

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WOODLAND AMENDING CHAPTER 25,  
ARTICLE 21, SECTION 25 OF THE CODE OF THE CITY OF WOODLAND  
RELATING TO DENSITY BONUSES**

The City Council of the City of Woodland does hereby ordain as follows:

**Section 1. Purpose.** The purpose of this ordinance is to amend Chapter 25, Article 21, Section 25 of the Code of the City of Woodland relating to density bonuses.

**Section 2. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code Sections 65915-65918.

**Section 3. Amendment.** Chapter 25, Article 21, Section 25 of the Code of the City of Woodland is hereby amended by replacing that Section, in its entirety, with the following:

**“Sec. 25-21-25. Bonus incentive projects.**

(a) A developer entering an agreement pursuant to Government Code Section 65915 to construct a development project shall be eligible for bonus incentives if the housing development consists of five or more dwelling units and is:

(1) At least ten percent (10%) of the total units of a housing development for lower income households, as defined in Health and Safety Code Section 50079.5;

(2) At least five percent (5%) of the total units of a housing development for very low income households, as defined in Health and Safety Code Section 50105;

(3) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code; or

(4) At least ten percent (10%) of the total dwelling units in a condominium project as defined in subdivision (f) of Civil Code Section 1351 or in a planned development as defined in subdivision (k) of Civil Code Section 1351, for persons and families of moderate income, as defined in Health and Safety Code Section 50093.

Government Code Section 65915.5 shall govern the availability of bonus incentives for projects which convert apartments to condominiums which include at least thirty-three percent (33%) low or moderate income housing units, as defined in Health and Safety Code Section 50093, or fifteen percent (15%) lower income units, if the housing development consists of five or more dwelling units.

(b) Developments qualifying under subsection (a) are eligible for a density bonus and one or more additional incentives or concessions as follows:

(1) For subsection (a)(1) development projects:

(i) A density bonus of twenty percent (20%) over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and land use element of the general plan, unless a lesser percentage is elected by the housing developer. For each one percent (1%) increase above ten percent (10%) in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of thirty-five percent (35%).

(ii) Other concessions or incentives, as listed in subsection (e), which significantly contribute to the economic feasibility of the construction of the qualifying development project. The number of concessions or incentives will be determined by Government Code Section 65915(d)(2).

(2) For subsection (a)(2) development projects:

(i) A density bonus of twenty percent (20%) over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and land use element of the general plan, unless a lesser percentage is elected by the housing developer. For each one percent (1%) increase above five percent (5%) in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of thirty-five percent (35%).

(ii) Other concessions or incentives, as listed in subsection (e), which significantly contribute to the economic feasibility of the construction of the qualifying development project. The number of concessions or incentives will be determined by Government Code Section 65915(d)(2).

(3) For subsection (a)(3) development projects:

(i) A density bonus of twenty percent (20%) over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and land use element of the general plan, unless a lesser percentage is elected by the housing developer.

(ii) Other concessions or incentives, as listed in subsection (e), which significantly contribute to the economic feasibility of the construction of the qualifying development project.

(4) For subsection (a)(4) development projects:

(i) A density bonus of five percent (5%) over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and land use element of the general plan, unless a lesser percentage is elected by the housing developer. For each one percent (1%) increase above ten percent (10%) in the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent (1%) up to a maximum of thirty-five percent (35%).

(ii) Other concessions or incentives, as listed in subsection (e), which significantly contribute to the economic feasibility of the construction of the qualifying

development project. The number of concessions or incentives will be determined by Government Code Section 65915(d)(2).

(c) Projects which meet the requirements set forth in this Section shall qualify for a density bonus and an applicable number of concessions or incentives unless the City Council adopts a written finding, based upon substantial evidence, that either:

(1) The concession or incentive is not required to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the required affordable levels, as specified in Government Code Section 65915(c); or

(2) The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), 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.

The housing developer must show that the density bonus is necessary to make the housing units economically feasible. Where development and zoning standards exist which would otherwise inhibit the utilization of the density bonus on specific sites, the city shall waive or modify the standards.

(d) If a qualifying development project under subsection (a) includes a child care facility, as defined in Government Code Section 65915(i)(4), that is located on or adjacent to the development project, the following conditions apply, unless the city makes a written finding that the city has adequate childcare facilities:

(1) The city shall grant either:

(i) 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

(ii) An additional concession or incentive, as listed in subsection (e) of this Section, that significantly contributes to the economic feasibility of the construction of the child care facility.

(2) The city, as a condition of approving the housing project, shall require:

(i) The childcare 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 density bonus units are required to remain affordable, pursuant to subsection (f)(2); and

(ii) Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for

very low income households, lower income households or families of moderate income pursuant to subsection (a).

(e) Bonus incentives which the city may agree to provide include, but are not limited to, the following:

(1) Use of federal, state or local affordable housing funds to subsidize the cost of the qualifying project.

(2) Waiver or reduction of city building permit, plan check and inspection fees (excluding re-inspection fees).

(3) Deferral of city development impact fees until the issuance of a certificate of occupancy for the qualifying project.

(4) Reduction of local zoning standards that indirectly increase housing costs, including but not limited to, off-street parking requirements, minimum square footage, height limitations or setback requirements.

(5) Construction by the city of such public improvements as streets, sewers and sidewalks, street name and traffic signs, water mains, storm drains and street lights in association with the qualifying project.

(6) 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 the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(7) For projects that are composed exclusively of affordable housing units, averaging of development impact fees in such a manner that the developer pays the amount of fees due for the number of units permitted prior to calculation of the density bonus and such fees are averaged over the total number of units in the project including both the original units and the density bonus units.

(8) Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient and actual cost reductions.

(f) Procedures.

(1) Site Plan or Design Review. Site plan and design review by the planning commission shall be required for projects involving bonus incentives. Any special conditions of the city Zoning Ordinance residential and commercial land use tables pertaining to the project shall also apply.

(2) Regulatory Agreement. As required by Chapter 6A of this code, the city and developer shall execute a regulatory agreement (inclusionary housing agreement), ensuring compliance of the project with all applicable provisions and affordability restrictions as required

under Chapter 6A of this code and this Section, or other applicable affordable housing requirements (such as the Spring Lake affordable housing plan). This agreement shall be recorded with the Yolo County recorder's office. Affordable units in the qualifying project shall remain affordable and available to qualified persons and families for the term required by the affordable housing ordinance, but in no case less than thirty years. Moderate income units located within a condominium project must be affordable and initially available to qualified persons and families. Resale of moderate income units shall be governed by Government Code Section 65915(c)(2).

(3) Additional Conditions. In addition, reasonable conditions may be imposed to assure continued availability of such housing as very low or lower income housing.

For purposes of this Section, if a development project qualifies under both subsections (a)(1) and (2), the maximum density bonus to which the project may be entitled is thirty-five percent (35%).”

**Section 4. Effective Date and Notice.** This ordinance shall take effect thirty (30) days after its adoption, and, within fifteen (15) days after its passage, this ordinance shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Matt Rexroad  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sue Vannucci  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ann M. Siprelle  
City Attorney