maps, tentative parcel maps, site plans, planned development permits, conditional use permits, etc.) for all housing developments.
- (g) Applicant/developer shall execute and record any agreements or documents reasonably deemed necessary by the County to ensure compliance with and implementation of this Section.

Sec. 8-12.107 Additional incentives or concessions

The need for additional incentives or concessions will vary for different housing developments. Therefore, the allocation of additional incentives or concessions shall be determined on a case-by-case basis. The additional incentives or concessions may include any of the following:

- (a) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to:
 - (1) Reduced minimum lot sizes and/or dimensions.
 - (2) Reduced minimum lot setbacks.
 - (3) Reduced minimum outdoor and/or private outdoor living area.
 - (4) Increased maximum lot coverage.
 - (5) Increased maximum building height and/or stories.
 - (6) Reduced on-site parking standards, including the number or size of spaces and garage requirements.
 - (7) Reduced minimum building separation requirements.
- (b) Approval of mixed use zoning in conjunction with the housing development if commercial, office, industrial, or other non-residential land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other non-residential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located.
- (c) Other regulatory incentives or concessions proposed by the applicant/developer or the city that result in identifiable cost reductions.
- (d) Priority processing of a housing development that provides income-restricted units or a senior citizen housing development.

Sec. 8-12.108 Additional density bonus for child care facility

- (a) Housing developments meeting the requirements of this Section and including a child care facility that will be located on the premises of, as part of or adjacent to, the housing development shall receive either of the following:
 - (1) An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the child care facility.
 - (2) An additional incentive or concession to be determined by the County at its sole and complete discretion that contributes significantly to the economic feasibility of the construction of the child care facility.
- (b) The density housing bonus agreement for the housing development shall ensure that:
 - (1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable.
 - (2) Of the children who attend the child care facility, the children of very low income households, low income households, or moderate income

households shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to this Section.

- (c) The County shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

Sec. 8-12.109 Application review and approval

- (a) An application submitted pursuant to this Section for a density bonus and an additional incentive or concession shall be processed concurrently with and in the same manner as any other application(s) required for the housing development unless the development is granted priority processing. Final approval or denial of a request for an additional incentive or concession shall be made by the Board of Supervisors.
- (b) If an applicant/developer is requesting a waiver or modification of development and zoning standards on the grounds that existing development and zoning standards would otherwise inhibit utilization of a density bonus, such request shall be made concurrently with any request for an additional incentive or concession and shall be processed with and approved or denied in accordance with the provisions herein. Waiver or modification of development and zoning standards shall only be approved if the waiver or modification is necessary to make the housing units economically feasible.
- (c) Any approval or denial of a request for a waiver or modification of development and zoning standards or an additional incentive or concession shall be supported by written findings in support of such approval or denial.
- (d) Nothing in this Section requires the County to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or if the waiver or reduction would have an adverse impact on any real property listed in the California Register of Historic Resources or be contrary to State or federal law.
- (e) An applicant/developer is strongly encouraged to submit a Pre-application for the housing development prior to the submittal of any formal requests for rezoning, subdivision map, Use Permit, or other approvals.
- (f) If a waiver or modification of development and zoning standards is requested, the application shall demonstrate how the existing development and zoning standards inhibit the utilization of the density bonus on the specific site and that the waiver or modification is necessary to make the housing units economically feasible.
- (g) If an additional incentive or concession is requested, the application shall describe why the additional incentive or concession is necessary to provide the target units in accordance with this Section.

Sec. 8-12.110 Resale and occupancy restrictions on target units

An applicant shall agree to, and the City shall ensure that the initial occupant of target units that are directly related to the receipt of the density bonus in a housing project are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. Upon resale of the unit, the City shall enforce an equity sharing agreement in accordance with Government Code section 65915.

Sec. 8-12.111 Expiration and extension

- (a) Any waiver or modification of development and zoning standards and/or the granting of additional incentives or concessions is project specific. In any case where a housing development with approved waivers or modifications of development and zoning standards and/or additional incentives or concessions has not commenced construction within the time limit set by the Board of Supervisors or within one year, if no specific time limit has been set, then without further action such waivers or modifications of development and zoning standards and/or additional incentives or concessions shall be null and void. Construction is deemed commenced, for purposes of this Section, upon issuance of a building permit for an approved dwelling unit.
- (b) The Board of Supervisors may extend the deadline for commencement of construction for a period or periods not to exceed twelve months upon receipt of a written request which shall include the reason for the delay and the requested extension and any other information as reasonably deemed necessary by the Planning, Public Works and Environmental Services Director.