

ATTACHMENT 4

WMC CHAPTER 17.570 AFFORDABLE HOUSING DENSITY BONUSES

CHAPTER 17.570
AFFORDABLE HOUSING DENSITY BONUSES

§ 17.570.005. Purpose.

This Chapter is intended to implement the requirements of State law for density bonuses and other bonus incentives pursuant to California Government Code Section 65915, or as may be amended, and the goals and policies of the Housing Element of the City's General Plan.

(Ord. 2456 § 2, 2010)

§ 17.570.010. Applicability.

In all zoning districts where residential uses are permitted, the Council shall implement the density bonus and other bonus incentive provisions of California Government Code Section 65915, or as may be amended. Notwithstanding the foregoing sentence, where other provisions set forth in this Title provide processes through which the City may implement the density bonus and other bonus incentive provisions of California Government Code Section 65915, or as may be amended, neither those provisions nor any other provision of this Title are intended to require the City to grant modifications in any zone in addition to those that may be required by California Government Code Section 65915.

(Ord. 2456 § 2, 2010)

§ 17.570.015. Affordable Housing Agreement.

Applicants requesting a density bonus and/or additional incentive shall agree to enter into an affordable housing agreement with the City. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director, who shall formulate a recommendation to the Council for final approval.

Following the approval of an application by the Council, the applicant shall agree to enter into an affordable housing agreement with the City. Following execution of the agreement by all parties, the completed affordable housing agreement, or memorandum thereof, shall be recorded and the conditions filed and recorded on the parcel(s) designated for the construction of affordable units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The affordable housing agreement shall be binding to all future owners and successors in interest.

(Ord. 2456 § 2, 2010)

§ 17.570.020. Application Filing, Processing and Review.

- A. Filing. An application for a density bonus or other bonus incentives shall be completed, filed, and processed in compliance with Chapter 17.500, *Applications, Processing and Fees*. The application package shall include all the information specified in the application form, any applicable Division handout, and any additional information required by the Director in order to conduct a thorough

review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.570.025, *Findings and Decision*.

- B. Notice and Hearings. Notice and hearings regarding an application for a density bonus and other bonus incentives shall be provided in compliance with Chapter 17.630, *Public Hearings and Administrative Review*.
 - C. Review Authority. Requests for a density bonus and other bonus incentives shall be reviewed by the Commission, who shall make a recommendation on which the Council shall act upon by resolution.
- (Ord. 2456 § 2, 2010)

§ 17.570.025. Findings and Decision.

The Commission, in conjunction with a public hearing, shall review and make recommendations to the Council regarding the density bonus and other bonus incentives request. The Council, after a public hearing, may approve, conditionally approve, or disapprove a density bonus and other bonus incentives. A density bonus and other bonus incentives may be approved provided the facts submitted and evaluated during the review process support the following findings:

- A. The project would be compatible with the purpose and intent of the General Plan and the provisions of this Title;
 - B. The project will not be detrimental to the public interest, health, safety, or general welfare, or injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;
 - C. The number of dwellings can be accommodated by existing and planned infrastructure capacities;
 - D. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with California Government Code Section 65915, or as may be amended, and the purpose and intent of this Title;
 - E. There are sufficient provisions to guarantee that the designated dwelling units would remain affordable in the future.
- (Ord. 2456 § 2, 2010)

§ 17.570.030. Conditions of Approval.

The Council may approve a density bonus and other bonus incentives in compliance with Section 17.570.025, *Findings and Decision*, and may impose conditions upon the project, to ensure that the project will meet all of the required findings. Conditions may relate to both on- and off-site improvements that are reasonable and necessary to mitigate project-related impacts, and to carry out the purpose and requirements of this Title and applicable development standards and design guidelines.

(Ord. 2456 § 2, 2010; amended during Supplement No. 20, 1/12)

§ 17.570.035. Post Approval Procedures.

Procedures relating to appeals, notices, revocations, and modifications as identified in Article 6, *Zoning Code Administration*, in addition to those identified in Chapter 17.510, *Permit Implementation, Time Limits and Extensions*, shall apply following the approval of a density bonus and other bonus incentives.

(Ord. 2456 § 2, 2010)