

**Density Bonus Ordinance Summary**

CHAPTER 22.120

**A Housing Development is Eligible to Apply for the Density Bonus if:**

- 1. Affordable housing set-asides (22.120.040 A.1.)**
  - At least 5 dwelling units total in the project (pre-bonus).
  - Duration of affordability (covenant required & subject to monitoring procedures):
    - Very low, lower, & moderate (single-family) income housing set-asides: 30 years.
    - Moderate income housing set-asides (common interest developments): Initial occupants are of moderate income.
  - Housing set-aside units shall be compatible with the exterior design of other units within the project in terms of appearance, materials and finished quality.
- 2. Senior citizen housing set-asides (22.120.040 A.2.)**
  - At least 35 dwelling units set aside for senior citizens 55 years of age or older (Section 51.3 of the California Civil Code).
  - Mobilehome park shall be restricted to senior citizens.
  - Duration of age restriction (covenant required): 30 years.
- 3. Land donations (22.120.040 A.3.)**
- 4. County Infill Sites Program (22.120.040 A.4.)**
- 5. Child care facilities (22.120.040 A.5.)**

**Density Bonus Eligibility Requirements :**

Qualified Projects	Minimum Set-Aside		Density Bonus		
			Basic	Additional**	Maximum
Affordable housing set-aside	Very low	5%	20%	1%:2.5%	35%*
	Lower	10%	20%	1%:1.5%	35%*
	Moderate (for-sale only)	10%	5%	1%:1%	35%*
Senior Citizen housing set-aside	A senior citizen housing development		20%	N/A	20%
	A mobilehome park for senior citizens		20%	N/A	20%
Land donation	Very low	10%	15%	1%:1%	35%
County Infill Sites Program (projects of 2 or 3 units pre-bonus)***	N/A		1 unit	N/A	1 unit

\* Child care facility. A qualified project that includes an affordable housing set-aside, and also includes a child care facility, shall be granted either an additional bonus in an amount of square feet of residential floor area equal to the amount of square feet in the child care facility that significantly contributes to the economic feasibility of constructing the child care facility, or an additional incentive as described in Section 22.120.050 (Incentives).

\*\* Additional increases in density bonuses expressed as 'x%:y%' means that with every x% increase in the housing set-aside, the density bonus shall increase by y%.

\*\*\* Transfer of density. Where a qualified project that is a participant in the County Infill Sites Program proposes to concurrently develop noncontiguous properties, within the same major planning area as defined in the General Plan, or located within a quarter mile of each other, the transfer of density bonuses from one property to another may be approved provided that: 1) The total density bonuses approved shall not exceed that obtained if developed separately; 2) Such properties shall be concurrently developed, and that all affordable housing set-aside units shall be constructed at the same time as or prior to other dwelling units on either site; and 3) The applicant shall demonstrate the ability to complete the development approved, in terms of ownership or control of the sites.

