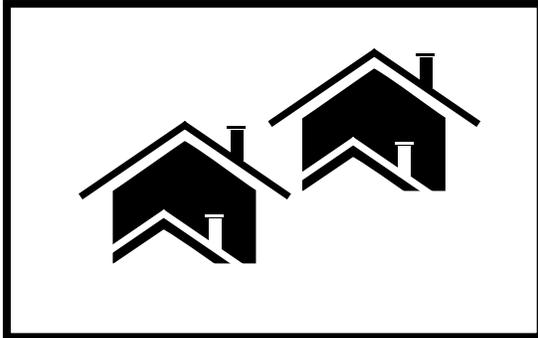


CHAPTER 58



Density Bonus

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17.58.01 Purpose

The purpose of a density bonus is to encourage the private sector to construct affordable housing for “target households” as defined by the State Health and Safety Code.

Woodlake can approve a density bonus if a private sector housing developer agrees to construct a certain percentage of target households and agrees to maintain their affordability for a specific time period.

17.58.02 Definitions

- A. Density Bonus: An increase in units of at least 25 percent over the otherwise maximum allowable residential density under the residential zone district or the Woodlake Land Use Element.
- B. Developer Incentives:
 - 1. Reduce or eliminate standards contained in the subdivision ordinance or Woodlake’s Improvements Manual.
 - 2. Reduce or eliminate residential zone district requirements, including open space, lot size, setbacks, or parking standards.
 - 3. Reduce or eliminate any design requirements exceeding Uniform Building code specification.
- C. Housing Development: One or more residential projects that have five or more residential units.
- D. Low Income Household: A unit affordable to a household at a rent that does not exceed 80 percent of the Tulare County median household income.
- E. Very Low Income Household: A unit affordable to a household at a rent that does not exceed 50 percent of the Tulare County median household income.
- F. Extremely Low Income Household: A units affordable to a household at a rent that does not exceed 30 percent of the Tulare County median household income.
- G. Target Households: Lower-income households or senior citizen households.
- H. Senior Households: Those residential units that have at least one occupant that is at least 55 years of age or older.

17.58.03 Application and Fees

An application for a density bonus shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

17.58.04 Density Bonus Requirements

Government Code Section 65915 indicates that when an applicant seeks a density bonus for a housing development the density bonus requirements are triggered when the

residential development sets aside at least 20 percent of the total units as affordable to low-income households; or at least 10 percent of the total units as affordable to very low-income households; or at least 50 percent of the units for occupancy by “qualifying residents” (senior citizens).

Development concessions or incentives that may be provided by the City of Woodlake include a reduction in site development standards; a modification of zoning code requirements (including a reduction in setbacks, square footage requirements, or parking spaces; or architectural design requirements which exceed the minimum building standards); approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development, and if such nonresidential uses are compatible with the project; or other regulatory incentives or concessions proposed by the developer or the city of Woodlake, which result in identifiable cost reductions.

A project that receives a density bonus and concession or incentive must retain affordability of the units for at least 30 years.

17.58.05 Application

An application for a density bonus shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

17.58.06 Public Hearings

Upon receipt of a density bonus application, the Planning Department shall prepare a public hearing notice consistent with the requirements contained in Chapter 17.04 Public Hearings.

17.58.07 Report and Findings

The Planning Department shall prepare a report on the density bonus application. The Department shall provide a recommendation based on the following density bonus requirements.

- A. The housing development qualifies for a density bonus based on the requirements outlined in Section 17.58.04.
- B. The applicant has provided to the City the legal instrument that will insure that “target households” will remain affordable for at least 30 years.
- C. The application has selected a developer incentive or concession.

17.58.08 Action of Planning Commission

Following a public hearing, the Planning Commission shall review the Planning Department's report and shall take action on the density bonus application. The Commission can approve, approve with conditions or deny the density bonus. The Commission's recommendation shall be forwarded to the City Council.

If the Commission approves the density bonus and the developer provides an instrument that will insure that "target households" will remain affordable for 30 years or longer, the Commission may grant a developer incentive. If the Commission finds that a developer incentive is not necessary to insure the affordability of "target households", it shall make a written finding that the incentive or concession is not necessary.

The Commission may deny a density bonus if it finds that the housing development will have an adverse impact on the public health, safety or welfare; there is no feasible method to mitigate or avoid the project's adverse impact on the environment; or the housing project does not comply with Section 17.58.04 Density Bonus Requirements.

The Commission's decision shall not be based on a finding that "target households" will occupy the housing project and that this condition may have an adverse impact on the neighborhood or community.

Within 10 days of adopting a resolution on the density bonus, the Planning Department shall forward the Commission's recommendation to the City Council and shall transmit a copy of the Commission's resolution to the applicant.

17.58.09 Action of the City Council

Following a public hearing, the City Council shall consider the Planning Commission's recommendation and shall take action on the density bonus application. The Council can approve, approve with modifications or deny the density bonus application. One of the following actions shall be initiated.

- A. If the City Council approves or approves with modification an ordinance on the density bonus application, the Council shall initiate proceedings to adopt a second reading of the ordinance.
- B. Any modification of the proposed density bonus by the City Council, which is based on information not considered by the planning Commission, shall cause the density bonus application to be referred back to the Commission for its reevaluation and recommendation. The Planning Commission is not required to

hold a noticed public hearing. Failure of the Commission to make a recommendation within 40 days after the referral shall cause the Council's decision to become final.

17.58.10 Density Bonus Housing Agreement

Agreements, contracts or other instruments between the City and the developer shall be required to insure that "target households" shall remain affordable for the period of time agreed to by the City and the developer. Said agreement shall be reviewed and approved by the City Attorney and shall be recorded with the Tulare County Records Office.

17.58.11 Density Bonus Calculations

The base density of a property for which a density bonus is being requested shall be determined by the property's zoning. A housing development may qualify for a minimum increase, or density bonus, of 35 percent over the maximum number of permitted residential units of the property's zoning.