## ***Incentives for Projects with Affordable Housing Set-Aside***

<p><b>Number of Incentives (22.120.050.A.)</b> :</p>	<p>A qualified project that provides an affordable housing set-aside shall be granted incentives in the following amounts:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="2" style="text-align: center;">Qualified Projects</th> <th colspan="3" style="text-align: center;">Incentives</th> </tr> <tr> <th colspan="2"></th> <th style="text-align: center;">One*</th> <th style="text-align: center;">Two*</th> <th style="text-align: center;">Three*</th> </tr> </thead> <tbody> <tr> <td rowspan="3" style="width: 30%;">Affordable housing set-aside</td> <td style="width: 20%;">Very low</td> <td style="text-align: center;">5%</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">15%</td> </tr> <tr> <td>Lower</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">30%</td> </tr> <tr> <td>Moderate (for-sale only)</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">30%</td> </tr> </tbody> </table> <p style="font-size: small; margin-top: 5px;">* Child care facility: When a qualified project includes a child care facility, the applicant shall receive one additional incentive that significantly contributes to the economic feasibility of constructing the child care facility, or a square footage density bonus, as described in Section 22.120.040.A (Eligibility).</p>	Qualified Projects		Incentives					One*	Two*	Three*	Affordable housing set-aside	Very low	5%	10%	15%	Lower	10%	20%	30%	Moderate (for-sale only)	10%	20%	30%
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<p><b>Menu of Incentives* (22.120.050.B.)</b> :</p>	<p>"On-menu" incentives: A qualified project that provides an affordable housing set-aside may request incentives from the following menu of incentives:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">Incentive</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Yard/Setback</td> <td>Up to a 20% modification from side yard/setback requirements. Up to a 35% modification of front and rear yard/setback requirements. All yard/setback modifications shall count as one incentive.</td> </tr> <tr> <td>Building Height</td> <td>Up to a 10-foot increase in height. Where a qualified project shares an adjoining interior side property line with a single family residential property in zone R-1, for every additional foot in height above the maximum allowed in the basic zone, the portion of the building exceeding the basic height limit shall be stepped back an additional foot (and may be determined from a modified yard/setback) from adjoining residential properties, except that roof structures and architectural features may be allowed within the step-back portion up to 42 inches in height.</td> </tr> <tr> <td>Stories</td> <td>An additional story. The building height must conform to either the height requirements of the basic zone or as modified through the use of an on-menu incentive.</td> </tr> <tr> <td>Lot Size</td> <td>Up to 20% modification from lot size requirements. Up to 35% modification from lot size requirements for qualified projects in which 100% of the units are set-aside for very low or lower income households.</td> </tr> <tr> <td>Lot Width</td> <td>Up to 20% modification from lot width requirements. Up to 35% modification from lot width requirements for qualified projects in which 100% of the units are set-aside for very low or lower income households.</td> </tr> <tr> <td>Parking</td> <td>For qualified projects in which 100% of the units are set-aside for very low or lower income households and are within a 1,500-foot radius of a fully funded mass transit station or bus stop along a major bus route, the following parking rates shall apply:                      A. Single-family Dwelling Units;                          Any number of bedrooms: 1.0 parking space/unit.                      B. Multi-family Dwelling Units;                          1. 0 – 1 bedrooms: 0.75 parking space/unit.                          2. 2 or more bedrooms: 1.5 parking spaces/unit.                      Parking may be provided by tandem parking or uncovered parking, but not on-street parking. Parking is inclusive of guest and accessible parking spaces.</td> </tr> <tr> <td>Density</td> <td>Up to a 50% density bonus for qualified projects in which 100% of the units are set aside for very low or lower income households.</td> </tr> <tr> <td>Fee Waiver</td> <td>For qualified projects in which 100% of the units are set-aside for very low or lower income households, for-profit developers may be exempted from planning and zoning fees, not including CDC evaluation and monitoring fees or deposits required by Chapter 22.250 (Applications, Petitions, and Fees). (Note: Non-profit developers are already eligible for exemptions from County review fees when projects are formally sponsored by the CDC, and the non-profit fee exemption does not require the use of an incentive.)</td> </tr> </tbody> </table> <p style="font-size: small; margin-top: 5px;">* Project prerequisites: To be eligible for on-menu incentives, the qualified project must be outside of a Very High Fire Hazard Severity Zone, as defined in Section 223-V of Title 32 (Fire Code) of the County Code; within an area that is served by a public sewer system; not within a Significant Ecological Area; and not on land having a natural slope of 25% or more. Where other discretionary approvals (i.e., Plan Amendment, Zone Change, Coastal Development Permit, Conditional Use Permit, etc.) are required to regulate land use, this menu is advisory only.</p> <p style="margin-top: 10px;">"Off-menu" incentives: A qualified project that provides an affordable housing set-aside may request incentives that are NOT listed on this menu of incentives.</p> <p style="text-align: center; font-weight: bold; margin-top: 10px;">The granting of on-menu and off-menu incentives is subject to an administrative housing permit.</p>	Incentive	Description	Yard/Setback	Up to a 20% modification from side yard/setback requirements. Up to a 35% modification of front and rear yard/setback requirements. All yard/setback modifications shall count as one incentive.	Building Height	Up to a 10-foot increase in height. 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## ***Parking Reduction for all Qualified Projects***

<b>Reduced Parking Rates*</b> <b>(22.120.060):</b>	Qualified projects may use the following reduced parking rates. Parking reduction based on the following rates shall <u>NOT</u> count against incentives.	
	<b>Dwelling Unit Size</b>	<b>Parking Spaces</b>
	0-1 bedroom	1 space
	2-3 bedrooms	2 spaces
	4 or more bedrooms	2.5 spaces
* Parking may be provided by tandem parking or uncovered parking, but not on-street parking. Parking is inclusive of guest and accessible parking spaces.		

## ***Other Requests Which Require a Discretionary Housing Permit***

<b>Waiver or Modification of Development Standards</b> <b>(22.120.070):</b>	<ul style="list-style-type: none"> <li>• Granting of waiver or modification of development standards shall not count against incentives.</li> <li>• Granting of waiver or modification of development standards is subject to discretionary housing permit.</li> </ul>
<b>Senior Citizen Housing Option</b> <b>(22.120.080):</b>	A qualified project that provides a senior citizen housing set-aside may request a density bonus greater than the maximum listed on pg. 1 "Density Bonus Eligibility Requirements" but not to exceed 50%: <ul style="list-style-type: none"> <li>• If the senior citizen housing set-aside is at least 50% of the project.</li> <li>• If senior citizen housing set-aside complies with requirements for senior citizen housing in section 51.3, 798.76, or 799.5 of the California Civil Code.</li> <li>• Duration of age restriction (covenant required): 30 years.</li> <li>• Subject to discretionary housing permit.</li> </ul>
<b>Affordable Housing Option</b> <b>(22.120.090):</b>	A qualified project that provides an affordable housing set-aside may request a greater density bonus, or incentives that do not contribute to maintaining the affordability of the housing set-aside units, or the transfer of density bonuses and incentives. <ul style="list-style-type: none"> <li>• Duration of affordability (covenant required): 30 years.</li> <li>• Transfer of density and incentives may be approved if:                         <ul style="list-style-type: none"> <li>- Applicant proposes to concurrently develop noncontiguous properties that are either within the same major planning area or located within ¼ mile of each other;</li> <li>- The total density bonuses and incentives approved shall not exceed those which could be obtained if developed separately;</li> <li>- The properties shall be concurrently developed, and all affordable housing set-aside units shall be constructed at the same time as or prior to other dwelling units on either site;</li> </ul> </li> <li>• Subject to discretionary housing permit.</li> </ul>

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